was being exceedingly ill mannered. I am entitled to make that point, and it stands.

The Minister has taken unto himself the divine right to resolve those issues. Nowhere in public policy making is that considered to be appropriate. The Minister has also taken unto himself — the language he uses in his second-reading speech is particularly interesting — the right to get rid of compensation claims. There is no provision for members who feel aggrieved or injured and whose interests have been set aside or adversely affected to pick up compensation. In his second-reading speech, the Minister makes the following point:

The Bill also inserts into the Land Act 1958 proposed section 412, which section alters or varies section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court awarding compensation where the provisions mentioned above prohibit it.

The Minister continues:

Specifically, the reason for the provision is that it would be impossible to achieve the government’s intention of creating more flexible alienation options for Crown land if grants and leases were delayed or frustrated by compensation claims.

An element of frustration may be felt by a citizen or another interested party who wishes to make a compensation claim! It is important that that option is available, and for those reasons the opposition is not content with the Bill.

The opposition is comfortable with the objectives, purpose and intention of the Bill — they make a lot of sense — but when one is moving into an area of developing legal rights, especially when those legal rights affect the public interest in Crown land, or even the air above Crown land, extra special care must be taken, especially in the early stages, by taking a test-and-see approach to ensure that existing rights are preserved.

The opposition does not believe the Bill will preserve those rights. I ask the Minister to consider these matters. The opposition is amenable to the Minister withdrawing the Bill, dealing with the two issues I have raised and introducing a new Bill, which he can fast-track with the support of Parliament. It is a significant matter and it needs to be dealt with. Unless the Minister is prepared to make some gesture by taking on board the arguments put by the opposition, it will oppose the Bill.

Mr DOLLIS (Richmond) — I also suggest that the Bill be withdrawn. As the shadow Treasurer stated, the opposition does not oppose the objectives of the Bill. It understands the necessity for the Bill, but it has a number of concerns about whether the legal rights of the Melbourne Central walkway could create a number of issues that Parliament may have to deal with at some time in the future.

Has the Minister for Finance received advice from his colleague, the Minister for Planning, about the effects of the Bill on the planning powers in this State? Will Ministerial powers contained in the Bill override the powers in the Planning and Environment Act? The Minister is not paying attention to my contribution. I wonder whether the Minister — hello! I am trying to ask the Minister a fundamental question.

Mr I. W. Smith — You are repetitive and boring!

Mr DOLLIS — We are trying to assist the Minister. Does the Bill contradict any aspects of the Planning and Environment Act? The opposition is trying to assist the Minister by ensuring that Bill does not have to come back.

Mr I. W. Smith interjected.

Mr DOLLIS — The Minister’s arrogance is extraordinary. We have the best intentions. We are trying to get the Bill through the House, but we have been met with an incredible attitude taken by the Minister. Despite that, I ask the Minister whether he has spoken to his colleague, the Minister for Planning, about whether the provisions of the Planning and Environment Act will be in conflict with this Bill.

The Minister could easily take the suggestions made by the shadow Minister into consideration during the remainder of the sessional period. The Minister should re-examine the Bill and consider whether the provisions of the Planning and Environment Act are preserved so that what he calls “more acceptable alienation options for Crown land” and what he may describe as “frustrating matters in relation to compensation claims” are fairly clear not only in the mind of the Minister but also in the minds of those who administer the legislation. I urge the Minister to accept the suggestions made by the shadow Treasurer, which are good and generous.

The ACTING SPEAKER — Order! I remind the honourable member for Richmond that the expression “shadow Treasurer” is not an acceptable
Parliamentary expression. I make that point because he has used that expression a number of times. He should address the honourable member for Sunshine by his electorate.

Mr DOLLIS — Well, the honourable member for Sunshine is also the shadow Treasurer.

The ACTING SPEAKER — Order! I refer the honourable member for Richmond to the Standing Orders, which have been well established and in this instance go back more than 100 years. Standing Orders clearly state that when speaking in the House honourable members will address other honourable members by their electorates or districts. The expression “shadow Treasurer” or any other similar expression has no status under Standing Orders.

The reason I make this statement is that the honourable member for Richmond chose to dispute the matter with the Chair. I emphatically remind him that Standing Orders have been in place for many years and they should be observed.

Mr DOLLIS — Thank you, Mr Acting Speaker. There is no dispute between myself and the Chair. The honourable member for Sunshine has made some reasonable suggestions to the Minister. We accept that the Bill must pass and we are willing to cooperate in whatever form the Minister wishes. But there is plenty of time between now and the end of the sessional period for the Minister to deal with the matter. If he is willing to withdraw the Bill and introduce another Bill, he will find that it will receive the total support of Parliament. We put the Minister on notice that the Bill may create some problems and it is up to the Minister to respond to the excellent suggestions that have been made.

Mr I. W. SMITH (Minister for Finance) — I thank the honourable members for Sunshine and Richmond for their contributions. I advise them that their remarks would have been more pertinent if they had been made to their own colleagues while they were in government. Clearly they have no concept of the desire of this government to remove humbug and obstacles from the way of legitimate and proper development and to ensure that people are not frustrated in their aims.

If they monitor the behaviour of the government in that area of administration and find it erring, it will make excellent political ammunition. The government does not accept the suggestions made by the opposition.

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

Bells rung.

House divided on motion:

Ayes, 57

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

Noes, 24

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Brumby, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Kirner, Ms
Leighton, Mr

McNamara, 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
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr
Wone, Mr (Teller)
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Seitz, Mr
Sercome, Mr
Sheehan, Mr
Thomson, Mr
Vaughan, Dr
Wilson, Mrs

Motion agreed to by absolute majority.
Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

PROBATE DUTY (AMENDMENT) BILL

Second reading

Debate resumed from 15 September; motion of Mr STOCKDALE (Treasurer).

Mr BAKER (Sunshine) — The opposition has no difficulty supporting the Bill, and I commend the government for moving to put the matter right. The Bill repeals a section of the Probate Duty Act. The opposition has been briefed on the matter, and in the absence of the Treasurer I thank the Minister for Agriculture, who is at the table, for making that brief available. The Bill has no effect on the small amount of money that continues to be collected as a legacy of probate details. The total yearly probate now being collected is barely $100 000.

The section to be repealed requires an authorisation by the Commissioner of State Revenue to be issued before an estate can be dealt with. The government has contended that, given the minor amount of money and the diminishing nature of it, as we move further into history that bureaucratic requirement is absurd. There is no doubt that the Bill will result in significant administrative savings of $30 000 a year.

Of the money collected, 30 per cent goes towards administrative costs at the present time — that probably means an administrative officer’s job, and the opposition has some sympathy for that person — and it is hardly logical to maintain the close administrative check when the cost burden is so high and when the total cash flow is so small and is diminishing.

The opposition understands from the Department of the Treasury that only about $1.4 million remains outstanding in probate on estates yet to be settled since the abolition of probate duty and that it could be phased out over 40 years. We know from recent political history that it is not fashionable for politicians of any flavour to advocate new forms of taxation let alone increased levels of taxation. The consequences for other States and the country’s tax system as a whole of the decision of the previous Queensland government to abolish probate and death duties are a lesson we should all learn.

It is almost impossible for any State government to establish tax differentials with other States. The Minister for Industry and Employment has recently offered taxation incentives for regional development in his so-called industry package, but there is the danger of getting into an option system against other States. In that case, everything would be driven down to the point where the net economic benefit on even the most optimistic estimate would be nowhere near the amount of money that it cost the taxpayer.

That has been found to be the case in America where the States compete for tax concessions, particularly for regional development propositions.

Just as there are arguments that we must harmonise within some range to allow some expression of our State’s individual competitive strengths, characteristics, style and history on the spending side, so too will we have to harmonise not only the nature of the taxes that we apply but also the levels at which they are applied. That trend is increasing.

I am not in favour of the principle of seeking new forms of taxation. Some 70 different taxes apply in Australia across the two formally recognised levels of government and the informally recognised level, local government, although that is formally recognised in State legislation. That is an unnecessarily complicated system of taxes.

I have said publicly that it is a great pity that a wealth tax option is no longer available to State governments. That is particularly relevant when one looks at the extremely regressive or flat nature of the five tax options currently available to State governments and also to the impact, effect or application of those taxes which are arguably on labour and productivity.

They are the sorts of taxes that I do not find appealing. The great thing about probate tax and death duties is — —

Mr Hamilton — You can’t take it with you!

Mr BAKER — That is right: it picks up on that old notion that everybody understands, that you really cannot take it with you, and that is not a bad point at which to apply the taxes. In Roman times this tax was commonly levied, but unfortunately the emperors developed a public convention that probate was to be left entirely to the emperor so that
the deceased’s relatives missed out and emperors did very nicely out of it.

I certainly do not advocate that, but I lament the fact that we do not have a wealth tax available to us. I am not suggesting that any State government on its own could afford to bring in a wealth tax that related purely to its own administration, because that would cause distortions in the tax system and disadvantages for that State. The only way in which we will ever get a wealth tax is through a uniform decision made by the States and the Federal government accompanied by Federal legislation that provides that there shall be this tax and it shall be collected at the State level of government. I am sure many government members would agree that a form of wealth tax would be most useful and would be accepted by the broader community.

However, we are not debating that matter here today and I make those observations en passant. We are here basically to clean up a small matter that is residual from other times. On behalf of the opposition I support the Bill.

Mr THOMPSON (Sandringham) — I was interested in the comments of the honourable member for Sunshine about antiquity and the fairly expansive method the probate office in Roman days had for taking the entirety of an estate. I believe Benjamin Franklin made the comment that the only two things certain in life are death and taxes.

The history of probate duty is that it was one of the first revenue measures introduced in Victoria in 1870 at a time when the only other types of revenue collection were customs and excise duties. Throughout its 114-year history it was the subject of considerable debate in the Parliament to ensure that at the same time as the State’s revenue base was maintained it was also applied equitably. Over the years certain concessions were implemented because of a number of anomalies relating to primary producers, returned servicemen and widows.

When the Queensland government abolished probate and estate duty in 1977 Victoria became concerned about the outflow of capital to Queensland, and in 1981 the Victorian government introduced an amendment to the Probate Duty Act to abolish its operation. It was to be phased in over a two or three-year period and progressively reduced so that by January 1984 no probate duty would be payable.

The object of the Act was originally to generate income for the State, and it was calculated according to a variable scale. A base figure was payable, then so many cents in the dollar according to the degree of kinship between the beneficiary and the deceased. No duty was payable by a widow but a scale of payment applied to children, grandchildren and other beneficiaries.

Section 14 of the principal Act is an administrative procedure to protect the level of revenue of the State and prevent any property dealings without the permission of the commissioner of probate who would complete a certificate on application from the executor or solicitor acting on behalf of the estate to enable certain transfers to take place. In a small percentage of cases the beneficiary of an estate, often where another party had a life interest, may not be in a position to pay the appropriate level of duties as a result of hardship. In that case payment of duties could be deferred.

The ongoing collection of probate duty principally relates to the estates of people who died prior to 1984 where there was a life interest. The State Revenue Office collects approximately $100 000 a year from that source, but the administrative charge of $43 000 includes $35 000 which relates directly to the administration of estates where there was no duty payable or where it had already been paid. It was a superfluous exercise as the interests of the State could be protected by the lodgment of a caveat against the title.

I note the concern of the honourable member for Sunshine that as a result of this change the employment options for some people may be diminished. I am pleased to report to him that the State Revenue Office staff allocated one administrative officer class 4 for 0.8 of the working week and another for 0.6 of the working week and they can be deployed within the State Revenue Office.

Overall the effect of the Bill is to overcome deficiencies in government administration and to streamline the activities of government. I commend both the government and the State Revenue Office on this worthwhile measure.

Mr W. D. McGrath (Minister for Agriculture) — On behalf of the Treasurer I thank the honourable members for Sunshine and Sandringham for their contributions to the debate and to the understanding of this Bill. Years ago when probate duty was applicable in Victoria my
own family suffered the wrath of it, as did many others in primary industry and agriculture. The initiative of Joh Bjelke-Petersen, the then National Party Premier of Queensland, bought about a coup to abolish State probate duties and a number of people took their money and made investments in Queensland — and we have seen the enormous development that resulted.

I am pleased this measure has been introduced and I thank the honourable members for their contributions.

Motion agreed to.

Read second time.

Passed remaining stages.

TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL

The ACTING SPEAKER (Mr Richardson) — 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

Debated resumed from 16 September; motion of Mr STOCKDALE (Treasurer).

Mr BAKER (Sunshine) — The opposition supports the Bill and it understands that the Tattersall organisation has no objection to it, to put the case mildly.

The Bill has two key elements: the first is to exempt profits deriving from Tattersall operations in jurisdictions which are not part of the Victorian lottery pool; the second is to make a technical adjustment about instant lottery tickets which require three identical figures to win a prize.

The amendment to the definitions section of the Act removes any doubt or confusion about Tattersalls conducting lotteries in other countries — which is an important aspect. Further, it is obvious that a market as large as, for example, the United Kingdom is able to sustain its own lottery activity and will not be required to join the Victorian lottery pool.

The amendment will remove the possibility of the State government imposing a duty or charge on Tattersall sales in the UK or in other countries so as to encourage that form of marketing activity. That possibility was because operations in other countries will draw a lottery pool as distinct from the Victorian lottery pool.

At present Tattersalls operates in places such as the Australian Capital Territory and the Northern Territory where the population is too small for viable operations which need to be linked to Victoria for reasons, I suspect, relating to probability theory and the need to have a broad pool to smooth the chances.

If I may digress for a moment, but not greatly, Mr Acting Speaker: at one stage in my deviant past in another life I was interested in this area of mathematical theory and I remember I was quite taken with what was called the Monte Carlo queuing theory which has its application in assessing the probabilities of aircraft landings or telephone messages being sent or the number of people turning up at a hospital casualty ward, and how you can actually use a probability theory to deal with those sorts of uneven events.

Mr Leigh interjected.

Mr BAKER — The honourable member for Mordialloc may warm to a more practical application rather than those extreme examples, such as the four kings and four queens exercise at the local supermarket. He might want to calculate the probability of a winning sequence on that data and, perhaps of more relevance, the proportion of people who would actually take the trouble to collect a winning sequence. Therefore, if running a marketing operation of that kind, he would be able to assess with some confidence how much it could cost him across a range. I do not think I should digress further but I was interested in that theory in another life — although one of my colleagues thinks I am crazy!

It is consistent for the Victorian government to spread that pool and to allow States that do not quite have the market to be part of a broader pool and, therefore, a broader profit-sharing scheme. Therefore, the amending legislation separates jurisdictions and draws the line for lottery pools in what we regard is a technical and consistent manner.

The other amendment in the Bill refers to what is termed the "match three" situation and brings Victoria into line with all other States. I have often said in this place — as have you, Mr Acting
Speaker — that retrospective legislation is never popular and, as a principle, the opposition is strongly opposed to it.

This type of technical amendment will avoid any repetition of the notorious Bergen case in New South Wales involving a dispute over what symbols represented a “match three” resulting from an ambiguity in the wording on the ticket. The potential financial liability facing the Tattersall organisation in Victoria, as we understand it, by not proceeding with this amendment is enormous.

The Bill clarifies the intention of any ticket and reduces the potential for people to rort the system. I am advised that the Tattersall organisation has no hesitation in supporting the Bill and has requested the opposition to similarly endorse its provisions. I have no difficulty in coming to terms with that request and I offer the strong support of the opposition for the legislation. I, too, commend the Bill to the House.

Mr CLARK (Box Hill) — An interest in probability theory is something that the honourable member for Sunshine and I have in common but I confess that time must be passing because my recollection of the Monte Carlo queuing theory, or however it is described, is not as clear as that of the honourable member for Sunshine.

I well recall the intricacies of experimenting with the number of events of a particular probability that need to take place to carry a punter to achieve either a specified win or a specified loss, and how that varies with the size of the target involved as well as with the probability, which leads on to the remarks of the honourable member for Sunshine about the desirability of having a broad pool for the conduct of lotteries.

To elaborate further on the remarks of the honourable member, the main goal, in the case of Tattslootto, in having a very large pool is to offer a very large first division prize.

Behind the psychology of these lotteries is the notion of the big dollar win on the first prize to attract the punter. I understand that Tattersalls and other lottery organisations apply a great deal of expertise to designing a hierarchy of prizes to best appeal to the psychological preferences of people who buy tickets. It involves offering as big a major prize as possible, a smattering of small prizes to encourage people to keep betting, and not much in between.

I must admit I have not followed the theory of Tattersalls and other random lotteries in as much depth as the honourable member for Sunshine. My interest has been in the field of horseracing and similar avenues which have, at least in principle, some logical possibility of the punter coming out in front if he or she applies enough skill and research to the task. Perhaps the fact that I am standing here demonstrates that I have not been able to muster sufficient skill and ability to retire on the proceeds thereof!

One of the two provisions contained in the Bill facilitates the Tattersall organisation’s desire to engage in the provision of lottery services in parts abroad. It is very welcome that an organisation based in Victoria is marketing its services in the broader world. We talk at length about the importance of Victoria and the rest of the nation developing export potential, but we scratch our heads when we try to be specific about what that export potential might be. In passing from the traditional primary agricultural products and metals and other products of mining, we acknowledge that traditional manufacturing in Australia will not be able to continue the way it has been carried on in the past, but nobody has a firm view as to where the new export opportunities lie.

That is the way of the world. Governments are not in a position to forecast where the new opportunities are, except in the broadest sense, as, for example, when the honourable member for Swan has been identified by many, including the honourable member for Sunshine, as having export potential.

It is often said that the export of services or the intellect of Australia is another sphere of opportunity for us. In its own way the modest endeavours of Tattersalls to market its lottery services overseas are an example of this. It might strike one as being odd that Australians are coming to the fore in the field of lotteries but, reflecting on our well-known desire to have a punt, perhaps it is not so surprising. It seems we have developed a field of expertise that is able to compete on the world stage and, as the catchcry goes, at world-best practice. I wish the Tattersalls organisation every success in its endeavours to win the contracts it seeks in the United Kingdom. This measure will facilitate its efforts.

The other provision referred to by the honourable member for Sunshine deals with the consequences of
a New South Wales Court of Appeal decision that may have implications for Victoria. After giving the matter very serious consideration the government is proceeding with the legislation for reasons which the honourable member for Sunshine referred to. As a member of the government side of the House it is very welcome to see opposition agreement to this measure and, implicit in the remarks of the honourable member for Sunshine, the opposition's willingness to ensure the legislation is passed expeditiously to provide certainty to all concerned.

Mr W. D. McGrath (Minister for Agriculture) — I thank the honourable members for Sunshine and Box Hill for their contributions to the debate. It was interesting to hear about the Monte Carlo scenario and the racing theories raised by the honourable member for Box Hill. He mentioned the probability of winning by wagering on horses compared with the purchase of Tattslotto tickets. Some of the theories that emerge in debates are amazing.

The government believes the Tattersall Consultations (Further Amendment) Bill was necessary to streamline and ensure several matters in respect of Tattersalls. On behalf of the Treasurer I thank honourable members for their contributions.

Mr Brown (Minister for Public Transport) — I move:

That this Bill be now read a second time.

The Bill involves major changes in three areas and minor changes in a number of others. The first major change is to provide police with a new breath analysing instrument to measure the blood alcohol concentration of the drivers of motor vehicles and boats.

The new instrument is the Drager 7110, designed and manufactured by Drager Australia in Melbourne. It has recently been purchased for the police using funds from the Transport Accident Commission, and replaces the Smith and Wesson breathalyser model 900, which has been used since first introduced in 1961.

The new instrument is fully automated. Once an analysis is commenced, nothing an operator can do will influence the result. The instrument uses two different kinds of technology to analyse the sample of breath and produces a result only if the two results are the same. Because the new instrument analyses two samples of breath and is fully automated, the right to ask for a second analysis does not give the person tested any extra safeguards, and this provision is repealed.

In all cases where a person fails to provide a breath sample, a further breath sample or a blood sample will be required. The offence of refusing to provide a breath sample is retained and offences related to refusing to allow a blood sample to be taken are introduced.

Legislative support is provided for medical practitioners who take a blood sample. They will be
The provisions of section 85 of the Constitution Act are therefore varied to prevent the bringing before the Supreme Court of such an action.

The introduction of the new instrument may lead to technical challenges in a number of different areas. It will be necessary for the prosecution to have available expert witnesses in each area. To avoid costly adjournments, the Bill introduces a requirement for defendants to disclose the nature of expert evidence to be adduced.

It is intended that sufficient detail be provided to allow the prosecutor to determine which kind of expertise will be required to assess and, where appropriate, rebut evidence provided by expert witnesses called by a defendant.

A number of changes are made to operational procedures to improve effectiveness and efficiency:

Any member of the Police Force, rather than just the person who required a preliminary screening test, can require a breath analysis when the screening test shows a positive result.

Persons given a breath analysis are required to remain until they are given the certificate with the results, rather than only until the analysis is completed.

Obsolete provisions that gave a doctor present at the time a breath analysis was required the power to intervene and take a blood sample instead are repealed.

Where a blood sample is requested by someone who has given a breath analysis, the police are now given the power to nominate a doctor to take a sample. At present the person tested can nominate the doctor.

Where police make reasonable efforts to organise a blood sample, but are unable to do so, the breath analysis certificate is not rendered inadmissible.

Where defence call the breath analysing instrument operator to attend court to give evidence, and he or she cannot attend, it is provided that the certificate issued by the operator shall not lose any of its evidential value.

Provision is made for the police to give evidence about any matter on a breath analysis certificate.

Provision is made for a certificate issued following a breath analysis to be admissible in evidence in charges under the Crimes Act.

The second major change is to remove the requirement that convicted drink-drivers who previously held full driver licences must go back on probationary licences. In future, they will be given a full licence. However, for the first three years they will still have to comply with a zero blood alcohol concentration limit and carry their licence when driving.

A driver who has a probationary licence as a direct consequence of a period of disqualification for a drink-driving offence and who had a full licence before disqualification will also be able to apply to VIC ROADS to have his or her licence converted to a full licence. Those drivers will be required to observe a zero blood alcohol limit and to carry their licences but time already spent on a probationary licence will be deducted from the three years.

The third major change will be a provision that a drink-driving offence committed more than 10 years earlier will not count as a mandatory prior offence for purposes of the Road Safety Act. This will mean that in cases where earlier convictions are more than 10 years prior to the date of the current offence courts will not be obliged to treat drink-drivers found guilty as second offenders and police will be able to issue a traffic infringement notice if the blood alcohol reading is below 0.15 per cent.

Under current requirements people applying to be relicensed after drink-driving offences may also have to apply to a court to get their licences back and may also have to do two assessments. These people will not have to get court orders or have the two assessments if the only reason they were necessary was that prior convictions more than 10 years prior to the date of application required a court or VIC ROADS to treat the people as second offenders.

Minor amendments will clarify the power of university staff to issue parking infringement notices and will allow probationary driver status to carry over into the period of a second licence where a first licence lapses before the period of probation is complete.

In summary, the Bill will significantly improve Victoria's capacity to deal appropriately with drink-driving and to maintain the lead of Victoria in
this area over the rest of the world which is now generally acknowledged.

I commend the Bill to the House.

Debate adjourned on motion of Mr BATCHELOR (Thomastown).

Debate adjourned until Thursday, 21 October.

TEACHING SERVICE (AMENDMENT) BILL

Second reading

Mr W. D. McGrath (Minister for Agriculture) — On behalf of the Minister for Education, I move:

That this Bill be now read a second time.

The main purpose of the Bill is to formally create a principal class within the Teaching Service in government schools. The proposed legislation provides for the creation of a separate principal class within the Teaching Service, the introduction of contracts of employment for principal class officers, the introduction of remuneration packaging for principal class officers, the revocation of requirements for the compilation and maintenance of registers of persons seeking employment in government schools, the widening of the jurisdiction of the merit protection boards, and a safeguard against unnecessary legal action based on previous agreements concerning complaints and discipline procedures in the Teaching Service. Major changes in the operation of government schools will be needed over the next two years to ensure the implementation of the Schools of the Future reform, the adoption of flexible work practices in schools and freedom from restrictive teacher union agreements.

In order for these initiatives to be successfully implemented, school principals will be the major agents for achieving change in schools. It is intended that principals will be placed on fixed-term performance contracts, and the proposed legislation will place them in a separate class distinct from the teacher class within the Teaching Service Act 1981. This will distinguish the principal as the educational leader under contract within the school and will enable the Directorate of School Education to engage with principals at a professional rather than an industrial level.

Members of the principal class will be appointed to positions in schools for a term of office not exceeding five years with the right to be reappointed under a contract of employment. Should the contract not be renewed the officer concerned will have the automatic right to return to membership of the teacher class, provided that the officer has neither been dismissed nor retired or resigned from the Teaching Service.

Remuneration packaging for the principal class is a recognition by the government of the crucial role that principals have in improving the quality of education and the additional responsibilities now being assumed by the principal class. Principals will be able to choose the manner in which their remuneration is structured in line with progressive remuneration policy commonly used in the private and at the executive officer level in the public sector. This flexible approach to remuneration packaging clearly reinforces the government’s commitment to creating a new culture in government schools.

In keeping with the overall Budget strategy of the government, and especially within the education portfolio, the introduction of remuneration packaging for members of the principal class will be at no additional cost to government.

Within the Teaching Service Act 1981 there are a number of requirements for the compilation and maintenance of registers of persons seeking employment in government schools. These registers create another step in the employment process without any apparent tangible benefit and are inappropriate to the building of staff teams for the provision of quality education in our schools.

The Bill revokes these provisions and places the emphasis for employment in a school on each person meeting the employment criteria relevant to the time and the position identified in the advertised position statement. This will ensure a merit-based selection of the best possible candidate based on the current needs of the position.

The proposal will also reduce the administrative costs involved in compiling and maintaining central registers and also remove the administrative requirement placed upon the prospective teacher of ensuring that he or she is correctly recorded in the registers.

The Bill contains a minor amendment to the recently established merit protection boards. The jurisdiction of the boards is to be widened to cover any decision
for which the merit protection board has by regulation been prescribed as the proper appeal or review mechanism. By this amendment the directorate will be able to ensure that decisions affecting members of the Teaching Service have a responsible appeal or review process attached to them.

The final proposal in the Bill is to ensure that the various alterations to the complaints and discipline procedures applicable to members of the Teaching Service that were either promulgated or were the subject of unregistered agreements will have no bearing on the conduct of cases under the current procedures. This measure is a safeguard against unnecessary legal action based on these previous agreements. Any such action would delay adequate staffing arrangements being made for a school until such legal action is finalised. The provision of quality education for students at that school is therefore hindered. This provision does not interfere with the proper process of the complaints and discipline procedures, nor does it remove safeguards against the improper use of these procedures.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of the Bill to alter or vary section 85 of that Act.

Clause 9 of the Bill inserts a new section 77B into the Teaching Service Act 1981. This proposed section provides that it is the intention of that section to alter or vary section 85 of the Constitution Act 1975 to prevent the Supreme Court from:

(a) entertaining claims for compensation where those claims are prohibited by the proposed section 26; and

(b) entertaining applications for prerogative remedies where those applications are prohibited by the proposed section 30.

The reason for preventing the Supreme Court from awarding compensation for the termination of a contract of employment or ceasing to hold office as a member of the principal class is as follows: terminating a contract and ensuring a member ceases to hold office as a member of the principal class are necessary powers in the management of members of the principal class and a claim for compensation would prevent or inhibit the proper exercise of those powers.

The reason for preventing the Supreme Court from entertaining actions for prerogative remedies in relation to appointments to the principal class is to remove delays associated with a multiplicity of appeal and review processes. The review processes elsewhere in the Act will remain in place. It is considered that the specialised review bodies established under the Act for these processes are the appropriate bodies to review decisions under the Act.

The Bill also contains minor consequential amendments arising from these matters and is a further step in the government's policy of the provision of quality education in our schools.

I commend the Bill to the House.

Debate adjourned on motion of Mr SANDON (Carrum).

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

That the debate be adjourned until Thursday, 21 October.

Mr SANDON (Carrum) — On the question of time, Mr Speaker, the opposition is happy to go along with the period, but because the provisions of the Bill may require consultation with a large number of principals I ask whether the Minister will guarantee that extra time will be allowed if necessary. I do not intend to delay the introduction and passage of the Bill; all I am seeking is extra time if it is required for consultation with principals.

Mr W. D. McGrath (By leave) — I assume, without giving an absolute guarantee, that the Minister for Education will be happy to comply with the honourable member's request. Parliament will not be sitting next week and it will be hard to imagine the Bill being dealt with in the following week when there are so many Bills on the Notice Paper. I understand the request for extra time to enable proper consultation to take place. I believe the Minister will assist in any way he can to facilitate the honourable member's request. I shall speak to the Minister for Education on behalf of the honourable member.

Motion agreed to and debate adjourned until Thursday, 21 October.
GAS AND FUEL CORPORATION (HEATANE GAS) BILL

Second reading

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

That this Bill be now read a second time.

In February of this year the Treasurer and the Minister for Energy and Minerals announced that the Gas and Fuel Corporation’s LPG Division, which trades as Heatane Gas, would be sold as a major privatisation initiative.

In a very competitive tender Elgas emerged as the successful bidder, the contract price being $129.5 million. As part of the transfer of the Heatane Gas business of the Gas and Fuel Corporation of Victoria to Elgas, it is necessary to provide for the transfer of a pipeline extending from Long Island Point to Dandenong and Crib Point to Hastings and for the continued operation of another pipeline to be retained by the corporation extending over a portion of the same route and to clarify certain rights, privileges and obligations over land in connection with those pipelines.

The Bill will ensure that Elgas obtains the benefit of the easement in which the supply pipeline is located and a permit and licence in relation to the pipeline itself. The Bill will also ensure that the pipeline retained by the Gas and Fuel Corporation located in the easement is protected.

The Bill provides for the creation of a new statutory easement covering the length of the route of the pipelines specified in plans lodged at the Central Plan Office in terms substantially similar to the terms of the existing pipeline easements over the private land part of the route and in lieu of those easements.

It is necessary to create a statutory easement as the numerous documents granted by the various landowners to the Gas and Fuel Corporation are not all in precisely the same terms; in some cases the land is not correctly identified, and in the cases of Crown land, easements do not exist.

So that this issue is resolved in the clearest and least complex manner it has been decided to proceed on the basis of this stand-alone legislation related specifically to the sale of Heatane Gas. In order to standardise and clarify the position between the landowners and future beneficiaries of the easement, the Bill:

- provides for the registration on title and lodgment of instruments of easement with the Registrar of Titles and Registrar-General and for the creation and lodgment of a similar easement over the part of the route that is Crown land; and
- provides that the beneficiaries of the easement will be the persons who are for the time being owners and licensees of the pipelines in the easement — that is, initially the Gas and Fuel Corporation, then the Gas and Fuel Corporation and Elgas, and in the future their assignees.

The Gas and Fuel Corporation and Elgas are to prepare a written statement specifying the rights and obligations of the parties holding the easement and of the landowners reflecting the terms of the existing easements. That statement will be lodged with the Minister, and on the Minister’s recommendation the Governor in Council may then approve the statement lodged.

The Gas and Fuel Corporation and Elgas may enter into a separate written agreement that will provide for the rights and obligations between themselves as the beneficiaries of the easement as to the operating conditions and management rights over the easement, which reflects the commercial agreement previously entered into between the corporation and Elgas.

The Bill provides power for future variation of the instruments of easement to correct errors with the approval of the Governor in Council and subject to notice to landowners.

As the pipeline has been in existence for 25 years and there will be no impact on the land due to the change in ownership of the pipeline and easement, no compensation is payable to any person as a result of the Bill.

In order to ensure the ongoing regulation of the pipeline, the provisions of the Pipelines Act 1967 relating to licensing, operation, maintenance, safety and inspections of pipelines in the easement will apply to the pipelines within the statutory easement.

Clause 1 sets out the purpose of the Act, which is to create a new statutory easement along the route of the pipeline and to enable easement rights relating to the Heatane pipeline to be transferred.
In the definitions in clause 3 two key elements are explained. The first is that the plans of the route of the pipeline and easement are lodged and held for public examination at the Central Plan Office. That is to prevent the Bill being burdened by myriad detailed plans as schedules and to ensure that if the plans are subsequently corrected because of, for example, a survey error, a new plan may be substituted without requiring the preparation of an amending Bill to deal with such a minor issue. A copy of those plans is lodged with the Parliamentary Library for honourable members to peruse.

The second key element is the definition of the corporation and Elgas and of the Heatane pipeline. The pipeline is shown in the plans referred to in Schedule 2. Clause 4 describes the content of the plans.

Clause 8 makes provision for the actual transfer of the Heateane pipeline. The transfer will have no effect until it is approved by the Governor in Council. Clause 9 provides for the corporation and Elgas to jointly prepare a written statement concerning the operation of the easement and the rights and obligations in relation to the statutory easement. That statement will be lodged with the Minister and at the Central Plan Office.

Clause 10 makes provisions concerning substitute plans that may be prepared for any of the plans referred to in schedules 1 or 2. The clause provides for the Surveyor-General, at the request of or in consultation with the corporation or Elgas, to prepare a substitute plan. The intention is that the statutory easement must relate to the land which has within it the actual pipeline. The plans supplied by the corporation, which are the plans in schedules 1 and 2, are to be considered correct unless proven to be wrong.

Clause 11 provides for the approval by Order in Council of the statement and agreement lodged under section 9, the easement referred to in the plans and the transfer of the Heateane pipeline. All those things will happen on a day the order proclaims or on its publication. That is the appointed day for the purposes of the Act.

Clause 12 makes provisions giving effect to necessary changes on and from the appointed day. Clause 15 makes a number of provisions concerning the Pipelines Act 1967. As and from the appointed day Elgas is deemed to be the holder of a permit and licence for the Heateane pipeline under the Pipelines Act. All normal application and issuing procedures, including appeals, are bypassed by these provisions as this is an existing pipeline.

From the deeming of the permit and licence onwards, the provisions of the Pipelines Act apply as they would for any permit holder or licensee. This includes all normal fees. Subclause 15(6) refers to the application of the Pipelines Act.

Clause 16 contains provisions to be used if there is a need to correct or vary plans or agreements made for the sale of this pipeline. Clause 16 is not intended as a mechanism whereby further land may be acquired under this Act for pipeline or business purposes and thereby bypassing the Pipelines Act.

Turning to the easement itself, subclause 17(2) is included to ensure that the owners of land in which the pipeline easement exists who have a current side agreement with the corporation are protected. The provision ensures that any structure or access agreement negotiated in the past regarding the easement is protected.

Clause 21 adds a new section to the Gas and Fuel Act 1958 to ensure that an easement is not required to benefit land. As the wording of this clause is difficult to understand, I should explain that many of the corporation's pipeline easements are written in such a way as to depend on the corporation's ownership of key properties to which gas is supplied or transferred through.

In this instance the sale of the land at Dandenong owned by the corporation — trading as Heateane — to Elgas would mean that easements, unless secured by this clause, would fail because they depend on the ownership of that property by the Gas and Fuel Corporation. The purpose of the clause is to validate all easements taken by the corporation for pipelines on the basis of ownership of land even if the land is subsequently sold or disposed of.

I wish to make a statement under Section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this Bill. Clause 22 provides that it is the intention of that clause to alter or vary section 85 of the Constitution Act. The provision precludes the Supreme Court from entertaining actions for compensation where the Bill provides that no compensation is payable in respect to the extinguishment, creation or variation of an interest, right, privilege or obligation over land.

The reasons for limiting the jurisdiction of the Supreme Court are these. The pipeline has been in
place for 25 years. The statutory easement is in substantially the same terms as the existing easements with minor variations only to ensure that they are consistent. The change of ownership of the pipeline and easement will not change the impact on the land. It would reduce the effectiveness of the Bill if compensation were payable or action could be entertained in relation to those matters.

I commend the Bill to the House.

Debate adjourned on motion of Mr THOMSON (Pascoe Vale).

Debate adjourned until Thursday, 21 October.

LIQUOR CONTROL (AMENDMENT) BILL

Second reading

Mr HEFFERNAN (Minister for Small Business) — I move:

That this Bill be now read a second time.

The Liquor Control Act 1987 has the objective of responding to community interest by:

- promoting economic and social growth in Victoria by encouraging the proper development of the liquor, hospitality and related industries;
- facilitating the development of a diversity of licensed premises reflecting consumer demand;
- providing adequate controls over the sale, disposal and consumption of liquor; and
- contributing to the effective coordination of the efforts of government and non-government agencies in the prevention and control of alcohol abuse.

The Act has had no amendments of significance since its proclamation in May 1988.

The liquor and licensed hospitality industry has developed and diversified significantly over the period from 1988 to 1993. The expansion, while satisfying community demand, has seen many licensees come under financial pressure. The combined effect of the recession, a high level of borrowings and an overall decline in consumption of liquor by the community, in conjunction with an increase in licensed premises, has reduced profitability within the industry.

Opportunities exist to further stimulate the industry and reduce the administrative burden upon licensees while ensuring appropriate regard is had to the community interest.

The Act has been reviewed with the objective of:

- stimulating the liquor and licensed hospitality industry;
- ensuring appropriate regard is had to the impact of licensed premises on the amenity of adjacent commercial and/or residential areas;
- seeking to minimise liquor abuse; and
- improving the efficiency and effectiveness of the Liquor Licensing Commission.

The ordinary trading hours of licensed premises will be increased. Hotels, bars, clubs and restaurants will be able to trade from 10 a.m. to 11 p.m. on Sundays and from 12 noon to 11 p.m. on Anzac Day and Good Friday without the need for an extended hours permit. Packaged liquor licensees will be able to trade up to 9 p.m. on Saturdays, from 10 a.m. to 5 p.m. on Sundays, from 12 noon to 9 p.m. on Anzac Day and from 9 a.m. to 9 p.m. on public holidays except on Good Friday and Christmas Day.

A new class of general licence will be established to allow for the sale and disposal of liquor for consumption of licensed premise and authorised areas. The sale and disposal of packaged liquor for off-premises consumption will not be allowed under this new category.

Applications for extended hours permits for packaged liquor licences will be subject to the community interest and need criteria that apply to other licence types. Applicants for liquor licences will be required to satisfy the chief executive officer of the commission that they have an adequate knowledge and understanding of their responsibilities under the Liquor Control Act 1987.

The administrative requirements on restricted club licensees and BYO permit applicants will be significantly reduced. The commission will be given the power to better specify the advertisements to be placed in the media and the notices displayed on premises indicating intentions with regard to liquor licences.
The arrangements for the payment of liquor licence fees will be varied to allow further time before liquor licences expire due to the non-payment of fees; however the commission will be given the power to impose fines for late payment.

The circumstances under which persons under 18 years of age may be on licensed premises will be clarified in that persons under 18 years of age will be allowed on licensed premises provided they are with spouses (being persons over 18 years), parents or guardians.

The commissioner will be given the power to delegate certain functions to the chief executive officer or other officers of the commission. The chief executive officer's ability to delegate will be extended to include any member of the Public Service. This will allow the delegation of certain licence fee collection functions to the State Revenue Office at some future time if appropriate. The commission will be given the power to disqualify a person from having any connection with the ownership, management, administration and/or operation of licensed premises. Miscellaneous amendments are also included.

It is important that liquor laws evolve in accordance with community and industry expectations. I am satisfied that the proposed amendments will stimulate the liquor and licensed hospitality industry while ensuring the community interest is met.

I commend the Bill to the House.

Debate adjourned on motion of Mr LEIGHTON (Preston).

Debate adjourned until Thursday, 21 October.

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

That the House do now adjourn.

Carrajung Primary School

Mr Hamilton (Morwell) — In the absence of the Minister for Education — I hope he will come into the House before the conclusion of the debate — I direct to the attention of the Minister for Agriculture the reclassification of Carrajung Primary School as a non-remote school. Carrajung is a small school some 550 metres above sea level on the ridge of the Strzelecki Ranges exactly halfway between Traralgon and Yarram.

The school is situated in pretty but rough and isolated country; and a school bus is not available. The school council has written to me saying that it has an excellent case for arguing that the Directorate of School Education review the recent reclassification of the school as non-remote. I hope the Minister will support the request for a review on the grounds that the school is considered remote by both the Federal government and the Alberton Shire Council, in which it is located, and qualifies for the Bushlink program and a mobile information and resource centre, as well as rural, remote and isolated family allowances.

That school qualifies because of its physical situation. The 30-odd kilometres between the two main towns nearby are not like 30 kilometres anywhere else in Victoria. They are extremely narrow roads. One not only has to negotiate narrow and poorly maintained roads that may be carrying large log trucks but also has to avoid wallabies, wombats, koalas and stray cattle. It takes a fair time to travel the distance.

Honourable members interjecting.

Mr Hamilton — The school has about 19 students. The Minister no doubt will carry out a thorough investigation. The physical nature and location of the school require that a review be carried out. If the school were closed, some students would have to travel 19 kilometres across that sort of country — believe you me, it is rough country that is difficult to negotiate. In the interests of safety and of that community, the opposition requests that the matter be reviewed.

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

Collingwood planning issues

Mr Traynor (Ballarat East) — The matter I bring to the attention of the Minister for Planning relates to planning issues in the Collingwood area, particularly those affecting the most famous of all football clubs, Collingwood. The club is a national treasure and the greatest tourist drawcard in September — especially when they get there!

Several planning matters have been raised concerning Victoria Park Primary School and the
Collingwood Football Club. These matters have gone on for far too long; there needs to be a quick resolution. It is intolerable that the previous government did not resolve these issues.

I have been talking to the president of the club, Alan McAlister, a committed and fanatical Collingwood administrator. I ask the Minister for Planning what action he has taken to resolve the issues associated with the Victoria Park Primary School and Collingwood Football Club. Will he advise the House what the situation is at present?

Niddrie school clusters

Mr SERCOMBE (Niddrie) — I direct to the attention of the Minister for Education, and in his absence the Minister at the table, reports I understand the Minister for Education has in his department on two clusters of schools in my electorate.

I understand the department recommends the closure of three schools in the East Keilor-Avondale Heights cluster, which currently comprises five schools. As 800 students currently attend the five schools, the school communities believe there would be significant overenrolment at the two schools — particularly at the northernmost — that are expected to survive if the Minister accepts the recommendation. More than 470 students would be attending a school that in the view of local parent and community organisations is not designed to cater for that number of students.

If only two of the five schools in the cluster survive, primary schoolchildren will have to travel long distances in an area that is not particularly blessed with public transport — it is carved up by a number of major arterial roads.

I ask the Minister for Education to give consideration to preserving three of the schools in the cluster rather than simply two. Schools in the area have demonstrated that they are realistic about long-term declines in enrolments. The community has accepted the closure of one school in recent years and there is now broad consensus about the closure of two of the schools.

It is important to the local community that the cluster retain three schools rather than two. The Airport West cluster has two schools, and if the Minister followed the department’s recommendation to close one of them it would create difficulties for the children because they would have to travel long distances.

Significant disadvantage would be created for a community that does not have a great deal in assets, and it would be an unacceptable and regressive step. The community is realistic about the need for a school to close if it is appropriate in terms of educational standards —

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

Disease-resistant wheat

Mr BILDSTIEN (Mildura) — I direct to the attention of the Minister for Agriculture the matter of cereal cyst nematode, which causes major wheat crop losses, particularly in the Wimmera-Mallee areas in the electorates represented by the Minister for Agriculture and me. A couple of weeks ago the Minister and I had the pleasure of visiting the Mallee Research Station in my electorate, where an enormous amount of work is being done to develop new varieties of wheat that will resist cereal cyst nematode. Is the Minister in a position to advise the House whether work has progressed to a stage where new varieties can be released to the general farming community to overcome problems in their cropping programs? It is a serious matter that has been addressed for some time at the Mallee Research Station, and it would be pleasing indeed if the Minister were able to make a positive announcement about that work.

School site sales

Mr THWAITES (Albert Park) — I direct to the attention of the Minister for Education my concern about the money made from the sale of former school sites. In the Age the Minister has claimed that the money from school closures would be put back into education. I am concerned that the profits from the sale of school sites are not being put back into education but are being pocketed by private developers. Our children and the education system are suffering while private developers receive the profits. It has been reported that Boroondara Estate Pty Ltd made a profit from the sale of the Boroondara Park Primary School of approximately $1.7 million gross or $800 000 to $1 million net profit in only four months this year. This is money that is taken from the education system and from our children. The government should have sold the site through the Urban Land Authority and kept the profits for education.
There is a further disturbing issue in relation to the matter because additional money is being siphoned off by private developers from the sale of school sites. I have a letter sent to me by a constituent who is an architect from the Boroondara Estate Pty Ltd. It states:

Our company recently sold a 29-lot land subdivision —

Mr McARTHUR (Monbulk) — On a point of order, Mr Speaker, the honourable member for Albert Park appears to be reading from a letter, and I ask whether he is prepared to table it for the interest of other members.

Mr THWAITES (Albert Park) — I will table it. The letter continues:

on the site of an old school property at Wilburton Park, North Balwyn. The whole of the 29 lots were sold at auction on Sunday, 5th September last.

There has to be an excellent opportunity here for your product/service to be of interest in the construction of these 29 new homes.

We wish to offer you, for the small outlay of $300, the name and address of each purchaser of this land.

This offer is being made to a few different companies who supply the same product/service as yourself. You have our money-back guarantee that this mailing list will positively be provided to only the first company in your field of business to confirm your purchase of this mailing list.

The letter and the conduct of this company are quite improper. Do the 27 purchasers of the land know that their private information is being hawked around to builders and architects? Does the government endorse this sort of business practice? It appears to be a clear breach of their privacy; it may well —

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

Firearms Act

Mrs HENDERSON (Geelong) — I direct to the attention of the Minister for Police and Emergency Services the concerns of a constituent of my electorate who is part of a group of 40 or 50 sporting shooters who later this month or early next month will be travelling to northern Victoria for an organised two-day field and game shoot.

Licensed sporting shooters keep their firearms stored and locked in a safe place and are bound to keep their ammunition stored in a separate place. The concern of my constituent is that when travelling to northern Victoria, members of the group will store their guns in the boots of their cars which, although locked, will be left unattended during meal and other stops. The same situation will apply if the guns are left in locked motel rooms.

If motel rooms were broken into or cars were stolen and guns were inadvertently removed, the shooters would be responsible and could be charged under the current law. Police have in the past taken action against licensed shooters who have had guns stolen from the boots of their cars. As a consequence of being charged with not keeping their firearms in a safe place, shooters have lost their licences and had their guns confiscated.

The group of shooters concerned will take with them to northern Victoria guns to the value of approximately $200 000. As the interpretation of the Firearms Act seems to vary from one police district to another, those responsible sporting shooters are concerned about their shooters licences and valuable guns.

I ask the Minister to look into this matter; there is a need to clarify the Firearms Act and achieve uniformity of interpretation so that responsible shooters can be protected when travelling to sporting events.

Public transport contracts

Mr BATCHELOR (Thomastown) — I direct the attention of the Minister for Public Transport to the awarding of contracts to the National Bus Company by the Public Transport Corporation. The National Bus Company has successfully obtained approximately 80 per cent of previous Met bus routes, including the most lucrative and profitable routes.

I ask the Minister to examine all the overlying circles of influence and the conflicts of interest of the participants and to check that the interests of Victorian taxpayers, the Victorian travelling public and the workers in the industry have not been put at risk.
Newspaper reports reveal that Westbus, a company owned by the proprietors of the National Bus Company, has recently been investigated by the New South Wales State Rail Authority. I have been told that Westbus may have to refund to the authority approximately $220,000 paid to it for bogus claims. I have also been told that the matter may be under investigation by the Independent Commission Against Corruption (ICAC) in New South Wales.

These disturbing matters relate to the conflict of interest of the participants and the fact that at the time that Westbus was being investigated by the New South Wales State Rail Authority, the tender process was under way although the tender had already been awarded to the National Bus Company.

Those matters are of grave importance and I ask the Minister to look into them. Members should ensure that Victorian interests are protected, and I want to alert the Minister to the problems in New South Wales. The opposition urges him to contact his New South Wales counterpart who, I understand, is a close and personal friend of Mr. J. Bosnjak.

I understand that the conflict of interest and circle of influence extends from a former employee of Mr. Baird's office who is now working for the Minister for Public Transport in Victoria. The press reports have outlined the role of Price Waterhouse and Mr. Roger Graham.

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

Light rail link

Mr. E. R. SMITH (Glen Waverley) — I direct to the attention of the Minister for Public Transport the proposed light rail link between Huntingdale and Waverley Park. Waverley City Council has been proposing this project for some time and it is now ready for a consultancy team to consider the feasibility of the project.

Mr Maclellan interjected.

Mr. E. R. SMITH — As the Minister for Planning points out by interjection, the former Minister for Transport, Mr. Crabb, said he would look at this.

Mr Maclellan — He promised he would do it.

Mr. E. R. SMITH — Yes, he promised he would do it, however, the point is that it was not done.

Yesterday the honourable members for Wantima and Oakleigh, the Honourable Andrew Brideson from another place and I met a deputation from the Waverley council, and its proposal has some exciting aspects to it.

Will the Minister inform the House how realistic the proposal is, because although people in the Mulgrave area would find it attractive, obviously the Minister will have to consider the priorities in his portfolio?

Waverley council's proposal for the light rail is in collaboration with Waverley Park and the Australian Football League, which is considering the feasibility of establishing a vintage car museum at Waverley Park. That would be a tourist attraction, and the light rail between Huntingdale and Waverley Park would add to that potential.

Will the Minister inform the House what he has in mind for the future, bearing in mind the current financial constraints and the huge debt the present government picked up from the opposition when it came into government?

Pollution Watch line

Mr. PANDAZOPOULOS (Dandenong) — I direct to the attention of the Minister for Natural Resources, who is the representative in this place of the Minister for Conservation and Environment, the Environment Protection Authority’s Pollution Watch line. It is supposed to be a 24-hour service, and its number is 628 7777. On Saturday, 2 October, I received phone calls until about lunchtime with people complaining about a bad odour from the offensive industry zone in Dandenong South. The people were concerned that, despite the EPA’s Pollution Watch line being available and the government saying that people across the State should phone in with information or complaints about pollution problems so that the EPA can investigate the matter, they were unable to get through.

Everyone who called the number — as I did — found the telephone was ringing but nobody answered. There was not even a recorded message to say the government had no money for people to staff the line, or whatever. It is a matter of concern that the government is promoting a service that does not exist; it gives false hopes to residents affected by any sort of pollution.
The Dandenong South area has had difficulties in recent times and it is important to get industry, the City of Dandenong and the Environment Protection Authority together to address the emission problems occurring with the chemical industries. An inefficient service like that does neither the government nor the industry any good. I went down there after lunch. I noticed a distinct odour and felt a burning sensation when I breathed in. That is certainly not something the community of Dandenong South should have to live with. The EPA line was first put in place so that community problems could be addressed quickly, preferably by an officer of the EPA investigating the matter.

It is slack that no-one is answering the telephone. Is the government providing money to staff the service or is it really just a Clayton’s EPA Pollution Watch line?

Public transport safety

Mr LEIGH (Mordialloc) — I raise with the Minister for Public Transport my concern that the Australian Labor Party is attempting to portray the public transport system as being some sort of safety risk for commuters. It seems that a campaign is being waged by opposition members. Last night the honourable member for Werribee raised matters concerning the public transport system and I should like to know whether the Minister investigated those complaints.

Mr BATCHELOR (Thomastown) — On a point of order, I understand the honourable member has raised two separate matters.

The SPEAKER — Order! The honourable member for Mordialloc is referring to public statements. He is in order.

Mr LEIGH (Mordialloc) — I understand the concern of opposition members: they are concerned that the truth may get out. At the moment many people in the community are becoming increasingly alarmed because of the scare campaign that is being conducted. I ask the Minister to assure the House of the safety of the public transport system and explain what the government is doing to improve the system. Perhaps he could give the House a comparison with what happened under the previous administration.

Gang violence

Mr SEITZ (Keilor) — I raise with the Minister for Police and Emergency Services the recent violent gang attacks on individuals. It seems from newspaper reports that property damage has calmed down but attacks on individuals have increased. My concern is with my electorate, where recently in broad daylight in the middle of the St Albans shopping centre one young man was attacked by a gang and stabbed. He had to be rushed to hospital. The local community is concerned about that attack. Fortunately the man survived the attack, although he was forced to spend some time in a hospital intensive-care facility because of a collapsed lung.

This week a 75-year-old man was attacked outside his home. A rope was placed around his neck and he was dragged inside, where his elderly wife was threatened. The young attackers were looking for money.

Will the Minister for Police and Emergency Services organise to have police walk the beat in that area? Because he had the pleasure of opening the new police station, the Minister knows that the permanent police facility has been moved to Keilor Downs. A police presence on the streets can be calming for the community. Private security firms
are used at the St Albans market to apprehend
offenders or prevent personal attacks or shoplifting.

St Albans is a stable area, but it would help if more
police were out and about, particularly with the
onset of warmer weather when more people tend to
shop later in the day. Perhaps an education program
could be launched in the schools to educate children
about acceptable standards of behaviour in the
community. Damage has been caused to
citizens — —

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

Glen Katherine Primary School

Mr PHILLIPS (Eltham) — I direct to the attention
of the Minister for Education the request by the Glen
Katherine Primary School in my electorate for
additional classrooms for the 1994 school year. The
school has 750 students, and is the largest primary
school in my electorate.

The school authorities wrote to the department on
19 August and 17 September — copies of the letters
were sent to me — requesting the early location of
the portable classrooms on the site, which has
already been prepared.

The school is concerned that if the portable facilities
are not in place by early next year, the school will be
behind the eight ball. That school has had the same
experience — —

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

Responses

Mr McNAMARA (Minister for Police and
Emergency Services) — The honourable member for
Geelong raised for my attention her concern about
owners of firearms who have been travelling around
the State, and she particularly referred to the group
which travelled to Swan Hill for an organised shoot
over two days.

The honourable member asks whether such
individuals would breach the Firearms Act if they
did not carry their firearms secured in a locked
container or if they did not store their ammunition
separately.

That requirement covers the storing of firearms and
ammunition in the home. If the law were applied in
that sense firearms would never come out of the
cupboard, so we need to be sensible when applying
it. I undertake to conduct an investigation into how
the provision is being interpreted.

The government is currently reviewing the Firearms
Act and I have requested that the Firearms
Consultative Committee, the membership of which
has not changed since it was appointed by the
previous Minister for Police and Emergency
Services, consider the operation of current firearms
legislation. Emphasis will be placed on the concern
for community safety and it is hoped that a base will
be developed which will lead to a more uniform set
of firearms laws. The current legislation contains a
number of anomalies that make the laws in this State
inoperable in other States and vice versa. I will
advise the honourable member for Geelong of the
progress of the consideration of the current
legislation.

I thank the honourable member for Keilor for his
enthusiastic support of the coalition’s policy on law
and order. As he pointed out, the incidence of acts of
violence in the community is growing, and the
government is concerned about it. As the
honourable member pointed out, recently I opened a
new police complex in his electorate at Keilor
Downs and I hope it will be an important adjunct to
crime facilities throughout Victoria.

The government is initiating important measures
that will address community concerns about the
level of violence. Some of the steps the
Attorney-General is taking in respect of sentencing
are particularly important. Tougher sentencing will
apply to people who commit violent offences,
particularly against women. It is worth noting that
many such sentences will be served cumulatively
rather than concurrently, which will ensure that the
more violent offenders are removed from society for
a longer period than is currently the case.

The government is also concerned about the issue of
police presence in the community, particularly in
areas of considerable public activity. The view that a
greater police presence is needed in shopping
centres is one both the Chief Commissioner of Police
and I hold and, bearing in mind the constraints on
police numbers, police are considering the pro-active
role of providing officers in those areas. The
commissioners would be delighted with the
colalition’s commitment to increasing police numbers
in its first term of office.
I again thank the honourable member for his support. The government is committed to meeting its election promise to increase police numbers by 1000. The employment of an additional 220 public servants will relieve some 287 police officers for operational police functions. Internal savings made by police will provide funds for the employment of 113 officers, which will bring the number to 400. The government will fund the provision of another 600 officers, bringing the number to the target of 1000 and meeting the recommendations of Mr Justice Neesham in 1985.

The Police Force is addressing the issue of police powers to ensure that police are more effective in their apprehension of offenders. A wide range of police powers will be brought to the Parliament to streamline the process of fingerprinting and obtaining names and addresses and so on. I look forward to the honourable member’s support when those matters are debated. I am sure he will be a vigorous proponent of new government measures.

Our concern is to ensure that we take pro-active steps to stop violence and offences before they occur. The honourable member is very much on the right track, and could easily sit on this side of the House with the strong views he expresses on law and order. I am sure those views are shared by many of his colleagues who have been so generous in their praise of the initiative the government has taken in the law and order area.

I will soon be announcing a number of initiatives regarding activities with police and youth which again will develop the trend towards pro-active work to ensure that the police work closely with our young people and steer many of them away from trouble they might otherwise get into.

Mr MACLELLAN (Minister for Planning) — In responding to the matter raised by the honourable member for Ballarat East, I apologise for the fact that although he was the first to raise a matter on the adjournment he has been kept waiting for his answer. This occurred because I was only too happy to defer to the Deputy Premier, who had an opportunity to provide a factual and full explanation for the honourable member for Keilor.

The honourable member for Ballarat East is perhaps best described as a strong supporter of the Collingwood Football Club, but it may also be appropriate, without offending him, to use the word fanatic! The planning scheme has been amended by Ministerial amendment after consultation with the Collingwood council to rezone the Victoria Park Primary School, which has been closed and which, I might add, provided an education at a greater expense to the State than would have been involved had the children been sent to Christ Church Grammar School and provided with scholarships, uniforms and a bus to get them there, because when the school was closed there were so few pupils that its costs exceeded the highest cost of primary education in the State.

I will be delighted to know whether the honourable member for Thomastown is supportive of the idea of the Collingwood Football Club buying the former Victoria Park school site or whether he is indicating on behalf of the opposition some opposition to that proposal. Nevertheless, as has been the case with some 35 former school sites, I have consulted with municipalities to arrange for an appropriate rezoning of those sites so that when they are sold they are zoned for an appropriate use and the public will get the benefit of the increased price that that zoning attracts rather than having them sold to somebody who might be speculating on the opportunity of rezoning the land.

Of course, honourable members right across the House have been made aware of those rezonings. This particular rezoning was an appropriate one. The land has been rezoned residential. However, the opportunity has been taken to extend the rezoning to adjacent properties which have been purchased over a number of years by the Collingwood Football Club and therefore the area — that is, the entire half-block which includes the school and a number of house properties owned by the Collingwood Football Club — has been rezoned as residential, but with a special clause enabling the area which is owned or which might in the future become owned by the Collingwood Football Club to be used for Collingwood Football Club purposes.

In other words, we have an appropriate planning zone for the area to enable the Collingwood Football Club to acquire the former school site from the State government and to use it for Collingwood Football Club purposes. This is, of course, the very issue that the former government was not able to accomplish: it just found it too difficult to do.

I have to disclose to the honourable member and the House that the Collingwood council met with me yesterday. Various opinions, including highly offensive ones, were expressed to me regarding the proposed rezoning. The words "patronage",
"favouritism" and "enriching of the Collingwood Football Club" were mentioned.

Those elements of the deputation had no influence at all on my decision in the matter; the comments were simply the strongly held views of one councillor. That councillor comes from the T faction — whether the T stands for Trotsky or trendy I am not sure. However, a variety of views on rezoning are represented on the Collingwood council, and I understand that the council was expressing a variety of views. I advised the members of the deputation after hearing them that none of the arguments they had raised — which were about the possible conflict between residential and football club usage, the appropriateness of rezoning land beyond the school site for the purposes of the Collingwood Football Club and a number of other issues which were canvassed sensibly and with great force by the councillors — were able to overwhelm the prospect that the premium which had been paid to the Minister for Education for the school site would result in any great opportunity for the department to catch up on some of the neglected and unmet expenditures of the former Labor government from acquiring new school sites on the outskirts of Melbourne and maintaining school buildings in the inner areas of Melbourne. Honourable members will be aware of the neglect of maintenance this government had to catch up on.

Today's Government Gazette was a special edition because I deferred the matter until I could meet with the council members so that they could express their views to me about the rezoning. The amendment will be forwarded to you, Mr Speaker, and undoubtedly you will advise the House of it through the Clerk. If any honourable member of either House disagrees with my decision on this matter there are 10 sitting days in which to give notice of wishing to have the amendment disallowed. I shall be interested to see from which faction of the Labor Party such a motion would come.

Mr Micallef — Is that a challenge?

Mr MACLELLAN — The honourable member for Springvale may wish to do that. It was put to me seriously that I was in error in making this amendment. I explained to the deputation, as I have to others, that the opportunity is available in a democratic society for members from interested parties in the Parliament to challenge the amendment to the planning system, and that 10 sitting days are available for that to be done.

Because the issue is so clearly associated with the sale of the former school sites and the money that has been paid for them, I will respond to the matter raised by the honourable member for Albert Park. The honourable member for Albert Park has something of a fixation on the disposal of a school site in Balwyn. I think he resents the fact that someone took the risk of buying the site, successfully subdividing it, selling it and then making money out of it. I can only say that the honourable member has made a couple of mistakes. That probably relates to the fact that he was more of a barrister than a solicitor in practice. Had he been a simple conveyancing solicitor, the mysteries of this transaction would not have escaped him. I suppose that without a brief in his hand he should be excused because he has not had an instructing solicitor to advise him.

The rule under the former Labor government, and the rule which has been a continuing rule under government after government in Victoria, has been that the Urban Land Authority may not pay more than the Valuer-General's valuation.

Mr Thwaites — What about the selling of all of those names?

Mr MACLELLAN — The honourable member likes to raise the issue but he does not like it when he gets the answer.

The first factual matter that he has to take into account is that the Urban Land Authority, which he urged should have bought the site, can only pay the Valuer-General's valuation, and the purchaser of that school site paid more than the Valuer-General's valuation. The honourable member may question whether the Valuer-General fixed the appropriate valuation but he cannot invite the ULA to pay more than the Valuer-General's valuation because that has been a long-term rule in respect of purchases made by the ULA.

The reason is obvious: why would a government authority pay more than the Valuer-General's valuation for a property? I know the Labor Party would! Indeed there were instances scattered around with other transactions — it undoubtedly did.

It was unusual that you, Mr Speaker, allowed the honourable member for Albert Park to raise two different matters at the same time, but they were partly connected.
The SPEAKER — Order! I hope that is not a reflection on the Chair?

Mr MACLELLAN — It is no reflection on the Chair. The matters related to the same former school site. What offends the honourable member is that the agent, or presumably somebody acting for the agent, is now offering to advise specialist architects of the names and addresses of the purchasers.

The honourable member says that this is an outrageous breach of privacy of the purchasers. He does not recognise that when one purchases land, the land is registered on the title and anyone can go to the Titles Office and search the name of the purchaser. Where is the privacy? The honourable member is saying that is wrong. He believes it is unethical for an agent associated with a sale to disclose the name of the purchaser.

Time after time members of the opposition rise in wrath in Parliament and demand to know who bought what, but nobody has the slightest concern under those circumstances about the privacy of the purchaser. The privacy of the purchaser is the last thing they are concerned about.

When the honourable member for Albert Park says, “We don’t go around selling things” he is ignoring the fact that the Labor government shut school site after school site and sold them. It is my pleasure as Minister responsible for the Urban Land Authority to develop and on-market those sites. If the honourable member asks me who bought them and for how much, because it is information that will be on the Titles Office public records, I would have no inhibition in answering his question. I would be offended if he said, “No, that is a privacy matter, you can’t possibly disclose who bought them and for how much”, but that is what the agents do.

The honourable member did not say whether he believes the $300 fee is inappropriate. The people who have received the invitation to respond should say, “Why should I pay you $300 for the information when I can get it from the Titles Office much cheaper and without any implications?”

The honourable member raised the matter under the umbrella of private profiteering from the disposal of education department property. The honourable member is wrong because the property was sold for more than the Valuer-General’s valuation.

Mr THWAITES (Albert Park) — On a point of order, Mr Speaker, the Minister said I said something that was never said.

The SPEAKER — Order! The honourable member for Albert Park should know that there is no point of order.

Mr Micallef interjected.

The SPEAKER — Order! The honourable member for Springvale may not use an unparliamentary expression. I ask him to withdraw.

Mr MICALLEF (Springvale) — I withdraw the fact that the Minister is misleading Parliament.

Mr MACLELLAN (Minister for Planning) — I apologise if I have misapprehended the issues raised by the honourable member for Albert Park. I understood him to be concerned about whether the public is getting full value from the sale of school sites. I would be delighted to hear him say that is not what he said or meant. I thought it was what he meant because I was ascribing good motives to him. Perhaps I was wrong to ascribe good motives to him. I thought his fixation was that somehow something was wrong with the transaction and that the public did not get the appropriate recompense for the value of the property.

I have already explained that the government received more than the Valuer-General’s valuation. I am not sure whether the honourable member said that the property was sold at auction.

Mr Thwaites interjected.

The SPEAKER — Order! I do not know whether the honourable member in his former profession was allowed to chitchat across the courtroom like he is doing now, but that is not allowed in this Chamber. The Chair has had enough. He will remain silent.

Mr MACLELLAN — The situation about this umbrella issue — —

Mr Leigh interjected.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Mordialloc. I have just about had enough.
Mr MACLELLAN — Under the umbrella issue of appropriate value for sites, the honourable member for Albert Park said by way of a disorderly interjection that the property was offered at auction, was passed in and subsequently sold, as I have informed the House, at more than the Valuer-General's valuation. The honourable member's comments illustrate what was wrong with the former Labor government. The honourable member says that the site should have been purchased by the Urban Land Authority, obviously not knowing that the rules laid down by the authority did not allow it to purchase the property because it cannot pay more than the Valuer-General's valuation. In this case someone was willing to pay more.

The honourable member's complaint about the agents contacting specialist architects is a matter relating to the records of the Titles Office, and his concern seems misplaced. The honourable member should move on to more important issues and give up his fixation with this transaction. He needs to get instructions from a competent instructing solicitor before next raising an issue in the House.

Mr BROWN (Minister for Public Transport) — The honourable member for Glen Waverley referred to the desire of the City of Waverley, whose representatives I saw this week, to have a light rail extension to Waverley Park commence from the Huntingdale railway station. Consultants have been employed to analyse the project.

I am advised that it could cost more than $50 million, and the annual ongoing and operational costs would be added on top of that. Because it would be a stand-alone facility — it would not be an extension of the existing tram network — one would also have to take into account the costs involved in establishing a workshop to service the line or bringing trams back to existing depots by low-loader — in other words by road transport — for servicing and maintenance. Many questions have to be considered.

I made it clear to the council that I would be prepared to have the Department of Transport evaluate the completed consultant's report; and we will continue to have ongoing dialogue with the city. I also made it clear, because I did not want to mislead either the council or the community, that I could not foresee any likelihood in the short or medium term of the provision of such a light or heavy-rail service. It seems that for the foreseeable future the upgrading of bus transport in the area is the most viable option. The government will continue its ongoing liaison with the city. We are prepared to examine whatever proposals are put to us from time to time. Before it could proceed a project costing in the vicinity of $50 million would require Federal government funding.

Whenever one travels to London, Paris, New York or Rome, as a number of honourable members have, or Sydney or Adelaide, to examine the operations of automatic ticketing systems, one sees no evidence of the desertion of public transport. Instead, the introduction of the automatic ticketing system will cause a large-scale desertion of public transport because people will fear for their safety.

The ALP is deliberately carrying on a fear-mongering campaign. In response, I invite members of local communities to consider how bereft of talent and competence the ALP is. When it is forced to resort to the gutter tactics of trying to frighten people — —

Mr Batchelor interjected.

Mr BROWN — You are pre-eminent; you are the expert.
ADJOURNMENT

The SPEAKER — Order! The Minister must address the Chair. He may refer to members of the opposition only in the third person.

Mr BROWN — The honourable member for Thomastown is pre-eminent in purposefully leading the foray on public transport, trying to turn people away. The system is safe and will continue to be safe.

That leads to the other part of the question raised by the honourable member for Mordialloc in relation to the honourable member for Werribee. Last night the honourable member for Werribee made serious allegations about the safety of the system. I will read to the House what he said in Parliament last night. He said that I had written to him some time ago.

Mr BATCHELOR (Thomastown) — On a point of order, Mr Speaker, the honourable member for Mordialloc raised questions of safety and their relationship to a campaign supposedly being orchestrated by the Australian Labor Party. The Minister responded to that and is now raising a matter that was raised in the adjournment debate last night. I ask you to advise the Minister that he should deal with that matter directly with the honourable member for Werribee by way of written correspondence.

The SPEAKER — Order! I understand the honourable member for Mordialloc had a grab bag of complaints and he spoke about a number of items of public safety that had been raised in addition to the one on which the Minister is responding. There is no point of order.

Mr MICALEF (Springvale) — On a point of order, Mr Speaker, the Minister is referring to matters raised last night. He had the chance to respond to them last night and to investigate and report back to the member. He is raising them in a way that is not proper.

The SPEAKER — Order! I do not uphold the point of order. The problem raised in the adjournment debate last night still exists. It has been included in the matter raised by the honourable member for Mordialloc, and the Minister is responding. There is no point of order.

Mr BROWN (Minister for Public Transport) — On the safety of the two level crossings in Werribee, the honourable member for Werribee last night alleged that I had been misled by staff of the Public Transport Corporation and had therefore passed incorrect information on to him. I said then and will repeat it: that I was misled on an issue of safety in the Werribee electorate or any other area is a very serious allegation. The honourable member for Werribee said:

But the Minister’s reply indicated that both of the crossings had been fixed to a satisfactory condition, according to the advice given to him by the Public Transport Corporation.

The letter I have now received from the City of Werribee, which has an extremely competent and professional administration — with which I have no argument — reveals that the advice to the Minister was not true and that the two crossings have not been repaired.

The honourable member for Werribee is wrong. The very serious allegation is untrue. He has misled Parliament, and I will clarify word by word — —

The SPEAKER — Order! The Minister may not make those imputations against the honourable member. I ask him to withdraw.

Mr BROWN — I withdraw. I will set out now clearly, chapter and verse, where Parliament was given untrue information. I will quote from a letter to the honourable member for Werribee from the City of Werribee:

I am aware of your concern regarding the condition of level crossings within the municipality and whilst recent work has improved the crossing at Old Geelong Road, Hoppers Crossing, there is still work to be done on other crossings, particularly Cherry Street.

Given that Cherry Street has more than 20 000 vehicle movements per day, it is essential that the crossings be reinstated so that it is much more comfortable to cross than it is at this present time.

This council, in the letter to the honourable member for Werribee, at no time alleged that I had been misled; this letter to the honourable member for Werribee at no time alleged or stated that the two crossings had not been repaired; and in the letter I sent to the honourable member for Werribee there was no statement that the two crossings had been repaired. In part I said:

The west track at the Cherry Street crossing is lower than the adjacent road surface partially due to the poor ground conditions in the general area and will be
corrected following detail design levelling of the tracks and roadway. It is proposed that this upgrade work be carried out in conjunction with works associated with the National Rail Corporation.

That work has not yet commenced; it is scheduled for the first half of next year. No statement was made by either me or the City of Werribee that both crossings had been fixed.

This arose as a result of the honourable member for Werribee's raising some time ago his concern that there may be safety problems with those two crossings. I had my staff go out the next day, after which I received a report in writing that both crossings were safe. I had my staff go out again because I am never prepared to risk the safety of the system. Today I have been assured that the crossings are safe.

At no time did I say, in writing or orally, that the crossings had had work carried out on them, as the honourable member for Werribee alleged. In its letter to the honourable member the City of Werribee did not allege what he reported to the House last night.

Dr Coghill — That is not what I said at all!

Mr BROWN — I cannot say that the House was misled because that would be out of order; but I would say, if I could, that what the honourable member said in the House last night did not convey the facts of the matter. He has misrepresented not only me but also the City of Werribee. He owes both of us an apology. Today I have had all four crossings in the City of Werribee inspected, and all four are safe — not just the two crossings the honourable member referred to.

The final matter, which was raised by the honourable member for Thomastown, concerns the National Bus Company, which is the successful tenderer to take over the existing MTA bus fleet. I am not in a position to answer for New South Wales; but so far as the recent announcement about the contract is concerned, the best tender by far was accepted. The contract will save Victorian taxpayers in excess of $10 million a year, and commuters will receive a much better service.

I am aware that the community is looking forward to the service because the buses will run within 400 metres of 90 per cent of the houses in the area — and they will run less than half a kilometre from most houses. Midi-buses, as they are known, will be introduced to Melbourne under the contract. Those buses are bigger than minibuses but not as big as normal buses. They each carry 30 passengers and because of their size they can travel along normal urban streets, if necessary picking up passengers from specific households. Some fares will fall by as much as 20 per cent. That is a stunning outcome!

The honourable member has been hawking this around for a few weeks. You purposely used coward's castle and Parliamentary privilege — —

The SPEAKER — Order! The Minister must not use the first person; he must use the third person.

Mr BROWN — The member concerned has chosen quite carefully to conduct a low, filthy and sleazy attack on a number of individuals. The new and temporary Leader of the Opposition, when he took over the role — —

The SPEAKER — Order! I have given this consideration, hence my hesitation: the Minister may not use unparliamentary expressions and I ask him to withdraw.

Mr BROWN — I withdraw, Mr Speaker. When he took over the new and temporary Leader of the Opposition said he would ensure that members of the opposition conducted themselves in a manner befitting their role and that the community would see them conducting themselves in that manner. That is totally contrary to what we have just seen in the form of an attack on a number of individuals without one shred of proof. If you have any evidence of wrongdoing by the National Bus Company, not sleazy allegations — —

The SPEAKER — Order! I have already warned the Minister that he must address the Chair.

Mr BROWN — I withdraw, Mr Speaker. When he took over the new and temporary Leader of the Opposition said he would ensure that members of the opposition conducted themselves in a manner befitting their role and that the community would see them conducting themselves in that manner. That is totally contrary to what we have just seen in the form of an attack on a number of individuals without one shred of proof. If you have any evidence of wrongdoing by the National Bus Company, not sleazy allegations — —

The SPEAKER — Order! The Minister may not use unparliamentary expressions and I ask him to withdraw.

Mr BROWN — If he has proof of any wrongdoing by the National Bus Company, he should bring it forward.

The SPEAKER — Order! The Minister must withdraw.
Mr BROWN — I do withdraw, Mr Speaker, but everybody knows what this man is like; it does not need me to say it. If you have any proof — —

The SPEAKER — Order! The Minister should say, “If the honourable member has any proof”.

Mr BROWN — If the honourable member has any proof, and I am certain he has none, I challenge him to bring it forward so it can be investigated. The honourable member should not respond to allegations of no substance.

Following commencement of National Bus Company's operations, Victoria will have in place a system with absolute integrity. It will be an automated system that, unlike the present system, will not operate on a per kilometre subsidy basis. In effect the new contract does away with the subsidies as we know them.

The only subsidy the government will pay will be for concessional cardholders who purchase tickets through automated machines. The system will record each occasion on which a person travels, the classification of the person, the route on which he or she travelled, the time of day, the amount of the fare and all other relevant information on a scored value system. The Labor Party would find foreign having in place a public transport system that gave service at low cost and had community support.

In a year the government has dragged the system up from where it was and has made it a reasonably modern system. Although there is a long way to go, we now have driver-only trams and some driver-only trains. More are coming on each week and by the end of the reform program — it has another two years to go — we will have a system that is as good as any in the world.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Dandenong raised the issue of Environment Protection Authority (EPA) monitoring and made the assertion that it was a Clayton’s service. It is far from a Clayton’s service; it is a service that is operating on a regular basis over the entire metropolitan area.

An organisation called LINK, with which most of us have an association because we are all on the same service, operates the monitoring service for the EPA.

I acknowledge that on Saturday, 2 October, there was a breakdown sometime after 7 a.m. and that the Environment Protection Authority was able to put an answering service in place only on the next day. That service operated until LINK was able to re-establish its service after the temporary breakdown.

The fact is that LINK has operated the service successfully and this was the first interruption of its kind. Two calls were registered on Saturday morning, one at 2 a.m. and another at 7 a.m., and some time after that the service broke down. I am satisfied from the inquiries I have made that the EPA restored the service in the best way possible when it was advised of the breakdown.

Mr W. D. McGrath (Minister for Agriculture) — The honourable member for Morwell referred to the Carrajung Primary School and the recommendation of the quality provision task force for a non-remote classification. The honourable member for Morwell wants the school to be declared a remote school because of the difficulty with road linkages between adjacent towns. He emphasised that the nearest town is 30 kilometres away and that the school services 19 students.

The Minister for Education has spelt out on a number of occasions that he will not automatically accept the recommendations of quality provision task forces and that he will review all recommendations. I will ensure that the comments of the honourable member for Morwell are passed on to the Minister immediately. I understand that he will make an announcement in the next couple of weeks after reviewing the recommendations of the quality provision task forces.

The honourable member for Niddrie referred to cluster schools in his electorate. He said that there are currently five schools in one cluster and that the number may be reduced to two. He also referred to the Airport West cluster where two schools may be reduced to one. Once again, I shall refer the matter to the Minister for Education.

The honourable member for Eltham referred to the Glen Katherine Primary School, which has some 750 students and requires additional classroom accommodation. The school wrote to the Department of Education on 19 August and 17 September, and it is anxious that the additional classrooms be allocated before the end of the year so that they will be in place for the commencement of the 1994 school year. I shall direct that matter to the Minister’s attention.
Although all Ministers are working extremely hard, no-one is working harder than the Minister for Education as he endeavours to come to terms with the recommendations of the quality provision task forces. He has an absolute commitment to providing the best opportunities for students in this State. He leaves no stone unturned in his efforts to provide quality education across Victoria. The Minister deserves total support from Parliament and all government Ministers.

The honourable member for Mildura asked about plant breeding programs coming out of the agricultural research station at Walpeup. Today a field day is being conducted so that farmers can benefit by receiving the most up-to-date information, and two new wheat varieties are being released.

The first, named Ouyen, is a semi-hard grain that will fit into the Vic-hard category, and if it meets the 11.5 per cent protein requirement it will be used for bread flour. Victoria does not have many good bread wheat varieties and most of our bread flour is produced in northern New South Wales and Queensland, so the development of this variety is positive for Mallee and southern Mallee farmers.

The second variety is called Beulah — it is pleasing that the Department of Agriculture has recognised two important towns in the electorate of Mildura. Beulah wheat will fit into the ASW category. I emphasise that both varieties are cereal cyst nematode and stripe and stem rust resistant. If we can deliver satisfactorily on the cereal cyst nematode resistance we will see an increase in the overall value of wheat production in Victoria of something between $25 million and $30 million, which will be extremely beneficial to the farming community.

The work of the plant breeders in the Department of Agriculture and our agricultural research institutes should be recognised. It takes somewhere between 12 and 14 years to develop a new variety of wheat. Much experimentation is needed and characteristics must be added or deleted to bring forward a variety that will produce both the quality and quantity required to make it commercially viable.

I thank the plant breeders associated with the department for their work and commitment to plant breeding, especially the wheat varieties that are so important to the economy of Victoria. I hope the two new varieties, Ouyen and Beulah, live up to expectations and provide a valuable new resource in the cropping programs of Victorian farmers.

Motion agreed to.

House adjourned 5.58 p.m. until Tuesday, 19 October.
The following answers to questions on notice were circulated:

**QUESTIONS ON NOTICE**

**ASSEMBLY**

**Tuesday, 5 October 1993**

**TREASURY — PAYMENTS ASSOCIATED WITH SALE OF STATE-OWNED ENTERPRISES**

(Question No. 16)

Mr THOMSON asked the Treasurer:

In respect of the $8.7 million made available for “payments associated with the sale of State-owned enterprises” (Program No. 734 4077), who the payments were made to, indicating in each case — (i) the purpose; and (ii) the amount?

Mr STOCKDALE (Treasurer) — The answer is:

In 1992-93 for Program No. 734 4077 the following payments were made:

1. Mallesons Stephen Jaques
   (i) Legal advice
   (ii) $4529

2. Marsh and McLennan Pty Ltd
   (i) Insurance advice
   (ii) $19 651

3. Consultel Communications
   (i) Commercial advice
   (ii) $9500

4. KPMG Peat Marwick
   (i) Taxation advice
   (ii) $10 800

5. Arthur Robinson and Hedderwicks
   (i) Legal advice
   (ii) $2 275 755

6. Schroders Australia
   (i) Financial advice
   (ii) $431 333

7. Macquarie Bank/Goldman Sachs
   (i) Commercial advice
   (ii) Information, if disclosed, would breach commercial confidentiality

8. Cresap Langton
   (i) Management advice
   (ii) Information, if disclosed, would breach commercial confidentiality

9. Trowbridge Consultancy
   (i) Actuarial advice
   (ii) Information, if disclosed, would breach commercial confidentiality

10. Corrs Chamber Westgarth
    (i) Legal advice
    (ii) Information, if disclosed, would breach commercial confidentiality
Dr COGHILL asked the Minister for Natural Resources:

Whether he received from the honourable member for Gisborne documentation presented by a deputation representing Balliang East Primary School to the honourable member for Gisborne on Friday, 13 August 1993 for transmission to each Minister and, if so, on what date?

Mr COLEMAN (Minister for Natural Resources) — The answer is:

Correspondence from a group known as EQUAL forwarded by the honourable member for Gisborne was received at my electorate office on 17 August 1993. I note that this group purports to represent the Bacchus Marsh cluster of rural schools and mentions Balliang East as one of them.

Dr COGHILL asked the Minister for Police and Emergency Services:
QUESTIONS ON NOTICE

Tuesday, 5 October 1993

Whether he received from the honourable member for Gisborne documentation presented by a deputation representing Balliang East Primary School to the honourable member for Gisborne on Friday, 13 August 1993 for transmission to each Minister and, if so, on what date?

Mr McNAMARA (Minister for Police and Emergency Services) — The answer is:

Correspondence from a group known as EQUAL forwarded by the honourable member for Gisborne was received at my electorate office on 18 August 1993. I note that this group purports to represent the Bacchus Marsh cluster of rural schools and mentions Balliang East as one of them.
The following answer to a question on notice was circulated:

BALLIANG EAST PRIMARY SCHOOL

(Question No. 40)

Dr COGHILL asked the Minister for Public Transport, for the Minister for Roads and Ports:

Whether the Minister received from the honourable member for Gisborne documentation presented by a deputation representing Balliang East Primary School to the honourable member for Gisborne on Friday, 13 August 1993 for transmission to each Minister and, if so, on what date?

Mr BROWN (Minister for Public Transport) — The answer supplied by the Minister for Roads and Ports is:

I received from the honourable member for Gisborne on 18 August 1993, correspondence from a group known as EQUAL (Educational QUality Available Locally). I note that this group purports to represent the Bacchus Marsh cluster of rural schools which includes Balliang East Primary School.
The following answer to a question on notice was circulated:

BALLIANG EAST PRIMARY SCHOOL

(Question No. 39)

Dr COGHELL asked the Minister for Police and Emergency Services, for the Minister for Regional Development:

Whether the Minister received from the honourable member for Gisborne documentation presented by a deputation representing Balliang East Primary School to the honourable member for Gisborne on Friday, 13 August 1993 for transmission to each Minister and, if so, on what date?

Mr McNAMARA (Minister for Police and Emergency Services) — The answer supplied by the Minister for Regional Development:

Correspondence from a group known as EQUAL was received at my electorate office on 17 August 1993. I note that this group purports to represent the Bacchus Marsh cluster of rural schools and mentions Balliang East as one of them.
Tuesday, 19 October 1993

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 2.5 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! I have pleasure in welcoming to the Public Gallery the Honourable John Goss, shadow Minister for Urban Transport and member for Aspley in the Queensland Parliament. He is the guest of the Minister for Transport.

QUESTIONS WITHOUT NOTICE

SCHOOL CLOSURES

Mr BRUMBY (Leader of the Opposition) — I refer to the announcement by the Minister for Education last week of the closure of 159 schools, many of which are in rural Victoria. Will the Minister state what funding has been allocated within the education budget for the additional school bus services that will be required if the Minister is to honour his commitment that sufficient buses will be available for all students who need transport as a result of the closures, or is this another of the Minister’s Clayton’s commitments?

The SPEAKER — Order! The latter part of the question is out of order.

Mr HAYWARD (Minister for Education) — Clearly the government will honour its commitment to provide proper bus transport for students, so the money will be provided.

MABO RULING

Mr LUPTON (Knox) — Will the Premier inform the House of the government’s response to the decision reached last evening by the Federal cabinet on the Commonwealth’s response to the Mabo High Court decision?

Mr KENNETT (Premier) — The first thing the community should understand is that the Mabo decision was not a decision of a political party or a government; as we all know, it was the result of a claim by Murray Islanders that was originally put to the High Court of Australia, transferred to the Queensland Supreme Court and referred back to the High Court, which made a decision almost two years ago.

Politicians of all flavours were left to respond to the decision handed down by the High Court. Long ongoing discussions have occurred between the Federal Labor government and State governments with a range of community groups so as to arrive at a position that deals fairly and equitably with the High Court decision.

Importantly, people should clearly understand that it could have been — it is not, but it could have been — the Federal coalition that had to try to address the challenges of the High Court decision that the Federal Labor government has been examining for some months. I place on the record that the Victorian government recognises that the problems associated with the Mabo decision are difficult to resolve given the disparate views of so many people in the community.

To that end, and given that the Victorian government and the Parliament have moved quickly to provide security for people in this State, the Prime Minister has worked diligently in trying to resolve the issue and has contributed a great deal of his own time in bringing about a solution that we can all live with.

The decision made by the Federal Cabinet last night contains a number of major ingredients which the government is happy to accept. Some areas need further clarification, definition and discussion. However, this morning the Prime Minister rang to report on and discuss last night’s decision of the Federal Cabinet. I am sure there is enough goodwill between the Federal government and this government to work closely to resolve any outstanding differences. I also believe this issue should no longer be approached by the community simply on a political basis.

Over the past few weeks we have worked constructively with the Prime Minister in a quiet and private way rather than through the media, and I believe it will probably be 10 to 14 days before we see the results of last night’s Cabinet decision translated into a legislative measure. It is therefore incumbent on all parties to this issue to draw breath and wait until the measure is complete, because it will be the first time we have something specific before us. It is then in our national interest and also
for the benefit of our international reputation that we resolve any outstanding differences. The Prime Minister gave me an assurance this morning that we will meet again if there are still differences outstanding after we see the final form of the legislative measure.

Based on both the Cabinet decision last night and the Prime Minister's communiqué, at this stage we support the general thrust of the proposals. None of us has gained everything we sought, but we believe that in the national interest this issue should be resolved by Christmas. The government side of this House is keen for that to happen, and the Prime Minister is keen for it to happen. It now requires men and women of good faith to draw breath for the next two weeks until the legislation is complete and then see if we can resolve any differences in the workmanlike way in which most parties have worked over the past two weeks.

This issue is much bigger than politics. The national interest requires people of whatever vested interest group they may come from or represent to resolve this issue as quickly as possible. As I said two weeks ago, I believe there is a real chance this will be done by Christmas.

STATE EDUCATION SYSTEM

Mr SANDON (Carrum) — I refer the Minister for Education to his decision to force schools to close against the wishes of parents and school communities and in breach of his undertaking that no school would be forced to close. Given that many of these schools still do not wish to close, will he honour his commitment and allow them to remain open?

Mr HAYWARD (Minister for Education) — Firstly, I should like to thank the honourable member for Carrum for the support he gave for our process. The channel 10 news on 9 October reported that Mr Sandon said, yes, just like the State government, if necessary he would force mergers, too, but only on educational grounds. I was also interested in his direct quote about the previous Labor government: "I think we were too consultative".

I know the Labor Party and its trade union mates are disappointed, but the quality provision consultation process has worked extremely well between communities and the government. I make abundantly clear to the House that in all cases I made my decision on educational grounds regardless of the task force recommendation, but I was delighted that in 85 per cent of the 249 cases I was able either to follow the task force recommendations or to accept the status quo. I understand that some schools are disappointed and some have concerns. Those concerns are being addressed.

EDUCATIONAL OPPORTUNITIES FOR GIRLS

Mrs ELLIOTT (Mooroolbark) — Will the Minister for Education inform the House of the results of the government's working party on educational opportunities for girls?

Mr HAYWARD (Minister for Education) — I thank the honourable member for her question and for the excellent work she and a team of people have been doing in recent times in determining educational opportunities for girls. In February this year the government set up a working party of government school principals and representatives from the independent sector, the Catholic sector and others to consider ways in which the educational opportunities for girls could be increased.

The working party received more than 133 submissions from schools, tertiary institutions and individuals. It has come up with some excellent recommendations and I have accepted the recommendation that support be provided for students in all-girls educational settings and single-sex classes: in other words, that we provide the option for schools to have all-girls classes or even all-girls schools. I have also accepted a recommendation that a memorandum of understanding be developed between the government, Catholic and independent sectors on how to improve educational opportunities for girls, and other recommendations are under consideration.

Underlying the recommendation I have accepted is the question of choice. Some parents believe that girl students can learn better in an all-girls setting, whether that be in an all-girls school or in an all-girls class. Certainly schools will be able to do that in future.

The government is establishing a new world-class girls school in Melbourne which will come from the merger of Malvern Girls High School and Richmond Girls Secondary College, and will be established on the Boulevard site in Richmond. That is in line with the recommendations of the working party, and I thank the working party for its work. I believe this
provides a clear direction through which the educational opportunity for girls can be improved.

**NATIONAL CRIME AUTHORITY**

Mr SERCOMBE (Niddrie) — I refer the Minister for Police and Emergency Services to comments by a spokesman in the *Herald Sun* last Thursday that following representation from Mr John Elliott the Minister had contacted the Chief Commissioner of Police in relation to the National Crime Authority's investigations into Mr Elliott's business dealings. Will the Minister inform the House why he believed it necessary to contact the police commissioner on that matter?

Mr McNAMARA (Minister for Police and Emergency Services) — Firstly I point out the procedure that occurred in this case, as reported in the *Herald Sun*. I received a letter from G. W. P. Aarons and Co., barristers and solicitors acting on behalf of Mr Elliott, complaining about a number of matters their client was concerned about and including some legal advice from a Queen's Counsel on the matter.

Mr Micallef — Who?

Mr McNAMARA — Off the top of my head I think it was Mr Jeff Sher, QC, but I would have to check on that. Mr Sher is highly regarded by all in the legal fraternity. As Minister for Police and Emergency Services and having responsibility for the National Crime Authority in Victoria I believed the matter should be passed on to the police for comment.

I gave the material to the chief commissioner and I clearly advised the chief commissioner to treat this matter as he would any other. I have numerous — —

Honourable members interjecting.

Mr McNAMARA — I always do that. I have a responsibility as Minister for Police and Emergency Services to pass on any matters for comment by police where that involves a complaint by police or their activities. I received a response — I think it was from the deputy commissioner's office, but the chief commissioner advised me it was coming — the subsequent day and I passed that on to G. W. P. Aarons and Co., which, I presume, would have passed it on to its client. Obviously this matter is still before the courts and one should be careful how one deals with it at this stage, or at any stage.

An Honourable Member — Why did you intervene?

Mr McNAMARA — I do not know how many times these matters have to be explained to some of the nincompoops in this House — —

The SPEAKER — Order! That is an unparliamentary expression, and I ask that it be withdrawn.

Mr McNAMARA — It was general, rather than specific, but I withdraw. One matter that concerns me particularly is the information that was leaked to the ABC. I am advised by Mr Elliott's solicitors that they have evidence that a former Minister, the Honourable Steve Crabb, in fact leaked information to the media on this highly confidential matter.

Honourable members interjecting.

Mr McNAMARA — I have also been advised that this matter was leaked during, I think, the 1990 Federal election — very clearly, it was leaked for the purpose of political advantage. I know the immediate former Minister for Police and Emergency Services would not have behaved in such a fashion, but I am disappointed that any Minister of the Crown would use his position for political purposes. These matters will be resolved in the courts, and clearly that is a matter that needs to be addressed.

When talking of suggestions of who may be behaving inappropriately, where a Minister of the Crown goes ahead, as has been suggested — whether or not this is correct will be determined when the courts decide the matter — and abuses his position, and where a Minister of the Crown, for political advantage, attempts to blacken someone's name by a deliberate leaking of information to which he is privy as a Minister of the Crown — —

Honourable members interjecting.

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

Mr McNAMARA — All I can do is thank the Deputy Leader of the Opposition for his question.

**QUALITY PROVISION PROGRAM**

Mr ASHLEY (Bayswater) — Will the Minister for Education detail to the House the response of the
QUESTIONS WITHOUT NOTICE

ASSEMBLY Tuesday, 19 October 1993

Mr HAYWARD (Minister for Education) — I thank the honourable member for his question and for the outstanding work he is doing for the schools in his electorate by providing information to them. An important aspect of government is communication with the public — to provide information to the public and to give members of the public an opportunity to make comments.

The Directorate of School Education has established an education information line, on which a large number of calls has been received. More than 1100 calls were received on the weekend and another 350 calls were received yesterday. More than 90 per cent of those calls were from people seeking information about changes in educational arrangements, and we were able to provide that information. Very few callers expressed concern about the quality provision process, and a significant number of callers gave great support to the government for the action it is taking in the quality provision program.

PUBLIC SECTOR COOPERATION WITH POLICE

Mr SERCOMBE (Niddrie) — Will the Premier ensure that all government statutory appointees and officers of the Public Service cooperate with police in major investigations?

Mr KENNETT (Premier) — I have no idea what the motivation of the Deputy Leader of the Opposition is. I do not know what is behind his question, but I will tell the House what I will do. I am prepared to do a deal. I should think most members of the Public Service would always freely cooperate with the police regardless of any direction of government. I will make sure they do — if the Labor Party guarantees that the honourable member for Williamstown and the former honourable member for Broadmeadows will appear before the Senate committee —

Honourable members interjecting.

The SPEAKER — Order! The House will come to order!

CITY OF GREATER GEELONG

Mrs HENDERSON (Geelong) — Will the Premier inform the House of progress being made by the City of Greater Geelong and the implications for economic and employment growth in the Geelong area?

Mr KENNETT (Premier) — The House will be aware that the government has been able to bring about dramatic reform in Geelong with the coming together of six municipalities to form the City of Greater Geelong. That was on the agenda in the area for 81 years, and the amalgamation has resulted in huge benefits to the local community.

Last week Cabinet endorsed arrangements for the transfer of assets between the Geelong Regional Commission and the City of Greater Geelong. The city will gain control of about $15 million worth of assets at a cost that is assessed on the valuations of the Valuer-General. These arrangements will end up being a win-win situation for both the City of Greater Geelong and the Geelong Regional Commission. They will ensure that the city has control of assets that are the envy of every provincial city in Victoria. One of them is an important 130-hectare industrial estate in Heales Road that stands ready for further development — and much of that activity is now starting to be seen in Geelong.

Further, my colleague the Minister for Regional Development last week announced a State government grant of $200 000 per annum to promote economic development in the city and the region. A benefit of the restructuring of the six councils is the promise the government made to keep rates down — that is, the government, as a trade-off to the citizens, will put in place a four-year rate freeze, bearing in mind that there will be a period of rationalisation, which will ultimately produce substantial benefits. Not only did the people of Geelong believe the government, but this week the Geelong commissioners, after being in office less than a year, were able to report a budget surplus of nearly $1 million — with a rate freeze in place. In this day and age, with both State and local government going through a period of financial difficulty, that is a very good result indeed.

The press release of the chairman of the commission, Mr Dix, stated that the Budget is an early indication of the potential savings from the restructure, which will amount to approximately $4.4 million. No-one can ignore savings of that magnitude. Not only did the people of Geelong believe the government, but this week the Geelong commissioners, after being in office less than a year, were able to report a budget surplus of nearly $1 million — with a rate freeze in place. In this day and age, with both State and local government going through a period of financial difficulty, that is a very good result indeed.

The press release of the chairman of the commission, Mr Dix, stated that the Budget is an early indication of the potential savings from the restructure, which will amount to approximately $4.4 million. No-one can ignore savings of that magnitude, especially at this time. The benefits of the restructuring will result in better utilisation of the commission and its assets by the community and the employment forces, which will ultimately benefit the whole community.

Mrs Wilson — What about better services?
Mr KENNETI — What about better services! The restructure will certainly result in better service delivery and will provide a more comprehensive service at a huge saving to every person who lives in Geelong by pegging their rates for the next four years. That is not a bad benefit!

The government believes similar savings can be made and that the restructure program will continue throughout the State in the months and years to come. It will begin in the bayside area as a result of the new structure of the Melbourne City Council. Already many councillors in that area have contacted the government saying that they are looking forward to assisting and facilitating the restructure of the new bayside suburbs. Other areas in Victoria will also be pursuing the same objectives. The results produced by the commissioners in Geelong and the work forces of each restructured council are a clear indication of what can be achieved with good management and goodwill.

I thank the four Geelong commissioners, who are from all political parties. They have worked professionally in the interests of that community, and the Victorian community will be the beneficiary of their work.

FEDERAL COURT PROCEEDINGS AGAINST DIRECTOR OF PUBLIC PROSECUTIONS

Mr COLE (Melbourne) — Will the Attorney-General advise the House whether she has taken any action against the Victorian Government Solicitor, the Solicitor-General or the Director of Public Prosecutions in relation to the Federal Court proceedings brought against the Director of Public Prosecutions by Mr John Elliott?

Mrs WADE (Attorney-General) — Some days ago I was advised by the Victorian Government Solicitor that Mr Elliott had commenced proceedings in the Federal Court and that those proceedings were designed to prevent the laying of charges against certain persons based on investigations of the National Crime Authority and the Victorian Director of Public Prosecutions. The Victorian Government Solicitor, Mr Beazley, advised me that he had been asked by the Acting Director of Public Prosecutions to represent the Director of Public Prosecutions in the Federal Court proceedings.

Following discussions with the Victorian Government Solicitor and the Solicitor-General I indicated to the Victorian Government Solicitor that I did not believe it was appropriate for the Government Solicitor to act in the proceedings because they related to a proposed prosecution and because it would be inconsistent with the independence of the Office of the Director of Public Prosecutions for the government to become involved in those proceedings. We also agreed that the Office of the Director of Public Prosecutions had adequate resources to conduct the relevant proceedings. The Victorian Government Solicitor communicated that decision to the Director of Public Prosecutions almost a week ago and the Director of Public Prosecutions has not indicated any dissatisfaction with the decision.

FLOODS IN NORTH-EASTERN VICTORIA

Mr JASPER (Murray Valley) — I refer the Minister for Police and Emergency Services to the devastating effects of the recent floods in north-eastern Victoria and the Goulburn Valley. Will the Minister inform the House of the purpose of the special fund set up by the State government to help small businesses affected by the floods?

Mr McNAMARA (Minister for Police and Emergency Services) — This morning I announced the establishment of the Small Business Relief Fund 1993, which is specifically targeted at seeking donations to assist people in the business community affected by the recent floods in north-eastern Victorian. I have been heartened by the initial response from some major corporations in Victoria. Firstly, Philip Morris Ltd was involved in the launch of the fund and contributed $50 000 to get the fund going. Secondly, I thank the National Australia Bank which, through its Victorian branch offices, will act as a collecting agency for donations from individuals and businesses. The bank has also made a contribution of $20 000 to the fund, so it is off to a flying start. The National Australia Bank has already contributed $30 000 to other relief funds specifically targeted at residential owners, and its donations to date should be highly commended.

The extent of the floods cannot be understated. The homes of almost 4000 people were evacuated due to the floods. The full extent of the damage to their homes will not be known for a couple of weeks when a proper assessment is done. Local municipalities and the government liaison officer, Alan Clayton, are providing a range of assistance across the community. An important job will be the building inspection services which will enable people to assess accurately the damage to their
homes. Unlike fire damage where the damage is apparent, flood damage is not as easily identifiable; more investigation is required to determine the extent of the damage.

Philip Morris Ltd has also kindly donated $25 000 to tobacco growers in north-eastern Victoria.

Mr Sercombe interjected.

Mr McNAMARA - This is not a laughing matter. The assistance of Philip Morris will be greatly appreciated by the community in north-eastern Victoria so that farmers can re-establish their crops and properties. More than 200 shops have been affected by the floods. In Benalla alone the extent of stock damage in shops is said to total $6 million.

The government is attempting to obtain maximum advantage from low rentals. As staff numbers decrease, departments will need less space. Honourable members who are former Ministers, including opposition members, know it is inefficient for Ministers who are attempting to work from Parliament House or the Cabinet precinct to have their departments and offices spread throughout the city. The government is examining ways of making huge savings by moving offices from downtown Melbourne to this end of the city to occupy space currently being vacated by private enterprise.

Moving the Department of Justice alone would save between $6 million and $8 million a year — an awful lot of money!

Although the honourable member is obviously very keen to have another look inside my office, I can assure him it will not be in my lifetime.

As part of the overall review the government is also looking at 1 Macarthur Street, which is currently empty and contains a fair amount of asbestos. In the Budget the government has provided about $10 million a year for the re-equipping of that building in an attempt to accommodate staff at this end of town. The government is also examining the situation at 2 Treasury Place, the white building behind my office that fronts onto the gardens and which is unfortunately run down and inefficient. It will cost approximately $40 million to bring that building, which has wooden floors and thick solid block walls, up to standard. The government is examining whether it is better to sell the building and use the rent obtained on other accommodation or spend the $40 million doing it up. The government is also examining the rabbit warren behind it, part of which was burnt out in the latter years of the Labor administration.

Mr KENNETT — It is the place where all the shredded documents were kept! We are also examining the total mix of accommodation at 1 Treasury Place, which houses my own office, my
department, the Department of the Treasury and part of the Department of Finance. It is my preference that we do not move. One of the advantages of the office I occupy — —

An Honourable Member — That would be a rabbit warren anyway, wouldn’t it?

The SPEAKER — Order! Interjections are disorderly.

Mr KENNETT — One of the advantages of my office — the honourable member would appreciate that it is aesthetic — is that I can look out of the window at the trees and gardens — it is a beautiful place to be.

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition asked me about the airconditioning. I thank him for raising the issue; my office has the original airconditioning, which is obviously now quite out of date and causes a number of administrative problems. The Leader of the Opposition, by the look of him, is obviously a fitness fanatic, and we have a real problem — —

Mr Brumby interjected.

Mr KENNETT — Perhaps he is not a fitness fanatic. The problem is that the boiler room is very old and requires two people to operate it. If one runs into the office of a morning, as I do regularly, hot water is not one of the luxuries that one currently enjoys. However, even with all — —

Mr Brumby interjected.

Mr KENNETT — He asked me a serious question: why I need hot water in the morning. It is an important question that really goes to the heart of the way the opposition has been researching its questions. When I walk in from my home, a distance of about 12.3 kilometres, I normally — the Leader of the Opposition would not — have a shower and as often as I can I actually like to use warm rather than cold water. I also use hot water for washing during the day, for cups of tea and for other things.

Mr Brumby interjected.

The SPEAKER — Order! The Premier will ignore interjections. I ask the Leader of the Opposition to remain silent. I ask the Premier to conclude his answer.

Mr KENNETT — What was the question again — I am sorry?

Mr Dollis interjected.

Mr KENNETT — I can assure the honourable member that we are looking at all accommodation currently occupied by government departments in an attempt to save the community money, particularly as staff numbers have been reduced considerably.

Mr Sercombe interjected.

Mr KENNETT — That is a very good point! The honourable member asked whether the Minister for Police and Emergency Services has put in a double shower. I do not think you have, have you?

Mr McNamara — No!

Mr KENNETT — No; he has not. I ask the honourable member for Richmond to keep it to himself and not to hold me to it, but I think it is London to a brick that I will not be moving my office.

BUDGET MANAGEMENT

Mr HYAMS (Dromana) — Will the Treasurer inform the House of the advantages of the work-force reduction program as compared to alternative allocations of capital funds?

Mr STOCKDALE (Treasurer) — I compliment the opposition on the change of tactics it has used in the House during question time; it has been remarkably refreshing for all honourable members, and no doubt most of all for the Chair, that the Leader of the Opposition has obviously decided that the inane tactics — —

The SPEAKER — Order! The Treasurer is out of order. I ask him to concentrate on his answer.

Mr STOCKDALE — They do not help the Parliament and do not reflect credit on him. The government has adopted a program — —

Mr Brumby interjected.
Mr STOCKDALE — He is disagreeing and shaking his head. It does not reflect credit! The government has embarked on a program of borrowing to fund approximately $2 billion of redundancy programs over the three years of its term, predominantly in the first and second years. As honourable members are aware, that is in the main funding for voluntary redundancies. The benefit for the Budget will be a permanent reduction of salary outlays and therefore of recurrent expenditure of around $1200 million a year, so the effect of the claw-back period under the program is well inside two years.

Mr Stockdale — They are mortally wounding darts, of course!

Mrs Wilson — Just keep to the answer!

Mr Stockdale — That is good advice; I will take it. Although there is a short-term effect on the State’s debt, because the repayment period is well inside two years the overall effect of the program is a substantial reduction in the government’s net Budget sector financing requirements.

In 1994-95 the financing requirement will be $1042 million lower and in 1995-96, $1146 million lower than it would have been without the program. It is not, however, the only option that honourable members have heard about.

The government has inherited a substantial current account deficit. Were we to adopt the strategy that the Leader of the Opposition urged upon the House we would still have to borrow to fund the same level of current account deficit. But, in addition, we would have to borrow another $2 billion for the capital works program he suggested. The total borrowings would be higher than those projected by the government by the full amount of the current account deficit — not as it actually is but as it would be under the scenario of the Leader of the Opposition.

The cumulative effect of his proposal would be disastrous. Compared with a no-change scenario, in 1992-93 the Leader of the Opposition would have produced $812 million in additional debt; in 1993-94, $2258 million; in 1994-95, $2484 million; and, in 1995-96, $2732 million.

What we might call the Brumby solution results in a net addition of $2732 million compared with the no-change scenario. The government has not adopted a new policy position. Its strategy over the same period will reduce Budget sector debt by $890 million. What we might call the Brumby solution or, more accurately, the gelding solution — —

The SPEAKER — Order! The Treasurer has used an unparliamentary expression. I ask him to withdraw.

Mr Stockdale — I withdraw. The net effect compared with the government’s strategy is that after only four years of the strategy of the Leader of the Opposition there would be an extra $3622 million debt.

But the problem does not end there. The Brumby solution was always theoretical. The House is aware that the Federal government and the Australian Loan Council have insisted that the government eliminate the current account deficit, and it approved its strategy for doing so. It would not have granted approval to the strategy of the Leader of the Opposition, so he would never have been able to put it into practical effect. Had he done
so, the State would have had an additional debt of $3622 million in only four years.

PETITIONS

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

Maternal and child health services

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

The humble petition of the undersigned citizens of the State of Victoria showeth that:

The maternal and child health service is an extremely valuable preventative health and family support service, accessible and affordable to all Victorian families.

The government proposal to limit funding to 10 standard visits, by appointment, is a backward step which threatens to undermine the basis of this service.

Decisions about when to visit the maternal and child health care sister should be made by the mother, based on her needs, or the needs of her baby, not by a government determined formula.

Your petitioners therefore pray that the House take all necessary steps to ensure the Minister withdraws these proposals.

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

By Ms Garbutt (44 signatures)

Preschool funding

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

The humble petition of the undersigned citizens of the State of Victoria showeth that the savage funding cuts to preschools will lead to enormous increases in fees and fund raising, which parents cannot afford. This will create an elitist system with many children unable to attend preschool and suffering educational disadvantage.

Your petitioners therefore pray that the government restore adequate funding to preschools, and restore the central payment scheme for salaries.

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

By Ms Garbutt (155 signatures) and Mr J. F. McGrath (1031 signatures)

Small rural schools

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

The petition of the undersigned citizens of Victoria respectfully request that the State government:

recognises the excellent educational outcomes achieved in the small rural school;

appreciates the benefits of the small rural school;

ensures that the small rural school option is retained within the Victorian education system.

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

By Mr Tanner (3098 signatures)

Task force recommendations and funding in western suburbs schools

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

The humble petition of the undersigned citizens of the State of Victoria sheweth:

We, the undersigned call on the Minister for Education, Mr Hayward, and the government of Victoria:

to respect the wishes of local communities by implementing the task force recommendations without alteration; and

to guarantee an equitable and reasonable level of funding for schools in the western suburbs that takes into account the social and economic needs of the area.

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

By Mr Mildenhall (1677 signatures)

Preschool funding

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

The humble petition of the undersigned citizens of the State of Victoria respectfully showeth that:
every child should be entitled to at least one full year of kindergarten at an affordable cost as it is an extremely important educational experience and is invaluable as a preparatory year for school. We are therefore opposed to the proposed funding cuts for kindergartens and the recommended structural changes.

Your petitioners therefore humbly pray that these wishes and rights will be recognised and protected.

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

By Mr Seitz (224 signatures)

**Human life experimentation**

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

The humble petition of the undersigned citizens of the State of Victoria sheweth:

that from their beginning at the initiation of fertilisation, human embryos deserve legal protection from all experimentation which is destructive or harmful to them.

Your petitioners therefore pray that the Legislative Assembly, in Parliament assembled, should pass legislation to prohibit harmful and destructive experimentation on human life.

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

By Mr Cooper (16 signatures)

**Scrutiny of Acts and Regulations Committee**

**Equal Opportunity Act 1994**


Laid on table.

Ordered to be printed.

*Alert Digest No. 15*

Mr PERTON (Doncaster) presented *Alert Digest No. 15* on Road Safety (Amendment) Bill, City of Melbourne Bill, Teaching Service (Amendment) Bill, Gas and Fuel Corporation (Heatane Gas) Bill and Casino Control (Further Amendment) Bill together with appendix.

Laid on table.

Ordered to be printed.

**WorkCover**

The SPEAKER presented report of Victorian WorkCover Authority for the year 1992-93 and actuarial report on WorkCover for quarter ended 30 June 1993 given to him pursuant to Accident Compensation Act 1985.

Laid on table.

**Papers**

Laid on table by Clerk:

Auditor-General's Office — Report for the year 1992-93

Coal Corporation of Victoria — Report for the year 1992-93

Crown Land (Reserves) Act 1978 — Order pursuant to Sections 17D and 17DA giving approval to granting of lease

Egg Industry Licensing Committee — Report for the period ended 11 June 1993

Egg Marketing Board — Report for the period ended 11 June 1993

Estate Agents Board — Report for the year 1992-93
Gas and Fuel Corporation of Victoria — Report for the year 1992-93

Interpretation of Legislation Act 1984, section 32(4)(b) — Local Government Regulations 1990 (S.R. No. 64/1990) — Copies of the following amended documents replacing documents tabled on 13 May 1993 which were applied, adopted or incorporated by the Local Government (Reporting and Accounting) Regulations 1992 (S.R. No. 276/1992):

- Australian Accounting Standard AAS 1 — Profit and Loss or other Operating Statements (OS 1.2/301) (issued 12.73) (reissued 11.89) (reissued 8.92) (amended 6.93) Pages 1005-1006
- Australian Accounting Standard AAS 10 — Accounting for the Revaluation of Non-Current Assets (issued 6.81) (reissued 9.91) (reissued 4.93)
- Australian Accounting Standard AAS 27 — Financial Reporting by Local Governments (issued 7.91) (reissued 9.93)
- Statement of Auditing Standards AUS 1 — (issued 2.77) (reissued 1.83) (revised 6.93) Pages 2010.1-2010.2
- Statement of Auditing Practice AUP 14 — Audit Evidence — Confirmation of Receivables (issued 1.83) Supplement 1 (issued 12.92) Pages 3122.1-3122.8
- Statement of Auditing Practice AUP 16 — The Auditor’s Responsibility for detecting and reporting Irregularities including Fraud, Other Illegal Acts and Error (issued 6.83) (revised 3.93)
- Statement of Auditing Practice AUP 30 — Inherent and Control Risk Assessments and their Impact on Substantive Procedures (issued 7.90) (withdrawn 3.93)
- Statement of Auditing Practice AUP 32 — Audit Independence (issued 8.92) (amended 6.93) pages 3295-3296

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 1993 and Summary of Variations notified between 19 May and 1 October 1993 — Ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

- Ballarat City Planning Scheme — No. L50
- Ballarat Shire Planning Scheme — No. L50
- Bright Planning Scheme — No. L27
- Brunswick Planning Scheme — No. L15
- Bungaree Planning Scheme — No. L50
- Collingwood Planning Scheme — No. L16
- Echuca Planning Scheme — Nos L7, L12B
- Greater Geelong Planning Scheme — Nos L24, R19, R21, R26
- Grenville Planning Scheme — No. L50
- Hastings Planning Scheme — No. L105
- Heidelberg Planning Scheme — No. L53
- Maffra Planning Scheme — No. L24
- Malvern Planning Scheme — No. L20
- Melton Planning Scheme — No. L23
- Moe Planning Scheme — No. L27
- Otway Planning Scheme — No. L15
- Sebastopol Planning Scheme — No. L50
- Seymour Planning Scheme — No. L26
- South Gippsland Planning Scheme — No. L20
- Traralgon City Planning Scheme — No. L41
- Wangaratta Shire Planning Scheme — No. L9
- Wangaratta City Planning Scheme — Nos L40 Part 1, L43
- Wodonga Planning Scheme — No. L51
- Woorayl Planning Scheme — No. L46
Premier and Cabinet Department — Report for the year 1992-93


Public Service Commissioner — Report for the period ended 30 June 1993

Renewable Energy Authority Victoria — Report for the year 1992-93

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer, a scheme of assistance for persons affected by floods in northern and north-eastern Victoria

South West College of TAFE — Report for the year 1992 (with an addendum), together with a Communication from the Minister for Tertiary Education and Training of the reasons for the delay in tabling

Statutory Rules under the following Acts:
  Corrections Act 1986 — S.R. No. 180
  Local Government Act 1989 — S.R. No. 179, together with copies of the following documents as required by section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule:
    Statement of Auditing Practice AUP 34 — Knowledge of the Client’s Business (issued March 1993)
    Statement of Auditing Practice AUP 35 — Communication to Management on matters arising from an Audit (issued March 1993)
  Optometrists Registration Act 1958 — S.R. No. 181
  Sentencing Act 1991 — S.R. No. 182
  Supreme Court Act 1986 — S.R. No. 182
  Tobacco Act 1987 — S.R. No. 178

Tomato Industry Negotiating Committee — Report for the period ended 30 June 1993

Victoria Grants Commission — Report for the year ended 31 August 1993

Victorian Dairy Industry Authority — Report for the year 1992-93

Victorian Institute of Forensic Pathology — Report for the year 1991-92

Wine Grape Industry Negotiating Committee — Report for the year 1992-93

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Proclamations fixing operative dates in respect of the following Acts pursuant to Order of the House dated 27 October 1992:

  Barley Marketing Act 1993 — Whole Act on 11 October 1993 (Gazette No. G39, 7 October 1993)
  Murray-Darling Basin Act 1993 — Whole Act on 6 October 1993 (Gazette No. S73, 6 October 1993).

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

  Casino Control (Further Amendment) Bill
  Casino (Management Agreement) Bill
  Cattle and Swine Compensation (Amendment) Bill
  Gas and Fuel Corporation (Heatane Gas) Bill
  Land Tax (Further Amendment) Bill
  Liquor Control (Amendment) Bill
  State Owned Enterprises (Amendment) Bill
  Teaching Service (Amendment) Bill

SENATE SELECT COMMITTEE

The SPEAKER — Order! I have received the following communication from the President of the Senate:

Dear Mr Speaker

The Senate acquaints the Legislative Assembly with a resolution agreed to by the Senate this day, which is, in relevant part:

That the Senate requests the Legislative Assembly to require the attendance of the following persons to appear before the Senate Select Committee on the Functions, Powers and Operation of the Australian Loan Council to provide public evidence:

  The Honourable J. E. Kirner MLA
  The Honourable A. J. Sheehan MLA.
The Senate refers the Legislative Assembly to the First and Second Reports of the Senate Select Committee on the Functions, Powers and Operation of the Australian Loan Council, concerning this resolution, copies of which are enclosed.

Yours sincerely,
Kerry W. Sibraa

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

That leave be given to the Honourable J. E. Kirner, AM, the member for Williamstown, and the Honourable J. A. Sheehan, the member for Northcote, to attend, if they think fit, as witnesses before the Senate Select Committee on the Functions, Powers and Operation of the Australian Loan Council.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That pursuant to Sessional Order No. 6(3), the following Orders of the Day, Government Business, relating to the following Bills be considered and completed by 4.30 p.m. on Thursday, 21 October 1993:

- Mineral Resources Development (Amendment) Bill
- Rural Finance (VEDC Abolition) Bill
- Health (Amendment) Bill
- Physiotherapists (Amendment) Bill
- Tobacco (Amendment) Bill
- Racing (Further Amendment) Bill
- Evidence (Proof of Offences) Bill
- Public Sector Management (Amendment) Bill

Mr SANDON (Carrum) — I oppose the motion because it does not allow General Business, Notice of Motion No. 39, to be considered by the House this week. Item No. 39 relates to a private member's Bill to amend the Education Act 1958 to provide for the establishment of school closures review committees, to allow for public consultation in the closure of government schools and for other purposes.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, the motion before the House concerns the government business program for the week and the matter raised by the honourable member for Carrum does not fall within that category. The honourable member raised the matter on an earlier occasion when the House was sitting and, as he said today, it is listed on the Notice Paper as General Business, Notice of Motion No. 39. Both the Sessional Orders and the Standing Orders provide for such matters to be debated under general business. The honourable member is seeking to transfer from general business to government business a matter that cannot be transferred.

More importantly, he is seeking to jump above some 38 notices of motion listed by members of his own party and the government that should be dealt with under the general forms of the House. The motion that I have moved does not provide the honourable member with an opportunity to raise this matter.

Mr BRUMBY (Leader of the Opposition) — Although I agree with the Leader of the House that there was some debate about the issue a fortnight ago, today he has moved a motion that proposes the order of government business for this week. In opposing the motion the honourable member for Carrum has said that government business should consider other matters as a priority. He is totally within his rights to oppose the motion. The honourable member is entitled to suggest what ought to be the government's priorities before considering the motion and that is precisely what he is doing.

The honourable member for Carrum has referred to General Business, Notice of Motion No. 39, which proposes to introduce a private member's Bill. Education is a topical issue. The essence of the honourable member's contribution is that he opposes the motion moved by the Leader of the House, as he is entitled to do under Standing Orders.

The SPEAKER — Order! I do not uphold the point of order. The honourable member for Carrum is entitled to put his point of view on the motion.

Mr SANDON (Carrum) — There is no issue more topical for all members of the House than school closures. Recently the government made an announcement about school closures and there is great uncertainty in the community. There is fear and anxiety about the issue. The notice of motion listed under my name will ensure there is due process in determining such issues.
BUSINESS OF THE HOUSE

On many occasions — too many for me to count — the Minister for Education has said that no school would be closed against the wishes of school communities. All I am seeking to do is to take the Minister at his word and introduce a process that will allow due process to occur. In other words, if more than 50 per cent of the school community object to the closure a process will be put in train to review the decision. I am not saying that the decision will necessarily be overturned. I simply want to put in place a process for the review of the Minister’s decision based on educational grounds.

Nothing could be more democratic. All members of the House are dedicated to democratic principles and practice. Whenever something affects the quality of life, the future of this generation of young people, the State and the nation we should ensure that we do all we can to allow proper consultation to occur.

It is true that some school closures have already been announced. The reason for the urgency of the debate revolves around the fact that there will be further closures. Honourable members who represent north-eastern Victoria are aware that some dozens of task force recommendations are outstanding. We do not know what those recommendations are. Although there have been indications of further school consolidations we do not know what is happening to them. There has also been mention of school decisions pending, but we do not know what is happening with them. The uncertainty, fear and anxiety still exist. It is incumbent on the House to do all that it can to resolve this important issue.

Mr BRUMBY (Leader of the Opposition) — I oppose the motion moved by the Leader of the House. Last week the Minister for Education announced the closure of more than 159 Victorian schools. It is true that some schools will close as a result of decisions made by their school communities. But a significant number of schools will be closed against the wishes of their communities. School closures are a matter of intense public debate.

In considering the role Parliament should play and the priorities for government business this week, I cannot think of another issue which has achieved as much prominence and public attention and which is so fundamental to the lives of Victorians than school closures and Victoria’s quality of education.

Due process should be taken into account. The honourable member for Carrum referred to his private member’s Bill, which is listed as No. 39 under General Business, Notices of Motion. The honourable member proposes that school communities should have the right to be properly consulted in the public forum so that they have an effective say before decisions are made to close schools. That is what the Minister for Education has always purported should be the case.

This is the Chamber for public debate. This is where elected members of Parliament gather to represent the views of their constituents. Last week it was announced that 159 schools in the large constituency of Victoria will be closed — and Parliament should debate that issue! I do not suggest that the entire week should be devoted to that discussion. However, it should assume paramount importance in the priorities set by the government.

The government business program for this week includes debate on the Rural Finance (VEDC Abolition) Bill, the Physiotherapists (Amendment) Bill and the Tobacco (Amendment) Bill. Although that legislation is important, in the scheme of things and by comparison with the importance of school closures, it is less important.

Mr Gude interjected.

Mr BRUMBY — I am not sure whether any schools in the electorate of the Leader of the House were closed, but I assure him that school closures are of major concern to Victorians.

The motion must be opposed because of the plight of small rural schools. There is an abundance of evidence that small schools provide quality education for country kids. The honourable member for Swan Hill looks on pensively. Well he might; he knows that what I say is true — small rural schools do provide quality education. Rural communities regard the school closures as catastrophic and disastrous.

The honourable member for Carrum said that because north-eastern Victoria was devastated by the recent floods the reports from 12 task forces in the area are yet to be acted upon by the government. I ask the Leader of the House to allow time for debate on the issue. Victorians in the north-east do not need to be worrying about whether their schools are to be closed — they have enough on their minds!
The private member’s Bill of the honourable member for Carrum proposes that communities will have a say about school closures and education. Almost without exception, the children of honourable members in this House will each have spent 12 years being educated in Victoria. Education is fundamental to our quality of life and the opportunities we afford to Victorians. It is appropriate that this matter should become a priority for discussion this week. I hope the Leader of the House privately agrees.

Mr Gude — There is a grievance debate tomorrow.

Mr Brumby — The matter should be discussed now.

Mr S. J. Plowman (Minister for Energy and Minerals) — No-one in this House would deny the importance of education and the other issues raised by the Leader of the Opposition, but the private member’s Bill of the honourable member for Carrum exemplifies the humbug of the comments of the Leader of the Opposition.

The honourable member for Coburg has already been sold down the river; yesterday he met with the Leader of the House and the Minister for Agriculture and worked out the program for this week. And it was confirmed by the opposition before question time today! The Leader of the Opposition knew the arrangement, as did the honourable member for Coburg.

Mr Brumby interjected.

The Speaker — Order! The Leader of the Opposition is entitled to speak in this place but not to interject continually. He was heard in silence and I ask him to reciprocate.

Mr S. J. Plowman — No-one on this side of the House denies the importance of education in Victoria. However the sincerity behind the opposition’s tactics must be decidedly under question in light of the agreement made yesterday and confirmed earlier today. The Leader of the Opposition is simply selling the honourable member for Coburg down the river. Only yesterday the honourable member was involved in organising the business of the House for this week. The suggestion by the Leader of the Opposition should be rejected.

Mr Leighton (Preston) — In reply to the comments of the Minister for Energy and Minerals, the Government Business Programming Committee will never be anything other than simply the forum in which the government tells the opposition the business that will be dealt with during the following week. If the opposition is lucky it may be able to slightly alter the order. It may be able to have an extra hour allocated to debate on one Bill by allowing debate on another Bill to be curtailed. But the committee will never be anything other than a forum for the government’s saying, “This is what will be dealt with this week”.

Honourable members on both sides of the House know that under the revised Sessional Orders the Leader of the House can move a motion about the week’s business regardless of whether the opposition agrees with him. The only flexibility for the opposition is perhaps to tinker at the edges of the program. The opposition is entitled to challenge the order of business when the Leader of the House moves his motion.

According to my calculations, about 15 hours will be allocated this week to debate eight Bills — depending on other matters that may arise in this place!

Mr Gude — You’re wasting your time now.

Mr Leighton — Therefore, on average, fewer than 2 hours will be available to debate each Bill.

Some of the Bills can be dealt with within the 2-hour period, but the Mineral Resources Development (Amendment) Bill and the Public Sector Management (Amendment) Bill cannot possibly be debated and finalised within the required period.

The opposition is faced with the prospect of being allocated 2 hours for debate on each of the Bills listed by the Government Business Programming Committee and it must decide whether it should reduce the period of debate on some Bills so that it can allocate more time for the more important Bills. Being allocated less than 15 hours of debate for eight Bills is most unsatisfactory and, as the Leader of the Opposition and the honourable member for Carrum have pointed out, it denies the opposition and Parliament the opportunity of debating some of the important issues involved in these Bills.

Mr J. F. McGrath (Warrnambool) — Honourable members should reflect on the absolute nonsense that has been spoken in the Chamber to date. Opposition members have selective amnesia because they fail to consider the lack of...
opportunities provided by the former Labor government to the then coalition parties.

The approach by the opposition is hypocritical. When in government it did not have a Government Business Programming Committee that compiled the program for the week. The honourable member for Coburg agreed to the program earlier today and the daily program sheet was drafted on the basis of that agreement. The government has instituted a structure that allows the Leaders of the three parties in this place to come together as managers of business so that a program can be drafted for the week. That is what has happened today, but it has been torpedoed by the honourable member for Carrum and other members of the opposition. The 3-hour grievance debate gives honourable members ample opportunity to raise important issues.

Dr Vaughan — It should be 4 hours.

Mr J. F. McGrath — The honourable member has selective amnesia. Members of the opposition could devote their remarks to the important issue of education during that debate, but they have chosen not to do so. I have sat on the opposition benches and I have tried on many occasions to put motions to the House in the same way as the honourable member for Carrum is attempting to do today. I assure him, because of the numbers, he will fail just as I failed previously.

Mr Haermeyer (Yan Yean) — I am astounded by the positions taken by some of the rural members of this place. The honourable member for South Barwon should consider the contents of the motion, because if it were to pass some schools in his electorate may be eternally grateful. The same could be said for the honourable member for Warmambool.

The Minister for Energy and Minerals and the honourable member for Warmambool suggested that the issue should be raised during the grievance debate. The time allocated for that debate has been reduced significantly from the time allocated in the previous Parliament. A grievance debate is not an opportunity to introduce a motion or a private member's Bill, so their suggestion is nonsense.

Honourable members opposite also said that the program was raised with the honourable member for Coburg. That is a private negotiation. I can well imagine that if the opposition raised this issue with the Leader of the House he would jump back and say “That's a great idea” and that the government would take it on board!

Although many important Bills and other issues on the Notice Paper should be raised and debated in Parliament, the closure of schools is a current issue, especially with the 159 schools that have been told to close. The honourable member for Carrum wants to introduce a Bill to require a logical, constructive, non-political process in dealing with school closures. Many government members have been called in by the Minister and asked which schools should be closed, but no-one else has been asked or has enjoyed that level of confidential discussion. Government members travel to the schools in their electorates and tell people from those that have been closed that they had no say in the process, that they had no political input into the decision and that it is an administrative decision. They then visit the schools that have escaped closure and seek congratulations because they saved their scalps.

There are three schools in my electorate that have been closed. Wollert Primary School will close even though the task force recommended that it stay open. No explanation was given of why the task force recommendation was overridden. The school has been part of that community for 116 years and has a long history. Its closure will rob the community of its identity.

The Kalkallo Primary School decided to close at the end of term 3. It originally opposed the closure, but when confronted with the obstacles that were being put in its path with the new staffing formula and the abolition of shared specialist teacher positions, it decided it was pointless to continue. It could see that the government intended to wear it down through attrition. The Plenty Primary School is also being closed against its wishes.

School closures are an issue that should be debated. It is important that these issues are dealt with fairly and are seen to be dealt with fairly. When I visited the Wollert Primary School last Friday the parents of the children there did not believe the closure had been dealt with fairly, and I could see the disappointment on the children's faces. The parents fully believed that the recommendations of the task force would be honoured and, as I said, no explanation has been given of why the recommendation was not accepted.

Motion agreed to.
MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed from 7 September; motion of Mr S. J. PLOWMAN (Minister for Energy and Minerals).

Mr THOMSON (Pascoe Vale) — The Bill is one of a series of steps by which the government is removing third party rights in Victoria. If we look at the dissolution of councils, the choking off of freedom of information legislation, changes in the planning area and many other areas, we see a consistent pattern of a government with no real commitment to the democratic spirit or ideal of participation and community involvement, a government that has insisted on top-down decision making, limiting opportunities for public involvement and participation in decisions.

The most striking feature of the Bill is the absence of consultation that preceded it. When I wrote to many groups whom I perceived as having a legitimate interest in exploration and mining issues, many did not even know the Bill existed!

Many groups have legitimate interests in mining issues. Certainly the mining industry, environmental groups, landowners, local government and many other groups have an interest in these issues. I was most surprised to find these groups had not been consulted. That, more than any individual feature of the Bill, is the reason why the opposition cannot and will not support the Bill.

Legislation ought to be the product of broad community scrutiny and contribution. Unhappily, this government has no commitment to broad-based community consultation. It is the creature of a small number of interest groups. Conservation groups were not consulted — that is, perhaps, no surprise. That the government is hostile to conservation groups is well known — its hostility is only thinly veiled. Local government was also not consulted. Perhaps that is a matter of little surprise also. Local government, following events like the State deficit levy and the sacking of no fewer than nine councils in a single year, increasingly is realising that the government views local government with disdain and contempt and does not consider its views to be of any consequence whatsoever. The government's lack of interest in the views of local government is reflected in the provisions of the Bill, to which I will turn in due course.

It was a matter of real surprise, however, that the Victorian Farmers Federation was not consulted — it has expertise in that area and a mining subgroup. It has a legitimate and genuine interest in mining issues. The major impact of the Bill will be on private land, not on Crown land, although it will make an impact on Crown land; yet the Victorian Farmers Federation, like other bodies, was not consulted until after the Bill had been drawn up and introduced into Parliament. It has been very revealing as to who this government sees as its real friends, and the low regard of the government for the farmers federation also says something about the National Party: it reflects either a lack of influence in policy making or an indifference to landowners and to farm interests. I genuinely suspect it is the former rather than the latter.

I wrote to various groups seeking their response to the legislation and I will come to those responses in due course, but it might be appropriate initially to make some remarks for the benefit of the House on the more significant provisions of the Bill. First, in the area of exploration, it provides that no planning permit will be required for any exploration activity carried out for a licensing activity under the Act. That marks a substantial change from the existing situation where planning permits are required. Secondly, mining will not be a prohibited use under any planning scheme, which takes away from councils the right to prohibit exploration and, once again, represents a substantial change. Mining will not be a prohibited use under any planning scheme. That is to say, again, no council can prevent it outright. There will always be that appeal right to the Administrative Appeals Tribunal, and mining will require a planning permit only if the mining project has not been a subject of an environment effects statement.

Next I refer to the impact of the Bill on planning schemes. To give effect to the provisions I have referred to, the Bill overrides planning schemes. Under the Bill, Crown land is divided into various categories. Firstly, there are the “no go” areas. According to the department's estimates, about 30 per cent of Crown land is national park, State park, wilderness park or reference areas. It will continue to be the case that exploration licences and mining licences cannot be granted on these areas. Secondly, there is a category of restricted Crown land where it is estimated that about 20 per cent of Crown land — I must say I have heard some contesting of these estimates but I am not sure of the truth of the matter — is in regional parks, coastal parks, flora and fauna reserves and the like. Access to this land
for exploration or mining will require the consent of either the Minister for Conservation and Environment or the Minister for Natural Resources, depending on who is the land manager.

The third category is unrestricted Crown land, approximately 50 per cent, or some 4 million hectares of Crown land, on which the Minister for Energy and Minerals may consult with the Minister for Conservation and Environment or the Minister for Natural Resources as the case requires prior to the granting of any licence. These Ministers may review licence conditions, but the minerals Minister is not obliged to follow their recommendations and, after the licence is granted, the licensee does not require any further consent to access this land for exploration or mining.

The next area is road making or bulk sampling. Because of the provision I referred to earlier, exploration will not require a planning permit and will simply be a matter of obtaining a licence and a matter between the applicant and the Minister for Energy and Minerals. In the case of road making and bulk sampling, if exploration does require those activities the Minister may require the licensee to submit a statement assessing the works’ impact on the environment. Copies of that statement go to the Department of Conservation and Natural Resources and to the Department of Planning and Development for comment, which the Minister for Energy and Minerals is to consider but will not necessarily be bound by.

The Bill makes no changes to the landowner issues of notification, access and compensation requirements for exploration and mining on private land, although it does have an impact on private land in other ways, as I shall explain later.

Overall, the aim of the Bill is to reduce substantially the capacity of those wishing to object to exploration or mining applications and to have those objections assessed by a party independent of the Minister for Energy and Minerals. The roles of local government, neighbours and the Ministers for conservation and environment, natural resources and planning are all weakened. At the same time the role of the Minister for Energy and Minerals is strengthened.

The Bill also permits strata titling and abandons codes of practice, which is something upon which I may comment during the Committee stage. The Bill removes what is referred to as the reverse onus of proof in relation to mine accidents. Currently persons involved in the management of mines are held to be guilty unless proved innocent, and the Bill changes that provision on the basis that there is no longer any requirement for it.

It also provides that rental on mining licences is to be paid from the date of the registration of authority to commence work, rather than from the grant of the licence, and allows exploration licences to be renewed for longer than one year at a time. That is another matter I shall pursue during the Committee stage. Concern about some of the implications of that provision has been expressed to me.

As to environmental impact, a briefing note accompanying the Bill suggests that the stringent rehabilitation requirements of the principal Act are unaffected by the Bill. It points out that where the holder of an exploration licence proposes to make roads or carry out bulk sampling activities the Minister may require the licensee to submit a statement assessing the impact of the proposed work.

I make several observations regarding those comments. The first is that concern has been expressed about whether the rehabilitation requirements are working in practice. I have been given a number of examples of areas where the rehabilitation is just not adequate. My second comment relates especially to the case of mining or exploration ventures in which the company becomes bankrupt and leaves the local government authority or the landowner with the task of rehabilitation. I am concerned about the adequacy of the provisions to deal with that type of situation.

My third point on this subject is that the provision says that “the Minister ‘may’ require the licensee to submit a statement assessing the impact of the proposed work on the environment”, which is discretionary. I will be interested to pursue in the Committee stage the basis upon which the Minister would exercise that discretion because concern has been expressed that the words “may require” are not strong enough. There needs to be a guarantee that statements assessing the impact of the proposed work on the environment will be provided.

The briefing note provided by the department then moves on to landowner issues and points out that the Bill makes no changes to the notification, access and compensation requirements for exploration and mining on private land. The query in my mind relates to neighbours, because the briefing note addresses only the landowner in question and not the neighbours.
What happens with public parks that are not Crown land — the Maranoa Gardens in Balwyn, for example, or the Flagstaff or Fitzroy gardens? I dare say there are many other examples of land that is publicly owned but is not Crown land. What independent processes or planning processes will be in place to ensure that someone cannot come along and seek to explore for gold in those valuable public places?

It is not simply a question of public places, either. In my view some private land is so important that an independent planning process should be involved before gaining approval to explore on those properties. That is one weakness of the Bill.

As I said earlier, the Bill divides Crown land into three categories: the unrestricted Crown land, the restricted Crown land and the no-go areas. The categories of restricted Crown land are listed, which may help people who are interested in the Bill. They include regional parks, coastal parks such as the Gippsland Lakes Reserve, marine parks, flora and fauna reserves, wildlife reserves including wildlife management cooperative areas, a number of natural features and scenic reserves including caves and geological reserves, bushland reserves, historic areas and reserves, public land water frontage reserves, streamside reserves such as the River Murray Reserve, coastal reserves, alpine resorts, heritage rivers and natural catchment areas under section 6 of the Heritage Rivers Act — and that is another area about which I have queries.

I have asked about the implications of the Bill for natural catchment areas. The answer to my query was that they are part of restricted Crown land and that access for exploration or mining would require the consent of the Minister for Conservation and Environment or the Minister for Natural Resources, which is vital in ensuring that areas that are important to water quality and the like are not adversely affected.

The Bill gives effect in considerable measure to the coalition’s minerals policy, which was kept much under wraps during the election campaign. I suppose other issues were regarded as more pressing at the time, but it is worth going over the minerals policy to examine the areas in which the Bill reflects that policy and the areas where it has not been followed. The policy commences by stating:

Victoria’s early development and wealth was primarily due to gold discoveries in the middle of the 19th century.

That is certainly accurate and widely agreed upon. The policy continues:

This era was followed by indifferent gold prices and since then by bureaucratic opposition to mining which significantly reduced industry opportunities.

That comment seems to be knocking the Bolte and Hamer governments, because the policy then refers to recent years, presumably being the period of Labor government. It says:

In recent years exploration and mining activity has also been limited due to a decade of government indifference and the anti-mining ethic of ALP policies.

That is an erroneous point of view. The Labor Party supports mining but it believes a balance of the various competing land use interests is important. The policy continues:

The development of new technology has meant that exploration can be conducted with minimal environmental impact leaving little or no trace after exploration is completed.

I am sure that is right. The Victorian Chamber of Mines has told me that that is occurring, but the operative words in that paragraph are “can be”, because exploration can have a great impact. The real issue is whether exploration “will be” conducted with minimal environmental impact and what framework we need to ensure that that happens. If the regulatory and legislative framework is inadequate, exploration will not be conducted with minimal environmental impact. The policy continues:

Mining technology and rehabilitation requirements have also substantially improved, enabling elimination of land degradation which was formerly associated with some mining projects.

I visited sites that suggest that that is not necessarily the case. Although land degradation can be eliminated and rehabilitation can be adequate, it is a question of the legislative and regulatory framework needed to ensure that that takes place. The policy continues:

Victorians need to be assured that minerals development will take place under a legislative framework that protects the environment and recognises the interests of private landowners and the objectives of public land policy.
MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

It is my view that this legislation does not pay adequate regard to the interests of the owners of private land — there is the distinct prospect of their land being damaged and suffering disadvantage because of activities on neighbouring properties. Their right to become involved in those issues is diminished by this legislation. The policy continues:

Miners will be required to use modern environmentally sensitive technology and abide by best industry practice and strict rehabilitation conditions.

I welcome that policy and I am sure every honourable member will welcome it, but there is nothing in the legislation that gives effect to that policy in any way. The policy further says that the Liberal and National parties in government will:

provide a legislative framework to accelerate the assessment process for mineral development and give certainty both to the industry and the wider community.

It can be argued that the Bill does that. The policy further says:

to establish appropriate standard conditions for exploration and mining activities.

But codes of practice have been abolished. I wish to pursue with the Minister the fate of the codes of practice. What guarantee will we have that those standards will be put into effect? The policy continues:

to promote the development of new technology to improve results from exploration and mining operations whilst better safeguarding the environment.

Once again there is nothing in the legislation that has that effect. The policy continues:

We will improve the effectiveness of the Mineral Resources Development Act ... empowering the Minister responsible for minerals to coordinate and determine all mining-related activities under a single integrated administration.

The Bill does not go that far, although it takes some steps along the way.

Mr S. J. Plowman interjected.

Mr THOMSON — I am making reference to those parts of the policy I believe people should be aware of so that they can make their own judgements as to the relevancy of the coalition policy for Victoria and the extent to which it is being implemented. The policy document continues:

providing individuals, landowners, neighbours, interested departments and agencies who are directly affected with the opportunity to be involved in the approvals process.

What opportunity will the legislation provide? The policy specifically says that neighbours have to be involved in the approval process, yet the role of planning permits is being dramatically diminished. The policy continues:

Appropriate standard conditions for exploration and mining licence areas will be developed in conjunction with industry and other interested parties.

Who are the other interested parties? What is their involvement? When will this happen? The policy promises:

These conditions will embrace any aspect of exploration and mining, including vegetation and land protection, access, emissions and rehabilitation.

When will that occur? The policy deals with exploration. It says:

Exploration up to and including bulk sampling will not require a planning permit.

There appears to be some softening in relation to bulk sampling. Some criteria must be met but a planning permit is not required. The policy proposes a panel procedure that would enable objectors and miners to put their points of view personally, effectively and cheaply and also enable them to make oral or written submissions. The policy says:

The panel process will be public, transparent and open.

Applications for licences are made to the Minister and the Minister may treat those applications in the way he sees fit. It appears that the claim that this process will be “public, transparent and open” is not supported in the Bill. The policy says:

Over the past decade the minerals section of the DMID have been frustrated by ill-founded anti-mining prejudices, particularly in planning and conservation.

I suggest that that is simply not the case, it is a question of finding a balance between competing land-use considerations, which is a complex and
difficult task. It is something the Prime Minister, Mr Keating, has had to do in relation to the High Court judgment on Mabo. If today's question time was any guide, the Premier shows some support for the final resolution on Mabo put forward by the Prime Minister. It is a difficult process and it involves taking all parties into one's confidence and endeavouring to get agreement notwithstanding the fact that agreement is not easily reached. The government would do better to go down that path than the path it has taken with the legislation. The policy also says:

The coalition parties are aware of land degradation by environmentally insensitive mining caused by a small minority of "fly by night" miners in the past ... Rehabilitation bonds will be tailored to reflect rehabilitation costs, and companies or individuals who do not carry out satisfactory rehabilitation will forfeit both their bond and their right to be granted further exploration or mining licences.

Cases of land degradation that were the result of fly-by-nighters have been brought to my attention.

There is concern within the community about whether the rehabilitation bond is adequate and who will pick up the tab if the mining company goes broke midway through. I query that and wish to pursue with the Minister how adequate the legislative scheme is to give effect to the proposal set out in the coalition's mineral policy and what arrangements the government has in mind with regard to that.

I said earlier that I sought responses from various parties concerned about the legislation, and I shall indicate to the House the nature of those responses. The Victorian Chamber of Mines supports the legislation in its present form and the Prospectors and Miners Association of Victoria also supports the legislation, although its publication, the *Eureka Echo* of September states:

The obvious big winners out of these amendments are the exploration licence-holders and applicants.

It goes on to state:

Exploration has been held up as the panacea for mining development in Victoria since 1965. Despite at one stage over 90 per cent of available land in Victoria being held under exploration licence, we are yet to see any upsurge in mining activity...

I shall deal with exploration licence-holders later. Although those bodies support the legislation, many bodies are greatly concerned about it and the time they were given to discuss issues raised in the Bill.

I received correspondence from the Victorian National Parks Association, which put forward many concerns and which does not support the idea that exploration should require permission only from the Department of Energy and Minerals regardless of the impact on both private and unrestricted Crown land. It does not support the total removal of any independent assessment involving public input of proposed exploration, and states in its letter:

There will be no effective environmental assessment of very high impact exploration and none at all for most activities including some that could impact heavily on flora or on farm activities such as trench digging.

The association also expressed concern about the ability to fast track mining and make changes to facilitate exploration, including on Crown land reserves, without community consultation while removing the legal obligation of the Minister for Planning to consider significant environmental effects and sound planning principles. The association is concerned about the inability of the Department of Conservation and Natural Resources to refuse permits for unsuitable operations or set conditions on unrestricted Crown land. It also expressed a concern about the removal of legislatively enforceable codes of practice.

I raised that matter in the briefing provided by the Minister's office, and the explanation given was reasonable. However, given substantial ongoing public concern about that issue, further discussion should occur in the course of this debate.

The Victorian National Parks Association has a variety of concerns regarding the removal of exploration from planning controls, the ability to fast track mining and other matters relating to exploration. In particular, the association is concerned about the potential impact of mineral exploration on box and ironbark forests. Recently the association along with some other conservation groups within Victoria have taken a substantial interest in the future of box and ironbark communities on Victoria's northern slopes and plains. I understand that those groups have written to various people suggesting that the Land Conservation Council should have those areas as its No. 1 priority. It has been suggested to me that a
The conservation groups say that the disturbance associated with exploration may encourage weed invasion of native forests. They cite various orchid and bird species that need box and ironbark forests for their survival and suggest that some 85 per cent of Victoria's box and ironbark forests and woodlands have been cleared. The groups are willing to fight hard for the remaining 15 per cent of those forests.

Considerable concerns have been expressed by local governments about the Bill. I have had discussions with Tony James, the Director of Planning and Public Affairs of the Municipal Association of Victoria (MAV), and he is disappointed that the association was not consulted. He believes the nature of the changes is not appropriate and that local government should continue to retain a substantial role in decisions regarding exploration and mining applications. The MAV has written to the Minister indicating that giving mining a preferred status over all other land uses in Victoria and exempting substantial parts of the industry from the normal processes set down in the Planning and Environment Act is not appropriate. The letter states:

Mineral exploration is the first land use in Victoria to be placed entirely outside the planning system. Under the proposed legislation, adjacent landowners are unlikely to have knowledge of and will definitely have no say on whether an exploration licence is given, even for an intrusive activity such as bulk sampling.

One of the examples the association puts forward of what it believes to be the adverse effects of this Bill is as follows:

It is not a ridiculous proposition to imagine that financiers of large non-mining projects (for instance the new casino) might like some degree of "certainty" that the land upon which their investment sits will not be the subject of a mining application. This will be impossible to obtain.

Once again, that is an interesting issue, and I will be interested in the Minister's response to that matter.

A substantial number of individual councils have contacted me to express concern about the provisions in the Bill. The first is the City of Maryborough, which states:

Over the past four years none of the mining ventures operating in this district, ie, in surrounding shires have completed their projects without leaving bad debts in the community. In fact we believe over $2 million is owing to creditors, many of which are businesses based in this community.

The proposed legislation will not only force this rural community to sacrifice parts of its unique bushland greenbelt, it could contribute to the financial hardship of local businesses.

The City of Maryborough says:

My council is not seeking to totally preclude the mining industry from this district. It is striving to have controls which when appropriately administered will protect our community from irresponsible and non-viable mining operations. A win/win situation can be achieved through a more rational means than "opening the gates" through the government's proposed Bill.

The letter continues:

The proposed legislation will allow unviable projects to commence operation, run up large debts and cause environmental damage without proper evaluations beforehand.

The letter also says that the city regards the bonding system for rehabilitation as deficient because it does not reflect the real costs associated with reinstatement works. The City of Maryborough also expresses its concern about the inability of the government to adequately provide the human resources necessary to enforce the provisions of the legislation. The city points out that residents have referred to numerous breaches of the legislation that have not been acted on, either because of a lack of resources or because of what the letter describes as a laissez faire attitude.

Issues raised by the City of Maryborough have been the subject of recent media attention, especially the disgraceful trail of bad debts left behind by mining companies and the belief of both Maryborough residents and the council that the Bill is a threat to the economy of the region. The Mayor of Maryborough has been quoted as saying that:

the council had deliberately introduced planning controls three years ago to ban unviable open-surface mining in the town's bushland green belt.

That has not amounted to an utter prohibition, because it is qualified by reference to open-surface
mining and the bushland green belt. But the Bill will override measures the council has been taking and will hinder its attempts to act in the best interests of the city.

A number of other councils have contacted me about the Bill. The Shire of Lowan sent me a copy of the letter it sent to the Minister, which says in part:

Council is extremely disappointed with and objects to the complete lack of consultation about the proposed changes to the mineral resources development legislation ...

The intrusive form of the Bill's provisions, which proposed to exclude the community and the local council from any involvement in controlling or prohibiting exploration activity regardless of the scale of that activity is an issue to which council objects.

The shire went so far as to request that privately owned land be exempt from the Bill, which would have been a dramatic change. The letter concludes:

The lack of adequate consultation by your government on this and numerous other issues is a major concern and indicates that the government is yet to establish that it is prepared in good faith to consult with constituents.

Amen to that: the shire seems well aware of the characteristic traits of this government!

The Rural City of Marong is concerned that the Bill:

appears to treat mining and mineral exploration as land uses which have priority over all other land uses. The provisions exclude the community and councils from any involvement in allowing exploration activity.

The city is also disturbed by the fact that the Bill will render the Planning and Environment Act ineffective by prohibiting mining on inappropriate land.

Mr Steggall interjected.

Mr THOMSON — We are all obliged to take notice of those in local government who have experience in planning issues. Matters such as these are best resolved if those affected are included in the decision-making process. I do not doubt their expertise in the matter!

The Shire of Bright has supplied me with a copy of a letter it wrote to the Minister arguing that:

these proposed changes have the potential to totally undermine the economic and social fabric of the shire, which, over many years, has been primarily dependent on tourism.

The letter says that tourism accounts for 49 per cent of the income of the Shire of Bright and that vast areas of the shire have been identified as being of Statewide significance. At present mining in any form in those areas is prohibited by the Bright Planning Scheme. The Shire is unimpressed with the idea that its planning scheme will be overridden by the Bill and that therefore it will not be allowed to do what it believes is right.

Correspondence I received from the Shire of Bet Bet before the introduction of the Bill directs attention to the problems caused by what the shire describes as "real estating". Some people have taken out and held onto exploration leases despite making no attempts to work them; and the shire has suggested that the Bill will only exacerbate the problem. I should be interested to hear the Minister — —

Mr S. J. Plowman interjected.

Mr THOMSON — They suggest they already had a problem! On 19 August I wrote to the Minister about the matter and am still keen to receive a response. I will be interested to hear what he has to say about that and the other issues raised by the many shires and councils that have contacted me about the Bill, including the Shire of Stawell and the City of Knox.

The Victorian Farmers Federation, also, has expressed its concerns about the Bill, especially as it affects tailings. The VFF says that the soils and gravels from mining sites should remain the property of landowners. It believes that to give miners the full ownership of tailings would be a major erosion of landowners' rights and would signal the imminent deterioration of valuable pastures. The President of the VFF, Mr Bill Bodman is quoted as saying:

Farmers have every right to expect miners to return the landscape to its original productive use. But if the topsoil and subsoil is sold, this is virtually impossible.

I should be interested to hear the Minister's response to the concerns expressed about tailings. The federation has written to the Minister seeking a number of amendments to the Bill, arguing that the addition of a couple of suggested clauses would allay their fears. I understand the government has
not accepted the amendments, and I ask the Minister to explain why. Other members of the VFF believe the Bill will have adverse effects on their areas of interest.

I have also been contacted by a planner employed by the City of Knox, Mr Boyle, who has told me that many other planners are concerned about the legislation. The Bill should be allowed to lie over until the Minister for Planning has contacted all the people with interests in the planning issues involved, if for no reason other than many people believe the Minister has breached the undertaking he gave to consult them. In particular Mr Boyle objected to the prospect of exploration without notification and the fact that councils and shires will not be able to prohibit exploratory mining in their municipalities. Concern is being expressed in the planning fraternity.

Concern is also being expressed about the environment effects statement (EES) process for major mines that would be under the control and direction of the Minister for Energy and Minerals. Some of the rules governing its operation would not apply and some of the present protections would not be available. I should like to further discuss that matter.

Some of the relevant bodies took their concerns about the Bill to the "all-powerful" Scrutiny of Acts and Regulations Committee, which reported on clauses 22 and 23:

that the substantive rights and procedures under the EES process offer less scope for public objection than under the present planning process.

Further, the Bill removes the opportunity for public input into the planning scheme amendment procedure.

In the circumstances, the committee believes that there is a reduction in rights. The committee draws this to the attention of the Parliament for debate on whether the reduction amounts to an undue trespass or not.

Clearly the Scrutiny of Acts and Regulations Committee, on which the government has a majority, knows there will be a reduction in rights. In the interests of consultation, I met with residents of Maryborough and Bendigo and discovered that the major issue concerning the Craigie State Forest was inadequate site rehabilitation. Some landowners situated down the slope from the mining operations were irate about property damage. Significantly, under this legislation, they would have no recourse to an independent process in which their objections about forest exploration could be heard and considered. The owners of one of the properties I was shown had won various Landcare awards and they were irate about the damage that had occurred.

In respect of rehabilitation, some of the forest sites are no longer suitable for forestry purposes in their present form and there is no realistic prospect of them becoming suitable for logging or other forestry purposes for a very long time. The sorts of species that sprang up following the mining operation are not the species that grew there before the area was mined.

The issue of the Spring Gully Reservoir is alive and well, with or without the legislation. Bendigo Mining NL has established a consultative committee with representatives of various local interests, particularly Coliban Water. One hopes the committee will provide an opportunity to resolve the various land-use issues that the Bendigo Mining proposal raises.

Concern is being expressed about various aspects of the Bill. It was introduced only a few weeks ago and in that time community awareness of its provisions has increased. However, I doubt that the community is as aware as it should be. The opposition’s view, which has been put to the government on several occasions, is that the Bill should be withdrawn and redrafted in the light of the important and legitimate community concerns that have been expressed. As I said earlier, the Commonwealth government’s attitude to land-use issues such as the Mabo decision of the High Court is in stark contrast to the Victorian government’s attitude. Interest groups have not been consulted. They have not had the opportunity to put their views and to have the legislation amended where appropriate.

One of the features that distinguishes the Labor opposition from the government is that the opposition has a concept of public interest. The government thinks only of individual interests and is often unaware of or disinterested in the wider implications of its decisions. Labor’s view is that while public interest is not easy to determine, as a general rule, it is more likely to be adequately considered and supported in an open process involving independent panels than decisions being matters for the Minister and the applicants. The latter is the direction in which the Bill is heading.

The opposition does not support the legislation and believes it should be withdrawn and redrafted to
achieve more widespread community consultation than has occurred so far.

Mr DOLLIS (Richmond) — I support the suggestion of the honourable member for Pascoe Vale that the Bill should be withdrawn and redrafted. It should be returned to the House in a form that does not threaten the Victorian community. Certain aspects of the Bill threaten the State’s planning order. With all due respect to the Minister, the Bill is one of the most reactionary measures I have seen introduced in this House; its implications for land use and planning are without precedent. In many ways the Bill undoes the planning checks and balances that have been put into place over the past two decades. Planning checks and balances were designed to increase environmental protection through assessment of impacts and raising the public interest component. This Bill takes all that away. Instead of coming forward the government, through this Bill, will take us backwards in a major way.

The Bill is reminiscent of a cowboy approach to planning in the State. I am surprised that the Minister for Planning has not already made any comments, given that the implications for his portfolio are quite horrendous. Perhaps the government is in some way seeking to relive the heady days of the Victorian gold rush era of the last century. We all know what happened then. The Bill could be more appropriately titled “How the south was destroyed” or the “Victorian Gold Rush Bill 1993”.

The Minister for Energy and Minerals, who is at the table, would also agree that some of the powers that the Bill gives him are incredible, so far as their effect on the powers of the Minister for Planning is concerned. I shall outline my concerns, which are centred around the planning portfolio.

Not only does the Bill override the Minister for Planning and the Minister for Conservation and Environment, it also overrides the objectives of the Planning and Environment Act. The Bill suggests that it is open slather for mining and exploration for all unrestricted Crown land in the State and that it is not the business of the people of Victoria to have any concern or interest in what exploration or mining takes place and under what conditions. The measure suggests that this is the prerogative of the Minister for Energy and Minerals, and the mining and exploration companies, in some ways through the Minister, have full control of what is going on.

I suggest to the Minister that we have progressed beyond this type of thinking, this very narrow perspective of the past 20 or 30 years. Other authorities, including other Ministers of the Crown, should rightfully be concerned because their involvement will be minimal under the powers that are given to the Minister for Energy and Minerals.

The passage of the Bill is characterised by a lack of consultation. My colleague the honourable member for Pascoe Vale outlined to the House the many concerns that have been expressed to him over the past few weeks. If the number of concerns and protest notes that members of this House have received are taken into consideration, one would think that would be enough evidence to persuade the Minister to reconsider and redraft the Bill.

In discussing the Bill the opposition is forced to become a little repetitive on planning matters; however the government is neglecting fundamental aspects of its consultative role. Consultation means not just talking to interest groups but listening to interest groups, receiving advice and taking that advice into consideration, especially when it concerns such major amendments as those outlined by the Minister in the Bill. I suggest to the Minister that there has been little consultation. If the Minister is thinking about the progress of the State, what he is seeking to achieve can still be achieved but in a caring way that gives him some ability to listen to the groups in our community that are concerned about the legislation.

The Bill has far-reaching implications and as a minimum it requires to be held over to the next session. Not only will this allow us to give the people of Victoria more opportunity to consider the implications of the Bill, but it will prove to the Minister that many sections of our society are not even aware of what the Bill contains. In my discussions of planning aspects and the intrusion of the Bill on the Planning and Environment Act I found that professionals and community organisations were totally unaware of the effect of the Bill on the powers of the Minister for Planning.

I repeat that opposition to the Bill is widespread, including opposition from the Victorian National Parks Association, the Municipal Association of Victoria and local councils. The Victorian Farmers Federation wrote to the Minister and expressed its considerable concern. Individuals across Victoria, in the hundreds if not the thousands, and particularly people in the country, are concerned about the
power the Bill gives to the Minister and the mining companies.

The honourable member for Pascoe Vale covered this ground thoroughly, but I ask the Minister to consider some of the concerns of country Victorians. He knows and understands country Victoria and has represented its interests in this Parliament, so it is illogical for him not to take into consideration the concerns that are being brought to his notice.

My office has received calls from people from Bendigo, Gippsland, Maryborough and many other places who are concerned about the proposed legislation. They are asking me as shadow Minister for Planning about the implications that the legislation will have for planning; more importantly, they are asking why the Minister for Planning has not made any comment on the legislation. It is a major amendment to the Planning and Environment Act, as it has been known, yet the Minister for Planning is either totally indifferent to or not able to express any opinion on the Bill. One way or another, the Minister for Planning comes out of the process very poorly.

I understand that the Cabinet tends to be made up of a fairly competitive group of people, and certainly some Ministers often win arguments over other Ministers, but I have not known of a similar occasion where a Bill has had a major effect on the portfolio of a Minister and that Minister has been totally absent from the debate to explain how he will manage some of the changes proposed in the Bill.

I hope during the remaining debate on the Bill at some stage we will receive some explanation of what the Minister and the government intend to do to the planning powers of the State through the Bill. They know that the Bill suspends the Planning and Environment Act and that this is not in the interests of the people of Victoria, either now or in the long term. They believe in the integrity of the Planning and Environment Act and its objectives, but at the same time — and the Minister for Planning has said this on a number of occasions — the Bill undermines the basis of the Act.

To pass this Bill and ignore the concerns and opposition that were expressed at its introduction is in many ways to underestimate the degree of public support that has grown for the Planning and Environment Act. The Planning and Environment Act was put into place over more than the past two decades. A number of Ministers, public organisations, community groups and individuals agonised over how Victoria should improve its planning process.

The Planning and Environment Act can be seen as a model for the rest of the world. It needs to be improved even further, but in some ways it is a progressive Act and it allows the community to participate in the planning process. So what will this Bill bring about?

The Bill will totally undermine the Planning and Environment Act, which was designed so that people in this State did not have to return to the conditions of the last century. Miners and exploration companies, like all other individuals or businesses, must be held accountable, but the Bill, if passed in its current form, will provide for only minimal accountability, and that is against the basic tenet of democracy in a civilised society.

The government has offered no rationale, reason or argument for the urgency of the Bill and has failed to persuade those who oppose it to support it. The government has not demonstrated why: exploration and mining companies should be suspended; the Minister should be allowed to forgo normal processes to fast-track amendments to the planning scheme; and mining and exploration companies should not be held accountable when everybody else, including the government, is at the end of the day accountable to the community. Unfortunately for the environment of this State it will be too late by the time the people of Victoria have the opportunity of closely examining the Bill, because much of the damage will already have been done.

A closer examination of the Bill shows that the environmental assessment of proposed exploration is not mandatory and will not occur unless roads — to access public land only — or bulk sampling are involved and then only if required by the Minister for Energy and Minerals. This will be limited by an impact statement prepared by the miner. The Minister for Planning and the Minister for Conservation and Environment do not have the power to request an impact statement and are limited to comments on any statements prepared. No public comment is allowed for, and the Department of Energy and Minerals makes the decision. For all other exploration no environmental assessment or permission to clear native vegetation is required regardless of the value of the bushland.

Clause 22 inserts section 42(6), which states:
Despite anything in any planning scheme approved under the Planning and Environment Act 1987, the holder of a mining licence may be granted a permit under the scheme for carrying out mining on the land covered by the licence even if the scheme prohibits that use or development of the land.

I congratulate the Minister for Energy and Minerals for being the real Minister for Planning. The Bill gives the Minister for Energy and Minerals incredible powers because, for the first time in the history of Victoria, it undermines the powers of the Minister for Planning. Will the real Minister for Planning please stand up! We know that we are dealing with the Minister for Energy and Minerals and not the Minister for Planning with regard to the planning powers of this State.

Clearly the Minister for Planning is superseded by the Minister for Energy and Minerals. Although the Minister for Planning cannot stop exploration and mining from taking place, he may make an amendment to any planning scheme to facilitate the carrying out of mining on land covered by a mining licence. What a luxury the Minister for Energy and Minerals has, and I congratulate him on the clever drafting of the Bill.

In suspending the usual requirements for public notice, exhibition, panel hearings and so on, it is of small comfort to the people of Victoria to see in clause 22 that proposed section 42(14) does not override the power of Parliament. I suppose it provides some comfort to know that the Minister has not become more powerful than Parliament. Parliament has an overriding authority even over this Bill, so that is a positive aspect for the balance of power.

I come back to the purpose of the planning requirements, which is for significant effects of the environment to be taken into account and to provide the basis for sound strategic and coordinated planning. In the past few weeks we have been hearing that the government is interested not only in coordinating its planning processes but also in strategic planning. How can one seriously imagine a government being able to plan not only in the strategic sense but in any sense of the word if the Minister for Energy and Minerals with all the powers given to him by the Bill can interfere with the planning process?

The new provisions inserted by clause 22 also remove anyone's right to legally challenge the Minister for Planning for failing to comply with the Planning and Environment Act. What a way to do it, Minister! The Minister for Planning always wanted to know that he could avoid any challenge to his authority as a result of the Planning and Environment Act, but I did not think he would be able to achieve it through this Bill and through the superior position that the Minister for Energy and Minerals is obtaining.

The Bill also allows mining by one of three mechanisms regardless of any prohibition or conditions required under a planning scheme. These mechanisms are: firstly, by planning permit. This is likely to be used for small operations and will be the only mechanism whereby local councils will have direct involvement. The honourable member for Pascoe Vale spoke about the concerns of the Municipal Association of Victoria in that respect. The mechanisms enabling local councils to have direct involvement are few and far between.

Secondly, it can be done by an environment effects statement, but this is likely to be used for larger projects. The purpose is to replace any planning permit and action by other means such as an Environment Protection Authority licence appeal or permits under the Flora and Fauna Guarantee Act. This process assumes all environmental issues can be adequately dealt with at the outset. I have not seen many examples of environmental issues being adequately dealt with under existing legislation, let alone by this one.

The third mechanism is by fast-tracking planning amendments by the Minister for Planning on the recommendation of the Minister for Energy and Minerals. Although this method may be used in conjunction with the environment effects statement process, it does not have to be. As for exploration, I point out for the attention of the Minister for Energy and Minerals, given that his colleague the Minister for Planning is not here, that the Minister for Planning will be exempt from all those parts of the Planning and Environment Act which require public notice, exhibition and panel hearings, require the Minister to take account of any significant effects on the environment and impose a duty on the Minister to implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning.

The Bill removes the right to legally challenge the Minister for Planning for failing to comply with the Planning and Environment Act. It is clear that the Minister's responsibility under that Act cannot be carried out because the Minister for Energy and
Minerals has managed to legally overwrite that in this Bill. I want to know why the Minister for Planning has refused to comment on this matter, especially after outlining how this Bill intrudes in a major way on the Planning and Environment Act. It does not make sense and Victorians want to know why that is so.

Shifting the responsibility from the department to an operator could seriously jeopardise standards. I will be interested to hear what the Minister for Planning has to say about ensuring that certain standards do not go out the window, particularly if endorsements are beyond the limited resources of his department. The reality is that this Bill envisages that exploration, regardless of its likely impact, will not be subject to planning requirements, will be free of any conditions specified under the planning schemes and will be able to take place in areas in which it is currently prohibited. I am talking about the Minister for Planning not having any power to intervene on any decisions that affect the Act for which he is responsible. I am talking about bulk sampling, wide trenches, intensive drilling programs and associated road making.

People may argue that there is no possibility of mining exploration in Victoria and question why people are concerned. Because he is a caring Minister, the Minister for Energy and Minerals will ensure that exploration takes place away from sensitive areas and will at the same time ensure that people know what quarrying is taking place in Victoria. It has been suggested in this House on a number of occasions that the Minister for Energy and Minerals and the Minister for Planning and their colleagues in Cabinet do not agree on what should happen to the Barro quarry in Gisborne.

Debate interrupted.

DISTINGUISHED VISITORS

Mr DOLUS (Richmond) - That was indeed a pleasant interruption, and I also welcome the delegation.

Mr S. J. Plowman interjected.

Mr DOLUS - That is the first time the Minister has agreed with any of my comments.

Mr Gude - It is the first time you have made a sensible contribution today.

Mr DOLUS - That is rich, coming from you. I suppose you could not resist the temptation.

The SPEAKER - Order! The honourable member for Richmond should address the Chair.

Mr DOLUS - The debate was going along quite well until the Leader of the House made that provocative comment. I do not know whether he has been flying high in a helicopter today inspecting his electorate, but he should avoid those flights.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I apologise for interrupting the honourable member for Richmond, but I have the pleasant duty of welcoming to the Legislative Assembly the President of the National Council of Switzerland, Mr Schmidhalter, and the Secretary-General to the National Council of Switzerland, Mrs Anne-Marie Huber-Holz. They are accompanied by the Swiss Ambassador and the Consul-General to Victoria. On behalf of the Legislative Assembly I welcome you warmly.

MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed.

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The SPEAKER — Order! The honourable member for Richmond’s comments are no longer relevant.

Mr DOLLIS — It is hard to ignore the comments of the Leader of the House, but I will get back to the Bill. This legislation should not have been put forward. Country Victorians have indicated clearly that they are concerned. Environmental groups and the Municipal Association of Victoria (MAV) are particularly concerned about the effect the Bill will have on the Planning and Environment Act. I call on the Minister to consult the Minister for Planning, if he has not done so, and recognise that the Bill subverts that Act. If it is the desire of the government to subvert the Planning and Environment Act, that should be debated openly. In that case the title of the Bill should not be the Mineral Resources Development (Amendment) Bill but rather the Planning and Environment (Amendment) Bill because it amends the powers of the Minister for Planning.

There is still time for the Minister for Energy and Minerals to consider the concerns of the opposition,
withdraw the Bill and take into account the fears of
country Victorians, the MAV, the Victorian Farmers
Federation and environmental groups. The Minister
has time to follow that course and introduce to the
House before the end of the session a Bill which will
allow mineral exploration in this State and which
has the confidence of everyone. He should consider
the legitimate concerns and fears across the State
and ensure that he cannot intrude on, interfere with
or subvert the provisions of the Planning and
Environment Act.

Ms MARPLE (Altona) — The shadow Minister
for Energy and Minerals, the honourable member
for Pascoe Vale, explained the many concerns of the
community about this Bill. He also said that the
legislation should take into account the public
interest rather than the concept contained within this
Bill — that is, the winner takes all.

The honourable member for Richmond said the Bill
is reactionary legislation that cuts across the public
interest and gives the Minister for Energy and
Minerals many powers while cutting back the
powers of the Minister for Planning and the Minister
for Natural Resources. The opposition calls on the
government to withdraw the Bill, review it and open
up the matter for public discussion. The Minister for
Planning and the Minister for Natural Resources
should have an equal say on how the environment
and mining are managed in Victoria.

Mining has played a big part in the development of
Victoria and it will play an important part in its
future. Previous speakers have mentioned that the
development of Victoria is based on mining for gold
and other minerals and the clearing of native bush
and grassland for farming. Although there is no
doubt that Victoria’s development and prosperity
owes much to both of those industries and their
exploitation of Victoria’s natural resources, there is
also much evidence that both industries have left a
legacy of degradation that has caused a change of
attitude in the community. Although the cost of such
degradation is difficult to estimate, I am sure that all
honourable members are aware that it runs to
billions of dollars.

Successive generations have had to pay for that
degradation and many people have become
committed to that cause. As the honourable member
for Richmond pointed out, legislation that was
developed and has operated over the last two
decades was designed to improve our record on
these issues and to ensure that similar degradation
does not take place in the future. A growing
community interest in both rural and urban land
issues has resulted in a strong commitment to the
environment and particularly to the conservation
and restoration of the natural environment.

The farming industry has reacted to community
concerns and is behind changes in practices to
enable the land to be exploited in a sustainable way
while also yielding great profits. The farming
industry has also demonstrated a commitment to
Landcare programs.

The mining industry does not have quite as good a
record. In many areas around Victoria restoration
work by the mining industry has been of little, if
any, benefit. The growing interest in the
environment demands that we pay attention not
only to how we mine the land but also to how we
restore the damage done by mining. In the past
legislation has been introduced to cover planning
and conservation issues and the departments
responsible for administering that legislation have
been dedicated to ensuring that we protect our
investment and leave a worthwhile legacy for future
generations.

For the same reason, local government bodies have
reacted to the interest in planning and environment
by setting aside conservation areas with restrictions
on the types of buildings and mining permitted in
those areas. That demonstrates that in many ways
there have been attempts to plan the future use of
Victoria’s land and resources for the benefit of both
current and future generations.

It is important to involve people from various areas
of interest — local government bodies, local
communities, people who work in the areas
involved and those with special concerns and
interests — in the exploitation of our natural
resources. Although it is hard and sometimes
frustrating work — that process of consultation and
working through issues results in the accrual of
benefits — it is worth the effort as it ensures that we
do not leave the land degraded, as has happened in
the past.

The Bill cuts across that concept of community
involvement; it ignores land-holders and local
government. As was pointed out by previous
opposition speakers, there has been strong reaction
to the Bill. Although it should not come as a surprise
that local government bodies and land-holders are
being ignored by the government — that has been
evident in other government actions — this Bill is
the most blatant example yet of that attitude. The
Bill is also based on a false premise that mining will be the economic panacea for Victoria, which is perceived as a basket case.

I do not believe either of those myths. Victoria is not in as bad an economic state as has been alleged by the government. Much of the government's legislation is leading the citizens of Victoria back down the track of exploitation at all costs and of having no consideration for the future. Providing the mining industry with an open gate to Victoria's known and unknown natural resources will not bring prosperity for all. I do not oppose the mining industry carrying out exploration and putting a case to the government that mining of a particular resource will benefit the State, but it is turning back the clock to allow the industry open slather.

The Bill does not provide an appropriate way of opening up areas of Victoria for exploration. Mining should be considered in conjunction with other industries that bring prosperity to the State. I refer particularly to tourism and farming, both of which depend on Victoria's natural resources and the talent of its people. In addition, both of those industries are taking steps to ensure that we have an environment that is admired by locals, people from other parts of Australia and overseas visitors.

The shadow Minister for Energy and Minerals was able to quote from many letters from local government bodies that are concerned about allowing open slather access for the mining industry. It is important that all local government bodies and the public at large should be involved in developing legislation that allows the mining industry to live alongside rural industries and to exploit our mineral resources while leaving the land as near as possible to its original state.

As a member of the Environment and Natural Resources Committee I have heard the view of some government members that because the environment has been damaged by man — and it has usually been men — a little more of the same will not matter. That is wrong! The fact that man has caused degradation is all the more reason to consult and be vigilant about the environment.

Currently the committee is looking at the extractive industries to determine how they can be managed in a more environmentally sensitive manner. I should have thought it would be appropriate for the Bill to be put aside for a time to allow the committee to report.

Mr S. J. Plowman interjected.

Ms MARPLE — I understand that it is a different Act, but the legislation and industry are similar. We can learn from each other; we can look at legislation, share the information and develop our own provisions accordingly. It seems to be a foolish waste of resources to have people beavering away learning about the extractive industries, to take no notice of their work and at the same time to propose other legislation.

Mr S. J. Plowman interjected.

Ms MARPLE — Your government has asked the committee to look at it again. Are you saying the committee's work is a waste of time?

The SPEAKER — Order! I must ask that this conversation cease.

Ms MARPLE — Many organisations, including the Victorian National Parks Association, have expressed concern about the powers the Bill gives the Minister for Energy and Minerals. It downgrades in particular the roles and the departments of the Minister for Natural Resources and the Minister for Conservation and Environment. It ignores local people and councils: it reduces the rights and freedoms of many Victorians in the name of mining. The removal of exploration activity from planning controls regardless of the likely impact means that mining can take place in areas where it is currently prohibited. Private land-holders, and you and I as owners of Crown land, could have intensive drilling programs and associated roadworks taking place on their land, land that everyone wishes to have preserved or used in its current manner. The Bill leaves certain areas of public land such as national parks alone. However, much Crown land is vulnerable. This will allow the mining industry to function without controls or overview.

Victoria already has a legacy of more than 100 years of degradation from mining. Former governments developed planning procedures to conserve natural resources. The public should be assured that governments will watch over the environment by calling for environment effects statements on land that is likely to suffer the impact of mining exploration. The Bill does not do that. The only assessment will be an environment assessment statement for bulk sampling and road making on public land, and that will be an in-house assessment. The environment assessment statement is not mandatory and does not allow for public input or
independent assessment. If we all trusted the mining industry and everything was fair in love and war, it would be all right. However, many examples have been provided that would lead most people to believe this to be a risky undertaking.

The Bill unduly stomps on the rights and freedoms of people; they cannot object to the issuing of exploration licences. A 21-day objection period is allowed, but that is no substitute for the removal of planning procedures. By requiring notification to be published in newspapers the government thinks everyone will know what is happening. However, the majority of people do not read newspapers to find out about the notifications; they are usually found in the back pages. The land-holders who are directly affected will not be notified individually. It is imperative that people know what will happen to their land, the land beside them and the public land in which we all have an interest. After licences are obtained the work programs of mining companies often change, and there is no public notification. The Bill does not provide for objections to such changes.

People have expressed concern about the removal of enforceable codes of practice. As the honourable member for Pascoe Vale said, that will be disastrous for many areas, particularly the ironbark areas of central Victoria. The Bill is about fast-tracking mining for Victoria. Many people and organisations have objected to many provisions in the Bill.

On 24 September 1993 Jenny Holmes, who is from Great Western and a member of the mining subcommittee of the Victorian Farmers Federation (VFF), had a letter to the editor published in the Wimmera Mail-Times, which states:

In other words, exploration and mining will become “as of right”. Mining companies will have carte blanche to rape and pillage Victoria’s farmland with little or no say from the legal titleholders, and apparently no right of appeal.

This is a travesty. This is a betrayal.

The president of the VFF, Mr Bill Bodman, wrote to the Minister saying that the federation wished to explore many issues, including royalties, tailings, insurance, the period for renewal of exploration licences and the repeal of the codes of practice. The federation acknowledged the need for the streamlining of the licensing process. I also acknowledge that such processes get bogged down. The federation believes, as do many others, that mining will be successful only if the rights of land-holders are strengthened and carefully administered.

Careful administration is an interesting area, particularly with a government that is intent on cutting back the Public Service. One must question how a department will carefully administer a Bill that should have the environment as one of its major concerns.

The honourable member for Pascoe Vale also mentioned the extensive correspondence from various local shires and councils expressing their concerns about this Bill. Anybody who has had anything to do with rural Victoria, especially the mining areas, would know about the fly-by-night miners and how underfunded mining companies leave the countryside in various forms of degradation.

The Municipal Association of Victoria has also expressed concern about the Bill. When the Minister for Energy and Minerals closes the second-reading debate, I hope he will respond to the many letters that the opposition knows have been sent to him.

The Bill should be withdrawn or, at the very least, held over so that the community can be consulted on issues that previous speakers and I have raised in the debate. The government should listen to the views of many Victorians who are concerned about the environment. We all want our natural resources to be developed in the best possible way so that the State can achieve a profitable return.

It is one thing for the government to permit mining companies to have open slather; it is another to ensure that the benefits are returned to Victoria in the best possible way. It is important that the various interest groups, whether they be local government, conservation and environment, farmers or others, are consulted on the Bill.

Most people who wrote to the shadow Minister said they had not been consulted and had little knowledge of the Bill. They said that if the shadow Minister had not written to them they would not have known that the Bill had been introduced into Parliament and was due to be debated today.

Many members of the community have wide experience and knowledge of how our land works and how it should be managed. It is important that we properly manage Victoria’s great assets and natural resources. Those people associated with local government, conservation and environment
groups and rural areas know a great deal about how to manage the natural resources of our State. We must take those matters into account so that Victoria can move forward. If the Bill is modified the State will be able to use its natural resources to benefit Victorians today and those who will be living in the State in 100 years.

Mr W. D. McGrath (Minister for Agriculture) — As Minister for Agriculture, I also wish to join the debate on this important Bill. It has been said that mining and farming are not compatible. However, over a long period the Minister for Energy and Minerals has been extremely thorough in consulting with the community and working through issues with mining and farming interest groups.

Although the opposition has criticised the amount of consultation that has occurred, much of it took place long before the Bill was introduced into Parliament. Governments do not simply introduce a Bill and say that that is what it wants. There is often consultation with the community over a long period before the Bill reaches the stage of being approved in principle. As the drafting instructions are prepared there is ongoing consultation and ultimately the Bill is introduced into Parliament.

The opposition is being unreasonable in suggesting that there has been insufficient time for consultation. The Bill was introduced into Parliament on 7 September, some seven weeks ago. If there were significant problems with the Bill I am sure that those matters would have been forthcoming within two or three weeks and would not have taken seven weeks to be raised.

It is important that the government and all Victorians know whether there are minerals under Victorian soils and what they are worth. For some time I have been closely associated in negotiations with Wimmera Industrial Minerals, a subsidiary of CRA Ltd, about a proposal to commence a mining project in my electorate. At that time the farming community and a number of individuals had reservations about the project but over a period their opposition ceased. Due to a significant drop in world prices the mining development has been put on hold. A former Labor Minister, the Honourable David White, was excited about the development and its potential for the Victorian economy. It is pathetic for the opposition to come into the Chamber and say that it is unfair or unreasonable to have this legislation passed by Parliament.

The Bill will allow mining companies to undertake exploration in an attempt to discover what minerals are available in certain areas of the State. It will require them to consult with the farming community or individual farmers and consider the appropriate compensation. The companies will consider an overall work plan and any rehabilitation practices that would have to be undertaken on completion of the exploration. Subsequently if they discover that a resource is of value and that a mining operation is worth pursuing, they will undertake an environment effects statement. That is the appropriate time for the local government authority, district organisations or environmentalists to have input into the environment effects statement before the plan to allow full-scale mining goes ahead.

I suggest that Victorian farming and mining interests work well together. It is important to widen the economic activity base of the State. Over the past few years that has been limited. In the early days Victoria had significant results from mining but over the past 30 years little mining activity has been going on in Victoria. It is important to discover what minerals are available and whether they are accessible. We must ascertain whether mining activity will return an economic activity, provide job opportunities and ultimately produce wealth not only for the mining companies but also for the Victorian economy.

For some time we have been heavily dependent on the farming community and on agricultural pursuits as a significant economic generator for the State. From time to time sections of the agricultural industry, as is now occurring with the wool industry, stumble and have to wait some time before moving from the bust to boom situations. For some time the boom and bust situation has been a significant element in Victorian agriculture.

When the agricultural economy experiences a bust, not only are individual farmers in trouble but also the general economy suffers considerably. I represent many small towns. When the agricultural sector is down, those towns and their businesses suffer. It is in Victoria's best interests to pursue the goal of widening the State's economic base. The legislation contains ample safeguards to ensure that everyone gets a fair go.

Mr Thomson — You don't know yet.

Mr W. D. McGrath — I return to my original point. When he was the responsible Minister, David White in the other place expressed concern about the
conflict between miners and those pursuing agricultural activities. In the Wimmera those concerns were sorted out by consultation. This legislation achieves a similar scenario.

There has been ample time for consultation; the honourable member for Pascoe Vale is simply trying to introduce a red herring by saying the legislation should hang around and wait for more people to put their cases.

Had people been anxious to express their points of view about the legislation they would have done so through the responsible Minister, the Victorian Farmers Federation (VFF), environmental groups or the Victorian Chamber of Mines. All those avenues are open for community input. I have had consultations with the VFF and the farming community to ensure that, from an agricultural point of view, everyone is at ease with the proposed legislation. Now Victoria can move forward with confidence to ensure that mining and farming can cooperate in the best interests of all Victorians.

Mr MILDENHALL (Footscray) — I represent an area that is located some distance from where most mining activity takes place. Parliament should recognise the important principles put at risk by this legislation. Those principles should have guided the authors of the Bill in a different direction.

As previous speakers have said, the Bill is flawed. In addition, it unreasonably reduces the powers of councils and, correspondingly, reduces the rights of landowners and farmers. The House has just heard the Minister for Agriculture refer to the perspective of the farming community. The Bill significantly reduces the ability of interested parties or individuals to subject mining activities and exploration to greater public scrutiny.

There is also a strong likelihood that the legislation could have a significant impact on local and regional environments. Rather than the economic boon hoped for by the government, various correspondents to the government and the opposition have expressed concern that the legislation may have an adverse impact on local economies.

Previous speakers said the consultative process leading to the preparation and introduction of the Bill was inadequate. In my short experience in this place it has been rare for the Victorian Farmers Federation to be very strong in its criticism of the government. This is particularly so given the background of many members of the coalition parties. However, it has become commonplace for honourable members to hear strident criticisms of the government’s activities by municipal councils. The overriding of and arbitrary interference in the activities and powers of local councils have become the hallmark of this government.

Another major difficulty about the consultative process is that many of the interested parties who would have liked to participate in the formulation of such a measure did not have the opportunity to do so. The Minister for Agriculture just told the House that seven weeks has elapsed since the introduction of the Bill. As I understand it, the discussions held during that time were in the nature of reaction to the Bill.

According to my definition, consultation means not only listening to points of view and the advancement of opinions by organisations and interested parties, but also responses from the government. One would have hoped the government would acknowledge the validity of some of the many sensible suggestions made by municipalities and interested parties such as the field naturalists’ clubs and the Victorian Farmers Federation. From all the correspondence and the wide-ranging reactions to the Bill one would have hoped that at least one or two of the items may have been picked up by the government and amendments incorporated in the legislation.

The impact of the Bill on municipal councils’ planning powers in particular has been well described by previous speakers. I refer to two examples: firstly, the justification for the rather significant reduction in municipal council powers; and secondly, whether the approach of removing one tier of government from the action is justified under the circumstances and, indeed, whether it is an appropriate way to proceed.

The second-reading speech implied that a yardstick of the adequacy of the legislation ought to be the economic benefit that it brings to the State. That is an inviting and potent question. What is the potential for increased mining activity? Surely the Minister should have provided a rationale for the overriding of the planning powers which, as the City of Maryborough so eloquently pointed out, protects a highly valued green belt around that municipality. I am well acquainted with Maryborough and its environs and I do not believe I am being unkind when I suggest that the city has seen better times. It is down in the mouth and does not have many
appealing landscapes or other qualities about it. The ironbark forest surrounding the municipality is of great significance to Maryborough and is one of the few endearing environmental qualities in that part of central Victoria.

The City of Maryborough has provided sound arguments about the value of the forest. Given the history of what a correspondent has called the cowboy element and the devastation, waste and inappropriate business activities in that area, surely the government could have provided information about the possibility of undertaking mining activity, particularly in that part of the State.

It is ironic that the Minister for Agriculture referred to a potential mining development in the Wimmera. He said that the former Labor government had put great store in that mining development and that the then Minister for Manufacturing and Industry Development, Mr White, had advocated that when economic conditions turned around the area would receive substantial benefits.

I am concerned more about the goldfield areas of central Victoria because they could be affected by the legislation. I believe most goldmining activity will occur at a renewed level as a result of the passage of the Bill. The government should justify the range of measures it is proposing so that the community knows the potential that exists for economically responsible mining activity.

Mr S. J. Plowman — Do you want that to happen?

Mr MILDENHALL — All members want viable environmental economic mining activity to occur. However, is the substantial reduction in the role of municipalities in this process justifiable and is it the most efficient way to operate? During the past few weeks the government has caused some communities to believe that they do not have a right or an invitation to participate in the decision-making process, and when that occurs one is more likely to react negatively out of frustration. That is what municipalities feel about this process.

The correspondence from the City of Maryborough is most telling because it clearly expresses its willingness to participate in the decision-making process in its immediate environs. It welcomes the opportunity of participating through the use of planning schemes and other mechanisms that are already in place in proposed mining activity. I should have thought that the government could adopt a case management approach, as is occurring in other areas of government. The community wants to navigate the right course through the various permit applications, the types of checks and balances that currently exist which have been drafted over the years and have taken into account the sensitivities of all groups and communities and which reflect the range of concerns in those communities.

As the honourable member for Pascoe Vale put so eloquently earlier, instead of the government undertaking a blind and predetermined exercise to remove a large number of the potentially interested parties from the permit process because of a crudely held view that there is too much bureaucracy, that it is too green and that the bureaucratic process is not effective, it should have adopted a different approach.

Instead of accepting that on face value — a result of some lobbying activity that obviously had an impact — we could have looked at the critical part for approval. We could have looked at the steps required from a point A group to a point B process, from the initial inquiry through to approval, and see how that process could be streamlined without taking away people's rights. We could have looked at how project management or facilitation could not only assist that process but also overcome the difficulties some correspondents have observed.

I direct to the attention of the Minister some of the comments about not only the inadequate inspection process and enforcement of existing provisions of the Act but the potential for fragmentation and lack of coordination over the years because of the number of parties involved. A lot of these difficulties can be overcome through appropriate consultation, provided particularly by public servants, to help applicants move through the process.

That approach would also overcome another concern raised by the City of Maryborough: that this field is inhabited by fly-by-nighters and operators who are engaged in fairly speculative ventures who run up bills in the town and then shoot through without carrying out adequate rehabilitation, without paying their bills and without providing adequate compensation for the damage they have done.

The Maryborough City Council suggests that an adequate initial viability assessment could be devised so that some of those concerns could be met. I appreciate that it is not the inclination of this government to adequately resource such processes.
MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Tuesday, 19 October 1993

ASSEMBLY

The inclination of the government is to downsize, it is to not value-add through the role of the Public Service, and it is not to facilitate these projects. The inclination of the government is to take a hands-off approach, and the inevitable consequence of that lack of scrutiny, that lack of involvement and that lack of attention to detail is that it opens up the field to more of the cowboys, as the mining subcommittee of the Victorian Farmers Federation has described them in its correspondence, which interestingly echoes and complements the concerns of the City of Maryborough in a quite unusual alliance between the concerns of the agricultural sector and regionally centred, urban-based environmental considerations.

So, I suggest to the Minister that there is an entirely different process that could have been much more effective in bringing about a quality outcome than just the removal of certain players from the field and the marginalising of their potential involvement in the mining approval process.

I should have thought the Bill would have required greater justification, considering the comments that appear in Alert Digest No. 14, which sets out the findings of the Scrutiny of Acts and Regulations Committee. The committee agreed with certain of the correspondents, the National Parks Association and the Victorian Farmers Federation that clearly there is a reduction in rights. It also says:

The committee draws this to the attention of the Parliament for debate on whether the reduction amounts to an undue trespass or not.

I should have thought there would have been an onus on the government to comment on that and to justify that reduction in rights, particularly as the Bill deals with individual rights to object in the environment effects and environmental impact statement process.

I take up the remarks of the Minister for Agriculture about partnership and the need for farmers and miners to be able to work together to achieve results that are in the interests of both groups. I should have thought — and this is certainly not the type of relationship of which there has been any evidence thus far under this government — given the high hopes and expectations and the plans of this government for more tourism activity and the projected increase in Victoria's national market share, that this legislation could have embodied a much more sensitive relationship with environmental groups.

One of the most telling pieces of correspondence we have received is from the Bendigo Field Naturalists Club. Obviously, that club is dedicated to its local environment, and I think it is fair to anticipate that it will be around a lot longer and have a much greater commitment to the landscape and the environment than many of the miners, who, having taken out permits — I do not want to reflect on them too unkindly — are prone to be here today and gone tomorrow.

Certainly a group such as the field naturalists club represents a certain perspective, and its views should have been considered in more detail. One of its main concerns is the deletion of the requirement for adherence to a code of practice, which it describes as a public document in which miners declare their intention to minimise ecological disruption and environmental degradation and the extent of their commitment to rehabilitation and the return of benefit to the community. It also speaks of other components of the rehabilitation process and argues that the process includes progressive rehabilitation while mining proceeds on other sites and a better appreciation of the need for a much higher quality of rehabilitation.

It is precisely groups such as these environmental bodies who are our greatest advocates for the development of tourism and the preservation of areas around which tourism activity is based. I would have thought that "complementary economic strategy" includes not only, "Let us look at facilitating responsible mining," but also, "Let us look at complementary responsible economic targets in a different direction". I am yet to see any evidence of that link being made or that in any part of the developmental process the equation of diminution to the landscape and its impact on tourism has been taken into account. Given the Minister's view that the yardstick of this type of Bill is its economic benefit, there ought to have been greater focus on that aspect.

My main concerns are the well-documented consultation vulnerabilities of the Bill, the project facilitation provisions and the economic strategies involved.

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

Mr THWAITES (Albert Park) — The first question one needs to ask in this instance is: why is the government introducing the Bill? There can really be only one answer: to reduce environmental
and planning safeguards currently applying to mining.

The Minister's second-reading speech, the speeches in this place and the publicity on the Bill show little evidence of a need to reduce the proper environmental and planning safeguards, but the Minister seems to be saying by his interjections from the table, "Don't you want jobs?" and "Don't you want to improve the economy?" That really reflects the government's attitude to environmental issues — that the economy on the one hand and the environment on the other are antagonistic and that proper environmental regulations antagonise an improvement in the economy.

Of course, that is completely incorrect. Victoria, Australia and the world need to understand that proper environmental planning and a good economic outcome go hand in hand. It is interesting that in the Minister's press releases and elsewhere he talks about planning constraints. Pejorative words are always used when describing planning or environmental issues, yet we have only to look at the situation in other countries where environmental issues have been ignored to see that in many cases the long-term economic outcome is detrimental and negative.

I am sure the ranchers in South America who are tearing down the Amazon rainforest say that it is the only way to provide jobs. At the same time I am sure the leaders of the factories in the former Soviet Union, when constructing the environmentally polluting factories, said that they could not implement environmental controls because it would slow down the Russian economy and the five-year plan.

But now we are seeing the consequences. The Russian economy is suffering enormously because of the environmental disaster created by the factories. In the short term their construction led to jobs, but in the long term it meant economic disaster.

Mr S. J. Plowman — Where does this Bill threaten the environment?

Mr THWAITES — In South America the whole continent and the economic health of the world is threatened by the actions of the ranchers, yet this Bill, as admitted by the government, reduces the planning constraints. They are there for a good reason: before we make a decision to mine an area or build a factory or clear a forest we assess it against a set of known criteria.
planning process. The Minister says that that is not correct, but why introduce the legislation? If the Minister is not reducing the stringency of the planning process what is he doing? If the Minister says there is an environment effects statement — as I will explain later, that is not required — he may not know that a planning scheme amendment panel can sit at the same time as an EES is being examined. That often happens. Therefore, the current system does not lead to a multiplicity of hearings, as was suggested by some honourable members. A planning panel is appointed and it makes recommendations, but at the same time the EES is heard — that is a real benefit.

The EES process is limited when compared with a planning panel process because the panel allows neighbours, economists and local councils to have their say. All those groups have something to offer. They can make real contributions so that at the end of the day, instead of the decision being made by the Minister for Planning, who may not have a great facility in the areas of mining or economics — —

An Honourable Member — He has certainly cleaned you up!

Mr THWAITES — He may have a great facility during the debate on the adjournment but he may have little facility in the area of mining or understanding what is best for the rural community. Rural communities have been referred to today. Honourable members opposite purport to represent the rural community and have claimed that members of the opposition do not represent it, but how much representation is the rural community getting on this Bill? Very little!

A number of letters expressing great concern about the lack of consultation have been read to the House. Country newspapers have said that it would be better if the process were slowed down. Consultation should take place before the Bill is slammed through.

Farmers and others are concerned because their livelihoods will be affected by exploration and mining. Jobs for miners may be at the expense of neighbouring farmers or of tourism developments. A country tourism facility may be developing successfully when a miner gets a licence to explore in the vicinity without any opportunity for the tourism facility to have a say. The tourism business may be undermined by what is occurring next door.

Under the current system a planning panel can consider the economic effects of exploration and mining. The environment effects process does not consider those economic facts, which makes it much more limited. A panel could hear submissions from the tourism operator about the effects of an exploration process on his or her business because of a road being built, trees being felled or bulk sampling being carried out, which would cause an economic loss. An argument against exploration could be put to the planning panel and arguments in support could be put by the miner. It may be that the miner would be successful because his argument is valid, but at least an opportunity will be given to the neighbouring facility to have its say.

Alternatively, a local environment group can have some input. There are local environment groups throughout Victoria. My brother is the secretary of a Beechworth environment group and he recently expressed grave concern about these issues. Environmental groups should have the opportunity of having a say. The government is not prepared to consult because it will slow up the process. We have not seen the statistics, but if the process were slowed up a little, at the end of the day the decision would result in a better outcome environmentally and economically. For those reasons it is in our interests to maintain the current system.

Until one ascertains the effect of intensive drilling, bulk sampling, removal of trees and the installation of wide trenches one may believe exploration is a minor matter that has no real effect on the environment. Under the legislation the Minister for Planning will be able to amend a planning scheme without consultation and without public exhibition of the planning scheme amendment. That can lead to exploration being commenced without the community knowing about it.

Environmental assessment is not mandatory and it will not occur unless certain other criteria are established. The environmental assessment is limited to the EES, which is one of the weakest environmental safeguards I have encountered. No public comment is allowed in the preparation of the statement. It is prepared by departmental bureaucrats, presumably under the approval of the Minister.

The provision on rehabilitation is unclear. As honourable members will be aware, once exploration is completed, unless proper rehabilitation takes place, the land is affected detrimentally for many years. An appropriate
regime is needed to ensure rehabilitation requirements are complied with.

I now turn to the mining side of the licensing system. As I understand it, there will be three mechanisms under which mining will be allowed, and the first is a planning permit. I am satisfied with that because it at least allows for council involvement. If that were the only provision included in this Bill I would not be complaining, but it is only one of three alternatives.

The second alternative is an environment effects statement. The concern about an EES is that it is a limited process in comparison with the planning scheme and it does not allow for consideration of all relevant factors, including economic factors.

The Planning and Environment Act provides that a number of criteria can be taken into account by a planning panel, including economic and social factors. That is important because it may well be that mining will have a social impact in a particular area. As the Minister says by interjection, the impact may be advantageous. The point I make — once again this indicates the government's blinkered approach — is that the government assumes that any planning regulation will be negative.

The Minister is right when he says mining may have advantageous effects. In such a case evidence would be put to the planning panel and that panel would make a recommendation, presumably in favour of mining. That is the point: the planning-panel approach allows the advantageous aspects of mining to be considered, but the government's proposal denies people the right of putting forward the social, environmental or economic effects of mining. People will be flailing around in the dark, which is what the government prefers to do.

The environment effects statement also does not allow those who are concerned about a mining application to have their say. It is limited in its structure and in those who can make a contribution. Many people have made valid contributions to the planning panel amendments in relation to mining in this State. Those contributions were not limited to the miners; local environment groups, municipal councils, neighbours and farmers have made valid contributions, yet it seems that the government wants to silence them.

The final way a mining enterprise can proceed under this legislation is by fast-track planning amendments. I am concerned about the precedent the legislation sets. The government wants development and jobs, as we all do, but it is prepared to achieve development by removing the safeguards in the Planning and Environment Act. Why not get rid of the safeguards in the city as well? Why not get rid of the whole system? Why not go to the system used in some American cities, such as Houston? There are almost no planning regulations in Houston; it has thrown the planning book out, and that has resulted in disaster with employment being adversely affected by the lack of planning.

Some pathetic comments are made against municipalities that are doing a good job in planning, and the administration of the city of Houston regrets the fact that for many years planning schemes did not apply and that there was no proper planning.

Los Angeles is another city that is suffering because of a lack of planning. The reliance on the motor car in that city has led not only to environmental disaster but also to economic disaster for that city. The city is now introducing public transport because of the major problems caused by the reliance on the motor car.

In all those cases the actions taken were justified by government administrators saying that certain action had to be taken for the sake of jobs and the economy. That is what we are seeing in this case. The government has no evidence to justify its action; it is simply saying it is doing it for the economy. It is an ideological position, perhaps based upon advice that has been received. I am sure the government has received advice, but I am concerned that it has received it from only one quarter and is looking after only one group. As a result, the decisions are not nearly as good as they should be.

The Flora and Fauna Guarantee Act has been referred to. That legislation was introduced by the previous government and has been generally supported. It has been something of an example for the rest of the world, and other jurisdictions have shown a great deal of interest and support for it. This Bill removes the requirement under the Flora and Fauna Guarantee Act for permits for the destruction of protected plants in certain cases.

That is another example of throwing out something that is important for an apparent advantage. There is no evidence that the provisions of that Act are causing problems for miners in Victoria. The second-reading speech provides no evidence of that, and I would think that most miners would be happy to comply with the provisions. They are not particularly onerous and apply only in limited and
rare circumstances. It is almost as if anything introduced by the previous government is to be thrown out just for the sake of it.

The enforcement of licence conditions under the Planning and Environment Act by local councils has been referred to, and that is another limitation contained in the Bill.

The member for Footscray referred to the Scrutiny of Acts and Regulations Committee report on the Bill, which, as a member of the committee, I support. The report raises the important point that the legislation may trespass unduly upon the rights of farmers, whom a number of honourable members opposite represent.

An opposition member interjected.

Mr THWAITES — They may not represent them well, but they were elected to represent them. The Bill may also unduly trespass on the rights of business people in country areas whose enterprises may be affected by mining legislation. The Bill may unduly affect the rights of environmental groups and others who have something positive to say and contributions to offer to the making of better decisions for the benefit of all Victorians.

Sitting suspended 6.31 p.m. until 8.5 p.m.

Mr TANNER (Caulfield) — For the best part of three and a half hours the House has been forced to listen to the rot spoken by members of the opposition. If they want to contribute to the debate, it is about time they started telling the truth: they should be honest enough to say they want to prevent the re-establishment of mining in Victoria. It is all very well for them to talk hour after hour about the need to do this and the need to do that. But none of them has the honesty or courage to stand up and say they support the extinction of the Victorian mining industry.

The wealth of this State was founded on mining. The very building we sit in was built with the wealth generated by mining. During its 10 years in government the Labor Party managed to all but extinguish the mining industry, yet it still wants to stifle any chance of its re-establishment.

Mr Hamilton interjected.

Mr TANNER — I should like the honourable member for Morwell to make a contribution to the debate. He should explain what has happened to the mining industry in the Latrobe Valley. He should also explain why the opposition believes mining enterprises should not be allowed to flourish elsewhere in this State. That was not allowed to happen during the 10 years of Labor government we were forced to endure. Opposition members want to paralyse the Victorian mining industry. They do not want to give it an opportunity to re-establish itself and to generate even a semblance of the wealth it has the potential to generate for the benefit of all Victorians.

Mr Phillips interjected.

Mr TANNER — As the honourable member for Eltham says, for many years Victorian mining was a major creator of wealth and was responsible for raising the standard of living of all Victorians.

Members of the opposition continually talk about the government being driven by ideology. But government members are constantly reminded of the ideology of members of the opposition, who talk about the importance of the public interest and who claim that government members are motivated only by private interests. Why is it that members of the opposition have tried to paralyse the mining industry into extinction? If the industry is to be re-established, the Bill must be passed. Only then will individuals and companies be able to throw off the shackles and re-establish their industry.

One of the claims foisted on the House by members of the opposition is that, if the Bill were passed, the mining industry would harm landowners and, in particular, farmers. Government members will fully appreciate what the Minister for Energy and Minerals has achieved, but for the benefit of honourable members opposite I shall repeat those achievements.

Many bodies, particularly the Victorian Chamber of Mines, are aware of what the legislation will achieve. In its letter of 6 October 1993 to members of Parliament the Chamber of Mines states that the Bill retains existing compensation and protection for landowners. That is the reality: the proposed amendments do not change those provisions. The safeguards introduced by the previous government with the cooperation of the coalition will not be affected by the legislation, and yet the government and the Minister had to listen to the allegations that were made during the debate this afternoon.

As the Victorian Chamber of Mines clearly points out, the amendments are directed towards
simplifying the approvals process to enable the mining industry to develop. The previous government set out to strangle the Victorian mining industry and prevent it from developing, but I assure the honourable member for Pascoe Vale that it was not difficult to find ways of simplifying the approvals process.

As I listened to opposition members speaking on the Bill I had to wonder whether any of them had read the legislation. For the record, in respect of exploration the Bill states that although a planning permit will no longer be required for exploration, no work can take place before an exploration licence has been granted and that in order to obtain a granting of the licence the applicant must firstly lodge an application with the Department of Energy and Minerals detailing the area sought and the work contemplated and, secondly, advertise the application, at which point the landowners or residents have the right to object to the granting of the licence.

If the licence is granted work cannot commence until the licence-holder has negotiated a compensation agreement with the landowners and obtained any other necessary approvals such as those set down by the EPA or the Rural Water Corporation and satisfied any other relevant legislation. The applicant must then pay a rehabilitation bond as set down by the Department of Energy and Minerals, take out public liability insurance and notify the private landowners of the intention to work.

After those processes for exploration have been carried out and if mining is to take place with all the existing prospective measures retained for a mining licence to be secured, the prospective miner must lodge an application for a mining licence detailing the area sought and work contemplated and must advertise the application, at which point the landowners or residents have the right to object. If the mining licence is granted, the licence-holder must obtain the consent of the private land-holder to mark out or obtain authority to enter, submit a work plan for consideration by the relevant authorities, negotiate a compensation agreement with the relevant private landowners, obtain a planning permit if required under the local planning scheme, pay a rehabilitation bond as set by the Department of Energy and Minerals in consultation with the local council and landowners, hold public liability insurance, and notify private landowners of the intention to work. The landowner retains the right to challenge the economic value of the proposed venture as set out under the Mineral Resources Development Act.

Three hours were wasted as the members of the opposition, many of whom had not read the legislation, told us that landowners, particularly farmers, are in danger because of the legislation. The exact opposite is the truth. The safeguards that were put in place in 1990 are not affected by the legislation. It simplifies the approvals process to give miners and the mining industry the chance to develop the industry in Victoria, but that is not what the opposition wants.

The honourable member for Pascoe Vale and other members of the opposition do not have the courage and the honesty to say that they do not want Victoria to have a mining industry. During its 10 years in government the Labor Party tried to prevent the development of such an industry and today it showed its true colours by trying to talk the government to death with nonsense.

The Bill will benefit the community and will enable miners and mining companies to develop Victoria’s mining industry. It is not within the realms of fantasy to believe that the State could have a mining industry that would give Victorians the standard of living the industry provided last century. The opposition should not forget Victoria’s heritage. Relative to other communities, the Victoria of last century was the richest place in the world. The Supreme Court building, Government House, Parliament House and many other fine buildings, the wide boulevards and other facilities were provided by the mining industry; yet the opposition does not want to see even the possibility of a mining industry being re-established in Victoria.

The opportunities lost by the previous government were exemplified only a few months ago by a delegation of Argentinian Parliamentarians who came to Victoria to encourage Australian mining companies to mine in Argentina. It has been made plain to the State government by mining companies that under the conditions imposed by the previous government, mining companies have no interest in trying to develop a mining industry in Victoria. By setting out to paralyse the development of a mining industry in this State, the previous government took away all incentive for Australian mining companies to develop the industry. That is why they are susceptible to offers from other countries.

Opposition members should read the legislation and accept a few irrefutable facts: firstly, in respect of the
environmental issues the opposition dishonestly bleated about today, the stringent rehabilitation requirements of the principal Act are not affected by the Bill; and secondly, the Bill provides that where the holder of an exploration licence proposes to make roads, for example, to gain access to Crown land or to do bulk sampling, the Minister may require the licensee to submit a statement assessing the impact of the proposed work on the environment. Copies of the statement will be sent to the Ministers for conservation and environment, natural resources, and planning for comment. The Minister will then consider whether to allow the work to proceed.

Let us put to rest the issue of landowners. The Bill makes no change to the notification and access requirements for exploration. The opposition wasted the time of the House, and in the few minutes available to me I will repeat the message to see whether I can get it through the thick skulls of members of the opposition so that we do not hear any more rubbish from them on that issue.

Some members of the opposition tried to mislead the House and the community in relation to access to Crown land. Let us put that into perspective and make it a basis for debate in this Chamber. No-go areas — national parks, State parks, wilderness parks and reference areas — will not be affected by the Bill; exploration licences and mining licences cannot be granted over them. The opposition has tried to scare the community on this issue. National parks, State parks, wilderness parks and reference areas comprise 30 per cent of Crown land in Victoria and exploration and mining licences cannot be granted over them.

Let us mention restricted Crown land. Access to that land for exploration or mining requires the consent of the Minister for Conservation and Environment or the Minister for Natural Resources, and if need be the Department of Energy and Minerals will seek consent on behalf of licensees. Approximately 20 per cent of Crown land falls within the restricted category, and, as I said, access to that land for exploration or mining requires the consent of the Minister for Conservation and Environment or the Minister for Natural Resources. Yet if one had heard opposition members standing in Parliament one after the other this afternoon talking about this issue, one would not have known that that was a fact.

I hope future opposition speakers will have the honesty to state that they do not want a mining industry in this State and, if they are not prepared to say that, at least they should acknowledge the facts. It is obvious that previous opposition speakers have not even read the legislation or are being dishonest and not acknowledging that those are the facts.

Let me put on record what are restricted Crown lands: regional parks, coastal parks, marine parks, flora and fauna reserves, wildlife reserves, natural features and scenic reserves, bushland reserves, historic areas and reserves, public land water frontages, streamside reserves, coastal reserves and any land that is an alpine resort within the meaning of the definition of an alpine resort.

Unrestricted Crown land makes up approximately 50 per cent of Crown land within the State. For all Crown land other than no-go areas and restricted Crown land the Minister for Energy and Minerals will consult with the Minister for Conservation and Environment or the Minister for Natural Resources as the case requires prior to the granting of the licence. Those Ministers may recommend to the Minister for Energy and Minerals conditions to be imposed on the licence. That is the reality.

Opposition members, starting with the honourable member for Pascoe Vale, said the government had not taken part in any public consultation. I remind honourable members that the government has had the greatest public consultation of all. Almost to this week a year ago it was elected to government with the largest majority in the history of the State. How is that for public consultation? I would call that the best public consultation you could have.

The honourable member for Richmond said that the Victorian government was seeking to relive the heady days of the Victorian gold rush. If only we could! Members of the opposition will not even give the mining industry a chance. They would not when they were in government for 10 years, and now even when in opposition they seek to prevent the mining industry trying to re-establish itself in this State.

The honourable member for Altona said that the government needed to best develop its resources. She conceded that it might need to develop resources, but she questioned the procedure being carried out by the government. That honourable member needs to look at what the previous government did over 10 years. It did everything it could to prevent the development of a mining resource in Victoria because the previous government did not want a mining industry.
The honourable member for Footscray made great play about the rights of landowners and farmers being reduced. That honourable member has not read the legislation. Anyone who had read the legislation would have to acknowledge that all the protections that were built into the principal Act are unaffected and remain in principle to protect landowners and farmers.

The honourable member for Albert Park had an interesting sashay through the whole legislation. He spoke about Houston, Texas, and Los Angeles. He told us that Los Angeles had not had proper planning procedures in place and that therefore it did not have an adequate public transport system and people had to rely on motor cars. Some government members were trying to work out what that had to do with the mining industry. The Speaker was very lenient in letting the honourable member take that interesting journey through the United States.

The honourable member for Albert Park also started to talk about the rights of farmers and how they were affected by the legislation. All that confirmed to me was that a tram line ran through his electorate and ended in St Kilda, and that was the closest he got to a farm.

Mr Haermeyer — Caulfield is closer.

Mr TANNER — I see that the honourable member for Yan Yean wants to enter the debate. Before I finish speaking I urge him to obtain a copy of the second-reading speech of the Minister on this important legislation that will give the mining industry in Victoria an opportunity to develop while retaining all the protections that landowners and the community require for the environment.

I suggest that the honourable member for Yan Yean should read the speech of the Minister where he sets out plainly that the purpose of the legislation is to stimulate exploration and mining activity in Victoria. Does the honourable member support stimulation of exploration and mining activity or is he frightened of it? That is the crux of the legislation. If opposition members want to develop the mining industry in Victoria, they should support the Bill. If they do not want to support it, they should have the decency to come out and say so to the public of Victoria.

Introducing the legislation has been a difficult task for the Minister for Energy and Minerals. He has had to deal with sensitive issues, protecting the rights of landowners and the environment but at the same time working through this minefield and setting the scene for the development of the mining industry in Victoria at long last.

I must admit that I do not have great faith in opposition members. I imagine that they will waste our time for the next 2 hours and possibly even again tomorrow, but I urge them to read the Bill before they speak on it.

Mr HAERMeyer (Yan Yean) — I found it rather interesting that the government Whip found it necessary to speak on this legislation. It seems that the government is having trouble finding speakers on its own side who are prepared to stand up on the issue, perhaps because they are all so embarrassed about the Bill.

The opposition's essential concern is about consultation. The legislation potentially has far-reaching consequences for many individuals, organisations and groups. It overrides the capacity of local government to have any say in mining or exploration within its boundaries. It overrides local planning schemes.

Basically, unlike any other economic activity that has to fit into local planning schemes and work in a concerted and integrated way with local planning schemes, the mining industry is being set apart and is completely above all that. It does not have to satisfy any of the requirements that any other industry in Victoria has to satisfy when it embarks upon either an exploration or a mining exercise. The opposition's concern is that the government has not consulted on this issue.

I do not think the opposition has any problem with the notion of trying to do away with vexatious objections to exploration or mining permits. That certainly is not the opposition's purpose because we support a successful and thriving mining industry in this State. However, the industry must carry out its activities consistent with planning schemes and the rights of others.

The government consulted on the Bill with nobody other than representatives of the mining industry. The Municipal Association of Victoria did not know any of the details of the measure until it was read a second time in Parliament, and enormous widespread concern has been expressed by local government. Some of that concern may be misplaced and some of it may be perfectly valid, but that cannot really be worked out because the
The government has not consulted. It has completely overridden everyone, even local government, and that impacts severely on the responsibility of local government. Miss Jenny Holmes of the Victorian Farmers Federation's mining committee pointed out recently that the VFF was advised of the Bill one week before the second-reading speech in Parliament.

The general community seems to know little about the Bill. There are many concerns, some informed and some uninformed. Had the government consulted there would not be the degree of misinformation about the Bill and there might be some constructive feedback from the community which might make it acceptable not only to the mining industry but also to other sections of the community. It seems that the Victorian Chamber of Mines was involved in this process all the way through from the drafting stage, an honour not afforded to any other group in the community.

The Minister for Energy and Minerals told a resources conference on 23 August:

We are seeking to achieve the John Reynolds 'one-stop shop' across as many exploration or mining applications as possible.

Is that John Reynolds the Executive Director of the Victorian Chamber of Mines? If so, it shows a high degree of collaboration between the government and the mining industry on this issue. The rural community has considerable concern about that level of collaboration. The editorial of the Wimmera Mail-Times — which is not based in a Labor electorate — states:

Implied collusion between the industry and the Kennett government needs to be answered in the interests of future relationships, especially if mining is to play a significant part in Victoria’s overdue economic recovery.

The mining industry’s intolerance of dreary, in-principle obstructionism in the name of protection for the landscape is understandable. So too is the resentment of landowners who feel, with justification in many cases, the violation of their land and rights.

Unfortunately the government saw fit to prepare the amending legislation without discussing it with the Municipal Association of Victoria as representative of the State’s local government councils which, because of their heavy involvement with planning, have a direct professional stake in mining of any kind.

The editorial goes on to talk about how the Victorian Farmers Federation was left out of those discussions. I should have thought the federation was an important group for the government to consult on the issue.

The Bill reduces the capacity of objectors to exploration or mining applications to have their objections assessed by someone who is independent of the Minister for Energy and Minerals. The honourable member for Caulfield suggested people had not read the Minister’s second-reading speech. I point out that I have read it thoroughly. One of the statements it makes is:

... the Minister may require the licensee to submit a statement assessing the impact of the proposed work on the environment.

The onus is on the licensee to provide the statement and then it is ultimately to be assessed by the Minister for Energy and Minerals. I should have thought the Department of Energy and Minerals, the Minister and the licensee would hardly be the impartial or independent parties to be making those assessments. The relationship between the Minister, the Department of Energy and Minerals and the mining industry is by necessity close, and that is not an improper suggestion. However, what is improper is that the Minister and the department should be the authorities to preside over the planning process. That is something that should properly be done by appropriate planning authorities. It is like putting Dracula in charge of the blood bank. It is akin to making the Minister for Conservation and Environment responsible for these sorts of things — and that would certainly have the mining industry completely up in arms.

Applications must be independently assessed and go through an independent planning process with opportunity for residents, local government organisations and any possible aggrieved objectors to exercise their rights in this regard. The rights of local government, neighbours to properties that are to be explored or mined and the responsibilities of the Minister for Planning and the Minister for Natural Resources are all weakened.

The Bill provides that mining and exploration are the only activities that will be exempt from planning controls. With consultation it may have been possible to reduce the expense and speed up the approval process of mining applications without taking away any of the safeguards that exist. That outcome may have been achievable, but because the
government has not sought to consult on this matter we will never know.

The Bill has considerable impact on local government. Firstly, local government has a responsibility to protect the integrity of its local planning scheme. Suddenly it is confronted with a situation where mining activities in its environs are completely exempt from any controls that local government has over its planning scheme. Local government has a responsibility to protect its environment. Again mining concerns are exempt. Local government has a responsibility to protect its residents and industries. Again mining activities are exempt even though they may be adverse to those interests. It seems to me that the government has a view that the mining industry is about the only industry that exists in this State.

The real concern of private property owners is that any sort of mining or exploration activity on neighbouring properties can have a severe impact on their farms, both on property value and the existing use of the land. Some people might be involved in the tourism industry and that particular land use may be affected by a mining activity. Environmental degradation may be involved. Ground water is another area where the interests of neighbouring land-holders are affected because mining and exploration can affect the levels of ground water available to properties.

Victorian farmers are reliant on ground water for their economic survival, yet now a mining company can mine or explore a neighbouring property and affect the ground water to the detriment of that property without the owners having the right to object or request further investigation of the potential impact on their ground water. Similarly, roads and waterways are often affected by mining and exploration activities. Land degradation is often a severe repercussion of that type of activity. The interests of neighbouring landowners should be protected, but they have been thrown out the window in this legislation.

So far only two government speakers have contributed to this debate, and I do not see any other honourable member lining up for the dubious honour of being next. That concerns me. I should have thought that people such as the honourable members for Ripon, Bendigo West or Bendigo East, whose electorates are affected by this legislation, would have defended the interests of farmers, land-holders, local government organisations and other industries which will be affected by the legislation. At least they could have said why they support the Bill. Even the normally irrepressible honourable member for Murray Valley has not contributed to this debate so far. If this legislation is so important, where are the government contributors to the debate? In particular, where are members of the National Party?

Not so long ago I visited an area close to Mansfield and a farmer said, “The National Party used to support our interests but ever since it has been in coalition with the Liberal Party it has sold us down the drain”. He also said, “I thought the Labor mob was bad, but this mob is 10 times as bad”. It is clear the government is alienating its rural constituents.

The Minister said that the purpose of the Bill is to stimulate exploration and mining to contribute to economic recovery, and the honourable member for Caulfield also made that point. The government is of the view that the mining industry is the only industry of worth to Victoria. Unfortunately, in the past the mining industry, particularly the mineral exploration industry, had a large number of fly-by-night and flaky operators who inflicted great damage on the land they explored and mined. In the end there was little economic gain from their activities and they simply spoiled the land and left it in ruins. They also left with a lot of unpaid debts to local businesses. The potential damage of exploration on a number of industries, businesses, farms and the tourism industry is clear: it basically results in little economic gain and degradation of local land.

The City of Maryborough said it was willing to support sympathetic and responsible mining projects, but the government has said that it either supports it or it is again it. The City of Maryborough has made it clear that it is not against mining but is concerned to ensure that the industry is not dominated by unviable projects and irresponsible prospectors and that it does not inflict financial hardship on local communities and businesses. The City of Maryborough says that the Bill will affect the local greenbelt and the tourism industry, which it has been trying to develop. The Premier often comes into this Chamber and tells us how much he is trying to stimulate tourism, yet the tourist industry has not been consulted on this Bill. The City of Maryborough also says in a letter to the honourable member for Pascoe Vale:

The approved planning scheme controls do not prohibit all forms of mineral production, only surface mining, the type which has proven in this district to be
unviable, destructive to surrounding forests and to impact adversely on the economy of the district as a result of financial liquidation and a trail of unpaid debts.

Over the past four years none of the mining ventures operating in this district, ie, in surrounding shires have completed their projects without leaving bad debts in this community. In fact we believe over $2 million is owing to creditors, many of which are businesses based in this community. These operations include the sites that you have visited in Maryborough recently.

This proposed legislation will not only force this rural community to sacrifice parts of its unique bushland greenbelt, it could contribute to the financial hardship of local businesses. This is a factor I am sure the government would not like to assist.

The Shire of Bright, which is heavily reliant on tourism — one might say it is probably the major industry in the Shire of Bright — makes this point:

These proposed changes alone have the potential to totally undermine the economic and social fabric of the shire which, over many years, has been primarily dependent on tourism. A local tourism industry which revolves around the natural features and scenic quality of the region.

It is to be realised that tourism accounts for 49 per cent of total shire income and that vast areas of the shire have been identified as having Statewide landscape and environmental significance. In these areas mining, in any form, is currently prohibited by the provisions of the Bright Planning Scheme.

Under the circumstances, council has no option but to oppose the Bill in its current form and content and suggests that a formal review of the legislation be undertaken which involves an appropriate consultation and public participation process.

The Municipal Association of Victoria has also expressed concern about the Bill, as has the Victorian Farmers Federation. Earlier I referred to Ms Jenny Holmes who is a member of the mining subcommittee of the Victorian Farmers Federation, and she says:

In other words, exploration and mining will become “as of right”. Mining companies will have carte blanche to rape and pillage Victoria’s farmland with little or no say from the legal titleholders, and apparently with no right of appeal! ... I understand that energy and minerals Minister, Mr Plowman, said in a speech to the resources conference on 23 August: “We are seeking to achieve the John Reynolds “one stop shop” — —

Mr S. J. Plowman — You have said that before.

Mr HAERMeyer — And I am saying it again:

“We are seeking to achieve the John Reynolds “one stop shop” across as many exploration and mining applications as possible.”

Those concerns may be unfounded, yet the government has not seen fit to consult that community about its concerns. Had it done so, the government could have introduced legislation that satisfied the concerns of the mining industry, local government, environmental groups, the tourism industry and farmers.

The government still has the opportunity of doing so but seems hell-bent on ramming this piece of legislation through. In doing so it will get a piece of legislation that is supported by only one small sector of the community as opposed to being supported by a vast array of interests.

If the Federal government had adopted on the Mabo issue the approach adopted by the Victorian government on this issue the mining and farming lobbies would be bringing the house down. The current government in particular would be jumping up and down furiously about it. There seems to be a duplicitous attitude to Mabo and the rights of land-holders in that respect on one hand and this legislation on the other hand.

I urge the government to consult with the community on the Bill, particularly with its own constituents. The fact that the government was elected 12 months ago does not give it a right or carte blanche to introduce anything it likes willy-nilly. I do not recall anything of this nature in the government’s election manifesto. I urge the government to consult with the various interest groups.

Mr JENKINS (Ballarat West) — I wish to introduce a regional approach to the debate and to recount some of the history of mining in my home town of Ballarat. All honourable members would know of the magnificent history of goldmining in the Ballarat area and the great events that followed it.

Bendigo and Ballarat were two of the world’s great goldmining centres during the gold rushes of the 1850s and 1860s and there is no doubt that during
that time the countryside was raped by the miners and mining companies — they left a trail of damage and mess that is still being cleaned up. Many towns still have remnants of mullock heaps, mine shafts, poppet heads, boiler houses and so on.

However, all that is in the past and the Bill we are considering tonight looks to the future of mining; to developers and mining companies negotiating in a satisfactory way on a one-stop-shop principle to get projects up and running to start a resurgence of the goldmining industry.

Over the past three years only 3 per cent of Australian investment in exploration for minerals has taken place in Victoria. That small percentage is the result of the hurdles and frustrations encountered by miners in their attempts to obtain permits, licences or approvals to begin mining, particularly for gold — it has driven the mining industry away from Victoria. Miners are waiting for this legislation to pass before returning to Victoria. Currently big mining companies that are prepared to spend large amounts of money are waiting to see the approach of the Kennett government to mining.

Earlier the honourable member for Albert Park spoke about mining. The only mining he knows about is the dredging of Albert Park Lake. He is stuck in a tram line philosophy and he does not have a clue about what goes on in the mining field. I could not agree with what he said because I do not think he understood what he was talking about!

Mr Gude interjected.

Mr JENKINS — I do not know what the traffic in Los Angeles has to do with goldmining in Victoria! There is a great community awareness of the approach being taken today by goldmining companies. A couple of projects are proceeding at Ballarat and one company, Ballarat Goldfields Ltd, which has been exploring for gold in the East Ballarat area for a number of years, has obtained promising results from drilling.

Goldmining companies conducting drilling in the centres of major cities consult with municipalities, government departments responsible for mining and with the community. Members of the community watch the progress closely and cooperate with mining companies when drilling rigs are brought in to drill bores more than several thousand feet deep. The companies construct sound barriers and carry out beautification work in consideration of the residents of those areas. The drilling program in the East Ballarat area has been the subject of much comment and has received many compliments.

The honourable member for Albert Park also talked about tourist attractions. I would like him to come to Ballarat so I could show him the tourist attractions of the city, particularly Sovereign Hill, a successful venture based on goldmining. He said that the new mining developments would undermine the tourist attractions. In fact, the new project will undermine Sovereign Hill in the sense that a new mine will be dug underneath the Sovereign Hill site, albeit 2000 or 3000 feet below the surface, below the level of existing worked out goldmines in the area.

It is intended that work on the mine will begin 4 or 5 kilometres south of the Ballarat railway line and an incline will run down below the existing diggings to where excellent pay dirt has been found. The project will result in a resurgence of a major goldmine, for which permits are currently being sought.

Ballarat Goldfields Ltd expects to employ 180 people in getting the mine up and running in its search for the elusive metal. The mine will operate under strict controls to ensure protection of the environment. The tourism and mining industries in Ballarat will be inter-related because the new project will be a tourist attraction in itself.

Mention has been made of the replacement and preservation of flora and fauna. Investigations are currently taking place around former goldmining sites on restoration of flora and fauna. Mining companies are alert to the requirement for restoration and are cooperating in full. The old diggings at Sovereign Hill are close to Main Road. Comalco Ltd has donated a large sum of money for restoration of the area in an attempt to demonstrate what can be done with modern methods to restore flora and fauna to mine-damaged areas. The project is being watched by many planning authorities throughout Victoria and interstate to see what modern mining companies are prepared to do and what money they are prepared to spend on restoration and rehabilitation works. The Sovereign Hill project is an example of what can be done with commonsense planning.

What is the future if the legislation is passed? It will bring forward a smoother process for exploration and mining in the State and it will cut out the frustrations that mining companies have to endure when setting up a planning proposal. The two projects that are currently being undertaken are
Ballarat Goldfields, which I have mentioned, and Kinglake Resources Pty Ltd, which is applying for a permit for an area south of Scotchman’s Lead. It is an historical area that the honourable member for Morwell knows well. Scotchman’s Lead is an old goldmining area. The owner of the property has been a gold fossicker all his life and has finally raised the finance to develop his property. His company will employ between 30 and 50 people. It is hoped that he will begin mining by Christmas.

These are future grand projects which will be under stringent environmental controls. With the cooperation of the Minister for Energy and Minerals, his department and the municipalities, those involved in the particular developments will create new jobs. Approximately 180 jobs will be created in the Ballarat Goldfields and another 30 to 50 in the Scotchman’s Lead project. Many more jobs will be created indirectly because of those two projects.

Other companies are watching what is happening with the legislation and the planning processes carried out by the municipalities in Victoria, particularly with the first two or three applications. Many companies will want leases for goldmining development in other areas of the State.

Mr Gude — But the Labor Party opposes everything.

Mr Jenkins — Yes, more hurdles, but not any more. This is a planned new gold rush for Victoria, and the community is watching the development of new mines in areas where there are winnable minerals. An opposition member said that it was like putting Dracula in charge of the blood bank. Putting Dracula in charge of the goldfields and sucking out all the gold will bring prosperity to the State; we will see wagon loads of gold coming from the goldfields to Melbourne.

Victoria has a golden future because of this legislation; the community is ready and waiting for this development. People are looking for more jobs and companies are looking for more profits. With no barriers in place I believe there will be a second gold rush, particularly in Ballarat, Bendigo, Stawell, Castlemaine and Woods Point. There will be renewed prosperity and the legislation will encourage people to invest to get Victoria’s mineral resource industry going. We can look forward to a bright, golden future.

Mr Loney (Geelong North) — I shall not make a lengthy contribution to this debate, but given the amount of disquiet and concern in rural and provincial communities about the Bill it is worth making some points in opposing it. The honourable member for Caulfield quoted at length the Minister’s second-reading speech. It states:

... to stimulate exploration and mining activity in Victoria in order to contribute to this State's economic recovery and the provision of jobs.

That statement has been relied upon by a number of government members in promoting the Bill. The principal aim of the Minister is laudable; there could be no objection to that. It is the sort of aim one would expect to find at the start of any Bill dealing with mining and exploration, but it cannot stand up as something on which one can hang the rest of the Bill. It is a truism and should be looked at as nothing more than that.

How does one achieve the Minister’s stated aim? Do competing interests need to be taken into account in the achievement of that aim? That is the area in which the Bill is deficient, and that has been pointed out at length not by the opposition but by the community at large, especially the rural community.

Honourable members have heard a lot about tourism. The honourable member for Ballarat West spoke about tourism and the fact that mining will generate tourism. That may be the case in some areas. The Minister for Tourism is in the House and would be aware that the fastest growing form of tourism in the world is ecotourism, which relies on natural features. The Bill does not take into account that conflict in interests and the rights of people to have areas preserved for ecotourism.

I am concerned about the way the Bill overrides local government planning powers to prohibit mining in certain areas. The Bill takes away a power from local government that has existed for a long period, a power local government should have. Local government may wish to protect or preserve certain areas for a number of reasons; ecotourism being one of them.

Councils set down in their planning schemes rural zones or zones of special environmental significance such as those in the Anglesea area, where battles are currently being fought not over mining but for other reasons because the local community wishes to protect an integral part of its planning scheme.

Honourable members interjecting.
Mr LONEY — The members of the government who represent the Geelong area may object to what is going on at Anglesea too.

Those types of zones are important local government weapons to protect the integrity of their areas. The Bill overrides that and takes away a right from local government that it should have. Unfortunately, it goes even further: it takes away the right and allows for no appeal or independent assessment. The Administrative Appeals Tribunal process of conducting independent hearings of appeals on land-use matters has worked well in the past and continues to do so. The opportunity to use that process should not be taken away for this or for any other reason.

Unfortunately, the decision to take away that right from local government is in keeping with the government’s disregard for local government in general, which can be demonstrated by the government’s treatment of local government as a result of other Bills that have been passed by the House.

The government, in its rhetoric on other Bills, particularly those relating to industrial relations, always speaks about the need to maintain a balance between the various competing interests. The Minister for Industry and Employment, in introducing the Employee Relations Bill last year, talked about that matter. Only a fortnight ago the Minister for Industry Services was at pains to point out how we need a balance between competing interests when he was moving amendments to the Occupational Health and Safety Act. Recently government spokesmen in criticising the Federal government over changes to industrial relations have talked about the need to maintain a balance.

The opposition believes the Bill effectively tilts the balance away from what is reasonable. It tilts the balance that formerly existed between the environment and development. It tilts the balance that existed between the powers and rights of the State government and local government on planning and land-use matters. In each case it has tilted the balance unreasonably.

The community expects local government to have the power and protect its rights in land-use matters. After all it is the closest tier of government to the people. It is the one that people will automatically go to on planning and land-use issues. Under this Bill no planning permit will be needed for exploration. An exploration permit may be required but it will be given only by the Minister. There will be no requirement for companies or individuals to go through local government to obtain that permit; there will be no opportunity for people to appeal or have independent arbitration on the determination of the permit. Those are important issues that relate to the rights of citizens in a democratic society.

At the outset I said there was much disquiet and concern in rural Victoria over this issue. The message is strongly and loudly coming through of the adverse effects that the Bill will have on rural Victoria. The Minister has said that that is not so, but it is clear that he has failed to convince the rural community.

I refer the House to an article headed “Lowan fears loss of land rights” in the Wimmera Mail-Times of 6 October 1993 which refers to the attitude of the Lowan Shire Council on this matter:


The legislation, if passed, will allow mining companies virtually unlimited access to private land. It also means that exploration and mining need not be bound by local government planning laws ...

Lowan has asked the government to withdraw the application and consult with the community ...

It has also asked that private land be exempt from the legislation ...

Shire president Cr Kim Gladigau said he was amazed that an organisation such as the Municipal Association of Victoria did not know of the proposed legislation until its second reading in Parliament by Mr Plowman.

“How could it get so far down the track without consultation?” he said.

It appeared the Chamber of Mines had much input into the legislation.

Cr Gladigau: This is like putting Dracula in charge of the blood bank.

Horsham City Council has also expressed its concern about the legislation. An article headed “Council alarmed by mining legislation” in the Wimmera Mail-Times of 13 October states:
Horsham City Council is alarmed by proposed changes to mining rules in the Mineral Resources Development (Amendment) Bill...

Cr Gayle Crooke said... the legislation cuts out many of the existing provisions for mining...

Cr Delahunty: What I object to is legislation which takes away local government's right to have a say...

The reality is, how can we accept legislation without any explanation of changes proposed for what are, apparently, the peasants in the bush?

Cr Hutchesson said the State government had already removed landowners' rights.

"They did it some time ago," he said.

Now they're removing the rights of local government.

It's not right. People with land have no say. Of course farmers can object. Nobody takes any notice...

Cr Crooke: This government doesn't consult about anything. Yes, we are peasants in the bush.

The Wimmera Mail-Times also editorialised on the matter. On the same day it said:

Implied collusion between the industry and the Kennett government needs to be answered...

Unfortunately the government saw fit to prepare the amending legislation without discussing it with the Municipal Association of Victoria as representative of the State's local government councils which, because of their heavy involvement with planning, have a direct professional stake in mining of any kind.

Again they are referring to the point I was making at the start of my contribution when I said there were different interests and stakes involved in this matter. The editorial continues:

Curiously, the Victorian Farmers Federation too was left out of discussions in the framing of the legislation. Such haste pushing it through Parliament raises the question of motive.

There seems no good reason why the government should not delay passage of the Bill, allowing the uneasy parties time to chew over the changed rules of the mining game and applaud or condemn them.

Finally I refer to comments from a person who has already been referred to a number of times in the debate—Jenny Holmes, the spokeswoman for the Victorian Farmers Federation mining committee.

In the Wimmera Mail-Times of 6 October, Mrs Holmes is reported as saying:

Last week... a mineral resources development Bill resulted from clandestine negotiations between the government and the mining industry.

The articles states:

She accused the government of naivety and urged landowners to protest loudly.

There is extreme disquiet and concern in rural areas of Victoria about the Bill, which does not enjoy extensive community support or acceptance.

The House heard a great deal of rhetoric from honourable members opposite during debate on a recent Bill that also dealt with the rights of landowners—the Land Titles Validation Bill, also known as the Mabo legislation—in which the government addressed the fears and concerns of landowners and attempted to ensure that the Federal government both understood the implications of the legislation and addressed the concerns of all Australians.

In introducing the Bill the Minister for Energy and Minerals has done the exact opposite of what the coalition advised the Federal government to do in dealing with the validation of land titles. As a result, the concerns of rural people have not been addressed.

The Minister should take note of the advice offered in the Wimmera Mail-Times editorial. He should delay the passage of the Bill and go out into the community either to convince Victorians that what he intends should give them no cause for fear or to listen to their concerns and change the Bill so that it is acceptable to all.

Mr BAKER (Sunshine) — I do not wish to speak on the Bill for long.

Mr Gude — You won't be encouraged.

Mr BAKER — As an honourable member who was a miner in another life, I thought I should make some observations on the Bill, albeit that that practical experience was a long time ago.
Many honourable members will be aware that I spent a large part of my childhood in Kalgoorlie, where I later worked on the goldfields. In my late teens I worked in the Chaffers shaft of the large Lake View and Star mine. Of necessity I worked underground in what was known as a Chinaman’s chute, which is probably one of the most dangerous places I have worked in. For some time I worked in the roasters.

Mr BAKER — This Bill is about providing opportunities for mining. Having prefaced my speech with those remarks, I shall talk about the consequences of large-scale mining operations of the kind proposed in this Bill.

Mr Gude — Things have changed.

Mr BAKER — Recently I had a good chat with Sir Arvi Parbo about our mutual experiences.

Mr Gude interjected.

Mr BAKER — We did not talk about you at all.

The SPEAKER — Order! I am sorry to interrupt the honourable member to address his remarks to the Chair. I remind the House that interjections are disorderly.

Mr BAKER — For a modest consideration, the next time Sir Arvi and I are chatting about mining — and he has made me an offer to go with him — —

Mr Gude — I’d take it; accept it.

Mr BAKER — A little unusual for my side of politics! Nevertheless, when the ball is bounced, one should consider those suggestions! Sir Arvi has suggested that I may care to accompany him to look at modern mining operations and to compare them with those of my youth.

As I was saying, I also worked in the roasters, which is where the ore is melted. In those days the roasters were controlled by sulphur flames that gave off a significant amount of pollution. If you happened to be on shift work in the roasters when it was 120 degrees in the waterbag outside or in the Chinaman’s chute, you became very interested in study and self-improvement!

Mr Gude — It didn’t work in your case.

Mr BAKER — Yes, it did. That was certainly the case.

The SPEAKER — Order! Back on the Bill.

Mr BAKER — The polluting effects of sulphur are the most obvious effects of mining. The Bill paves the way for that pollution to recur without any consideration being given to the community and local government having the opportunity of implementing some forms of supervisory control.

In Kalgoorlie or anywhere else where large operations of that kind are conducted — especially using sulphur and cyanide — a significant proportion of the population experiences the most unfortunate consequences, such as severe respiratory diseases and a range of other diseases often related to cancer.

Other consequences that are more visible — that was particularly so during my childhood — are those caused by residues. Unless proper control mechanisms are implemented, those residues can be extremely unsightly, especially the cyanide residues. Children may get great fun from sliding down them on pieces of tin — sometimes with disastrous consequences — but the residues are most unsightly. They create barren landscapes that are unacceptable to most people these days.

As the shadow Treasurer, I am not against the Victorian mining industry being able to take advantage of new technologies, particularly those that relate to what is known as underground open-cut mining. These days you do not have to mine using the stoke system. If the price of gold remains at its present level and the economics are right for large-scale mining underground using those large Scandinavian machines, we should do it.

I understand that a couple of syndicates in Bendigo propose taking advantage of advances in mechanisation. The opposition would certainly encourage their using pumping equipment and other technology to solve the long-standing water problems that caused the premature closure of major mines in the area — but we would not encourage development at any price.

The criticisms put so eloquently and in a most detailed way by the honourable member for Pascoe Vale should be taken on board by the Minister. I was amused to hear the honourable member for Ballarat
West refer to the wagon trains heading down to Melbourne. Many hotels along that route, including some in the Sunshine area, and the Parliament building itself, are products of the gold boom that formed much of Victoria's glorious history. I do not believe the opportunities for progress and wealth that existed during that period will occur again. Nevertheless there have been shows around rural Victoria, particularly in the Maldon area, that reveal a profit margin sufficient for all Parliamentarians to encourage in every way possible further development of the mining industry, but not at any price.

Local government has proved an efficient mechanism through which communities can exercise some modest control over the way development of this kind proceeds. Despite the coalition's fulminating in opposition about the rights of the third tier of government, it has treated local government far more harshly than the former Labor government was accused of treating it. This is yet another example — another straw for the camel's back — of eroding the authority and basic rights of local government.

It is for that reason I join with my colleagues in suggesting that the Minister should withdraw the Bill and take on board some of the objections that have been so correctly and eloquently put by other speakers on this side of the Chamber.

I, too, look forward to a time when the proper economic management of Victoria's resources and the application of new technology again restore the mining industry to some of its former glory, and for that reason I am delighted to make a small contribution to this debate.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I thank the honourable member for Pascoe Vale and other honourable members from both sides of the House for their contributions to this important debate. The final speaker for the opposition, the honourable member for Sunshine, missed the point when referring to mining in Kalgoorlie, Western Australia, the latest Scandinavian high-tech machinery and his suggestion that this Bill is about mining at any price. However, he was absolutely right when he said that if the high-tech mining techniques developed in Scandinavia can benefit Victoria and Australia they ought to be used.

The object of the legislation is to promote and contribute to exploration and mining in ways that benefit the economy and particularly improve employment in rural Victoria, which is the area where mining will occur.

The honourable member for Sunshine missed the point. He should realise, having done his homework and worked in the mines of Kalgoorlie, the enormous contribution the mining industry makes to the economy of Western Australia and the pittance it contributes to the economy of Victoria. Leading miners, including a representative of Sir Arvi Parbo, have told me that Victoria is in competition not just with the miners of Western Australia, South Australia and other States, but with mining throughout the world. Mining companies will explore in any part of the world where the conditions are right and the opportunities exist for finding precious metals, mineral sands or other resources. In Victoria CRA Ltd was exploring for coal and found a vast deposit of mineral sands which, regrettably, will probably not be developed until early next century when the economics will make it feasible to develop; but that is a factor of economics and not a factor of finding and establishing opportunities within Victoria.

If the State continues with an application process for exploration and mining that is convoluted, slow, frustrating and costly and which is in competition with other States and overseas miners, mining companies will leave Victoria in droves — and that is precisely what has been occurring. They will go to countries where they do not have sovereign risk or have to wait for years to obtain mining permits. A major mining operation can take years to get off the ground in Victoria. In Queensland, and I give credit to the Labor government and the former National Party government, it takes six months to get a major mining project off the ground. Most mining projects and permits are determined within 28 days. Victoria has to compete if it wants mining to be a contributor to our economy.

The government wants to attract high-tech miners that care for the environment, because if they wish to have a future, they will have to explore and mine in an environmentally sensitive way. Some concern was expressed by the honourable members for Ballarat West and Yan Yean and others about the record of some miners in the recent past who did no credit to the mining industry — the cowboys and fly-by-nighters. The government has no brief for those types of miners because they damage the environment and the future prospects of the industry. The government wants not the fly-by-nighters or the real estaters but the genuine
high-tech miners that are concerned about the environment and prepared to abide by the conditions of their permits and the environmental constraints.

The mining industry tells me that it is not the environmental constraints that worry it. The industry says, “Tell us what you want us to do. We will abide by whatever environmental constraints you want to put on us”.

I instance an interesting example of mining exploration — I do not know whether the opposition spokesman has seen it, but he should certainly try to do so — that is taking place in the heart of Ballarat. No-one would know that a drill was there because it is well screened and protected. It is quiet, it is environmentally sensitive, it meets all the requirements of the Environment Protection Authority and it has the support of the City of Ballarat. That is an example of how high-tech exploration can take place in the heart of a city, let alone out in the countryside. It is the sort of high-tech mining exploration one wants in Victoria.

The opposition referred to the threat to the ironbark and box forests of the State that was raised by the Victorian National Parks Association. Anyone with any concern for the environment would want to ensure that exploration — the reference was to exploration — did not threaten those species. I instance the exploration activities of Western Mining in the ironbark forest areas at Stawell, which were extremely carefully carried out and which proved to conservationists who were concerned about exploration in the area that intensive diamond drilling exploration could take place with great sensitivity — for example, using platforms to ensure that no orchids were damaged and that the timber and other foliage in the forest were not harmed. It was an incredible success both from the point of view of Western Mining’s technology and as a demonstration to the community that this sort of exploration could take place and that a fortnight or a month later one would find barely any trace of these activities.

That is the sort of mining we want to attract to the State, but we want to improve the process of licence applications to ensure that that sort of mining can take place without companies having to wait not for weeks or months but for years to be given permits.

I shall put a few figures on record. The national income from mining is $4.5 billion, which is paid in royalties to governments around the country. It works out at $340 for every man, woman and child in Australia. The industry is making a significant contribution. But in Victoria that contribution is only $3.50 per person compared with the national figure of $340 per person. Something is amiss: either we have no metals — there is nothing worth having — or something is wrong with the process. Victorian companies expend $800 million each year in exploration, but they expend a mere $10 million in Victoria. Again, one must ask why.

Do we have any opportunities for mining in this State? The geologists, the industry, the Victorian department and the Federal department — it has no axe to grind — say that Victoria is still extremely prospective.

I am delighted to see major investments in Bendigo and Ballarat to reactivate fields that were considered worked out years ago. Modern mining techniques — techniques in pumping, and so on — can overcome the enormous problems that were faced by miners in the early days. I must say those early miners were pretty efficient and did not leave much in the areas they could get to. But I am told that with modern techniques and the better chemical treatment of the rock that is taken out, there is still a much better yield than the old miners achieved with their methods. Again, modern mining should not be compared with mining in the past, which did not have a good record, as the industry itself would acknowledge.

I want to touch on an obvious misconception concerning planning. Roughly 95 per cent of all applications for mining licences will continue to go through the planning process — they are the smaller mines that make up the vast majority of projects in this State. The government’s objective in dealing with the small number of large projects is not to abrogate planning responsibilities. The Minister for Planning has indicated, as I did in my second-reading speech, that he intends to amend the Environment Effects Act to ensure that major mining projects or projects that require environment effects statements take into consideration all matters that relate to those projects — all environmental matters, EPA matters, local government concerns and individual concerns.

The honourable member for Albert Park mentioned tourism activities that may be adjacent to a potential mining project. They would be considered; all planning matters would be considered. It was in that context that I talked of the one-stop shop, where for the major projects all those matters would be
considered. Planning is not to be thrown out the window. It is very important. Planning and all the other matters I mentioned will be considered in environment effects statements.

Some concern was registered about tourism activities. Some shires are concerned that tourism activities may be depressed by mining. I put on record that there are several areas both in Victoria and throughout Australia where tourism and mining are not mutually exclusive but complement each other. The honourable member for Sunshine mentioned Sir Arvi Parbo of Western Mining. Recently I visited the Western Mining Corporation Olympic Dam mine in South Australia, which attracts an enormous number of tourists to Roxby Downs. These areas welcome tourists, who bring substantial revenue to the Roxby Downs township. So, too, do Ballarat, Bendigo and other Victorian areas.

The honourable member for Pascoe Vale said he had received letters from six municipalities about their concerns. Certainly, I acknowledge that municipalities have concerns. However, I think there are misconceptions about what the Bill does. I hope the debate during the Committee stage of the Bill will deal with those issues and overcome those concerns. I point to areas in country Victoria — Benambra, Nagambie, Stawell, Horsham, Ballarat, Bendigo and many more — where mining is incredibly important for the local community because of the employment and economic impetus it provides, and also, in a number of those areas, the tourism it attracts.

We want to see mining get back into business in Victoria to provide the sort of economic impetus and employment opportunities this State badly needs; and the object of the Bill is to facilitate just that.

House divided on motion:

Ayes, 55

- Ashley, Mr
- Brown, Mr
- Clark, Mr
- Coleman, Mr
- Cooper, Mr
- Davis, Mr
- Dean, Dr
- Doyle, Mr
- Elder, Mr
- Elliott, Mrs
- Finn, Mr (Teller)
- Gude, Mr
- Heffeman, Mr
- Henderson, Mrs
- Hyams, Mr
- Jasper, Mr
- Jenkins, Mr
- John, Mr
- Kennett, Mr
- Kilgour, Mr
- Lupton, Mr
- McArthur, Mr
- McGill, Mrs
- McGrath, Mr J.F.
- McGrath, Mr W.D.
- McLellan, Mr
- Maclean, Mr
- McNamara, Mr

- Heffeman, Mr
- Henderson, Mrs
- Hyams, Mr
- Jasper, Mr
- Jenkins, Mr
- John, Mr
- Kennett, Mr
- Kilgour, Mr
- Lupton, Mr
- McArthur, Mr
- McGill, Mrs
- McGrath, Mr J.F.
- McGrath, Mr W.D.
- McLellan, Mr
- Maclean, Mr
- McNamara, Mr

Ryan, Mr
Henderson, Mrs
Smith, Mr E.R.
Hyams, Mr
Smith, Mr I.W.
Jasper, Mr
Spry, Mr
Jenkins, Mr
Steggall, Mr
John, Mr
Stockdale, Mr
Kennett, Mr
Tanner, Mr
Kilgour, Mr
Tehan, Mrs
Lupton, Mr
Thompson, Mr
McArthur, Mr
Taynor, Mr
McGill, Mrs
Treasure, Mr
McGrath, Mr J.F.
Turner, Mr
McGrath, Mr W.D.

Weideman, Mr
McLellan, Mr
Wells, Mr

Andrianopoulos, Mr
Micallef, Mr
Baker, Mr
Mildenhall, Mr (Teller)
Batchelor, Mr
Pandazopoulos, Mr
Brumby, Mr
Roper, Mr
Coghill, Dr
Sandon, Mr
Cole, Mr
Seitz, Mr
Dollis, Mr
Sercosbe, Mr
Garbutt, Ms
Sheehan, Mr
Haermeyer, Mr
Thomson, Mr
Hamilton, Mr
Thwaites, Mr
Leighton, Mr
Vaughan, Dr
Loney, Mr (Teller)
Wilson, Mrs
Marple, Ms

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Mr THOMSON (Pascoe Vale) — I ask the Minister for Planning a question about the definition of "bulk sampling". I have been unable to locate the definition either in the Bill or in the amendment, and it is clearly an important matter. I became interested in the issue back in May when I wrote to the Minister for Planning inquiring about the definition. I do not have his reply with me, but he replied to the effect that the definition was under consideration. Therefore my query is whether the government now has a working definition of bulk sampling or whether it intends to develop one.
Mr S. J. PLowMAN (Minister for Energy and Minerals)—It was intended to omit it from the definition because bulk sampling will vary depending on where the bulk sample is taken. In one area a bulk sample of 100 tonnes might be appropriate, while in an environmentally sensitive area 5 tonnes might be a bulk sample. The discretion is left with the Minister.

The CHAIRMAN—Order! The time appointed under Sessional Orders for me to report progress has arrived. The Minister may continue his response when the matter is next before the Committee.

Progress reported.

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

ADJOURNMENT

The SPEAKER—Order! The question is:
That the House do now adjourn.

Mobile preschools

Ms GARBUtT (Bundoora)—I direct to the attention of the Minister for Community Services the issue of mobile or outreach preschools. The debate about preschools has caused a great deal of concern across Victoria, and one of the issues raised was mobile preschools. These were established largely by—-

Honourable members interjecting.

The SPEAKER—Order! I ask the Clerk to stop the clock. It is impossible for the Chair to hear what the honourable member for Bundoora is saying. I ask the House to come to order.

Ms GARBUtT—I was referring to the funding of mobile preschools following the announced changes and cuts to preschools in general. Mobile preschools serve isolated areas, small townships and, in particular, caravan parks where children are living permanently without access to regular preschools. Although mobile preschools generally serve rural areas they also serve some suburban areas where large numbers of children live in caravan parks. This program was an attempt by the former Labor government to extend preschool coverage to as close to 100 per cent of children as could be managed.

A number of organisations have raised this issue in letters sent to me and to my colleagues. The North West Suburbs Mobile Preschool serves a number of caravan parks in that area. It says that its fees will have to rise on average from about $35 to $50 a term up to $80 to $170 a term. It says:

Fees of this amount are beyond the reach of most families.

The Director of the Justice and Social Responsibility Unit of the Uniting Church in Australia wrote to me about the concerns the unit has about the mobile preschool program. Currently the unit charges $20 a term for two sessions a week but those fees will have to be increased to $17 a day, which would make the service non-viable. This is occurring in a period of profound and sustained rural crisis. The matter has been raised before by services serving the north-east of Victoria. People are concerned about the ability of the services to continue. This is another example of the deprivation of children.

Natural gas pipeline

Mr JASPER (Murray Valley)—I direct to the attention of the Minister for Energy and Minerals the possible extension of the natural gas pipeline to other areas of the Murray Valley electorate. During the 1980s I made extensive representations to the Gas and Fuel Corporation and to former Ministers about the possible extension of the natural gas pipeline from Shepparton to service the shires of Cobram and Numurkah on the western end of my electorate, and on the eastern end to further extend the main gas pipeline that runs from Melbourne to Wodonga to Chiltern and the shires of Rutherglen and Yarrawonga.

The corporation undertook extensive investigations into the matter. Its representatives visited my electorate and I met with them on a number of occasions. They sought information on the possible general use of the proposed pipeline by private individuals, and in particular by industry. At the western end of my electorate there are large dairy factories in the shires of Cobram and Numurkah belonging to Kraft Foods Ltd and Murray Goulburn Trading Pty Ltd. Kraft has invested almost $100 million in an extension for its factory relocation from Port Melbourne to the Shire of Numurkah. It uses briquettes for power and that matter has been taken into account in the calculation. At the eastern end of my electorate there is a factory belonging to the Uncle Toby’s Co. Ltd that employs almost 1000 people.
The assessment by the Gas and Fuel Corporation said that it would not be viable to undertake the extension if costs were amortised over 20 years. I suggest that consideration be given to extending the amortisation of the cost to 50 years. Will the Minister instruct the Gas and Fuel Corporation to undertake further investigations, taking into account the present and future requirements of industrial development and local householders?

State Historian

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Industry and Employment, who represents the Minister for Arts in another place, the decision to dispense with the position of State Historian, and ask that that be reviewed. During the winter months one of the decisions made by the government was to dispense with the position of State Historian following the resignation of Dr Bernard Barrett. Despite publicity in the Age and submissions from some of Victoria’s most distinguished scholars, including such people as Professor Weston Bate, Professor A.G.L. Shaw and Professor Graeme Davison, but the government has not acted to restore or review that position. Its excuse was that once a position was made redundant there could be no move to replace the incumbent. That is an inappropriate response to a specialist position. If many positions within the State structure became vacant there would have to be attempts to fill them.

One way to proceed would be to redefine the role, structure and outcomes of the position. That would obviate the need to replace a person in exactly the same position and it would get around the government’s self-imposed restrictions. The government should look at a number of matters in respect of the State Historian, which could be closely linked with the government’s cultural and tourism policy; or it could provide policy advice on the development of heritage strategies, by which it sets great store.

In an article in the Age of 17 July the government indicated that the State Library of Victoria will take over some of the responsibilities of the former State Historian, but unfortunately, and predictably, the State Library did not know anything about these arrangements.

There has been speculation that the previous structure was inappropriate and that it limited effectiveness. If the State historian’s position were restructured along the lines I have indicated — that approach has been put to the Minister by a number of distinguished historians and scholars — I am sure an outcome that meets both the cultural heritage and economic interests of the State — —

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

Montrose football and cricket clubs

Mr McARTHUR (Monbulk) — I direct to the attention of the Minister for Sport, Recreation and Racing the Montrose Football Club and the Montrose Cricket Club. In recent years those two clubs have been doing extremely well. The Montrose football club has made it to the first division of the Eastern Districts Football League, a high-quality competition in the metropolitan area, and the largest league in Victoria.

The two clubs cooperate closely; but while they have been performing very well on the field they have been labouring under difficult circumstances with their facilities and fundraising programs. I was recently contacted by Mr Bill Metcalfe, the fundraising coordinator of the Montrose Football Club. He told me that in past years the club obtained most of its revenue from bingo receipts, but that source has effectively dried up since the previous government chose to introduce gaming machines.

In recent years the club has financed the major upgrading of facilities — it has improved the clubrooms and the facilities for its supporters and for women at the club. Unfortunately, it is now in a position where it no longer has the funds to direct to those facilities, and as a result the club is finding it difficult to attract young sports people and decent coaches. The club recently asked a qualified football coach to look at the facilities and he was reluctant to take on a coaching position with the club because he said the ground needs major work.

The football and cricket clubs are looking for some support. They are prepared to do an enormous amount of fundraising at the local level and they have strong community support. They have approached their local municipality for support, but they need some outside assistance. I am sure honourable members are aware of the benefits of sporting participation to the local community, especially at the younger level. My son plays cricket in the under-12 team, and he certainly benefits from some sporting activity. There are some people sitting on the other side of the House who would benefit
from a bit of a run around the paddock from time to
time and a bit of fresh air, although I think — —

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

School closures

Mr LONEY (Geelong North) — In the absence of
the Minister for Education I direct to the attention of
the Minister for Industry and Employment the
decision announced last Friday on the future of
schools in the West Barwon quality provision task
force outside the Colac area in the lovely Otway
Ranges. That task force comprises the primary
schools of Forrest, Barwon Downs, Gerangamete
and Yeodene. The schools put various proposals to
the Minister, and there is concern about the
Minister's decision to close Yeodene, to merge
Barwon Downs and Forrest at the Forrest site and
for Gerangamete to stay on its own. The local
community is at a total loss to understand how the
Minister came up with that decision.

The task force failed to reach consensus on the
options that were put forward. As the Minister for
Finance, who represents the area, would know,
Barwon Downs recommended retaining all four
schools or merging them all at the Forrest site.
Yeodene and Forrest recommended all schools be
retained, and Forrest recommended the merging of
all four schools at the Forrest site.

The schools presented the Minister with a
multiple-choice option and asked him to pick an
answer. Amazingly, despite being provided with a
multiple choice the Minister still could not get it
right and did not pick any of the answers provided.
The community is justifiably angry and confused
about it.

The parent of a student at the Barwon Downs
school, Mr Robert McNama is quoted in today's
Geelong Advertiser:

the merger was not viable without the addition of other
schools ... the school community has asked for the
decision to be reconsidered.

"The majority of parents are concerned that the
Minister may have misunderstood our
recommendation" ... "We are all very confused down
here at the moment and need some clarification about
how the DSE intends to staff the merged schools".

On behalf of those communities, I ask the Minister to
reconsider his decision since he obviously
misunderstood what was put to him and because he
has always said that quality provision is about local
communities determining what is best for them.

Care for disabled persons

Mr TANNER (Caulfield) — The Minister for
Community Services will be aware that I have
previously corresponded with him on behalf of
constituents concerned about the care of and
availability of services for people with disabilities.
He will also be aware that a constituent has
expressed particular concerns in relation to the
Client Account Management System. As a result of
the previous contact I had with the Minister, he
advised me that CAMS is operating in all intellectual
disability services training centres and was being
introduced into the community sector. The Minister
said that based on the information the department
has received regarding the operation of CAMS it
appeared that some issues required exploration.

The Minister further advised me earlier this year
that CAMS is based on the premise that it is the role
of the department to provide the disability support
staff who can assist clients to make financial
decisions and purchase goods and services but not
to manage the clients' money. Assistance is to be
provided by a neutral third party who can oversee
the financial affairs of a client unable to manage his
own money. In that way CAMS ensures that there is
separation between those who advise and help
clients with their purchases and financial decisions
and those who access, manage or disburse clients’
money.

My constituent has contacted me again and asked
that I direct to the attention of the Minister for
Community Services his belief that CAMS is making
it unnecessarily difficult for individuals to gain
access to their own money. My constituent suggests
that a better system would be for a designated key
person or support worker to operate an account at a
local bank. He wants to make representations to the
government on the matter and asks which advocacy
groups, clients and families are being consulted by
the department. I request the Minister to take into
account the views that have been conveyed to me by
my constituent and provide the advice that my
constituent requests.
Preschool closures

Mr SEITZ (Keilor) — In the absence of the Minister for Community Services I direct to the attention of the Minister for Energy and Minerals the closure of kindergartens in Keilor, an issue I was asked to raise yesterday evening by the parents of the children affected.

The Keilor City Council has been forced to close six kindergartens because of a cut of $350 000 in the State government subsidy for preschools in Keilor. Earlier today I presented a petition protesting against the closures. I plead with the Minister, the Premier and the Treasurer to reconsider the cutbacks, which in some cases have resulted in a 100 per cent increase in fees. The effects of the increases and a lack of transport in the area, both public and private, mean that many parents will not be able to take their children to the kindergartens that remain open.

A high proportion of the population of St Albans consists of newly arrived migrants. All honourable members will be aware of the importance of education, especially for migrant children. The earlier they begin to learn English at kindergarten and primary school, the better off they are. I urge the Minister to reconsider the cuts and to examine the assistance that can be given to newly arrived migrants. It is important that the government give the children of migrants a fair go. Many of the migrants come from cultures that do not encourage attendance at kindergartens, and because of the cuts children will be denied access to preschool services that have been built up over many years.

I ask the Minister to urge the Premier, who is also the Minister for Ethnic Affairs, to reconsider the situation. He should be encouraging ethnic people by giving them more opportunities. Migrants come to this country looking for opportunities to increase their standards of living. But the closure of the six kindergartens in the City of Keilor will make it impossible for their children to enjoy the opportunities that preschools provide.

Most families in my electorate do not have one car much less two. The lack of adequate bus services means that the remaining kindergartens are not accessible by public transport, which makes life very difficult. Kindergartens were designed to be within walking distance — —

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

Shepparton and District Retirement Village

Mr KILGOUR (Shepparton) — I ask the Minister for Energy and Minerals to direct to the attention of the Minister for the Aged in the other place the problem being faced by the Shepparton and District Retirement Village. The retirement village houses 350 residents in hostel, extended-care and self-help accommodation. The Shepparton community is proud of the village, which is extremely well run.

The problem concerns the use of thermostatic mixing valves, mechanical devices that help prevent elderly people being scalded by controlling the temperature of the water supplied to the units. The retirement village has installed the valves at a cost of $75 000, with ongoing maintenance costs estimated to be approximately $12 000 a year.

Health department guidelines state that the water temperature of showers and baths should not exceed 43 degrees Celsius. In attempting to overcome the dangers posed by scalding water, the village runs the risk of encouraging the growth of legionnaire's disease, because health department guidelines state that the ideal water temperature for the growth of the Legionella bacteria is anywhere between 20 degrees and 47 degrees Celsius. In recent correspondence the department has referred to an optimum temperature of 46 degrees Celsius. The New South Wales health department has recently carried out a review of Australian standards and now recommends that 50 degrees Celsius represents an ideal balance between the dangers of scalding and the risks of encouraging the growth of Legionella bacteria.

If the Shepparton retirement village relies on the health department figures of 43 degrees or 46 degrees, it runs the risk of encouraging the growth of the bacteria. I ask the Minister for the Aged to investigate the results of the review carried out in New South Wales before enforcing the current regulations requiring the installation of thermostatic mixing valves, which could prove a very expensive exercise that creates more problems than it solves.

Ambulance services

Mr ROPER (Coburg) — I direct to the attention of the Minister for Health the deterioration of the ambulance services available to people in the eastern suburbs of Melbourne.
Over the past couple of weeks the concerns of local communities and, in particular, the people involved in the provision of ambulance services in the eastern suburbs have increased as staffing has been reduced at depot after depot and station after station. In the last week the people of Nunawading have become aware of the government's intention to reduce from 17 to 8 the number of staff employed by the Nunawading ambulance service. A spokesman for the Nunawading service is reported as saying that the future of the service was under review. At present it looks as though only 8 of the 17 officers will remain.

The people of the outer-eastern suburbs are extremely worried that, as a result of the huge cuts in staffing and the changes in services, ambulances will not be available in emergencies. Some of the staff have been engaged in the patient transport service, which has also been used as a backup in cases where emergency vehicles have already been committed.

The government has set itself the major target of making huge cuts in the funding allocated to ambulance services. It is time the government explained how those huge cuts can be achieved without reducing the services that people rightly expect. It is not as though the government can blame the decision of an independent board, because the Minister has taken personal responsibility for the operations of ambulance services. The people of Nunawading, Lilydale, Knox and the other areas in which ambulance services will be severely cut demand a guarantee from the government that they will receive emergency services when they need them rather than when the government is prepared to send them around.

**Masters Games**

Mr WEIDEMAN (Frankston) — I direct to the attention of the Minister for Sport, Recreation and Racing the Masters Games. Recently the Minister told Victorians that the games will be staged in Victoria in 1995. He will be aware that the games have been staged in Queensland, Tasmania, Western Australia and South Australia. Some 8000 athletes participated in the games that were held in South Australia, which was a major event and which gave an enormous boost to that State's tourism industry. The people who staged the games received a major sporting award in recognition of their efforts.

Recently the Minister visited Western Australia to receive the flag which he brought back to Victoria as a precursor to the staging of the Masters Games in 1995. The Minister would also be aware that the Masters Games held in Victoria in 1990 were attended by 4500 athletes. I ask him to indicate what progress is being made with this major event, which is scheduled for September-October 1995, what activities will take place and what committees have been established.

I also ask him to raise with his colleague the Minister for Aged Care whether senior citizens can use the Seniors Card to attend the games, which have the potential to bring many visitors and tourist dollars to Victoria. I ask him to put that matter to the Ministers for tourism and transport and ask for their support. It would be a major event for senior citizens and for Victoria and would promote activities and events for the aged.

**Responses**

Mr JOHN (Minister for Community Services) — The honourable member for Bundoora asked about mobile preschools and their value to small townships and caravan parks throughout country Victoria, particularly in the north west, and the suggested fee increases.

The government recognises that the mobile preschool system is a unique service and is committed to the concept that all eligible children must be given a kindergarten service. The mobile preschool service is especially valuable to remote areas. The government will examine the mobile preschool service as a special category and will work to ensure that all eligible children in Victoria receive a kindergarten service, especially those with disabilities and those from low-income families. The government is committed to ensuring that all eligible children will have a kindergarten service and is determined to keep the service operating.

In recent days I received correspondence from a former member of this House, the Federal member for Indi, the Honourable Lou Lieberman, who is also concerned about the mobile kindergarten service. I thank the honourable member for Bundoora for raising the matter. It is very important and it is being addressed. Last week I spent two days in the Benalla area inspecting flood damage and talking to people who are concerned about a number of problems.

The honourable member for Caulfield, who has a considerable interest in disability services, raised the issue of client account management systems and mentioned a letter he received from a constituent.
CAMS is now operating in all intellectual disability training centres and is being introduced into the community sector. When Labor was in office there were several cases of money being misappropriated from people with intellectual and other disabilities. As a result the CAMS system was put in place under the Intellectually Disabled Person’s Services (Trust Moneys) Act 1992, which dealt with the management of trust funds for intellectually disabled persons. I acknowledge that there were problems with the introduction of the legislation and it is currently under review.

The government wants to improve the system. I have received a number of complaints about the system being unduly bureaucratic, and I assure the House that every effort is being made to ensure that the system is improved so that flexibility is provided and clients’ funds are protected. I thank the honourable member for raising the issue and I assure him that the system will be improved. His constituent should contact my department or the advocacy group VALID, which is working closely with my department on similar matters.

The honourable member for Keilor, who has a great interest in kindergarten services, raised the possible closure of some kindergartens in his electorate. Kindergarten openings and closures are determined by the demographics of an area and always have been. Circumstances change and kindergartens will be provided as they are needed. I urge the honourable member to consult officers from my department. I recognise the needs of children from non-English speaking backgrounds and repeat the government’s commitment that all eligible children will have a year of kindergarten. We are closely monitoring the situation. I point to the City of Knox, which is the largest municipality in Victoria — —

Ms Garbutt interjected.

Mr JOHN — They have closed them because they do not have the numbers of children they had before! How stupid you are! In the City of Knox every child who is eligible is getting a kindergarten year with no fee increase or at an increase that is so small it is insignificant. You should wake up! Two years ago you wanted to bring in — —

The SPEAKER — Order! The Minister must address the Chair and ignore interjections.

Mr JOHN — I accept your direction, Mr Speaker. The government will ensure that the system is reformed and that by early next year it will be the best kindergarten system in Australia.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The honourable member for Murray Valley expressed his desire for an extension of natural gas mains throughout his electorate. The government strongly supports the extension of natural gas, but consideration must be given to the economic viability of any extensions, wherever they happen to be. The Gas and Fuel Corporation must act as a responsible commercial organisation and pay dividends to the government, safeguard returns to preferred shareholders and provide a responsible rate of return on its assets and any extension to those assets throughout the State.

As the honourable member mentioned, the calculation of the term over which those assets are amortised is 20 years. The honourable member asked me to suggest to the Gas and Fuel Corporation that it think about increasing the amortisation period from 20 years to 50 years, which would make some of the extensions viable under the circumstances. I ask him to compare private sector guidelines for amortisation, which is normally over a five to eight-year period, depending on the cost of the money, the cost of the repayment and what return the Gas and Fuel Corporation would be getting from the extension.

However, the Gas and Fuel Corporation is looking at all rules on extensions having regard to the fact that it must act responsibly. It also wants to be as opportunistic as possible in extending natural gas throughout the State. I will ask the corporation to consider the suggestion of the honourable member, but I also suggest that he consider with the municipalities he mentioned encouraging the development of large commercial or industrial users.

Large commercial or industrial users increasing gas usage in those areas will be the most important factor in ensuring that gas extensions take place. It will give an opportunity for the amortisation period to be met, and the significant increase in load in some areas would make the amortisation project viable.

I will make those inquiries of the Gas and Fuel Corporation for the honourable member, but he and the municipalities affected should try to attract larger usage to assist the corporation to extend natural gas to wherever possible in Victoria.
Mr McNAMARA (Minister for Police and Emergency Services) — In my capacity as representative of the Minister for the Arts the honourable member for Footscray raised with me the position of the State Historian. He passed on a number of concerns that have been put to him on the filling of the position and what might be achieved if it were filled. I will refer those matters to the Minister for the Arts and ensure that the honourable member receives a substantive reply.

Mr REYNOLDS (Minister for Sport, Recreation and Racing) — The honourable member for Monbulk raised with me concerns about the upgrading of facilities used by the Montrose Football Club and the Montrose Cricket Club. As the honourable member rightly suggests, they have been particularly successful. His interest in this matter shows a deep regard as a local member for his electorate. Those clubs are no different to many others which are having some difficulty in raising money because funds that were derived from bingo have abated somewhat. We will have to overcome that problem in due course.

The facilities are needed to attract younger players and to keep their interest, and the club is prepared to raise funds. The responsible council is particularly interested in discussions with the member, who has raised this with me on numerous occasions. The oval needs upgrading, and the pavilion definitely needs upgrading and extending.

The new guidelines for sport and recreation planning and facility development programs were announced two or three weeks ago, and details were circulated to all municipalities and members of Parliament. Several changes have been introduced. I suggest that the honourable member look at the booklet that has been provided. In the back he will find an application which I exhort him to bring to the attention of the Shire of Lillydale, because the organisation must submit the application to the government.

An honourable member interjected.

Mr REYNOLDS — That is interesting.

The SPEAKER — Order! It is disorderly for the Minister to respond to interjections.

The honourable member for Monbulk needs to raise this matter with the Shire of Lillydale with all due haste because applications close on 29 October. I am sure a project such as this will be given serious consideration, and I exhort him to follow the guidelines printed in the booklet.

The honourable member for Frankston referred to the Masters Games that are to be held in Melbourne, starting on 21 October 1995. They will be the fifth Masters Games. It is probably the greatest mass population sporting event that will be held in Victoria in this decade, with more than 8000 competitors expected. The competitors and their families will add $15 million to the Victorian economy, with competitors participating in 40-odd sports.

A company to run those games will be announced Thursday at a forum where all sports will be represented; a major announcement regarding sponsorship will also be made. I commend particularly the Deputy Premier; he was not able to compete in Perth this year but he has been a competitor and medal winner at the three previous games at Hobart, Adelaide and Brisbane. I am sure he will be keen to promote the Masters Games in Victoria.

The honourable member for Frankston raised the use of the Seniors Card by those who qualify. That is an excellent suggestion, and I will be promoting it with the Ministers for transport, tourism and aged care and any other Ministries to which it would apply. That would further encourage people to come here. I look forward to announcing on Thursday more details regarding the Masters Games to be held in Melbourne in 1995.

Mrs TEHAN (Minister for Health) — The honourable member for Coburg raised with me the Metropolitan Ambulance Service, particularly in the Nunawading area. It is timely that I happen to have some figures that the member might be interested in on the ambulance service between 1987-88 and
1991-92, the last four years in which the honourable member's party was in government.

The average real increase in expenditure in the four years from 1987-88 to 1991-92 in the Metropolitan Ambulance Service was 8.5 per cent per annum — that is money increased cumulatively over those four years. The average decrease in output, being the total number of cases excluding air ambulance, in those four years from 1987-88 to 1991-92 was 2.3 per cent per annum. Despite throwing money at the problem, the output was remarkably lower. It implies a decline in productivity of 11.9 per cent per annum over four years.

The ambulance service argues that there has been a change in the mix of case types. Based on the more favourable assumption that output should be measured by stretcher output only, the annual productivity decline was 8.6 per cent per annum over the past four years. Whichever way you want to measure it, during the past four years of Labor government, it was throwing money at the problem at the rate of 8.5 per cent per annum — and there certainly was a problem. Year in, year out and month in, month out there were problems with ambulances being parked outside the health department and the entire government being held to ransom by the industrial wing of the ambulance services.

The output of the service was declining either at 8.6 per cent a year or at 11.9 per cent a year over the past four years. Is it any wonder that one of the first things the government did when it came to office was to replace the administration of the Metropolitan Ambulance Service and appoint a proven administrator. Since February this year the ambulance service has improved remarkably in its administration and efficiency, has reduced its response times and ensured that ambulances are available when and where needed, with a concentration on emergency services.

Nunawading is a classic example. It had 17 ambulances, but during the past few weeks those ambulances have been decentralised outside the central area to other areas. An article in the Lilydale Express dated 5 October states that having an ambulance based at Montrose will improve the ambulance service for the whole region. The report further states:

An ambulance at Montrose would provide a three-pronged attack — Ferntree Gully, Emerald and Montrose.

This will improve coverage for areas including Croydon, Mooroolbark, Bayswater, Basin, Kilsyth, Olinda and Sassafras.

The eastern business manager of the Metropolitan Ambulance Service said that no specific incidents in the region had caused the move to collocation, but that it was brought about simply by a need to improve response times generally.

The government is moving to collocation of emergency services, including the ambulance and fire services, because it has a number of considerable benefits. The collocation of ambulance and fire services will improve response times and provide a better spread of services across areas, better utilisation of facilities and a generally improved service.

The government will continue to monitor both the productivity of and the budget provided to the Metropolitan Ambulance Service, which I am sure will improve remarkably on its performance during the past four years of the Labor government.

Mr GUDE (Minister for Industry and Employment) — The honourable member for Geelong North has not taken very long to pick up the normal whining and carping approach of members of the opposition. The honourable member has spent most of his time reading newspaper articles during the two contributions he has made today. However, notwithstanding his contribution, I shall direct his remarks to the attention of the Minister for Education.

By contrast, the honourable member for Shepparton, in his usual caring way, reflected the concerns in his electorate about a retirement village. He referred to the cost of thermostatic devices to control the temperature of hot water units. Having visited the area with the honourable member I can attest to the closeness of his association with the retirement village and the people who are part of it. It will be my pleasure to take up the matter with the Minister for Aged Care to ensure that whatever can be done to assist these people will be done.

Motion agreed to.

House adjourned 10.54 p.m.
Wednesday, 20 October 1993

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

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the House that the Attorney-General will be absent from the Chamber today. She is in Gippsland on official duties.

CRIMES (AMENDMENT) BILL

Withdrawn on motion of Mr GUDE (Minister for Industry and Employment).

PETITIONS

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

Preschool funding

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

The humble petition of the undersigned citizens of the State of Victoria showeth that the savage funding cuts to preschools will lead to enormous increases in fees and fundraising, which parents cannot afford. This will create an elitist system with many children unable to attend preschool and suffering educational disadvantage.

Your petitioners therefore pray that the government restore adequate funding to preschools and restore the central payment scheme for salaries.

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

By Mr Phillips (74 signatures)

Casual replacement teacher budget

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

The humble petition of the undersigned parents of children attending Hurstbridge Primary School sheweth:

1. That the casual replacement teacher budget allocated to schools for the second half of the 1993 school year is minimal and has resulted in increased strain on teaching staff and class splitting to cover absences.

2. That the Directorate of School Education's continued policy of increasing teacher-pupil ratios is demoralising to the teaching staff and detrimental to the educational outcome for our children.

Your petitioners therefore pray that:

1. There be a reallocation of the casual replacement teacher budget for the 1994 school year to a more realistic level.

2. The teacher-pupil ratio for the 1994 school year be maintained at the 1993 level.

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

By Mr Phillips (189 signatures)

State deficit levy

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

The humble petition of the undersigned citizens of the State of Victoria wish to strongly voice objection to the $100 levy imposed upon all rateable properties.

Your petitioners therefore pray that the House take all necessary steps to ensure that the decision to impose this horrendous tax on the citizens of Victoria is withdrawn.

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

By Mr Micallef (111 signatures)

Laid on table.

PARLIAMENTARY REPORTS

Mr J. F. McGrath (Warrnambool) presented reports for year 1992-93 of:

Department of the Legislative Assembly;
Department of the Parliamentary Library;
Department of Parliamentary Debates;
and Department of the House Committee;


Laid on table.
AUDITOR-GENERAL’S REPORT


Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Victorian Conservation Trust — Report for the year 1992-93

Statutory Rule under the Physiotherapists Act 1978 — SR No. 178.

ASSOCIATION FOR THE BLIND (BRAILLE AND TALKING BOOK LIBRARY) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HAYWARD (Minister for Education).

CITY OF MELBOURNE BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr MACLELLAN (Minister for Planning).

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Mr SANDON (Carrum) — On behalf of Victorian students I grieve about the deterioration of standards and the quality of education in our schools. The Minister for Education, Mr Hayward, and his management consultants claim that their staffing cuts may not result in further increases in class sizes or cutbacks in programs if teachers are prepared to teach one or more periods each week. I intend to test that theory in the real world. Recently I visited the Wodonga High School. With its 1083 students, that school fits the ideal size requirements of Mr Stockdale and Mr Hayward, but that school is finding it increasingly difficult to do its job.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, the honourable member for Carrum should refer to honourable members by their correct titles.

The SPEAKER — Order! I have allowed the honourable member for Carrum a certain amount of licence, but he should refer to honourable members by their correct titles.

Mr SANDON (Carrum) — In 1992 the Wodonga High School had 1110 students and 85.6 teachers. In 1993 it had 1083 students and 76.7 teachers. However in 1994 it is estimated that the school will have 1088 students and only 72.5 teachers. Even with a fairly steady enrolment, that school has lost more than 13 teachers, or 15 per cent, in the time since the Kennett government took office.

That sort of staffing arrangement forces schools to make choices. However they are not choices designed to improve quality; they are choices aimed at minimising the damage. There are losers throughout the system because schools are given no choice but to implement the cuts. The only choices they face include increasing class sizes, cutting back programs, eliminating some programs, and providing fewer subjects, student support services and organisation. All schools choose a combination of those to try to minimise the damage.

The response at Wodonga High School is likely to include increased class sizes; a 50 per cent reduction in careers advice for students and work experience; a 25 per cent reduction in librarian time in classrooms rather than in the library; and a 50 per cent reduction in the number of student welfare officers at a time of recession, uncertainty, violence and anger and when all schools report an increase in student difficulties. That is occurring at the same time as school community support services are being cut and when school support centres are being abolished and dispersed, with staff taking redundancy packages and not being replaced.

Coping with the cuts is becoming the total responsibility of schools, and because of the Minister’s cuts schools must cut back the support they provide to students. What services are being
cut back to put teachers in classrooms? Is it just photocopying and administration?

In 1993 Wodonga High School had 169 timetabled periods out of the classroom each week, including careers and student welfare. Those periods are a necessary and integral part of quality education; they are the necessary substructure on which the school can operate efficiently. They include such things as camps and excursions, school drama productions, choir, curriculum development, timetabling for schools, interschool sports, first aid, coordination at junior school and subject levels, and instrumental music. That is what the Minister for Education is asking Wodonga High School to give up — it must make choices it should not be forced to make. I do not consider them icing on the cake but an integral part of our children’s development; yet, the Minister and his management consultants call them routine duties that teachers are to be freed from. Those activities must be given up if increased class sizes and program cuts are to be avoided.

Excursions are an important part of the educational growth and development of all students, especially those in rural Victoria, because they help to overcome their isolation and improve the quality of their education. They are now no longer possible because teachers are not free to organise and run them. Short-term replacement teachers cannot be used to do that job because they may be required at any time to cover illnesses at a school.

What happens to students who display anti-social behaviour or who have discipline problems. In the past schools like Wodonga would have taken those children out of the classroom into the time-out room. That is also gone because teachers are not available to supervise the time-out room. Those students must stay in the classrooms — with their much increased size — and disrupt all students and put themselves and others further behind.

Many of these areas have already been cut back because of the 1993 staffing cuts, but things will be much worse in 1994. Wodonga High School is considering reducing those activities in 1994 to 125 periods a week, in addition to the 50 per cent reduction in careers, work experience and student welfare and the 25 per cent reduction in classroom time for librarians. That is being done to minimise the increase in class sizes caused by staff cuts.

It is one thing to say that teachers are being asked to take only an extra period or two, but what about the preparation and correction time involved? What about the functions I have mentioned? Who will do that work if teachers are in class? The Minister has tried to tell us that it is easy; that quality can be increased, and class sizes and programs can be retained. However the experience of all school communities is that that is not true.

Only the Minister says it is easy; the principals say that the staffing cuts will devastate school programs. Consider Geoff Head’s comments in the newsletter of the principals federation, who said that any parent knows that children receive less individual attention if class sizes are increased and that children who are gifted or who need special help cannot thrive in a class size of 30, yet that is the common class size in our primary schools. We must face the fact that no-one can thrive in a class of that number. Teachers are now being asked to do the impossible. They are being asked to teach more hours and bigger classes and to do so without access to specialist programs to cater for those with special needs. At the same time they are being asked to increase the quality of education.

The situation in our primary schools is no better. Primary school teachers spend most of their working week within one grade. The only relief they get from their grade to organise their own individual work programs or to undertake school-wide organisation occurs when they are relieved for a period by a specialist teacher in, for example, physical education, art, music or library. Faced with staffing cutbacks, primary schools have already been forced to choose between increased class sizes and specialist programs and will again be forced to make choices to meet the 1994 cutbacks.

Schools must choose between increasing class sizes and continuing to offer art, library and music and in that way allowing teachers some time out of the classroom to mark or prepare work and so on, or abolishing or cutting back specialist programs and allowing teachers less time, or even no time, out of the classroom, but thereby keeping class sizes a little lower than if the total specialist programs were retained. None of these choices is good for education.

I regard the study of physical education, art, music, library and computers as part of the core curriculum, not as a luxury that is available only if parents can afford it or if parents and teachers are prepared to put up with large —

Mr A. F. FLOWMAN (Benambra) — On a point of order, Mr Speaker, I believe the honourable member for Carrum is reading the entire volume
that has been delivered to the House and I seek your
guidance about that.

The SPEAKER — Order! I call the honourable
member for Carrum.

Mr SANDON — What is the honourable member
for Benambra asking, Mr Speaker?

The SPEAKER — Order! He is asking if you have
a prepared written speech.

Mr SANDON — I have a speech and I am
prepared to make a copy available to the honourable
member for Benambra, if he wishes.

The SPEAKER — Order! Again the honourable
member for Carrum puts the Chair in a peculiar
position. I draw the honourable member’s attention
to the fact that he may not read a speech, but can
refer to copious notes. I take it he is referring to
copious notes.

Mr SANDON — I make the point that schools
are faced with an incompatible choice between
reducing specialist programs and increasing class
sizes because the government and the Minister are
concerned with dollars and cents, not with our
children’s future; they see education as a cost to be
trimmed, averaged and placed into a predetermined
formula. Children are not like that!

Education is an investment in our country’s future
and in the future of all our children; and it is the
State’s responsibility to meet that obligation. The
government has failed to meet that obligation and
Victorian parents will not forget that failure. Daily
the government is making decisions that have a
detrimental impact on our schools. The government
has continued to take teachers out of the
classroom — to date more than 4000 teachers have
been removed and the government is targeting
another 2600. You cannot remove that number of
teachers without having a severe impact on what
takes place in the classroom.

Teachers are in an impossible position of having to
make a choice they should not have to make about
increasing class sizes or reducing the amount of
organisational work they do; work that is necessary
for the enhancement of the total fabric of our schools
to ensure that students have not only a core
curriculum but can participate in extracurricular
activities that are so essential to their personal
development. The government and the Minister
stand condemned for actions that are causing a
deterioration in the quality of education in Victoria.

Mr KILGOUR (Shepparton) — I grieve today for
the people of northern Victoria, in particular the
people of the Goulburn Valley and the Shepparton
district who have been devastated by the floods that
have inundated the area over the past two to three
weeks.

It is ironic that when the heavy rains began on the
night of 9 October I was at a meeting of the
Mooroopna Water Board. Following the meeting we
had to exit through the back door, where the water
was only ankle deep, rather than through the front
door, where it was knee deep. It was obvious from
the heavy rains that there would be much local
flooding. Although we discovered on Monday
morning that local flooding had occurred and that
some houses and streets were inundated with water,
that was nothing compared with what was to
eventuate during the next 24 hours.

Although in the vicinity of 570 millilitres of rain fell
in the period from Sunday night to early Monday
morning, more than eight inches had fallen in the
hills above Benalla. The Benalla shopping centre was
devastated and water six to eight inches deep
inundated homes in the town.

Citizens of Shepparton at least had time to prepare
for flood waters coming down the Broken River.
However, people living just out of the Shepparton
area in the southern part of Kialla were in no way
ready for the water coming down the Castle,
Honeysuckle and Severns creeks, and people living
in areas that had never before been flooded
suddenly found themselves with a foot of water
flowing through their homes. Today those people
still wake to a musty smell.

People in the southern area of Shepparton were not
only first to experience what happened when the
waters came so quickly, but by the end of the day
when the water level had dropped, they were also
left with mucky water and mud in their houses and
were faced with a massive clean-up job. In many
cases electrical equipment was ruined and carpets
had to be taken to the tip.

Vast areas of farming land were flooded when the
Broken River burst its banks. Huge quantities of
water moved across the plain and flooded the
properties of families that had owned farms for a
hundred years and had said to their sons and
daughters, "There is no problem with this property because it has never been flooded".

The events of the next 12 hours were devastating. Farmers in the Pine Lodge area who had gone to assist neighbours near the Broken River returned home five or six hours later to find their farms under a foot of water, structural damage to their households and equipment ruined.

When I viewed the devastation from the air, it was obvious from the volume of water flowing across the flood plain into the Pine Lodge and Congupna creeks that people in areas downstream of the flood waters would also suffer.

The City of Shepparton did not experience the devastation that occurred in 1974 when the Goulburn River flooded, with only 14 houses being damaged. At that time water came to within half a brick of flowing through my house. Although on this occasion the Goulburn River peaked at approximately a foot under the 1974 level, many people in the area who thought they were safe were flooded by water from the Broken River.

Shires in the area set up evacuation centres. Many roads were flooded, making access to the city difficult.

The residents of Mooroopna had a full understanding of the devastation floods can cause. They rallied by sandbagging between the east and west banks of the Goulburn River to keep the Midland Highway open so that emergency services vehicles could get through.

Farms in the eastern areas of Shepparton were devastated when the Goulburn River broke its banks and water banked up against the eastern channel. Farming areas that had never been flooded before were inundated.

That wonderful innovation, Displan, then came into operation. Before the creation of Displan, chaos reigned in the 1974 floods because nobody knew what other emergency services were doing. Displan worked well; I attended every meeting in Shepparton during the floods. When they hit, Displan immediately went into the response phase. As the floodwaters receded it moved into the recovery phase. Displan headquarters were set up at the Shepparton shire offices, and it was pleasing to see the way its members coordinated with the State Emergency Service. Bob Cowling, who chaired Displan for the duration of the flood, was ably supported by Senior Sergeant Will Attwood from the police, who worked 18 hours a day directing emergency services to help the people in most need.

The staffs of the Shepparton city council and the Shepparton and Rodney shires were magnificent. The Shepparton shire secretary, Ian Martin, and shire engineer, Steve Winett, also worked 18 to 20 hours a day handling the volume of information coming from outlying areas. They had to make hard decisions about road closures, access and sandbag distribution; people throughout the shire were calling for help.

Roads disintegrated because of the power of the floodwaters from the eastern channel. Bitumen pieces were ripped from the road and washed into the drains and paddocks. It was sad to see the infrastructure on which farmers had worked so hard being ruined in a couple of hours by the massive floodwaters.

The Rural Water Corporation had a tremendous amount of work to do, particularly Kevin Walker and Geoff Parry. They worked tirelessly to provide information on the amount of water flowing down the streams. Although it was hard work, their predictions about the river level peak and the likelihood of it staying at that height before dropping to minor flood level were spot on. They could only guess at the amounts of water flowing down the Broken River. It was flowing so high above the gauges that they had no idea of the amount of megalitres involved. Nevertheless they used their ability and experience to provide lower Goulburn area residents with estimates of water levels.

While murky water flowed down the streets, the Shepparton Water Board had a big job providing quality water to residents. The board had the important job of ensuring that waste water and the sewage were pumped into the sewerage lagoons, which by that time were full to almost overflowing. The fire brigade also did a tremendous job. We normally think of the CFA as being involved in bushfires, town fires and other fires during the summer period but, as we know, country Victoria’s CFA officers always rally to the cause.

The government should examine ways of improving the close coordination of the SES and the CFA in such disasters. We should examine the possibility of combining the services so that the brigade can play a more leading role in the provision of equipment, radios and personnel in flood-devastated areas. The
honourable member for Ballarat would agree that the brigade can play an important role in future natural disasters.

The Department of Health and Community Services was also involved in Displan. It marshalled evacuees whose homes were either partially destroyed or whose household equipment and bedding had been damaged. It helped them to immediately apply for grants and directed them to support agencies. In 1974 mobile telephones were virtually unknown. This time emergency personnel relied heavily on the mobile phone network. I take my hat off to the Telecom officers who hurried to Shepparton to install extra facilities for emergency services people at Shepparton and Dookie. They were able to redirect incoming calls from outside the area so that the emergency calls received priority.

The Army was also magnificent. It arrived in Shepparton on Monday afternoon and worked on roadblocks and carted sandbags. Throughout the next three or four days they did a tremendous job, which was greatly appreciated by the people of the Goulburn Valley.

Some hard decisions had to be made. It is not easy for people like the shire engineers to say, "Yes, we will build a levee in this area". They know full well that such levees could flood properties that have never been flooded. Many people contacted me about their farms being flooded because the creation of levees had directed floodwaters onto their farms. Unfortunately some people are no longer talking to one another because floodwaters had been directed onto their properties.

At times the police were brought in to try to calm the nerves of people who did not know what to do because of the massive banks of water flowing onto their properties. The police and others in the community did a tremendous job trying to appease residents and make them understand that everybody had to take their fair share of water. They also had to stop heavy vehicles that were wrecking the roads; they were rerouted outside the Goulburn Valley. The residents of Tallygaroopna and Congupna filled thousands of sandbags and sent them to farming areas. Those sandbags saved hundreds of houses from being inundated. A recovery centre with an outreach program was established and farmers went around helping each other. Cows were even donated to help a farmer who had lost his herd. Help was provided by people throughout the area. Considerable anger was directed at people who were pumping water off properties, a problem that had to be sorted out.

The floods have caused milk production to diminish. Many cows had to be milked on other farms; farmers helped each other like they had never helped before. Many cows had to swim through the floods with water half-way up their bellies. They had to be grain fed because grass was unavailable.

Orchards were also flooded. Many contained young trees and it will be some time before we know whether they will have to be replaced or whether future production will be affected. The orchardists were unable to get onto their properties to spray for black spot; as a result many will lose production. The devastation will cost at least $100 million in lost dairy production alone. We are yet to see the full results of the devastation in the fruit-growing areas.

Fencing, fodder and transport will be required to help the farming community. I am pleased the government moved quickly to provide grants and low-interest loans to try to get people back on their feet. That will be possible with help from the government and the local community. I thank the government and the local community for getting together to help one another in this time of need.

The government will have to replace many kilometres of roads. At least 16 bridges in the Shepparton shire alone have been damaged. Considerable funds will have to be spent on replacing infrastructure and communications facilities. I was pleased to be involved in the telethon to help those people.

Mr Batchelor (Thomastown) — I join the grievance debate today to raise an issue that is of significance to many thousands of families and schoolchildren across Victoria. There is an enormous amount of turmoil and confusion in the bureaucracy and the community about the free school bus service.

The bus service provides schoolchildren with transport from their isolated homes in rural Victoria and outer metropolitan Melbourne to schools because there is either no school nearby or inadequate public transport. In the past 73 000 students have used the service each day. The opposition agrees that the community is under an obligation to transport young people to school and the government has done that by providing an extensive free school bus network. Although some outer metropolitan areas also require the bus service, because the Department of Education has not kept
up with the pace of population growth, many thousands of students in rural Victoria depend upon the service to gain an education.

What is happening behind the scenes is an absolute disgrace — it is a debacle. The Budget allocation for the provision of the free school bus service comes from the Department of Transport. This year the department allocated $76 million of its $86 million corporate services program to provide the service. The free school bus service is the largest single item in that program’s allocation.

The Budget Papers for 1993-94, according to figures released by the Treasurer, have revealed that the department expects that 500,000 fewer students will use the free bus system this financial year and that the distance travelled by the bus service will be reduced by 640,000 kilometres. However, a study of the detail behind the corporate services program reveals that this year the department will spend $50 million less on the service.

The House will be aware that late last year there were 55 school closures and, according to the Minister, there will be 159 this financial year, with the possibility of further closures in the future. Despite the dramatically increasing need for the free school bus system as a result of savage school closures, no funding provision has been made.

The Department of Education is in a shambles. It does not know what the demand will be. Yesterday in question time when the Minister for Education was specifically asked what financial resources and estimates had been allocated for the provision of additional free school bus services he avoided answering the question.

However, in the Age of 18 October he is reported as having said that no additional resources had been allocated to it. It is a terrible indictment on the government that although the Department of Education has made such fundamental and savage decisions to close schools across rural Victoria it has not provided additional resources for school buses. What will the children in isolated communities do? How will they get to school? Perhaps the government’s hidden agenda is that it does not want people to use government school facilities. It wants rural communities to miss out on the benefits of a sound government primary and secondary education.

On the one hand, the Department of Transport has budgeted for less money to be allocated to the scheme this year and the Department of Education has made no estimates and does not know what will happen. Honourable members know that the department has no money to provide additional services.

On the other hand, the economic rationalists at the Victorian Commission of Audit have advised the government that it should charge $175 a student and the Industry Commission recently recommended that the charge for the provision of the school bus system ought to come out of the education budget, not the transport budget. There is great confusion within the government and the community.

The real problem has been revealed in a letter of 19 August from Mr Peter Gledhill, the principal planning officer for school bus services, Public Transport Corporation (PTC), to the general managers of Directorate of School Education regions. The letter clearly sets out the government’s intentions about the provision of free buses to some 10,000 students who have been disadvantaged by the closures recently announced by the Minister. In addition to this letter, the PTC has sent the principals of the schools responsible for coordinating students who travel on school buses the dreaded TR901 form which asks them to identify the anticipated loadings for the forthcoming year. In gathering that information from the principals of the other schools they have until the end of this month to provide the PTC with the information. The Gledhill letter states:

With regard to the allocation of new travellers to bus services for the new school year, please note the following:

1. Due to current extreme budgetary constraints the existing level of service (number of contract buses) at each centre, as of 1 December 1993, is the maximum number that will be provided during this financial year.

2. Every attempt should be made to accommodate additional eligible travellers on existing buses, having regard to current loading guidelines.

3. New enrolments of eligible travellers who cannot be accommodated on existing services should be placed on waiting lists.

The letter also refers to additional arrangements for services that will be dealt with in the future. The department has issued instructions to all Victorian school principals and required them to provide their annual loading survey — the dreaded TR901 form — along those lines.
GRIEVANCES

No further bus services will be provided next year. The PTC has virtually said, "If you have children from schools that have closed you must use the buses. You must meet the additional loading specifications of the buses. If the seats are already occupied because of present loads, the country children can stand; we do not care".

The PTC says that if children cannot board the buses because of insufficient space — that is, the buses are carrying the maximum number of passengers — the solution is for the children to be placed on waiting lists. That is the real rub for the children of country Victoria! Their schools have been closed and the government will not provide additional funds for buses; the government has decided that if children cannot find room on buses, they will be placed on waiting lists.

Maybe those children will be forced to wait until the new financial year or maybe until they reach the Victorian certificate of education standard. Who knows? What we do know is that many children will not be able to board buses. Everyone knows about the problem of overloaded school buses in rural Victoria. Young children are being forced to travel for many hours over many kilometres to and from school. The PTC decision will only add insult to injury. It says to rural Victorians, "You will not get the promised education you deserve nor will you get the promised facilities". It is another of the government's many Clayton's promises about education.

Mr JASPER (Murray Valley) — On a point of order, Mr Acting Speaker, as a member of Parliament representing a rural electorate I do not accept the comments made by the honourable member for Thomastown. They are a reflection on me as a local member and on the representations I make about school buses, and on the assurances provided by the government that free school buses will continue to be provided for all country students.

The ACTING SPEAKER (Mr Cooper) — Order! Order! The honourable member's time has expired.

Mr JASPER (Murray Valley) — After listening to the comments of the honourable member for Thomastown I almost decided to grieve about a different matter from the one I originally intended to mention today. He is peddling lies and deceit. The honourable member should travel to country Victoria and talk to local members of Parliament like me. They have a true understanding of what happens with education in rural Victoria. I have talked to every school in my electorate and I am well aware of the school bus situation.

Mr BATCHELOR (Thomastown) — On a point of order, Mr Acting Speaker, the comments made by the honourable member for Murray Valley cast a reflection on me. He said I was telling lies. I ask that he be directed to withdraw his comments. They were not lies; I was referring to government documents. If the honourable member is upset he should take up the matter with the Minister. He can join me in meeting with the Minister.
Mr JASPER (Murray Valley) — On the point of order, Mr Acting Speaker, I did not call the honourable member a liar. I said he was peddling lies and deceit. I do not agree with his interpretation of the documents; I say he is peddling lies and untruths.

Dr COGHILL (Werribee) — On the point of order, Mr Acting Speaker, clearly the honourable member for Murray Valley is reflecting on the motives of the honourable member for Thomastown who has told the House he was relying on government documents. If the honourable member for Murray Valley wishes to dispute the authenticity of those documents, that is one matter; but it is quite another matter to cast adverse reflections on another honourable member and to make imputations about the motives of another honourable member.

The honourable member for Murray Valley has been a member of this House since 1976. He is well aware of the provisions of the Standing Orders. He is a long-standing member of the Standing Orders Committee. He is well aware that he is in breach of the Standing Orders. I ask you to require him to withdraw his comments, as requested by the honourable member for Thomastown.

Mr GUDE (Minister for Industry and Employment) — On the point of order, Mr Acting Speaker, it is clear that the honourable member for Murray Valley was referring to the comments made by the honourable member when he quoted from documents. He cast no aspersions on the honourable member. He was concerned with the deficiencies in the remarks made by the honourable member and referred to them as lies and deceit. He did not mean that the honourable member was either a liar or deceitful.

The ACTING SPEAKER — Order! The matter relates to Standing Order No. 108, which is often the subject of discussion in this House. It states:

> No member shall use offensive or unbecoming words in reference to any member of the House and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

It is my view that the words used by the honourable member for Murray Valley were a reflection on the honourable member for Thomastown. Therefore, I ask him to withdraw them.

Mr JASPER (Murray Valley) — I withdraw the comments.
charge. That structure operated only in the metropolitan area and did not come to grips with the discounting of petrol and the difficulties faced by country people.

I had many discussions with Sir Rupert Hamer when he was the Premier of Victoria and on one occasion I recall him saying that there was no way he would legislate so that people living in the metropolitan area of Melbourne paid higher prices for fuel to subsidise people living in rural Victoria. I understood the reasons for his comments at the time, even though I believed country people were being victimised.

The former member for Morwell, Derek Amos, told me that when a Labor government was elected in 1982 it would take action to ensure justice for country people. After the election of the Cain Labor government Derek Amos took to the Premier a deputation which included representatives of the Australian Labor Party and the Victorian Automobile Chamber of Commerce. Despite the strong advocacy of justice for country people the then Premier, the Honourable John Cain, said he would not legislate to protect country people from being charged higher prices for their fuel products than residents of metropolitan Melbourne.

In 1985 the State government decided to hand over the surveillance of fuel pricing to a Federal pricing authority and washed its hands of the problem. The Federal Prices Surveillance Authority now regulates the price of fuel throughout Australia and is trying to achieve a pricing structure at the wholesale level that will protect not just the oil companies but wholesalers, retailers and consumers.

After the State Liberal government was elected in 1992 I had discussions with Ministers seeking action to address this problem facing all Australians. As I said at the outset, the cost of fuel is a vital component of the cost of many goods and services and it is imperative that the issue be addressed.

It is difficult for me to cover all the issues in the limited time available to me, as they are so broad. Country representatives of the coalition government established a committee to examine the issue and presented an excellent report containing many recommendations to the government. The committee tried to achieve equality of fuel pricing for country people and examined the way fuel was priced by the oil companies through to the distributors and retailers. The rack pricing system has been used as a pricing mechanism for some time, and the committee recommended a different system that would require action by the State government and probably by the Federal government. The terminal-gate pricing system recommended by the committee will require cooperation from oil companies. The committee also recommended that the Federal government be asked to amend the Prices Surveillance Act and the Trade Practices Act. An inquiry is being undertaken into the price structure of fuel throughout Australia, and I hope it will recognise that a uniform pricing system must be developed.

I remind honourable members that 58.58 per cent of the retail price of fuel comprises Federal and State government taxes. The State government percentage is 12.1 per cent, but most of that is spent on the road network throughout Victoria. I congratulate the State government in that respect. However, approximately 46.48 per cent collected by the Federal government as excise taxes goes to consolidated revenue and most of it is not used to improve the road network. The balance of 41.42 per cent stays with the oil companies to cover their production costs, distribution and profit margins. The oil companies are manipulating fuel pricing with this balance and evidence shows that the governments have a difficulty and are reluctant to act against the companies.

This issue is one of justice and fairness for rural Victoria. It is an issue that I have faced since I have been a member of Parliament. I have made representations to various governments seeking action and justice not just from a taxing viewpoint but to ensure balance in the structure of fuel pricing. I urge the government to support terminal gate pricing and to urge the Federal government to amend the two Federal Acts to which I have referred. If discounting of fuel occurs it should occur throughout all Victoria and not just in the metropolitan areas.

Ms GARBU TT (Bundoora) — I grieve today for an industry in crisis: the preschool system across our State which is showing signs of distress. I am meeting parents who are distraught and committees that are collapsing and from which people are resigning because of the anxiety they are experiencing and the pressure that is put on them rather than face the decisions they must make. The preschool service is heading for chaos. As time passes the situation is not being resolved, and parents, committees and teachers are telling me they expect the situation to continue to worsen until next year when it could simply become disastrous.
Preschools, individual families and children are suffering.

The government announced substantial changes to the preschool system with funds of $11.5 million being cut next year and per capita payments of $800 being made to preschools — or $1000 in rural areas — with a small supplementary payment of $75 where parents hold a health card. Communities are being asked to take full responsibility for managing centres, for handling industrial relations, for fundraising and for collecting the fees. The cuts mean that preschools are facing a number of changes, none of which they like; committees are finding they are caught between a rock and a hard place. Fees are increasing by 100 per cent or more, and I shall give some examples from around the State. The increases in fees for a term are: Mulgrave Park in Waverley, from $45 to $115; St Andrew’s preschool in Clifton Hill, from $60 to $110; Sherbourne preschool in the Shire of Eltham, from $55 to $120, with a note at the bottom to say that the fee depends entirely on government contribution and it varies up and down according to enrolment; Hastings, from $40 to $90; Nunawading, from $55 to $100; South Barwon, from $45 to $130; Mornington shire, which I am sure the Acting Speaker will be interested in, from $40 to $110; Tanti Park preschool in Ashwood, from $60 to $145; Lakes Entrance at the other end of the State, from $50 to $100; and Moorabbin, from $65 to $110.

They are the fee estimates committees have made on the budgets they have had to submit to the government. However, they say their fees are uncertain because they have to submit their budgets before they know what funding they will receive. When the funding is issued the budget may have to change. When the budget changes the fees have to be recalculated. When the fees are recalculated the parents reconsider whether to put their children into the same preschool, and if they decide to look for a cheaper preschool, the funds have to be re-examined and will go up again as the enrolment goes down.

That is the sort of chaos that parents are predicting will occur from now on and will continue through next year. The fees estimated for next year are simply not affordable for many people. I have received letters from people saying that because they cannot afford the proposed fees at their preschools they will have to pull their children out. Mrs R. Runge of Mooroolbark said:

We will not be able to afford to send our son to kinder. Can you suggest a way I can tell him he can’t go? I think $120 per term for kinder is outrageous and I would like you to pass on my feeling to the Kennett government as soon as possible.

Mrs Harati-rad of Mooroolbark said:

Our fees will be at least $129 per term. I can’t afford it. My child will miss out.

That short letter is to the point. Helen Briggs, a mother of three from Kilsyth, said:

Many of next year’s parents we have found cannot afford the proposed fees of between $100 and $180 per term. I certainly will not be able to afford it in 1995.

Kindergartens across the State have had letters and phone calls from distressed parents saying they cannot afford the fees and children will be staying at home. We have had that comment from Elaine Carbines of St Luke’s Highton Preschool Centre in Geelong. The Mount Dandenong Preschool wrote that there were:

a significant number of families who state they could not afford to send their child to preschool making it highly likely that we would still become financially unviable.

That preschool did a survey and found that 30 per cent of parents would decide not to send their children to preschool and, if that happened, it would close.

There are also comments in local papers. For example, an article in the Nunawading Post of 8 September states:

There are a couple of hundred of children in the area who have not been accounted for — we need their parents to come forward and place their enrolments.

Parents are simply sitting at home, not enrolling their children because they do not know what the fees will be next year and they suspect they will not be able to afford them.

The Croydon Mail has a report from the Croydon Combined Kindergarten Association that:

At the Canterbury Gardens Estate kindergarten ... several parents had already said they could not afford fee hikes.

An article in the Lilydale Express of 6 October states:
A dramatic drop in anticipated enrolments has placed at least half of Lillydale shire’s 23 preschools at risk.

The evidence is clear that parents around the State cannot afford the proposed fees; they are pulling their children out or not enrolling them in the first place. Preschools are suffering problems of viability because they do not have the numbers to bring in the funding necessary and, to cover that, fees must go up even more, in which case even more children are withdrawn by their parents and the system spirals into the chaos that many preschools are reporting.

Some preschools have considered other options, as they were urged to do by the Minister. Some have undertaken or have been forced to undertake increasing the number of children in each group and many groups now have up to 30 children. The Minister spoke about the Knox area where preschools have managed to keep their fees low. That is true, but the way they have done that is to put 30 children in each group where they have the numbers to support that or where the building is of sufficient size to allow it. Without doubt that lowers the quality of education.

The Minister is sitting on yet another report on preschools and the work of preschool teachers, which has not been released to the public. Part of it was undertaken by an associate professor at Monash University, Elizabeth Mellor, who did a literature review and came up with indicators of quality preschool education. Interestingly enough, she identified two of the most important indicators of quality: firstly, that there should be trained staff in a ratio of not more than one trained staff member to 10 children and, secondly, that small groups of preferably not more than 20 children make up quality education in preschool.

It is not surprising that the Minister is sitting on this report because it clearly contradicts his suggestions about how preschools can cope with cuts to their budgets. Preschools have to lower the quality of education they offer by increasing the numbers in groups. It is the only choice they have if they do not wish to put up the fees to prohibitive levels. Not only in Knox but all around the State I am finding that preschools are putting 30 rather than 25 children in each group. Some are putting in as many as 36 or 38 children by dividing them into smaller clusters and rotating them through the session. That complicated formula means that the teacher’s time is spread even thinner so that she is much less able to offer individual attention, an individual program and individual care to each child. Therefore, once again the quality is being lowered.

Not only is the number of children in each group being examined but also some preschools are moving to reduce the hours children are given at kindergarten. There is simply not enough funding to pay for 10 hours a week, which is the standard time these days. Many are moving to 7 hours — for example, in Werribee. In Oakleigh last evening I heard that 8 hours is being proposed, and I have even received a letter from a Mount Dandenong preschool committee that was advised to consider 5 hours. That means half the time and half the quality, because the committee could not make the budget balance without setting the fees so high that people would drop out.

Preschool committees are also having to lower the quality in other ways. When preschools move to put more children in each group the implication is that one preschool will get bigger and several others will get smaller. Kindergartens across the State are unable to remain open. The Minister for Community Services referred last night in this House to the Knox area, where preschools are managing to keep the fees down, but only by cramming 30 children into each group and by closing 8 of the 41 preschools. Recently the Knox News reported that another five kindergartens may have to close because enrolments are so far down. I will quote from the 11 October edition of that newspaper:

The council’s community services director, Mr Geoff Draper, said of the 2100 letters sent to parents, only 1400 replies had arrived by the October 1 deadline.

He said it was not uncommon to have a yearly drop-off rate for enrolments, but this year’s figures were “far worse than the council ever contemplated”.

He said it was possible parents were simply not sending their children to preschool because they did not want to pay more.

On Monday night the Keilor council made the hard decision that it would close six kindergartens, and I remind the House that that was despite the Minister’s promise made publicly on 24 June on the Neil Mitchell program on 3AW:

In my view no kindergarten will close because of the changes we are making.

I remind the Premier of the headline in the Sunday Age — when the Premier was still talking to the...
No kindergartens in Victoria will close and children are assured of at least one year in kindergarten.

Kindergartens are closing all around the State, and there are other reactions as well. Some schools are getting into the act and setting up pre-prep years especially designed for children who cannot or do not attend preschool. Grovedale West Primary School, for example, is offering a pre-prep year for school-aged children which is designed for children who cannot get into kindergarten or whose parents cannot afford it. It is also an alternative to a second year of kindergarten, which is now extremely difficult because many parents cannot afford the fee.

Pre-prep primary school fee will be $45 a year. Moolap, Point Lonsdale and Gutheridge primary schools are doing the same. In rural areas there are few options — there are no extra children to put into groups. I have received letters from a range of small towns across rural Victoria, including Minyip, Chiltern and Corryong, describing the extraordinary lengths to which they are going to offer preschool education. They have few choices. If they do not offer it, the children will simply miss out. There is nowhere else for them to go unless the parents are prepared to travel 30 kilometres or more to the next town.

Preschool education is a picture of chaos around the State. Committees are collapsing under the stress of it all. Fees are on a continual merry-go-round of rises and falls. The situation is a nightmare for the committees trying to set funding levels and fee levels based on the number of enrolments, and it will all go on and on.

Parents are also concerned about the legal problems that may arise if they are unable to pay teachers’ salaries and the taxes involved. There are a whole range of legal issues on which they are getting no answers. Parents will soon be asked to put up their hands for next year’s kindergarten committees, but I doubt that many hands will be raised. Who would want to put up his or her hand and volunteer for that sort of work? The Minister needs to call a halt to it, to put the money back into kindergartens and to go away and rethink the whole exercise.

Mr MAUGHAN (Rodney) — I grieve about the flooding that is widespread in the Goulburn Valley right at the moment. All members of this House will be aware of the disastrous flooding in northern Victoria, and we have all seen on television news, heard on the radio and read in the newspapers about the spectacular flooding in Benalla, Wangaratta and Shepparton and about how for a week or so Echuca was on a knife edge because of the risk of extensive flooding.

What we have not heard so much about and what I wish to concentrate on is the individual hardship suffered by farmers who have been adversely affected. Before doing so I shall speak briefly about the flooding in Echuca, which was facing a disaster of a sort that has not been seen this century.

The River Murray was expected to peak at 94.8 metres, which would have been the highest river level this century. Although there was a possibility of it reaching 95.2 metres, fortunately that did not occur; it peaked at 94.76 metres and has been falling very slowly ever since. But Echuca is not out of the woods yet. The river is still high and the levee banks could still break.

I want to acknowledge those who helped during the crisis. Echuca had time to prepare, which gave it an advantage, but the organisation was superb and I pay tribute to the SES coordinator, Mr Jack Prentice, who did a magnificent job organising assistance to control the flood problem. He was ably assisted by Senior Sergeant Ian Herraville, the Displan coordinator. Cr Alan Fabry, the Mayor of the City of Echuca, did a magnificent job, as did the chief executive officer, Mr Robert White, Mr Mike Bruty, the technical services director, and Mr Alf Grigg, the manager of the Campaspe Region Water Authority. Those people met regularly — at least daily — and between them devised the strategy and provided the control to deal with the difficulties of Echuca.

The community was also superb in the way it assisted, and I include the various service clubs and groups of volunteers who were able to help whenever required. One example is the Echuca Secondary College. On one day in particular students filled 4000 sandbags. That was fairly typical of community reaction in dealing with the risk of flooding.

Approximately 60 000 bags were filled in total, levees were topped up and Echuca was fortunate that over the past five years some $4 million to $5 million was spent on providing for just such an emergency. The levee banks were already in place and all that was required was to top them up with sandbags and install some temporary levees.
GRIEVANCES

1128 ASSEMBLY Wednesday. 20 October 1993

Widespread publicity was given to the flooding in Echuca. Representatives of the media were in Echuca in throngs when there was a risk of the banks breaking, but now that they have all gone we do not hear about the enormous damage to the roads, bridges and infrastructure. It is estimated that it cost the Echuca City Council $100,000 to provide the mechanisms to protect Echuca from flooding.

Personal hardship has been handled extremely well by the Department of Health and Community Services and I pay tribute to its officers. I have received phone calls from people who were approached by departmental officers and they have asked me to pass on their thanks to the government for the excellent way in which the officers dealt with the emergency. They were pleasant in their approach and immediate with their action. The Minister has also stated that more than $1 million has been given out in emergency funds to flood victims in northern Victoria. Undoubtedly, that figure will increase.

Today I shall concentrate on farmers. In the areas of Undera, Wyuna, McCoys Bridge, Nathalia and the Shire of Nathalia generally, thousands of acres have been extensively flooded — in some areas the floodwaters were 2 or 3 feet deep. Those farmers will take a long time to recover. They need immediate assistance. Today they are still battling the water. In some cases they were not able to keep their livestock on their properties and as a result they have been unable to milk. The loss of production suffered by dairy and horticultural industries is estimated at more than $100 million.

The Treasurer and the Minister for Police and Emergency Services have already announced the provision of loan funds for farmers under the natural disaster relief arrangements between the State and the Commonwealth. Farmers will be able to borrow up to $100,000 at a concessional interest rate of 4 per cent with a holiday period for repayment of both principal and interest. That is both necessary and welcome.

Many farmers need immediate relief so that they can get fodder to their stock and transport their stock to agistment. I have written to the Treasurer, the Minister for Agriculture and the Chairman of the Rural Finance Corporation seeking immediate assistance for those farmers, but as yet nothing has been announced. I appeal to the Treasurer to consider favourably immediate assistance for this small group of fewer than 100 farmers who have been seriously distressed by the floods.

Where do we go from here? Part of the flooding in the Goulburn Valley could have been avoided had the lower Goulburn flood strategy been in place. That scheme has been under discussion for approximately eight years but there has been disagreement between the major players and municipalities. The net effect is that the strategy was never put in place. Enormous damage was suffered by farmers because of the bursting of the banks of the Goulburn River, and that will result in the municipalities and individuals concerned closely examining the strategy. They may make some modifications to it. On this occasion, as in 1975, the enormous damage caused by the Goulburn River breaking its banks is totally unacceptable. We now have to do something about preventing future widespread damage of the sort that has occurred on this occasion.

I am concerned about the individual farmers, many of whom suffered severe losses and some of whom will not recover from the flood, no matter what the government and the community do to assist them. Business has already been badly affected in Benalla and Wangaratta. Yesterday the Minister announced a fund that will go part of the way towards assisting those businesses; although I have a great deal of sympathy for the businesses, the farming community is suffering similar damage and also needs immediate assistance.

I am concerned about those who have suffered damage because of the flooding. The livelihood of thousands of people throughout north-eastern Victoria has been severely affected — some have been ruined financially. Stresses and strains have been placed on many people, such as students who are studying for the Victorian certificate of education but have not been able to get to their schools or to concentrate on their studies. It is difficult to assess the long-term effect of the floods on those individuals.

I appeal to the Treasurer and the Minister for Agriculture to give serious consideration to providing immediate relief for farmers so they can transport fodder for their livestock and also transport their livestock to agistment.

Mr ROPER (Coburg) — The matter I grieve about concerns the severe financial attack the State government has made on the capacity of country base hospitals and other related hospitals to continue to provide the high level of service that people outside Melbourne have come to expect as a right over the past generation or so.
People in Melbourne often forget that a system of country health services has been built up in this State that is remarkable by world standards because of its availability and its quality. This was achieved by governments of both political persuasions over a long period, firstly through the Hospitals and Charities Commission, then through the Health Commission and the Department of Health. Unfortunately those services, particularly in what I classify as a second group of base hospitals — that is, the hospitals in the smaller country cities — are facing huge difficulties.

The cuts to a number of our base hospitals are truly alarming. The largest cuts have been at the Wimmera Base Hospital in Horsham, where, from a budget of $17.3 million, $2.6 million has been cut this financial year — a 15.9 per cent cut — and a further $3.9 million will be cut over the next two-year period. The total cut over the period 1993-95 will be 22.86 per cent. Those figures are closely followed by the figures for the Mildura Base Hospital, whose funds over the two years will be cut by $5.5 million, or more than 18 per cent.

Acute funding for the La Trobe Regional Hospital has been cut by $7.25 million or 17.5 per cent, although the hospital's own figures suggest that it will have to cut $12 million over the next two years, which is a higher percentage. Those figures are followed by those for the Hamilton Base Hospital, which over the next two years will suffer a cut of more than $2.1 million or 15.71 per cent. The Wangaratta District Base Hospital will suffer a cut of $2.5 million from its budget of $24 million, or 10.5 per cent.

As well as those cuts, other hospitals, such as the Gippsland Base Hospital, will suffer funding cuts of more than 9 per cent. The funding for a hospital that is close in size, the Swan Hill District Hospital, is being cut by 12.2 per cent. These are serious reductions and they will have a major effect on the provision of services. I seek leave to have incorporated in Hansard a table prepared from the government's own figures on hospital funding cuts in the different regions.

Leave granted; table as follows:

<table>
<thead>
<tr>
<th>REGION NAME</th>
<th>REGION NUMBER</th>
<th>% CUT</th>
<th>% CUT ($'000s)</th>
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<tr>
<td>BENDIGO/MALLEE</td>
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<td>12 682</td>
</tr>
<tr>
<td>CENTRAL HIGHLANDS/WIMMERA</td>
<td>2</td>
<td>10.70</td>
<td>9 745</td>
</tr>
<tr>
<td>GIPPSLAND</td>
<td>5</td>
<td>9.99</td>
<td>10 378</td>
</tr>
<tr>
<td>WESTERN</td>
<td>6</td>
<td>8.72</td>
<td>43 571</td>
</tr>
<tr>
<td>SOUTH-EAST</td>
<td>9</td>
<td>8.02</td>
<td>35 951</td>
</tr>
<tr>
<td>EAST</td>
<td>8</td>
<td>6.70</td>
<td>14 209</td>
</tr>
<tr>
<td>CENTRAL FUNDED BODIES</td>
<td>7</td>
<td>6.65</td>
<td>18 999</td>
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<tr>
<td>NORTH-EAST (M)</td>
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<td>5 754</td>
</tr>
<tr>
<td>NORTH-EAST</td>
<td>1</td>
<td>4.23</td>
<td>5 943</td>
</tr>
<tr>
<td>TOTAL STATE</td>
<td></td>
<td>7.71</td>
<td>159 382</td>
</tr>
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</table>
Mr ROPER — The table shows that the three areas with the highest cuts are: region 3, Bendigo/Mallee with a cut of 11.45 per cent; region 2, Central Highlands/Wimmera with a cut of 10.7 per cent; and region 5, Gippsland with a cut of 9.99 per cent. Those reductions and the cuts to base and smaller hospitals are placing hospital services outside Melbourne at risk, and the effects can already be seen. Psychiatric services and aged care have also suffered significant cuts.

I emphasise that in imposing cuts on base and smaller hospitals the coalition has ignored the undertaking it made in September 1992 to preserve hospital services in country Victoria. The coalition claimed that health services were at risk and that they would save the country health system from further damage.

Let us look at the effects of the cuts at a number of hospitals. The Mildura Base Hospital had a total budget of $38.4 million for acute, psychiatric and aged care services. In the 1993-94 financial year, the total budget in those three areas will be $34.2 million, a cut of $4.2 million or 11 per cent. A further cut of $2.798 million, or 8 per cent, is proposed next year.

That is a huge cut for that hospital to bear in a two-year period. The cut is significant to the budget for acute-care services of more than $6 million. The budget for psychiatric services will be cut by $300 000, or 10 per cent, and the allocation for aged care will be cut from $5.7 million to $5.1 million. Again, that is a cut of well over 10 per cent. The cuts have already started to have effect with restrictions being placed on elective surgery. The number of acute beds available in the hospital has been reduced by 29, a cut of 15 per cent.

Important services such as those provided to cancer patients by the Peter MacCallum Cancer Institute have also been cut and staff at the hospital have been reduced by the equivalent 87.5 full-time positions. The hospital has not had a waiting list problem to date, but the effect of reduced beds is yet to be felt. The type of problem facing the board and management of Mildura Base Hospital is reflected elsewhere as well.

Goulburn Valley Base Hospital is crucial to that part of the State, but it has suffered from the same severe cuts that have affected a range of hospitals throughout the State. In response to the cuts, the hospital will cease to provide ophthalmological services, and it proposes to send patients to Melbourne. The very reason base hospitals were developed was so people can be treated and looked after in their own environment close to their families and with support systems readily available.

The government is proposing that people in the Goulburn Valley area — Shepparton and the neighbouring area — who have cataracts will be put into some kind of vehicle and transported to Melbourne or will have to make their own way to Melbourne to be treated at the Royal Victorian Eye and Ear Hospital.

Many people with cataracts are elderly including women in their 80s who, if not treated, will probably suffer blindness. Those people already face a wait of between 6 and 12 months. If they are to be sent to the Eye and Ear Hospital in Melbourne they will face another 12-month delay. There is a real risk that many of those people, particularly the elderly, will lose their sight as a result of this government's deliberate decision. What is the Minister's response? She says:

... cataract removal was not an emergency procedure and patients were "not in actual pain".

She should go to Shepparton and other surgeries and hospitals around the State and say, "We do not need these kinds of services because they are not emergency procedures and patients are not in actual pain". I suppose you know when the pain starts when you can't see any more! As long as you are not physically in pain or have an actual disability such as blindness, you are not of concern to the Minister for Health.

Changes must be made to the way doctors are remunerated in many suburban and country hospitals. It is the responsibility of the Minister for Health and the head of her department to ensure that future arrangements are entered into to deal with the new funding situations.

I am informed by the Hamilton Base Hospital that the ongoing provision of ophthalmology services is in question under existing arrangements. I am not suggesting that the government simply continue to provide money to hospitals on the existing fee-for-service arrangements. The ophthalmologists at Shepparton, for instance, are prepared to consider changed payment arrangements. The arrangements must be negotiated by the Minister and her agent, Dr Paterson, and they cannot simply say that it is a matter for individual hospitals.
The Minister and the Australian Medical Association must have discussions to develop new arrangements. That will not be easy. The AMA is and has been an effective union for its members, and the government must work with the AMA to develop a new system. It cannot say, "This is what we are paying under the case-mix funding formula, therefore unless the fees can be reduced to that level the service basically finishes". The government has not developed a separate case-mix formula or payment arrangement for hospitals where there have been traditionally different systems of paying doctors, nor has it taken into account that the organisation of medical services in the metropolitan area is different from that in country areas. Rural Victoria does not have the numbers or range of medical staff available as has the metropolitan area.

It is similar to the situation that has developed at the Latrobe Valley Hospital where one of the obstetricians has decided to take up another appointment, and that has placed pressure on that particular service. Pregnancy is not a life-threatening condition and the patient is not in pain, at least not until the birth begins. The government is saying to the Latrobe Valley Hospital that obstetric services can no longer be afforded and that the hospital will have to cut $12 million from its budget over the next year. It has already closed a 20-bed nursing home because of government funding cuts.

These are the kinds of reductions in basic services that will increasingly occur in our base hospitals throughout the State. The people who live in country Victoria have a right and an entitlement to expect the high quality service they have traditionally had. I call on the Minister to reconsider her savage attack on the funding of base hospitals. I urge her to get out in the community, get her hands dirty and negotiate with the AMA to establish a sensible and practical system of funding medical services outside the major metropolitan and larger country base hospitals.

Unless the Minister does so there will be an even more significant deterioration in services, which are already suffering severely. That is the least the government can do given the additional funding it receives from the Commonwealth government under the Medicare arrangements.

Mr E. R. SMITH (Glen Waverley) — I grieve about the lack of commitment of many of the teachers in our State schools and the past lack of a technology strategy, the effects of which we inherited on achieving government. Almost every day honourable members on this side of the House hear of constituents coming to our electorate offices to complain that they send their children to school only to find that the teachers have gone on strike.

In societies such as ours teaching is an essential service. I have no qualms about teachers taking industrial action, so long as they do so in their own time. Alternatively, they can continue to teach on the day a strike is called, donating the money they earn to whatever cause they wish. I am sure the community would then be more confident of the commitment teachers have to their pupils.

Too often teachers in the State system seem to disregard the education of students — they are prepared to down tools and leave the children to their own devices. That is compounded by the problems caused when both parents have to work and the children have to be left to their own devices throughout the day.

That sort of action by members of the teaching profession is irresponsible, and the community will have to face up to the consequences of those actions. Many of the decisions made by the coalition government have sent shock waves through the teaching profession. People who have been prepared to act irresponsibly have had to rethink their goals. There needs to be an improvement in the commitment shown by teachers to students in State schools. Any talk of teachers walking off the job must not be condoned — leaving to one side the child-minding problems. That is also apart from the education programs the children have to receive, which must be part of a calm, continuous process.

I also grieve about the former Labor government's lack of an overall strategy for introducing students to new technology. When it came to government the coalition discovered the complete absence of such a strategy, which meant that programs designed to introduce students to the use of new technology did not flow from one year to the next.

I am the head of a working party examining the uses of technology in education. The witnesses who have given evidence have told us of numerous instances where students who have been introduced to computers in primary school, at great cost to the school councils, have had to wait until year 9 before being reacquainted with computers and other technology.

The previous government was not committed to the implementation of a proper policy or a properly
thought out plan. It did not have a strategy to take advantage of one of the best means of teaching — the use of computers in our schools. The Australian Labor Party did not have a central plan to ensure that the use of computers was properly taught in our schools. It did not wish to turn its mind to the problem or to take advantage of the specialised technological skills of highly qualified people.

In general terms, student teachers are not fully exposed to new developments in technology. The former Labor government concentrated only on teachers who specialised in teaching the new technology. All teachers should have a basic knowledge of how to use computers and other technology. To use a military example from the second world war, General Slim the Army Commander-in-Chief in Burma, was forced to retreat into India. At the same time as he was fighting on that front a fighting force of so-called specialists, the Chindits, were allocated facilities and resources that should have been allocated to the main units. Anyone who reads General Slim’s epic book, *Defeat into Victory*, will realise how strongly Slim argues against the use of specialist forces. He believes all available resources should be allocated to the mainstream military machine.

He argued that to train specialists in radio technology, parachuting, boating skills or unarmed combat was to take away vital resources from mainstream units. For example, training specialist groups in the use of weapons meant that insufficient weapons were available to the mainstream fighting force because they had to be given to the specialist forces. His assessment of the use of the Chindits was not meant to discredit the individual performances and achievements of the group, but General Slim believed the establishment of specialised units was nothing more than a public relations stunt for the population back home. He believed many unnecessary casualties were suffered and many unnecessary battles were fought by the mainstream forces because of that imbalance in the allocation of resources.

That situation can be compared with the difference between the ALP’s education policies and those being implemented by the government. The emphasis should be on a generalised standard of training so that all teachers understand how to use computers and other new technology. That way we will not fall into the trap of allowing parts of the teaching profession to remain unaware of the skills required and the possible uses of technology.

Another problem we inherited from the Labor government — my committee has been made aware of it during its inquiry — is the haphazard way new equipment was acquired. All of us are grateful to the Coles Myer group for its policy of making computers available to schools depending on the number of supermarket receipts collected by schoolchildren. When the children at a particular school collected receipts totalling a certain specified amount, the Coles Myer group supplied a computer.

It is unfortunate that the former Ministry of Education did nothing to ensure that the technology program we are advocating was properly coordinated. The former Ministry should have had discussions with Coles Myer and come up with a plan for the types of hardware and software to be supplied. Had a proper strategy been put in place, the Coles Myer group would have supplied the equipment needed under the mainstream plan — but that did not happen. It was no fault of Coles that a number of schools obtained computers in a haphazard fashion. That was no fault of Coles; it occurred because the former Labor government did not have a strategy for the implementation and use of new technology.

It was almost impossible for my committee to discover the number of computers in State schools and the purpose for which they were being used. In many cases it is almost impossible for the department to make an inventory of something that began nearly 12 years ago. However, we are still trying to ensure that the necessary hardware and software are compatible. When the equipment is not compatible the available networks lack overall expertise. We need an overall software program that will allow students and teachers to use their computer expertise when they transfer to new environments. The previous government did not provide for such an occurrence.

However, I pay tribute to the previous government for allowing the introduction of telematics, which is a sophisticated expansion of the old school of the air whereby students in distant parts could participate in lessons that were sent out from a central location. The introduction of facsimile machines and speaker phones has enabled students in country areas to receive some form of education, despite the distances involved.

The necessary path of the future is the use of more sophisticated telematics. Telecom’s state-of-the-art equipment enables a person speaking on the telephone to look into a camera and see the person
GRIEVANCES

Wednesday, 20 October 1993

Dr COGHILL (Werribee) — I refer to the importance of minimum standards in the services for which the Victorian government is properly responsible. Such services provide the Victorian community with an essential safety net. They provide social support to people in difficulty and the educational standards that are essential for the skills and expertise of society on which individuals are dependent for their future wellbeing and on which the community depends for its economic success.

The government must maintain a safety net of quality essential human services to prevent Victoria from becoming a society of beggars in the street which, unfortunately, is the case in other countries where governments have abandoned the essential role of providing basic services such as education on which the modern standard of living exists.

Those of us who have been to Britain have seen beggars on the streets in London and those of us who have been to the United States of America, which I visited recently on a private trip, have seen beggars on the streets of Los Angeles. The essential services of those cities are not subject to minimum support by the government.

Today members of another place are hearing evidence of the disappearance of accepted standards of Ministerial conduct, which is another aspect of the abandonment of the qualities that once made Victoria a great place in which to live. The debate in the other place involves accusations against the Premier that parallel the events that led to the honourable member for Kooyong, Andrew Peacock, offering to resign from the Federal Ministry a decade or two ago.

Another example of the abandonment of accepted standards of Ministerial conduct appears on page 3 of today’s Geelong Advertiser. A local kindergarten group claims the government duped it into silence. It is worth quoting the words of Mrs Schmid, who said the Minister agreed to a half-hour meeting with a maximum of six parents representing kindergartens from Geelong to Warrnambool on 29 September, which is the date of the agreement. She says:

We were threatened that if we told the press, it would be cancelled and there would be no appointment in the future.

If they were really intending to listen, the meeting would only make them look better in the public eye.

to whom he or she is speaking. Such technology is expensive but its possibilities are exciting. As we all know, the more sophisticated our use of computers, the cheaper and more widespread the product.

I believe the report the committee will hand to the Minister will show the path down which future education trends should go. The Labor government did not install telematics in country areas as extensively as it should have; nor did it take full advantage of the technology to make use of it in urban areas. The committee recommends the use of satellite dishes in both metropolitan and country areas, but as part of a set plan so that people know what the policy is and where the government is going. Such a scheme would make use of the best teachers in a specific area.

Recently at the correspondence school in South Melbourne members of the committee saw an impressive example of technology. A teacher in a centralised unit was teaching German to a number of schools in country areas. The equipment enabled us to see the teacher and close-ups of the written work and we were able to hear the students as they asked questions. This is the path we should take. If we let private enterprise know where we are going, state-of-the-art equipment will become readily available and it will be reasonably priced. This is the right way to go and those are among the recommendations the committee will make to the Minister.

We must examine the capacity to upgrade equipment. The previous government gave no thought whatsoever to where technology might be going and made no allowances for new technology as part of its building program. Before a new building is constructed the cable channels should be properly installed in the foundations and the expenditure for new equipment should allow for upgrading.

We must ensure also that the human element is properly addressed. The previous government was not aware of the new philosophy of teaching with technology. All teachers must feel comfortable with technology, not just those teaching in the specific field of technology. We must ensure that all teachers have a good working knowledge of computers and technology so they feel comfortable in the classroom and can provide the best education possible, not only to students in the metropolitan area but also to students in distant parts of Victoria. Satellite dishes would assist rural students to achieve the best possible education.
Instead, the government attempted to intimidate and temporarily succeeded in silencing the group of parents. At the end of this sad and sorry tale the offer of such a meeting was withdrawn.

That disgraceful conduct on the part of the Minister for Community Services shows a total disregard for the democratic rights of concerned representative Victorians, who wanted to meet a Minister and put their case.

Victoria must not be a place where there are enormous gaps between people, where people such as the unemployed and others who cannot afford to pay through no fault of their own are denied essential services due to their cost and those who can afford to pay get anything and everything they want, yet that is the sort of dichotomy which is being facilitated and encouraged — indeed there is an incentive towards it because of the way in which the government is approaching the responsibilities given to it by the Victorian electorate just over a year ago.

There is yet another example of this approach in today's Geelong Advertiser. It is perhaps fortuitous that both articles appeared in today's newspaper. There is a letter to the editor from representatives of the Barwon Association for Youth Support and Accommodation, or BAYSA. The letter is signed by Wendy Mayne, Chris Revie and Shane Murphy, and the address given is Geelong West. The theme of the letter is that the government has abandoned essential services for homeless young people and other voluntary homeless, as they are termed.

The government has abandoned the traditional and accepted responsibility of government to provide minimum standards of care and social support for those types of Victorian people. The safety net is disappearing as minimum standards are being abandoned in Victoria for preschools, other schools, health services, family services, compensation for injured workers, protection from child abuse and most human services. The government administration is driven only by budgetary considerations and not by concern for the standards of service which Victorians deserve and to which they are entitled. We are seeing a growth in the division between Victorians according to the services they are able to access.

A few minutes ago the honourable member for Bundoora commented on the way kindergarten and preschool education is being withdrawn and denied to large numbers of Victorian children as a direct consequence of the government's budget-driven policies and is being reduced in standard for others. We have had an abandonment of the preschool and kindergarten standard of 10 hours per child per week and a slashing in government funding that has led to huge cuts in the amount of preschool education children will receive from next year.

The Minister spoke about every child receiving preschool education, but that is not the issue. Whether children will be able to access that education because of cost factors is certainly an issue, but statements that preschool education will be available for every child say absolutely nothing about what the standard of that preschool education will be. Many kindergartens have reduced their hours from 10 to as little as 7 hours a week to keep fees affordable.

In Werribee last Thursday evening the Early Childhood Centres Association of Werribee conducted a public meeting. I congratulate the organisers, the chairperson Mrs Denise Gatti and others, for the way in which the meeting was organised. It was much more constructive than just a protest meeting. Out of the meeting came a committee which will draw up alternative proposals to those adopted by the City of Werribee council, but the concern is that the City of Werribee feels that it is being forced to cut the standard of preschool education in order to meet budgetary imperatives imposed on it by the government.

The honourable member for Bundoora emphasised the point that some children will lose 100 per cent of their kindergarten education due to the inability of parents to afford the fees that kindergartens are being forced to impose. As the honourable member pointed out, it seems that in the City of Knox and no doubt in other municipalities dramatic reductions in enrolments appear likely to occur in 1994.

The main concern I want to express is that the government has set no minimum standards for preschool education in Victoria, and presumably the government would not care if some children had only half of what was previously provided as a minimum standard entitlement of 10 hours per child per week throughout the year. Many Victorians will now suffer throughout their lives because they will not have had the full benefit of the critically important socialisation and basic education provided by kindergartens.

Similarly in schools no minimum standards have been set by the government for the outcomes to be
achieved by Victorian students. That is in contrast to the rhetoric of quality provision. There is not a word in the government's policy documents about the educational standards to be met by students.

Earlier this year I sought a deputation to the Minister for Education on behalf of the Balliang East Primary School in my electorate to discuss that core issue and the school's grappling with the quality provisions task force. In the end the offer of a deputation was withdrawn, and representatives of the school and I met with officers of the department. As the transcript of the meeting shows, we found that there is an absolute shambles within the Department of Education as to what are intended to be the outcomes of these various changes and the turmoil going on within the department.

That is highlighted by the Victorian School Education News special issue of 15 October, which I received in the mail yesterday. It makes a number of references — in fact they cover most of the front page — to quality provision, but in all of that front page there is no reference to minimum standards of educational outcome. It is all about inputs into education but says nothing about outcomes.

If the government were concerned about outcomes, it would firstly specify them and then define the inputs required. There has been some general reference to a standards council, a board of studies and a quality assurance division, but none of them has provided the essential definition of the minimum standard of educational outcomes necessary for Victoria.

Furthermore, the government has ignored the great body of evidence from both Australian and international sources of better results coming from smaller schools. Even after standardising influences such as social and economic background, scientific evidence and research material suggest that smaller schools lead to better educational outcomes. But this government is moving in the opposite direction.

There has been no reference to the issue of educational profiles, which are such an important issue. I do not have time to go into the detail of the matter, but if the government were serious about quality education it would be ensuring that these profiles, or some similar development, were the basis against which the success rate of schools was judged.

Six weeks ago today I placed on notice a question to the Minister for Education, hoping that would provide some definition of those outcomes. I asked the Minister for Education in a notice given on 8 September, question No. 47, as follows:

1. What educational objectives are sought to be achieved by the quality provision frameworks process.
2. Whether it is government policy to seek educational outcomes — (i) equal to the minimums achieved in any other Australian jurisdiction; (ii) equal to the averages achieved in other Australian jurisdiction; (iii) equal to the best achieved in any other Australian jurisdiction; (iv) better than the best achieved in any other Australian jurisdiction; (v) equal to or better than the best achieved in any other country; or (vi) in which no minimums are specified to apply Victoria-wide.

There has been no answer after six weeks, and one can only presume that the sixth alternative — no minimums are specified to apply Victoria-wide — is the correct answer. There is not a shred of evidence to dispute that.

The problem is not only in schools and preschools, of course. Minimum standards for the services to be provided are absent from maternal and child health care services; they are absent from hospitals and other health centres — that was illustrated by the comments of the honourable member for Coburg; they are absent from services to protect children from abuse; and they are absent from protection for injured workers, for wage and salary earners and for working conditions. Indeed, they are absent from just about every aspect of human service provided by the Victorian government or for which the Victorian government is responsible. Minimum standards must be set by the government to prevent Victoria from sliding slowly but inexorably into social decline.

Mr FINN (Tullamarine) — This morning's Herald Sun publishes a letter to the editor in the Fifty-Fifty column that reads:

What a mind-boggling set of statistics greet us in the daily media. An expenditure on the Lodge in the last nine months of $350,000, and now the spectacle of a former Leader of the Opposition in Victoria, Jim Kennan, seeking an extra $400,000 superannuation. One could be excused for forming the impression that our modern Labor leaders are out of touch with reality.

One could, indeed. The other day when I was at Parliament, on one of those rare occasions when I had an opportunity to have lunch in what is turning out to be a busy Parliamentary day, I was casually
passing the bar and noticed several former Labor Party members there. I went in to wish them g'day and to pass on my regards to them. They were reminiscing over what were the good old days when the Labor Party was really the Labor Party. They were saying that the Labor Party members of today have no principles, no vision and no talent.

In fact, they were deeply concerned about the future of the once-great Australian Labor Party. They were very concerned about the Labor Party of today because it is very different from when they were running the show. They told me that the Labor Party today was not doing the job that the Labor Party should be doing.

That got me to thinking, and being the member for the electorate of Tullamarine I did not have to look very far beyond my electorate to observe several Labor members of Parliament. I looked at Broadmeadows, which is next to my electorate and thought about what has happened there over the past seven or eight years.

Everyone will remember a chap by the name of Jack Culpin, who was the member for Broadmeadows and before that the member for Glenroy. Jack Culpin was, and indeed still is, very much respected by the local community. It is accepted that Jack Culpin worked very hard for his electorate. It is known that Jack Culpin cared and still does care for the people of Broadmeadows. But what did the Labor Party do? They dumped him.

They brought in a silvertail from somewhere else — from Ivanhoe. I do not think he had been to Broadmeadows in his life before he got preselection. It is funny how history repeats itself. It is funny that the chap they replaced Jack Culpin with, apparently when the pressure got to him, when he was Leader of the Opposition, decided that perhaps Broadmeadows was not the seat he wanted after all. Perhaps he really did not care about the people of Broadmeadows. So, a few months after he was elected by the people of Broadmeadows he said, "No, I am off. Grab the super, and I am out of here". That is the breed the Labor Party has today.

What did the Labor Party do then? It said to hell with the electorate. It got a blow-in from Bendigo — and by that remark I mean no disrespect to Bendigo. This blow-in had already been rejected by the people of Bendigo, and it is not hard to understand why. He was turfed out by the people of Bendigo and he decided that he would become the Leader of the Opposition. He needed a seat, so the good people of Broadmeadows were prevailed upon again, not for their own sake, not in their own interests or for the good of the area, but just because some blow-in needed a seat. It was a convenience. He used the seat of Broadmeadows as a convenience.

Honourable members should hear what the locals in Broadmeadows call the Leader of the Opposition. Honourable members should hear what members of the Labor Party in Broadmeadows call the Leader of the Opposition. They are not happy. Unfortunately, what they call the Leader of the Opposition is not Parliamentary and were I to repeat it I would be asked to withdraw what I had said. I cannot repeat it; such language would never pass my lips, I assure you.

The local Labor Party branch had an ideal candidate in the mayor, Kevin Sheehan, but the big boys, and I suppose girls, in the Labor Party said, "We do not agree". That is the way the Labor Party operates. The Labor Party said, "We do not agree with you on this, but have we a deal for you, a deal you could not refuse; indeed, if you do refuse, you are in deep sh*t". Obviously, the people of Broadmeadows had no option; they had to take it. They had been kicked by the Labor Party, yet again.

I am informed by people who know these things that the Leader of the Opposition, the honourable member for Broadmeadows, spends less time — I did not think this possible — in his electorate than he spends in this House: he is the greatest nine-to-fiver in the history of Parliament.

Let us consider what has happened in Broadmeadows, which is next to my electorate. Jack Culpin, a hard-working, conscientious, fair dinkum Australian was turfed; a silvertail was brought in; the silvertail jumped ship; the Bendigo blow-in came in against the wishes of the locals. Then, we have the extraordinary situation where the silvertail pops up and wants an extra $400 000. That is just extraordinary. A lot of people in Broadmeadows, and indeed throughout Victoria, believe he should have been gaoled for what he did, but he has come up and said he wants an extra $400 000 — if you don't mind, umpire! That is extraordinary, to say nothing of the cost of the by-election — hundreds of thousands of dollars — just to suit the convenience of the Labor Party.
I move north in my electorate and look at Sunbury. The Sunbury branch of the Labor Party is hard to describe. When one is talking low-life, one is talking some members of the Sunbury branch of the Labor Party. I refer specifically to one member of that branch, who is in fact a former member of this House, the former member for Coburg, a man whom I have informed the House previously is known in my electorate as The Grub.

When he lost preselection for Coburg two or three years ago, he decided Tullamarine would be the go. He immediately dumped the people of Coburg, which the Labor Party seems apt to do, closed his office in Coburg and opened one in Sunbury, many kilometres from his electorate. He masqueraded and paraded around for the next 12 months as the member for Tullamarine, a seat that at that stage did not even exist. That is the sort of character he is.

Since he lost his seat — indeed, before he lost his seat, but particularly since — he has indulged in what can only be described as a filthy campaign of slimy lies. He is the expert on these matters. He has accused me of not fulfilling promises he says I have made. He says I have promised bus services to the people of Tullamarine and Westmeadows. Certainly I told the people of Tullamarine and Westmeadows, and the people of Gladstone Park and Greenvale, that I would work hard to get those services for them, but no promise was forthcoming from me. We are still getting close to that, and it does not seem to upset that gentleman one little bit.

The former Caloola Training Centre at Sunbury was closed by the former government in a most brutal and uncaring manner, but over the past 12 to 18 months the community and government have been working to ensure that the site is put to the best possible use. I have been criticised by this gentleman, known as The Grub, for not pushing hard enough on that decision. He is now saying that he wants the Victoria University of Technology (VUT) to have a campus located in Sunbury at the old Caloola site. I wonder if he is the same gentleman who a little over 12 months ago supported the tertiary education Minister of the time, now the honourable member for Coburg, when he said that there would never be a VUT campus at Caloola? Can it be that in the 12 months during which he has been benefiting from his fat Parliamentary pension he has forgotten he fervently believed something different? He is an extraordinary gentleman and a person who is considered to be quite repulsive by the people in my electorate.

Mrs Wilson — He doesn’t speak very highly of you.

Mr FINN — I am surprised he can speak at all. Members of the Labor Party have been working against the best interests of the people of Tullamarine, and I will not stand for that. It is no wonder that the locals are organising to dump the Federal Labor member for my area, Dr Andrew Theophanous. It is no wonder that the local Turkish community is getting together and — —

The SPEAKER — Order! I warn the honourable member for Tullamarine that reflections on a member of another House of Parliament are disorderly. He should tread very carefully if he wants to go down that path.

Mr FINN — The fact that there are now two Senators in the north-western suburbs, Senator Rod Kemp and Senator Judith Troeth, shows that the people of Calwell, Broadmeadows and the surrounding region have needed strong Parliamentary representation in Canberra, and they have not received it until now. The fact that those senators are now situated there is a guarantee that the people in the region will have strong representation in Canberra.

I could go through the pages and pages of notes I have about the attitude of the Labor Party towards people in my electorate. I am aware that other honourable members wish to speak during this debate, but as a resident of the north-western suburbs — I have lived within the City of Broadmeadows for many years — I am sick to death of being treated as just a thing by the Labor Party. I give this guarantee — I have given it before and I will give it again if I have to — together with my colleague the honourable member for Essendon, I will give the people in my area the representation they deserve. Over many years the Labor Party let them down and I assure them that we will not.

Mr LEIGHTON (Preston) — I grieve about the axing of the youth development worker subsidy program, which is an attack on the capacity of local government to efficiently and effectively provide various human services particularly to young people.

The youth development worker subsidy program funds 107 youth worker positions, 75 of which are provided directly to local government with the other 32 funded to various community groups. Those figures alone show that local government is a major provider of youth services, yet the Minister
responsible for Youth Affairs, in his hatred of local government, is crippling youth services. At times I do not understand why the Minister responsible for Youth Affairs is so passionate in his criticism of local government. I had the opportunity of serving with him on the same local council and he was not as vocal in those days as he is now. It is fair to say that the local government career of the Minister proved to be his launching pad into this place, and if he had not had that background, the chances of his being here today would be slim.

Funding for the program will cease on 31 December this year, which means that existing recipients of the funds will have to reapply. The Minister admitted that the program would cease only after persistent questioning at a youth affairs forum held by the Municipal Association of Victoria on 9 July. Members attending that forum had to ask the Minister six direct questions before he admitted that the program would cease. He said that existing recipients of the funding would have to renegotiate their funding. It is clear that the program has been axed, and that has now been communicated by the Minister to all honourable members.

Existing recipients who are part of the way into a three-year contract will have their funding terminated. Clearly that is a breach of the contracts they have entered into. It also puts the lie to the various policy documents circulated by the coalition and the then shadow Minister during the course of last year. Although the coalition eventually released a simple policy document on street kids, broader policy documents were circulated and one of them favoured this commitment:

A coalition government will restore grants to local government for the provision of municipal youth workers to a realistic level.

That would now seem not to be the case. In fact it is the opposite because funding will be axed from 31 December this year.

Three tiers of funding are available through the program: $8000, $16 000 and $24 000 per position. Even for those municipalities and community groups receiving the top-tier funding, that money would go only part of the way to cover the total cost of employing a youth worker. The contribution made by local government to community services is substantial. Of the total expenditure undertaken by local government in youth services, 70 per cent is directly provided by local government and roughly 30 per cent is made up of contributions from the State and Commonwealth governments. The 1991-92 local government expenditure on youth affairs was $8.696 million, of which only $1.16 million was provided by the Office of Youth Affairs via the youth development fund. Local government contributed some 70 per cent from its own funds.

However, now the Minister for Youth Affairs is set to undermine the critical role played by local government in providing youth services. Some municipalities — perhaps it is preferable that I do not name them — have a clear policy that if they receive no subsidy they will not provide a service. Other municipalities will have difficulty in honouring a commitment to try to maintain a service, particularly during a time of recession when they have been subject to other harsh cut backs by the State government and have been required to attempt to pick up funding for other services, such as preschools.

Many local government bodies will not have the capacity to step into the breach and meet the shortfall if they are not successful in getting a restoration of funding. Councils have been told somewhat flippantly that when preparing this year's estimates they should budget on the basis that they will not be receiving this grant. So much for the coalition's commitment last year to restore funding to local councils.

Local government has a vital role to play not only in planning and coordinating but also in directly providing youth services. From what I can determine, the view of the Minister responsible for Youth Affairs is simply that he is knocking off funding to a bunch of bureaucrats who spend their time sitting in offices and holding meetings with each other. That demonstrates that the Minister does not understand what is occurring in the field and has not been to the coalface of youth affairs.

I refer, for example, to the situation in the City of Preston, which is in my electorate. The council receives some $16 000 for employment of a youth worker and the East Preston Community Health Centre receives a further $16 000 subsidy for the same purpose. The two workers involved are far from bureaucrats just sitting in offices. At a youth resource centre located in the heart of East Preston, which is a large public housing area and one of the most socially disadvantaged areas in the City of Preston, youth workers have brought together various agencies that provide housing, employment and social services. Youth Accommodation Services, Preston and Reservoir Skillshare, Preston Youth
Access Centre youth supervision unit, the local office of the Department of Social Security and the safer communities officer have agreed to have people operating out of the youth resource centre.

In Preston employment, training, housing, legal advice and health services have been brought together under one roof, not to mention more traditional activities such as recreation services.

In discontinuing funding to a number of local government youth services the Minister is not knocking off bureaucrats; rather he is knocking off people at the coalface. The Minister should examine some of the youth worker subsidy programs provided in provincial cities. For example, when the City of Ballarat took over funding from a community agency it initially attempted to maintain it on the outreach worker model, which the Minister seems to want to return to. That was not effective; it did not achieve its goals and has moved into areas such as the preparation of young people for adulthood and the provision of recreational services. In the Bendigo area five municipalities joined with the Bendigo Secondary College to provide a youth worker. In fact, the college auspices a youth worker, who operates out of the college and is able to draw together various youth services.

However, it seems to me that the Minister wishes to return to the outdated and rejected model of the 1960s and 1970s — a welfare model. To put it crudely, his vision of youth services and assistance to street kids and homeless youth is to pick young people up off the street, put $50 in their pockets, have an outreach worker drink a cup of coffee with them at a cafe and then house them at night in a youth shelter — a model that was rejected in the 1960s and 1970s.

The Minister is also attacking the Municipal Association of Victoria (MAV), which is one of the Statewide agencies that also receives a grant of approximately $52,000 a year and is able to employ a youth policy officer. Although the association’s contract still has 12 months to run, as in the case of many other agencies, it is to be terminated at the end of the year. The Minister has announced replacement grants in the form of Statewide, local and enterprise grants. He has a flashy application form and various criteria are supposed to be met. The farce is that various agencies, even before submitting their applications, are being told whether they will receive such grants.

The MAV has been told it will not be successful. In this process the State government is losing access to approximately $12 million spent by the local government on human services, comprised of $8 million spent directly in youth services and some $4 million spent elsewhere. It is also of major concern that in setting up his six regional committees the Minister responsible for Youth Services has refused a role to local government. He talks about coordination but will fragment services. He talks about streamlining services but will achieve the exact opposite. Every agency will be off doing its own thing, duplicating services and not talking to other agencies, and professionals working in isolation will not have peer support.

Another example of the Minister failing to streamline services is his proposal for setting up a register of emergency accommodation for youth — a register of beds. He ignores the fact there are three existing registers in place. If he had any sense he would be trying to bring these services together. It is of major concern to me that the Minister has not convened the Youth Policy Development Council, which had a major representation of young people. Although he talks about convening a committee at some time in the future, the word in the field is that the Minister is saying there will be no youth representation on that committee. The Minister has failed to state the role of local government in the provision of youth services.

Mr DOYLE (Malvern) — I wish to address the House on the crocodile tears shed by the opposition this morning on the subject of education. As a background to that, allow me to recall what I believe are public statements by both the shadow Treasurer and the Leader of the Opposition that they understand the budgetary constraints the government is working under. They have indicated that were they in government — there is a shudder all around Victoria at that thought — they would no longer operate under a current account deficit but would aim for a surplus, as the government does. The curious thing is that although they make that statement, the moment budgetary restraints are imposed in areas such as transport, health or education, they say, “No; we would not cut that”.

Members of the opposition should approach reality. At every turn they say, “Don’t make any more budget reductions”. Yet at the same time they say that holistically, they favour current account surplus; that there should be no current account deficit. From where will the money come to wipe out our present current account deficit? The
opposition really must offer serious alternatives. None is forthcoming.

The honourable members for Carrum, Melbourne and Werribee have spoken about the quality of education. The honourable member for Carrum is on the public record as saying the government is doing the right thing. To paraphrase his words he said that when the opposition was in government it was too consultative. I shall discuss his crocodile tears. The honourable member spoke about camps, excursions, timetabling, sports, first aid and the coordination of instrumental music — all these things, he says, schools will be forced to give up because of staffing constraints. That is absolute rubbish! I have worked under systems in which those programs were provided. When I was a teacher those programs were provided. The honourable member for Footscray knows that.

Mr Mildenhall interjected.

Mr DOYLE — There were constraints at Scotch College! Indeed, the opposition replaced a Scotch College Leader with one who attended Melbourne Grammar. I support Scotch College; and I am sorry the honourable member for Footscray has given up his support for it; particularly given the results for his party.

The honourable member for Carrum also spoke about replacement teachers. A pool of money is provided from which replacement teachers are funded. If funds are left over they may be used in each school’s individual programs. I will lay London to a brick that funds will be left over. The honourable member for Carrum spoke about discipline; I will return to that subject when discussing the school charter, if I have time.

The comments of the honourable member for Carrum which most offended me concerned gifted children. Has giftedness suddenly become ideologically sound from the point of view of those opposite? That was not the case during the past 10 years. Teachers at schools I have visited have told me that during the past 10 years they were not brave enough to mention their gifted student programs for fear of having those programs removed. They hid them under a bushel, because in its desire to make all students the same and to push everyone down to the lowest common denominator, the former government could never admit that some students might be brighter than others or worked harder than others and therefore deserved special programs. And suddenly giftedness is ideologically pure. Cant!

I refer to the comments made by the honourable members for Melbourne and Carrum. They will not admit the necessity that the government be aware of its economic responsibility to the State, and confront the need for budgetary cuts in areas like education after the last profligate decade. The government realises that some students, schools and communities must undergo change; some schools may have to merge or close, as happened last year to a school in my electorate and will happen again at the end of this year. The opposition argues that there is a lack of commitment to the State education system on the part of this government.

Mr Mildenhall — Of course there is.

Mr DOYLE — Of course there is not. It is a comfortable stereotype, and that is all honourable members opposite have to hang on to. Let us not get into a debate about that; we should not be distracted from the debate by arguing about that stereotype, the use of which seeks to obviate the need for debate and consideration about how governments can provide quality education. One only has to look at the $40 million black hole left in the Budget by the previous administration. One has only to look at the shameful backlog in school maintenance left after the Labor years.

Mr Mildenhall interjected.

The SPEAKER — Order! I have already cautioned the honourable member for Footscray. I do so again reluctantly. He is out of order.

Mr DOYLE — There is a shameful backlog of school maintenance the government must now address. The opposition panders to its Labor icon by saying that this government is heartless, has no commitment to education and is bereft of ideas. But that is an empty stereotype, an empty icon to which Labor clings for comfort. I strongly advise against that behaviour; it flies in the face of the facts I was asked to produce by the honourable member for Footscray.

Consider the educationally visionary ideas the government has produced through its excellent Minister for Education.

What must a school do? Firstly, it must adapt to meet students’ needs. Secondly, it must respond to its community’s needs. The structure the government has established which can make that happen for every school in curriculum development is the Board of Studies. The spurious contribution of
the honourable member for Werribee completely ignored that organisation. I will be kind by assuming that he misunderstands the role of the board. If I were not so kind, I would suggest he is incapable of understanding the role of the Board of Studies.

The second tenet of government reform I wish to mention puts students first. It is the Schools of the Future program. The third concerns community needs and the quality provision process that was recently undertaken. The opposition may question that process, but, because resources are precious, they must be put to the best use. That will not be achieved by throwing buckets of money one does not have at a system and hoping that somehow it will improve. I shall provide an example. Although between 1981 and 1992 Victorian enrolments declined by 60,000 students, in 1992 Victoria still had the same number of teachers that it had in 1981. In 1992 the student to teacher ratios in Victorian schools — that is, the total number of students divided by the total number of teachers — were the lowest in the nation and had been for several years. That flies in the face of the comments of the honourable member for Carrum.

In primary schools, student to teacher ratios were 20 per cent better than in New South Wales and 14 per cent better than in Queensland. In secondary schools, student to teacher ratios were 18 per cent better than in New South Wales and 15 per cent better than in Queensland. Student to teacher ratios in schools as a whole were 12 and 11 per cent better than the national average for primary and secondary schools respectively.

As the honourable member for Carrum well knows — this is the duplicity to which I referred earlier — the low student to teacher ratios resulted in reduced classroom teaching time for teachers and did not necessarily translate into smaller class sizes or higher quality programs for students. Until late 1992, class teaching time under registered industrial agreements in Victoria was limited to a maximum of 18 hours in secondary schools.

When I examine what happened over 10 years of Labor educational maladministration all I can say is that it is a history of shame. I am astonished that there has been finger pointing and head shaking from the other side of the House. The honourable member for Carrum talked about his concern that resources were being diverted from available wider programs. By 1991-92 per student expenditure on teaching salaries in Victoria was more than 20 per cent above the national average and 36 and 34 per cent above New South Wales and Queensland respectively.

In other areas of expenditure — non-teacher salaries, operating expenses, and buildings and grounds provision — Victorian per student costs ranked below New South Wales, Queensland and the Australian average. Why? The reason is that scarce resources were diverted from other priorities, particularly school ancillary staff and school maintenance to fund reduced teaching hours. That must stop and, under this administration, it will stop. The Minister for Education is addressing those difficulties and I commend his efforts to do so.

I referred to the Schools of the Future program and the importance of quality. It rests upon building up further a team of committed teachers. It rests also on managing precious financial resources. I have mentioned the school charter. The charter will provide a range of diverse autonomous institutions throughout the State. A further reform will be through the Board of Studies and its insistence on subject content, not the fluff that was formerly taught to our students in the name of content in some subjects under the previous administration of schools.

We have strengthened verification and authentication to ensure that students do their own work and that that work is assessed properly. Further, the government is addressing specific priorities such as languages other than English (LOTE). That is an important area to which lip service was paid for 10 years. The government is committed to improving the teaching and learning of LOTE, of providing language study for all students from prep to year 10, and significantly increasing the percentage of year 11 and 12 students studying LOTE.

The Auditor-General slated the previous government's administration of the resources allocated to students with disabilities and impairments. This government will provide appropriate settings for those students. Some $170 million in resources will be devoted to that important area. Early childhood and physical and sport education, which the honourable member for Footscray mentioned, are examples of further government program reforms. By 1995 students from prep to year 10 will have sport as part of their regular timetables. Why was that not done during the past 10 years? Twelve schools of excellence will
be developed to provide models of how physical and sport education for all students can be delivered.

Open learning is an area that the honourable member for Glen Waverley mentioned. Other areas of reform include the Office of Schools Review, the Standards Council and the Merit Protection Board, which the honourable member for Werribee spuriously dismissed. Those boards will have an impact on accountability, the processes and quality of teaching and, at the same time, ensure that we make the most of precious resources.

The government is committed to education. It has a Minister who is committed to the quality of education of our children. The pernicious grandstanding of the opposition on education does not fool me or any member on the government benches. The pernicious grandstanding and the crocodile tears of the opposition on education will certainly not fool the people of Victoria.

Sitting suspended 1 p.m. until 2.4 p.m.

The SPEAKER — Order! The question is:

That grievances be noted.

Question agreed to.

QUESTIONS WITHOUT NOTICE

KNF ADVERTISING

Mr SERCOMBE (Niddrie) — Will the Premier confirm that he is a director of and has a beneficial interest in JGK Nominees Pty Ltd, which is the corporation that carries on the business of KNF Advertising?

Mr KENNETT (Premier) — I am well aware that the Deputy Leader of the Opposition asked a question on this subject a couple of weeks ago and that in the Upper House today the Leader of the Labor Party embarked upon an attack on my wife that I can at best only describe as cowardly — —

Honourable members interjecting.

The SPEAKER — Order! I have already cautioned the Deputy Leader of the Opposition and I now include the Leader of the Opposition. The question has been asked. They should be patient and wait for the answer in silence.

Mr KENNETT — The opposition is now attempting to attack my wife and her right to earn an income as she sees fit. It is important to consider the facts. The honourable member who asked the question is perhaps in a better position than most to know the truth.

The Leader of the Opposition, who obviously authorised this so-called attack and this new low standard, had the opportunity to ask the question in this House but wimped out; he also had the opportunity to raise the matter in the grievance debate, but he wimped out because he is too weak. He left it to the Deputy Leader of the Opposition and the Leader of the Opposition in the other place.

The Deputy Leader of the Opposition should know better than most about the affairs of my business. My business is run by my wife, as it has been since I first became a Minister in 1981. I have remained a director of the company, which is in my pecuniary interests, and I have never hidden it. I employ as manager of that firm the Deputy Leader of the Opposition's cousin's husband. He is an honest and honourable employee who works with my wife and other employees in running the business.

I can only suggest to the Deputy Leader of the Opposition and the House that this appallingly low opposition — —

Honourable members interjecting.

The SPEAKER — Order! For the last time I caution the Leader of the Opposition and the Deputy Leader of the Opposition for their continual barrage of interjections.

Mr Micallef interjected.

The SPEAKER — Order! And I include the honourable member for Springvale in the trio. There
will be silence in the House while the Premier completes his answer.

Mr KENNETT — In the charges that were levelled in the other House today, a number of Victorians, apart from my wife and the Deputy Leader of the Opposition's cousin by marriage, were slurred. I can only suggest to the House, as I have said publicly time and again, I believe I am perhaps the most publicly scrutinised of any politician in Australia. Ever since the pecuniary interests register was introduced into the House all of my affairs have been on the record.

I simply say to the Leader of the Opposition and Mr White who have taken the decision to attack my wife and her obligations: have the courage to repeat just one of those allegations outside coward's castle! Just one allegation!

Honourable members interjecting.

The SPEAKER — Order! I can only remind honourable members that they are wasting question time. I will not allow questions to continue while there is a continuous barrage of interjections.

Mr KENNETT — It is quite clear that neither the Leader of the Opposition nor Mr White has the courage of his convictions. Is the Leader of the Opposition prepared to repeat any of those charges outside the House. Is he prepared to repeat them?

Honourable members interjecting.

Mr KENNETT — It is obvious that this Brumby is no brumby; this Brumby is a palomino! He is yellow!

Honourable members interjecting.

The SPEAKER — Order! The Premier may not use an unparliamentary expression. I ask him to withdraw it.

Mr KENNETT — I am not quite sure whether I should withdraw “brumby” or “palomino” — why don't I withdraw both, because neither is Parliamentary!

In all my affairs, here and outside the House, I have said that my wife and I have acted honestly and with integrity all our lives. Further, I can only suggest — —

Mr Baker — Do you have a pecuniary interest, or not?

Mr KENNETT — I know the honourable member for Sunshine is ageing, but I think I said earlier that I was a director. Right? That, therefore, means that it is registered in the pecuniary interests register — which the honourable member knew when he asked his question. The Leader of the Opposition did not have the courage to ask it. That fact has been in the records since 1979.

I can only repeat what I said earlier: this is not so much a reflection on me or my wife; this is a reflection of the new low standards being established by the opposition and, in particular, by its absolutely cowardly attempt to deny my wife the right to run her business.

If the opposition and Mr White want to test it, let the test be this: I challenge the Leader of the Opposition and Mr White to say it outside coward’s castle. Then the matter can be tested in an independent court, because the Victorian opposition — —

Mr Haermeyer — You’ll sack the judge.

The SPEAKER — Order! I caution the honourable member for Yan Yean. He has been in this place long enough to know that that sort of interjection is totally disorderly. If he cannot contain himself he should leave the Chamber.

Mr KENNETT — As we on this side of the House watch the reaction on the other side, it is interesting to note that those who have been here a little longer are not interjecting. Those who are newer and who are desperately trying to prove their own credibility for the future are behaving in a way we have come to expect from the Labor Party.

Mr Sandon interjected.

Mr KENNETT — Don't you talk about standards, boy! What have you and your colleagues done to this State in 10 years — and you talk about standards?

Let the ultimate test of this be in the public arena. Let Mr White and the Leader of the Opposition show the community of Victoria whether they have any conviction about anything they have said. If you are not prepared to be on the steps of Parliament House at 3 o'clock, let the public judge you. You are cowards!
AUDITOR-GENERAL'S REPORT

Mr TRAYNOR (Ballarat East) — Will the Treasurer inform the House of the implications on Victoria's economic recovery of the Auditor-General's report, which was released today?

Mr STOCKDALE (Treasurer) — In the years leading up to October 1992 Victoria had a series of shocks that undermined confidence.

More than that, he has not dealt only with the legacies of the past; he explicitly endorses the major reforms undertaken by this government. The Auditor-General points to the introduction of an integrated management cycle as a major innovation; and the introduction of new financial management legislation is greeted with enthusiasm.

Mr Seitz interjected.

Mr STOCKDALE — The Premier's wine is a very good drop! Victoria had a series of shocks which undermined public confidence and the condition of the Victorian economy. Investors, the general public and consumers were all adversely affected by the series of financial shocks through the mismanagement of the previous government. Unfortunately, the annual arrival of the Auditor-General's report with the unmasking of more and more cover-ups, with the disclosure of more and more financial mismanagement, with the disclosure of more and more costs to be met by taxpayers only tended to undermine public confidence further even while the Auditor-General was fearlessly performing his function of holding the government accountable.

Today's report of the Auditor-General is the first occasion in 10 years when a government can be pleased and proud of its contents. The report has been fearlessly delivered. It contains some criticisms; for example, the Auditor-General still disagrees with the government's treatment of the accelerated infrastructure program — a legacy of the previous Labor government that this government is endeavouring to unwind and protect the community against.

The Auditor-General has explicitly condemned the previous government; for example, he said that this government has moved promptly to resolve matters that had been left unresolved for many years. This government is resolving matters which he criticised and which the previous government chose to ignore.

The report is replete with no fewer than 16 major commendations of the present government's actions in the past 12 months. This is a report about which the government can be proud. It provides a sound basis for Victorians to have confidence in the recovery of the State's finances and in the government again making a positive contribution.

The Auditor-General specifically endorses the government’s superannuation reforms and implicitly commends them. He favourably comments on the traditional flexibility given by the government’s reforms in Budget management. He explicitly endorses and commends the removal and reversal of the deferrals and other rorts used by the previous government to use cash accounting to mislead Victorians; and he explicitly commends our greater transparency in maintaining a proper distinction between capital and current expenditure.

At page 1 of the report the Auditor-General specifically endorses the government’s significant commitment to enhance resource management which he says will improve the State’s financial position. At page 19 he describes as pleasing the key feature of the government’s Budget management strategy: he says it is pleasing that the government has adopted a focus on eliminating the current account deficit. Nothing in the report could be more significant than the fact that the Auditor-General specifically endorses and commends the major single focus of the government’s Budget strategy. He endorses the transfer of maintenance spending to the current account; an issue that is still being criticised by the Labor Party.

At page 21 he specifically endorses the reversal of the deferrals introduced by the Labor government. At page 39 he specifically commends the introduction of a tax equivalent system in the course of the reform of government business enterprises. At page 67 he explicitly endorses the recognition of liabilities and commends the government on adopting his recommendation in relation to the recognition of employee leave entitlements and the liabilities of the hospital and technical and further education systems.

The Auditor-General has been a whistleblower on the failure of the previous government. He no longer has to perform that role, but he can now be regarded as an important part of the accountability mechanisms and an instrument of accountability in Parliament for improving public sector management.
At page 73 he again explicitly criticises the Labor Party and commends the Liberal government for its approach to Loan Council borrowing entitlements.

Mr STOCKDALE — I welcome your comments, Mr Speaker. I make the point that I am little more than halfway through listing the favourable points referred to by the Auditor-General in his report.

Honourable members interjecting.

Mr STOCKDALE — Clearly the opposition does not like to hear good news. It does not like a basis for confidence: the fact that the government is delivering on the things that the Auditor-General found necessary to criticise year after year — even the regularising of the $35 million interest swap transaction that the former Labor government was not able to have regularised. He talks about the substantial improvements in public interest costs through the renegotiated Magistrates Court deal. He refers again and again to the sound bases for public confidence.

The report ought to be read by every Victorian. Those members of the opposition who arrived in Parliament since the last election should read what good government is about. The report signals the fact that Victoria’s major whistleblower has traded in his whistle for a trumpet and is trumpeting the achievements of the government during the past year.

NATIONAL CRIME AUTHORITY

Mr COLE (Melbourne) — Will the Minister for Police and Emergency Services inform the House whether any government statutory appointee or officer of the Public Service has refused to cooperate with the police in the National Crime Authority investigation into business dealings by Mr John Elliott and, if so, what action the Minister will take to ensure that all statutory appointees and officers cooperate?

Mr McNAMARA (Minister for Police and Emergency Services) — It is a stupid question, for a start. Inquiries from the National Crime Authority are not matters that I would necessarily be advised of.

Mr Sercombe interjected.

Mr McNAMARA — You do not know a thing about the operation of the NCA.

Honourable members interjecting.

The SPEAKER — Order! Once again, I indicate that I am not prepared to let question time continue when there is a barrage of interjections. I ask the Minister to be seated until the House comes to order.

Mr McNAMARA — I have not been advised by the police of any lack of cooperation by any public official in any position in government.

PUBLIC HOSPITAL WAITING LISTS

Mr DAVIS (Essendon) — Will the Minister for Health provide the House with details of the latest figures on public hospital waiting lists in this State?

Mrs TEHAN (Minister for Health) — It gave me great pleasure last week to say for the first time in 10 years that there is a declining trend in public hospital waiting lists. During the past three months the number of category 1 people on waiting lists — those waiting for urgent pain-relieving surgery and predominantly people with heart problems — has been reduced by 26 per cent.

For the first time the figures show that there is a reduction in the number of people in categories 1, 2 and 3 waiting lists. During the past four years in opposition I have watched the number of people on public hospital waiting lists increase continually, but we can now say after 12 months in government that the coalition is fulfilling an important promise to reverse the increasing number of people on the waiting lists of public hospitals.

The Royal Melbourne Hospital said in its most recent information that the number of urgent cases waiting for surgery, mainly people with heart complaints, has declined by about 33 per cent. Reductions in waiting lists have occurred in hospitals in Warrnambool, Shepparton, Geelong and throughout the State.

The government has concentrated on reducing the number of category 1 patients and it hopes to reduce altogether the number of those patients on waiting lists at the end of this calendar year or early in the next calendar year. The government hopes to get those patients into public hospitals as a matter of urgency so that they can have their required
surgery. The number of category 2 and 3 people on waiting lists will reduce over time.

It has taken considerable work despite difficult economic conditions. Many people should be congratulated, but more importantly, many Victorians should be very pleased that now at last the waiting period to enter public hospitals for surgery is being reduced.

COUNTRY OPHTHALMOLOGICAL SERVICES

Mr BRUMBY (Leader of the Opposition) — I direct my question to the Minister for Health and the alternative Liberal Premier. I refer the Minister to her comments in the Age this morning where she is reported as saying that the removal of cataracts is not a major procedure and that patients are not actually in pain. Is the Minister aware that Blakiston’s New Gould Medical Dictionary states that cataracts gradually cause blindness?

Honourable members interjecting.

Mr BRUMBY — The Premier may laugh about this and may think it is funny.

Honourable members interjecting.

The SPEAKER — Order! Just as I will not tolerate a barrage of interjections from the opposition, nor will I tolerate a barrage of objections and interjections from the government. I ask that the Leader of the Opposition be heard in silence.

Mr BRUMBY — Will the Minister intervene and make new arrangements with the Australian Medical Association to ensure that services such as ophthalmology are maintained at country hospitals or will she continue to insist that people who are going blind should make their own way to Melbourne for treatment?

Mrs TEHAN (Minister for Health) — I thank the Leader of the Opposition for his question. I can see that he will be in that position for many years because no-one else would want to aspire to it. Three Leaders in one year! I am surprised at his newfound interest in the health system. It shows he is obviously still waiting for his bright, new, young replacement in his shadow Cabinet.

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

Mrs TEHAN — And I am sorry for the honourable member for Shepparton, who was to raise this matter with me on the next question. The ophthalmologist in Shepparton is charging $1075 for each operation for the removal of cataracts, which is the accepted medical benefit fee paid by the Commonwealth. When that surgeon operates, as he does at a private hospital in Shepparton, he bills the Commonwealth and receives $1075. It was the fee decided on by the Commonwealth 10 years ago when the removal of cataracts was a complex operation which required the patient to stay in hospital for seven days.

Ten years later that operation takes about 30 minutes to perform. It is a typical example of the remarkable developments in a number of medical and surgical procedures. It is done predominantly in day surgeries so a patient does not even stay overnight, although in some cases it may involve a one-night stay. Under sessional arrangements in our larger hospitals the operation can be done at a cost of $177. Ten operations can be done in an efficient public hospital for the same price charged by the ophthalmologist at Shepparton, who is the one seeking to negotiate with the hospitals. There are 1508 people waiting for cataract removals in this State. If 10 operations can be done in the same time and for the same price as one in Shepparton, the 1508 people waiting for that ophthalmological service would be more than happy to come to where it is done.

Honourable members interjecting.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, the question clearly asked whether the Minister would intervene to negotiate new arrangements with the Australian Medical Association to ensure that services such as ophthalmology could continue to be provided in the country. It was a specific question and as yet the Minister has not dealt with whether she is prepared to intervene. This issue affects not only Shepparton but other areas such as Hamilton where those
services may well be lost. In accordance with the rule on relevance I ask that the Minister respond with a yes or no.

The SPEAKER — Order! The honourable member for Coburg knows full well the position the Chair is in with such a point of order. I rule that the Minister’s reply is relevant. How she answers a question is up to her.

Mrs TEHAN (Minister for Health) — I am amazed that the honourable member for Coburg did not ask the question in the first place.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, the opposition determines who will ask questions in this place —

The SPEAKER — Order!

Mr ROPER — Allow me to finish the point of order. If the Minister had been in this Chamber during the grievance debate rather than in the Upper House —

The SPEAKER — Order! So far the honourable member for Coburg has not pointed out to the Chair what his point of order is based on nor has he mentioned any of the Standing Orders by number — which he knows backwards and forwards. If the honourable member can base his point of order on a Standing Order or on some other precedent of Parliament I shall hear him on the point of order.

Mr ROPER — I am simply pointing out to you and to the House, Mr Speaker, that there have been other opportunities for this matter to be raised.

The SPEAKER — Order! The honourable member will resume his seat. There is no point of order.

Mrs TEHAN (Minister for Health) — Obviously the Leader of the Opposition is aspiring to be the Minister for Health.

The SPEAKER — Order! The Minister will concentrate on her answer to the question.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Health, concluding her answer.

Mrs TEHAN — The question asked twice by two different members of the opposition is whether I will intervene on behalf of the AMA. No, I will not intervene on behalf of the AMA. We do not run our industrial arrangements as they were run during the 10 years of the Labor government, and that is why our waiting lists are coming down and why we can attract ophthalmologists into our system at a price that will mean that more patients will be treated. While 10 patients can be operated on in an efficient hospital with proper arrangements between doctors and the administration — and there were 14 operations carried out at Horsham in one session — we are not prepared to pay $1075 to an ophthalmologist who is trying to hold the public hospital system to ransom. I suspect the hospital administration in Shepparton will negotiate a more attractive deal and if so I shall be the first to say that that is grand. If it will not, my first priority is to the 1508 patients waiting to get into our public hospitals and when they can get in and be treated we will be able to look at a deal for doctors.

AUDITOR-GENERAL’S REPORT

Mr BRUMBY (Leader of the Opposition) — I have a point of order to raise regarding the annual report of the Victorian Auditor-General which was tabled in this House yesterday, and I shall be brief. At page 3 the Auditor-General states:

While the office has been successful in reducing its operating costs the issue of funding is an area which I consider requires urgent attention from the Parliament.

He goes on to say —

The SPEAKER — Order! The Leader of the Opposition must clearly inform the Chair what he bases his point of order on. I understand he is using some introductory remarks which I am prepared to allow, but so far he has not come to the point of order, and I ask him to do so.

Mr BRUMBY — The point of order is the relationship of the Auditor-General with Parliament which goes to the matter of his relationship with you, Sir, as Speaker and the administration of Parliament. The Auditor-General said in his report that recent reductions to the budget for his office for 1993-94 may well —

The SPEAKER — Order! There is no point of order. I ask the Leader of the Opposition to communicate with me by way of letter his dissatisfaction or any point about the report that he believes requires my attention and I shall be only too happy to look at it.
STOCK (SELLER LIABILITY AND DECLARATIONS) BILL

Introduction and first reading

Mr W. D. McGrath (Minister for Agriculture) introduced a Bill to impose certain minimum conditions on the sale of stock and to establish a system of seller declarations as to the state of stock to be sold and for other purposes.

Read first time.

LIMITATION OF ACTIONS (AMENDMENT) BILL

Introduction and first reading

Mr Stockdale (Treasurer) introduced a Bill to amend the Limitation of Actions Act 1958 and for other purposes.

Read first time.

CHOICE OF LAW (LIMITATION PERIODS) BILL

Introduction and first reading

Mr Stockdale (Treasurer) introduced a Bill relating to limitation periods for choice of law purposes.

Read first time.

STATE TAXATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr Stockdale (Treasurer) introduced a Bill to amend the Business Franchise (Tobacco) Act 1974, the Financial Institutions Duty Act 1982, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Stamps Act 1958 and for other purposes.

Read first time.

STAMPS (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr Stockdale (Treasurer) introduced a Bill to amend the Stamps Act 1958 and for other purposes.

Read first time.

EDUCATION (AMENDMENT) BILL

Introduction and first reading

Mr Hayward (Minister for Education) - I move:

That I have leave to bring in a Bill to amend the Education Act 1958 and for other purposes.

Mr Sandon (Carrum) - Mr Speaker, I ask the Minister to explain the contents of the Bill.

Mr Hayward (Minister for Education) (By leave) - The Bill contains provisions, for example, to implement the Schools of the Future program, to implement the government's discipline policy and a range of other matters.

Motion agreed to.

Read first time.

NURSES BILL

Introduction and first reading

Mrs Tehan (Minister for Health) introduced a Bill to make provision for the registration of nurses, investigation into the professional conduct and fitness to practise of registered nurses, to establish the Nurses Board of Victoria and the Nurses Board Fund of Victoria, to repeal the Nurses Act 1958 and for other purposes.

Read first time.

MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Committee

Resumed from 19 October; further discussion of clause 5.

Mr S. J. Plowman (Minister for Energy and Minerals) - When progress was reported I was explaining, in answer to a question from the shadow Minister, why there is no definition in the Bill of bulk sampling. I reiterate that bulk sampling varies substantially depending on the mineral and where it happens to be and whether there is a substantial deposit of mineral sands or a small gold or copper deposit. It also depends on the topography and the
nature of the mineral. Therefore, to allow discretion rather than tying it down to a definition, it was determined that the decision should be left to the discretion of the Minister.

Clause agreed to.

Clause 6

Mr THOMSON (Pascoe Vale) — Clause 6 refers to royalties. The Victorian Farmers Federation has written to the Minister suggesting an amendment allowing compensation for mining or a royalty to be paid to the landowner on the disposal of tailings from his property. The federation points out in its correspondence that that is permitted under the Local Government Act and the Extractive Industries Act — that is, the landowner is able to receive a royalty for sale of the resource. I would like to know whether the Minister has considered that proposal, and if so the nature of the Minister’s response and the reason for it.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The Victorian Farmers Federation did discuss its concerns about the matter with me. The point is that if the Minister uses his discretion to allow a miner to sell tailings for a purpose other than for extraction of a mineral or precious metal — in other words, for an extractive industry purpose generally — the miner would be charged royalties. The Victorian Farmers Federation put the view that after a mining exercise is completed and the tailings are returned to the land and become part of the land — in other words, are owned by the farmer — if the farmer wants to dispose of those tailings, royalties should apply.

The farmer is able to sell the tailings under those circumstances but the federation’s argument is that, if the miner is selling the tailings for extractive industry purposes and no royalties come to the farmer, the farmer is losing what would normally come to him from the tailings left behind when the mining process is completed. It does not relate to the selling of tailings for the purpose of extracting minerals. The VFF raised the matter with me and I said I would be happy to arrange for a discussion between officers of my department, the federation and the Victorian Chamber of Mines so that an accommodation could be made on the matter with a view to introducing amendments in a later sessional period.

A letter from the VFF asked me to introduce an amendment because it had spoken to the Victorian Chamber of Mines about the matter, but that letter arrived on my desk only yesterday, which did not give sufficient time for discussions between the Chamber of Mines and officers of my department. I gave the undertaking I have referred to and the proposal will be considered in the next round of amendments to the Mineral Resources Development Act.

Clause agreed to.

Clause 7

Mr THOMSON (Pascoe Vale) — To some extent the Minister’s response to clause 6 may also be relevant to this clause. The VFF propositions in relation to clause 7 refer to the inclusion of a provision requiring the consent of the landowner to the sale of tailings. The position expressed by the VFF is that gravel and soil are rightfully the property of the landowner and, because of their importance to the rehabilitation of the land, the landowner should have the right to give consent to their disposal.

It may be that the Minister does not have anything further to add to his response on clause 6, but I invite him to address the concerns expressed by the VFF.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — All I add to my previous response is that what tailings are should be understood. The definition of tailings is clear. They are not gravel or soil but the rock that has been extracted and processed and is left after the mining is completed. There is confusion between tailings and overburden, which, be it clay or topsoil, is important to the farmer in the rehabilitation process. Tailings are not overburden, clay or gravel; they are the processed rock that is normally crushed and treated to extract minerals and is then left.

Basically the same response applies, but I am happy to examine the matter with the VFF, the Victorian Chamber of Mines and officers of my department to clarify that point in the next round of amendments to the Act.

Clause agreed to; clause 8 agreed to.

Clause 9

Mr THOMSON (Pascoe Vale) — I raise two matters concerning clause 9. First, I have been asked why the powers of the Ministers responsible for
managing all the other resources in State forests have in this case been reduced to recommending rather than imposing conditions.

The second issue is described as real-estating; it is a complex matter. Clause 9(3) substitutes for section 15(6)(b) of the principal Act:

(b) intends to comply with this Act; and

(ba) genuinely intends to do work;

Although that seems a minor amendment, when one examines amended sections 25 and 31 it becomes apparent that its purpose is to allow the Minister to renew mining licences when the applicant does not intend to do work. The intention of the amendment is to protect the investment of a company, but it has been suggested that this amendment and the amendment to section 33 would allow the sale of tenements that are not to be worked immediately, which could be dangerous where gold is involved.

The Income Tax Assessment Act was amended recently to make profits from goldmining taxable. However, a section in that Act which states, with certain stipulations, that income derived from the sale of mining be tax exempt, was not repealed.

The proposed amendment to section 15(6)(b) and the consequent amendments to section 25(3), 31(1), 31(4), 33(3) and 38(1) have, in the view of those who have raised this with me, the potential to facilitate the practice known as real-estating and the use of tenements for money laundering. The report of the subcommittee chaired by the State Mining Warden that investigated that problem was drawn to my attention. Concern was also expressed about the extension of exploration licenses for periods of up to four years instead of the current one-year period.

During the second-reading debate I advised the Minister that the Shire of Bet Bet wrote to me in August, before the legislation was introduced, expressing concern about real-estating. I seek a response from the Minister on that issue and ask that amendments be considered, including those suggested to clause 9.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The honourable member for Pascoe Vale has drawn two matters to my attention. His first concern was the reduction of the right of the Ministers responsible for Crown land and forests to determine conditions for the granting of a licence to an applicant in relation to unrestricted Crown land. The Minister for Conservation and Environment and the Minister for Natural Resources have substantial responsibilities to determine appropriate licence conditions. We are talking about licences and not work plans.

The object of the exercise in dealing with unrestricted Crown land is to give the Ministers the courtesy of advice that a licence has been sought and to give them the opportunity to suggest conditions if they think fit. In most cases involving unrestricted Crown land no conditions would be suggested by the Ministers, but the provision gives them the opportunity, if they wish, to do so. I draw a distinction between restricted and unrestricted Crown land.

In relation to the second matter raised, proposed section 15(6)(ba) must be read in conjunction with proposed section 25(3A). His concerns in relation to real-estating and the concerns of the Shire of Bet Bet are shared by the government, and I know they were shared by the former Minister. The initial objective in the formation of the legislation was to avoid the practice of real-estating, which does nothing for the industry but allows individuals, through the shuffling of paper, to take up licences and do nothing with them in the hope that a neighbouring miner will find something worth while, which gives them the opportunity to sell the licences at a profit, having contributed nothing to the industry and done nothing to enrich the area for which they hold licences.

When one reads proposed new section 15 paragraphs (b) and (ba) in conjunction with clause 11, one sees that what is currently one subsection in the principal Act will be split into two paragraphs. Proposed new section 15(6) states:

(b) intends to comply with this Act;

(ba) genuinely intends to do work; and"

Paragraph (b) allows the Minister the discretion not to issue a licence to a person he believes will not comply with the Act.

Paragraph (ba) provides the Minister with discretion to grant a licence if the applicant has identified minerals in the land and can satisfy the Minister that additional time is necessary to assess the economic viability of mining those minerals or that it will be economical to mine those minerals some time in the future. The mineral sands in the Wimmera are an example of a vast deposit of mineral sands which it is currently not economical to exploit. The Bill allows the Minister the discretion to allow that individual to say, "Look, we want to evaluate it; we
want to look at the options before we come back and say to you we genuinely intend to do work”.

It is fatuous to require people to say that they genuinely intend to do work before they have had the opportunity to assess the economic viability and the market for the minerals, and the Bill provides a little more flexibility than currently exists to ensure that the government does not cut off opportunities for people wishing to take part in the mining industry.

I assure the honourable member for Pascoe Vale that the government strongly opposes the practice of real estating. If the honourable member has any evidence of companies or individuals practising real estating, I want to hear about it because the government wants to stamp that out, as did the former Minister, whom I supported when in opposition.

Clause agreed to.

Clause 10

Mr THOMSON (Pascoe Vale) — I have received a number of representations expressing concern about the insurance provisions, which deal with miners who default on payments under compensation agreements, with bankrupt mining companies or miners who cease operations and leave an environmental mess behind for local government or the landowner.

The Victorian Farmers Federation wants some protection against miners who default on payments under compensation agreements, which could be achieved by requiring the miner to take out insurance to cover payments to the landowner. I ask the Minister whether his department has considered that issue and, if so, what its response is.

I have also had representations regarding this issue from Jenny Holmes of the Victorian Farmers Federation’s mines subcommittee. Her proposition is that insurance requirements should cover both the risk of personal injury to the owner or occupier of the land and the risk of damage. Once again I ask whether the Minister or his department have considered that and, if so, what the response is.

I now refer to what is known as the Avoca case, which involves a company by the name of Wrico getting into financial problems in the midst of mining operations. I want to hear the Minister’s response regarding the circumstances of the case. The concern of local people is that the landowner and the local community can be left with the environmental mess the company leaves behind. I will be interested to know the extent to which the government is aware of the circumstances of the case and what action it is taking in relation to it.

I ask the Minister to inform the Committee of the government’s attitude to the problem of mining companies failing and leaving behind a trail of havoc and destruction. What does it see as the best way of ensuring that that does not occur?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I have had discussions with the Chairman of the Victorian Farmers Federation and two members of the mining subcommittee. Mrs Holmes, to whom the honourable member for Pascoe Vale referred, has appeared at none of the meetings. She seems to do a lot of sniping from the sidelines. When I discussed this matter with the VFF group that came to see me at Parliament House they were concerned about compensation agreements and the problems of payments if a miner becomes insolvent or bankrupt. I put it to them — I think they agreed — that that should be a commercial arrangement between the miner and the landowner that the landowner should satisfy himself of the financial capacity of the miner to pay. The landowner should demand that the miner has satisfactory insurance or other cover. The VFF appears to have accepted that in that it has not followed up the matter with me.

Proposed new section 22 (1)(b) refers to property damage and states:

- to provide a security of an amount and kind specified by the chief administrator against the risk of damage to the property of the owner or occupier of the land — arising from the entry by the applicant or the activities of the applicant on the land.

Proposed new section 22(1)(a) provides for insurance against the risk of personal injury to the owner or occupier of the land.

That is relevant to what the honourable member for Pascoe Vale said about Avoca in particular and bonds in general. As I said at the conclusion of the second-reading debate — and if I did not say it then I will say it now — some miners have not adhered to the conditions of their licences and have not been prepared to undertake the rehabilitation work required. To insure against that, it is imperative that miners be required to lodge bonds so that if they get...
into financial difficulties — that happened to Wrico, although I do not think it went bankrupt — or go broke they cannot just walk away and leave municipalities and the State government to clean up their mess.

It is important that the bonds are large enough to cover the work required under agreed rehabilitation plans. It is also important that mining operations are regularly inspected to ensure that miners adhere to the conditions of their licences, that they do not trespass on land not covered by those licences and that they do not create messes, all of which reflect badly on the industry. We must do all that we can to avoid bad relations among the mining industry, landowners and municipalities, because good relations are important to the future of the industry.

Municipalities, landowners and the general community must be satisfied that the bonds represent the security required to rehabilitate any sites that miners might walk away from. The size of the bonds will be set by the chief administrator of the department and must be held either in cash or by way of bank guarantee. Concern has been expressed that if a miner goes broke, the bank guarantee will be taken over by the receiver. I have received departmental legal advice to the effect that the bonds or bank guarantees will be made to the department and therefore will not be able to be obtained by receivers. I am advised that the bonds will be able to be retained by the department to clean up and rehabilitate sites when, for any reason, miners are unable to find the funds to do the work themselves.

The issue is important to the proper structuring of the mining industry in this State. The administration of the Avoca site and one or two others has not been satisfactory. I am not happy about that, if for no reason other than it has caused bad blood among the industry, landowners and municipalities, which we do not need. I have told the new head of the minerals division of the Department of Energy and Minerals to ensure that this area is carefully policed and that the industry is not threatened by poor operations such as those referred to by Jenny Holmes. I agree with her: cowboys give the mining industry a bad name.

Clause agreed to; clause 11 agreed to.

Clause 12

Mr THOMSON (Pascoe Vale) — Clause 12 will delete legislative references to compliance with codes of practice from the list of conditions that the Minister may impose on licences, which has generated a good deal of concern in the wider community.

As I said during the second-reading debate, I was given a briefing on the issue by departmental officers. I gathered from the briefing that the department intended that the codes of practice would continue to have legal force and that the aim was to reduce the number of tiers of legislative authority governing mining operations.

Given the extent of the concern expressed about the repeal of the codes of practice, I ask the Minister to assure the opposition and the Victorian community that the codes will continue to apply. I also ask him to tell the Chamber how that will happen and what the government’s intentions are regarding codes of practice.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The government believes codes of practice become a fourth tier of regulation governing the operations of an industry that is already substantially controlled. The Act is the principal form of regulation, followed by statutory rules under that Act, licence conditions and codes of practice. The codes were developed as guidelines for people inside and outside the industry as a means of defining acceptable behaviour in dealings between miners and landowners. A couple of years ago Parliament was persuaded that it should give its imprimatur to those guidelines, so creating another tier of regulation.

The government believes that, where appropriate, some codes of practice should be subsumed by statutory rules and that others should remain as guidelines, which is what they are. I recommend the book published as a result of the cooperative efforts of the Victorian Chamber of Mines and Victorian Farmers Federation. The book could be described as a code of practice, but it is a set of guidelines for farmers who are worried about what might happen if prospective miners want to explore their land or want to mine what has been discovered.

That is a more appropriate way of proceeding than imposing another set of regulations that must be approved by Parliament, because we already have a principal Act, statutory rules under that Act and licensing conditions. The government believes the subsuming of some codes of practice is the most appropriate way to proceed rather than establishing yet another tier of regulation.
Mr THOMSON (Pascoe Vale) — I understand the Minister to be saying that some codes of practice will continue to have legal force because they will be absorbed into existing regulations or licensing conditions and that other codes of practice will be classed as guidelines — that is, they will not have any legislative force. I ask the Minister to say which codes of practice will continue to have legislative force and which codes will not. If the Minister is not in a position to give the Chamber those details, I ask him to outline the processes that will ensure that people are made aware of the status of codes of practice.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — At this stage I am unable to tell the honourable member for Pascoe Vale which codes are considered appropriate to be subsumed by regulations. In due course I shall be happy to give him a list of those codes of practice to be included and those that will continue to be classed as guidelines. I cannot tell him exactly when, because it will take some time to work through the details. But when it happens, I will ensure he is given the details of what is proposed.

Clause agreed to.

Clause 13

Mr THOMSON (Pascoe Vale) — The matters I intended to raise were covered by the Minister’s comments on clause 9.

Clause agreed to; clause 14 agreed to.

Clause 15

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

1. Clause 15, page 10, lines 4 and 5, omit “proposed transferee satisfies the Minister that the proposed transferee has identified minerals” and insert “Minister is satisfied that minerals have been identified”.

Amendment agreed to; amended clause agreed to; clauses 16 and 17 agreed to.

Clause 18

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

2. Clause 18, line 26, omit “mine” and insert “worksite”.

The word “mine” is a narrow definition. The word “worksite” is a more accurate definition of the area concerned. The amendment broadens the scope of the clause.

Amendment agreed to; amended clause agreed to.

Clause 19

Mr THOMSON (Pascoe Vale) — The clause provides that a copy of the work plan relating to a mining licence over Crown land must be lodged with the Ministers administering the Crown Land (Reserves) Act 1978 and the Forests Act 1958. What arrangements does the Minister have for public knowledge and comment on those work plans?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — A work plan is not a public document before it is approved. When it has been examined and approved by the appropriate Ministers, it is registered and then becomes a public document. It is then open to inspection by any member of the public.

Clause agreed to; clause 20 agreed to.

Clause 21

Mr THOMSON (Pascoe Vale) — The clause provides that the holder of an exploration licence who proposes to carry out roadmaking or bulk sampling activities to submit a statement assessing the impact of the proposed work on the environment. The opposition believes such statements should be required and queries the discretion the Minister has been given to say it “may” be required. I submit that the word “must” would be more appropriate than “may”. In what circumstances would the Minister envisage the Ministerial discretion being invoked? As it is up to the Minister’s discretion to require such statements, what does he see as the relevant criteria or considerations?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — In respect of bulk sampling I said that the circumstances vary depending on whether the...
roading is extensive, whether it goes through forest country or open country and whether the land is flat or steep. Because the circumstances vary in every case I believe the word "may" is more appropriate than the word "must". If the circumstances suggest that there should be such a statement, the Minister would exercise his discretion.

There is also some comfort in the fact that there is a Minister responsible for Crown Land. The clause will ensure that the Minister for Energy and Minerals cannot ride roughshod over the interests of public land, particularly in relation to soil erosion, tree felling, roadworks and bulk sampling.

Every circumstance is different and discretion needs to be exercised. If the Minister concerned does not exercise discretion wisely he will be subject to considerable public criticism, and that is one of the best ways to ensure discretion is exercised wisely. If he fails to do so, the Minister is answerable not only to the public but also to the Parliament where, no doubt, questions will be asked about whether discretion was exercised appropriately. That is the best form of accountability to the public and the Parliament.

Clause agreed to.

Clause 22

Mr THOMSON (Pascoe Vale) — Concern has been expressed about the impact of clauses 22 and 23, which remove the legal obligation of the Minister for Planning to consider significant environmental effects and sound planning principles when making unexhibited planning amendments to facilitate exploration and mining. As I understand the clauses, the Minister for Planning will be empowered to prepare amendments to any planning scheme to facilitate the carrying out of mining and exploration. The proposed amendment will mean the Minister for Planning will not be required to take account of the significant effects the amendment might have on the environment as well as social and economic implications.

The Minister need not advise the local regional authority, make the amendment available for inspection by the public, advise landowners who may be materially affected, advise public authorities, advertise the amendment, allow any person to make a submission, consider submissions, have a panel hearing, make it public or consider a panel report.

A variety of concerns have been expressed about the impact of clause 22 and the combined effect of clauses 22 and 23. I seek the Minister's response on those issues.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — Clause 22 has undoubtedly caused more concern than any other clause relating to local government and planning. There has been considerable misconception of what the clause is all about. It does two things, and members should recognise what it does.

Firstly, the new provisions clause 22 inserts will ensure that no municipality can have a blanket ban over exploration or mining, which is the case at present. It ensures that if municipalities have applications before them, rather than taking the easy course and saying, "We want a blanket ban on all exploration and mining", they must argue their cases. They must consider applications on their merits.

In many municipalities, including municipalities of Melbourne — and some remarks have been made on exploration and mining in Flagstaff Gardens; I will come back to that — we would never see applications for exploration or mining. The point of this clause is, firstly, to ensure that, rather than abrogating the planning responsibilities of municipalities, they have to consider applications on their merits. They cannot just say, "We will have no mines because we do not like miners and we do not want to have the sort of mess we have seen at Avoca" — and none of us would want to see that occur. Municipalities must consider the high-tech nature of exploration and mining.

During my second-reading debate summary last night I instanced the exploration drilling that is occurring in the centre of Ballarat. Drill rigs have been operating in that city alongside sportsgrounds, homes and industries. It is high-tech drilling that is properly shielded; you would not know it was occurring unless you were shown that the drill was actually there. Mineral resources were being searched out for the people of that area. High-tech mining and long-lead, or decline, tunnels can access minerals from outside the metropolitan built-up area.

The new provisions inserted by the clause state in one context that no municipalities should say, "We want a blanket ban", and that municipalities should face their planning responsibilities and give consideration to each case on its merits.
The second misconception that was expressed by many members of the opposition during debate last night is that planning has gone out the window — that there will be no planning; that it has all gone. As I mentioned in my summary last night, probably 95 per cent of all mining applications will go through the normal planning channels; municipalities will be responsible for considering and determining whether they wish to give planning permits; and appeal mechanisms will be available to both proponents and opponents through the Administrative Appeals Tribunal.

For the few large projects that require an environment effects statement — probably 5 per cent of all projects, and that may be being generous — the EES will give every opportunity for municipalities to raise local government issues, planning issues, Environment Protection Authority issues and environmental issues in the one hearing rather than in sequential hearings to determine whether a scheme should go ahead.

As I mentioned last night, the Minister for Planning will move amendments to be debated by Parliament to amend the Environment Effects Act to allow this process to happen for all large mining projects so that all matters can be considered in one hearing rather than in sequential hearings, which are lengthy and uncertain. I suppose that any hearing is uncertain, but they are lengthy hearings and present a disincentive to miners putting up large projects in the State.

Also changes to the Act that the Minister intends to introduce will not be just for mining projects but for all major projects. If there is a major project in the electorate of an honourable member that requires an EES the same process would take place, so all major projects would be considered under this provision.

The matter of Flagstaff Gardens was raised last night. This may not be altogether the right clause on which to raise this question, but what happens to private parks as opposed to public parks has some relevance to the clause. Section 7 of the principal Act gives the Minister the responsibility to consider exempting various areas from exploration or mining. The following question has been raised: what about the casino site? I am pleased to tell the House that I have signed an Order in Council to exempt the casino site from exploration and mining. If Flagstaff Gardens or any other private park had conservation values that should be maintained, I should be perfectly happy to consider an Order in Council to ensure that mining does not take place in such an area as the Flagstaff Gardens.

The new provisions inserted by clause 22 will ensure that some municipalities that wanted a blanket ban on mining and were abrogating their responsibilities in planning will, if there is an application, have to face up to whether mining exploration should take place, arguing their case at the Administrative Appeals Tribunal if necessary. If the proposal is humbug or should not proceed, it will not proceed. However, if it can be proved that the project should proceed employing high-tech exploration and mining techniques, the municipality will be forced to consider the matter and argue the case at the AAT or through an EES.

In conclusion, proposed subsections (10), (11) and (12) of section 42 inserted by clause 22 are based on similar provisions contained in the Royal Melbourne Hospital (Redevelopment) Act 1992, Act No. 23, which came into operation on 30 June 1992. It was introduced by the former Labor government, so this government is doing nothing more than following the clauses accepted by the draftsmen as being the appropriate way to achieve the end result that was desirable when the Royal Melbourne Hospital legislation was being considered.

Clause agreed to.

Clause 23

Mr THOMSON (Pascoe Vale) — Clause 23 provides for the overriding of planning restrictions on exploration. Against that background my question is: by what mechanism will environmental values, including rare flora and fauna in unrestricted State forest and private land be protected from exploration involving earth disturbance or vegetation clearance, given that the Minister will require an impact statement only for some bulk sampling and road making?

I also refer the Minister to correspondence he sent off as recently as last week, reassuring people concerned about exploration licences that significant land disturbance will be subject to the normal planning process. The letter to the Victorian National Parks Association concerned its objection to the granting of exploration licence No. 3455 to D. Lee, D. Choy and A. Lowther. That letter was signed by the Minister on 14 October, last week, indicating that the licence has now been granted for a term to expire on 10 August 1995. The bottom paragraph of the first page says:
With respect to the red gum forests along the Ovens River, where some private land and Crown land may be involved, then any significant land disturbance contemplated, over and above normal low impact exploration, must be subjected to the normal planning process through the application and grant of a planning permit before any works can be commenced.

On reading the letter, it seems to me that that simply is the case until the Bill passes, and then what the Minister says in that paragraph would no longer apply. It is therefore not a legitimate defence of decisions to approve exploration licences. I go back to the original question: by what mechanism are those sorts of values to be protected in the unrestricted forests and on private land?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) - If the honourable member would like to provide me with a copy of the letter on the point he raised, I will have a look at the case. I cannot give him details. I would be happy to look at the letter, consider the case and give him a written response.

With the rare or endangered flora and fauna — I think “rare flora and fauna” were the words used — the obvious protection, if it is rare flora and fauna, would be under the Flora and Fauna Guarantee Act. That is not amended by the Bill. It will continue to operate throughout Victoria and is the mechanism by which any endangered rare flora and fauna can be properly protected, and will be in the future.

Clause agreed to.

Clause 24

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

3. Clause 24, line 18, after “Act” (where first occurring) insert “(being an Act that relates to access to, or the doing of work on, unrestricted Crown land)”.

This amendment seeks to make it very clear that the provision relates to work being done or access to land on which exploration and mining takes place. Without that qualification the clause could be interpreted as applying to all Acts of Parliament in Victoria; with the qualification it is made very clear that the clause applies only to activities on Crown land or in relation to access to Crown land where work is to take place.

Amendment agreed to.

Mr THOMSON (Pascoe Vale) — The clause proposes a new section 43A, which has been the subject of quite a deal of concern expressed to me. It seems completely to remove local authority control over the breach of conditions relating to mining or exploration, even if such breaches contravene the Planning and Environment Act and the relevant planning scheme. So my query, in the first instance, is: is that understanding correct, that it does completely remove local authority control over breaches of conditions on mining and exploration? Secondly, on what basis does the government put forward such a proposition?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The object of the clause is to make it clear that any contravention of licence conditions by a miner’s activities must be dealt with under the Mineral Resources Development Act, not under the Planning and Environment Act. That is the object of the first part of proposed section 43A, which I think is the matter the honourable member is referring to.

Matters must be dealt with under this Act and not the Planning and Environment Act. It does not let the miner off the hook. If a miner is in contravention he must face up to the penalties and strictures this Act provides, but the contravention must be dealt with under this Act, not under the Planning and Environment Act.

Amended clause agreed to; clause 25 agreed to.

Clause 26

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

4. Clause 26, line 21, omit “mine” and insert “worksite”.

This amendment broadens the application of the provision from the mine to the worksite. The subclause reads:

(1) Unless the Minister determines otherwise under sub-section (3), the holder of a mining licence must employ a person holding a mine manager’s certificate to manage the mine.

It is not just the mine, the hole in the ground, it is the worksite, which has a broader meaning than “mine”, so the responsibility of the mine manager is for the whole site — in other words, the whole of his work plan area.

Amendment agreed to; amended clause agreed to; clauses 27 to 44 agreed to.
Reported to House with amendments.

Passed remaining stages.

**JURIES (AMENDMENT) BILL**

Second reading

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — On behalf of the Attorney-General, I move:

That this Bill be now read a second time.

This Bill makes a number of important amendments to the Juries Act 1967, which will promote greater fairness and efficiency in the conduct of proceedings of the County and Supreme courts.

The Bill gives effect to the government's commitment to allow certain criminal prosecutions to be determined by majority verdict. The government believes the requirement of a unanimous verdict is a potential source of expense and unfairness where a single, determined juror holds out doggedly and for peculiar or improper reasons against the common view of the remaining 11. A hung jury will lead either to a retrial or, on rare occasions, to a decision by the Director of Public Prosecutions to discontinue the prosecution. The first outcome is an unjustifiable waste of public money, especially when the trial has been long and expensive. Many may see a decision to discontinue a prosecution in these circumstances as unjust. Majority verdicts, which have been introduced in the United Kingdom and several other Australian States do not eliminate the chances of this happening, but they significantly reduce them. They strike an appropriate balance between the principle that guilt should be determined beyond reasonable doubt and the need to manage courts efficiently and fairly.

The remaining amendments introduce a number of reforms which will produce significant savings in the administration of the jury system. In particular, clause 6 reduces the number of peremptory challenges that may be exercised by an accused in a criminal trial. Eight challenges are presently allowed, but under the amendment, in a trial where there is a single accused, he or she will have six challenges; where there are two accused, each will have five challenges; and where there are three or more accused, each will have four challenges. The change will reduce the total number of jurors required to be summoned and thereby reduce the cost of assembling a jury pool. In addition, the legislation limits the Crown's right to stand aside a juror, which is presently unlimited, to the same number of challenges as are available to the accused. That addresses a concern that any reduction in the number of challenges available to the defence is unfair unless the prosecution's right is similarly restricted.

The question of peremptory challenges does not simply reflect a desire to generate cost savings. Rather, it goes to the fundamental notion of the jury as a body which represents and reflects the broad spectrum of community attitudes and perspectives. It has been suggested that the use of the challenge can, particularly in multi-header trials where a number of accused can aggregate their challenges, lead to distortions in the representative nature of the jury. The present amendments go some way to addressing this problem. However, the issue of just how representative modern juries are requires closer examination. In particular, the schedules to the Act, which set out broad categories of persons who are ineligible for, exempt from or able to be readily excused from jury service, deserve close scrutiny. That issue has been raised by a number of organisations in the course of the consultation on this Bill, which suggested that the range of people who end up on juries is so narrow that many juries are a long way from being a representative cross-section of the community. The Attorney-General therefore intends to review those schedules at the earliest opportunity.

Clause 9 inserts a new section which empowers courts in appropriate circumstances to allow jurors to return home overnight during the jury's deliberation. Although the legislation leaves the decision to separate to the discretion of the court, I understand that the experience following a similar change in New South Wales has been that there have been no instances of attempted interference with a jury, a fear of which has underpinned the traditional practice of the jury lockup. The government therefore would expect that the courts will be prepared to allow juries to separate unless there is a real reason not to do so. A reduction in the number of occasions on which juries are required to be accommodated overnight will yield substantial cost savings in administering the jury system and at the same time will reduce the level of disruption to the lives and routines of jurors involved in lengthy deliberations.
Other amendments are designed to promote flexibility in the system of determining applications from persons wishing to be excused from jury service. They will lead to administrative efficiencies and at the same time reduce inconvenience to persons called up for jury service.

The amendments will have a positive impact on the administration of the justice system in general and the jury system in particular.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLE (Melbourne).

Debate adjourned until Wednesday, 3 November.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL

The SPEAKER — Order! As the required statement of intention has been made pursuant to section 85(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 15 September; motion of Mr KENNETT (Premier).

Mr BRUMBY (Leader of the Opposition) — The opposition does not support the legislation for a variety of reasons, particularly because in the past 12 months the government has destroyed the framework of the independent Public Service. Previously the Public Service was accountable and able to advise the government without fear or favour. The Bill replaced that system with a system in which public servants can be sacked at the whim of individual Ministers. They will be required to give advice and act accordingly.

The Bill provides that pay and conditions for public servants will be eroded and further attacked. It also provides that information about the operation of the public sector will be kept secret from the Parliament and the public. In that respect I refer particularly to the salaries of the heads of departments. Therefore, the opposition strongly opposes the legislation.

The Bill builds on the Public Sector Management Act, but the amendments will further undermine the public accountability and independence of the Public Service, which has to this day had the ability to advise governments without fear or favour.

It is pertinent to consider this amending Bill in the context of the Kennett government's general approach to public sector and government administration. Three days after coming to power, the government sacked 10 departmental heads without giving any reason for doing so. The Premier simply told them that they were no longer required. Newspaper reports of the day put the lie to the comments made before the election, and I will refer to those a little later.

Within a matter of weeks, the Public Sector Management Bill was introduced to this House, and it provided that department heads and senior executive service officers could be employed on contract and that they could be sacked by individual Ministers with four weeks notice. The Act effectively abolished the principle of promotion on merit and recruitment and, as Bill Russell, Director of the Public Sector Management Institute, said, the changes have resulted in "a spoils-based system of public employment likely to produce corruption rather than excellent and professional public administration”.

All honourable members would share the view that we ought to be aiming at excellent and professional public administration. However, Bill Russell says that the changes made by the government will produce precisely the opposite effect. The government has broken a range of commitments in relation to the public sector.

As reported in the Age of 3 October last year, on 2 October the then Leader of the Opposition, now the Premier, denied that he was planning legislation to put public servants on individual contracts. When asked about the matter at that time, the current Minister for Industry and Employment stated that he knew what the coalition's legislative plans were and could say categorically that such a plan was not among them.

When asked about those changes, the then Leader of the Opposition said he had no knowledge of any changes whatsoever. Yet, within a matter of weeks, on 12 October 1992 legislation was introduced to allow department heads and officers of the Senior Executive Service (SES) to be employed on individual contracts on four weeks notice. Still there was worse to come.
Prior to the last State election, the then Leader of the Opposition had promised the State Public Services Federation (SPSF) that the coalition would consult with it before making any changes to the Public Service Board or the Public Service Act 1974. In a letter to the SPSF, he stated:

The coalition has no plans for immediate change or abolition of the Public Service Board or the Act itself. Indeed were we to contemplate change, it would occur only after discussion with those directly affected, i.e. your members.

On 12 October, just over a month after he wrote that letter, the Premier announced without any consultation whatever with the SPSF that the Public Service Board would be abolished and the Public Service Act repealed.

The government has also broken other promises. New chief executives have been employed on generous salary packages, the details of which the government has refused to make public. In fact, the government has gone to extraordinary lengths to keep those details secret. The package received by the Secretary of the Department of the Premier and Cabinet is believed to be a minimum of $270 000 a year. The government has attempted — —

Mr Leigh interjected.

Mr BRUMBY — It is much more than that, I suspect. Of course, the Premier has tried desperately to keep it a secret! The government says it is committed to open and accountable government, yet the opposition had to go through freedom of information processes and take the matter to the Administrative Appeals Tribunal. On 29 September the tribunal ordered the government to make the information available and the government has 30 days within which to comply with the request. One way or another the public will find out the extent of the salary package of the Secretary of the Department of the Premier and Cabinet. The public has a right to know what benefits are being paid to that officer and particularly what he receives as non-cash remuneration.

Public Service executives have also been encouraged to take up to 50 per cent of their salary packages in non-cash benefits, such as school fees, cars, personal loan repayments and so on, in order to minimise taxation. Those practices have allowed officers to increase substantially the value of their packages without that information being available to the public. The opposition asserts that that information should be publicly available.

Other people share the opposition's view on this matter. The report of an inquiry into executive structures and salaries conducted by the Economic and Finance Committee of the South Australian Parliament — a committee with both Liberal and Labor members — states:

... the use of flexible salary packaging to minimise taxation and other legal obligations, however legitimate it may be, is totally inappropriate, particularly in public sector agencies which should be leading by example.

Although the government's Liberal colleagues in South Australia are happy to unanimously endorse such a statement, apparently that does not apply in the great State of Victoria. The opposition considers the public has a right to know the details of remuneration received by public servants. What are you running away from? Why don't you release the information?

The SPEAKER — Order! The Leader of the Opposition would make the job of the Chair a lot easier if he used the third person and addressed the Chair. When he addresses the House in the first or second person it inevitably leads to disorder. I ask him to cooperate with the Chair.

Mr BRUMBY — The government has also tried unsuccessfully to coerce public servants into signing individual employment contracts that reduce their wages and conditions. As honourable members would know, the model contract from the Department of Business and Employment abolishes paid paternity leave.

In August of 1992 both the Age and Herald Sun reported that in a speech to the Australian Chamber of Manufactures given on the 19th of that month the then Leader of the Opposition said that Victoria's public servants "do not produce a single dollar of wealth".

The driving force behind this legislation is not dollars and cents or public interest. If the government were interested in the public interest it would be making available details of packages received by senior public servants and explaining fully exactly what is driving the changes. It is certainly not explained in the Minister's speech. The changes are being driven by an ideological view of the world that considers public servants are
worthless and, in the words of the Premier, "do not produce a single dollar of wealth".

The Bill continues the backward steps and detrimental changes made to the Public Service through the Public Sector Management Act. In essence, it further undermines the conditions of employment of public sector employees and the principle of an independent Public Service, which has been quite properly held as sacred in this State for decades and decades. These changes — —

Honourable members interjecting.

The SPEAKER — Order! I warn government members that I will take action against them if they continue with persistent interjection. The Leader of the Opposition has every right to put his views to the House in silence.

Mr BRUMBY — While some of the amendments in the Bill correct drafting and other errors in the originating Act, the opposition opposes the Bill for a raft of reasons.

The Bill further politicises the Public Service and undermines its political accountability. Clause 32, for example, allows statutory appointees to be employed on employment contracts and enables their appointment by a Minister rather than by the Governor in Council. That is a major change in public administration in this State.

In his advice to SES executives, Commissioner Schilling made it clear that contract employment provisions under Part 4 of the Bill will apply to statutory appointees, and enable their appointment by a Minister rather than by the Governor in Council.

The Bill will provide for the Auditor-General, who is a statutory appointee, to be placed on an employment contract. Given that the Auditor-General is responsible to Parliament and not to the executive, the opposition would have thought that should be a matter for full and proper debate by Parliament.

Mr Leigh interjected.

Mr BRUMBY — The honourable member would not understand the difference between the Parliament and the executive.

The SPEAKER — Order! I advise the honourable member for Mordialloc that he must remain silent. If he has difficulty in doing that, he should leave the Chamber.

Mr BRUMBY — In essence, clause 32 provides for the Auditor-General and the Ombudsman to be placed on employment contracts despite the commitments the Premier has given in this place that that will not occur. On 27 and 28 April and in October this year the Premier gave a clear commitment that the Auditor-General would not be placed on an employment contract.

The Bill provides for statutory office holders and statutory appointees to be placed on employment contracts. That means the Auditor-General — the officer who is supposed to report to Parliament and not to the executive and who is supposed to be independent and scrutinise the executive government of the day — can be placed on an employment contract. The Bill enables the executive government of the day to put the Auditor-General or the Ombudsman on an employment contract. That is inconsistent with the Westminster tradition; the Auditor-General has the right to report to Parliament.

Mr Kennett interjected.

Mr BRUMBY — I have read the Act, Premier. So that he can take remedial action, the document produced by the Public Service Commissioner and distributed to SES level public servants and others makes it clear:

Contract employment provisions under Part 4 to apply to statutory appointees, and enable statutory appointees to be appointed by the Minister rather than by the Governor in Council.

That is not ambiguous; it is provided for in clause 32. The Premier's commissioner gave that advice to SES officers and chief executive officers of the Public Service. The Minister can appoint an Auditor-General and then the Minister or the Premier of the day — not the Parliament — can place the Auditor-General on a contract.

Earlier today I alluded to the Budget cuts. They represent an unprecedented and sustained attack on the independence and authority of the Auditor-General. At page 3 of his report the Auditor-General states:

While the office has been successful in reducing its operating costs, the issue of funding is an area which I consider requires urgent attention from the Parliament.
Recent reductions to the budget for my office for 1993-94 may well result in a limitation of my ability to deliver the full range of auditing services to government and auditees, with a corresponding reduction in the amount of information provided to the Parliament.

Honourable members interjecting.

Mr BRUMBY — Honourable members opposite could not care less about the independence of the Auditor-General.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, I ask the Leader of the Opposition to withdraw those comments. He said that members of the government do not care about the independence of the Parliament, which is not true. He is casting aspersions against honourable members. I believe he should withdraw such a reflection, especially if he is referring to all government members. It is not true — his party used to do that.

The SPEAKER — Order! The honourable member for Mordialloc knows that members of Parliament are not shy, retiring violets; there is a certain robustness in debate and I do not uphold the point of order.

Mr LEIGH (Mordialloc) — On a further point of order, Mr Speaker, the Leader of the Opposition also referred to me. He used me as an example. He was looking at me and I can only assume that he was, in effect, referring to me.

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

Mr BRUMBY (Leader of the Opposition) — If the honourable member for Mordialloc knows that members of Parliament are not shy, retiring violets; there is a certain robustness in debate and I do not uphold the point of order.

Mr LEIGH (Mordialloc) — On a further point of order, Mr Speaker, the Leader of the Opposition also referred to me. He used me as an example. He was looking at me and I can only assume that he was, in effect, referring to me.

The SPEAKER — Order! The Chair is patient, the Chair is kind, the Chair has plenty of time, but it will not tolerate this barrage of interjections.

Mr BRUMBY — Clause 32 allows statutory appointees — the Auditor-General and the Ombudsman — to be employed on contract. I refer again to the documentation distributed by Public Service Commissioner Schilling, which makes it absolutely clear that the legislation will apply to statutory appointees. It will enable the Auditor-General and the Ombudsman to be placed on contracts. The legislation also attacks the conditions of employment and industrial rights of public sector employees. Clause 12 introduces fixed-term contracts under which employees can be sacked for no reason on four weeks notice.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, I believe speakers in the second-reading debate are not able to refer to specific clauses. They should refer to the general aspects of the Bill. Clearly the Leader of the Opposition is going through the Bill clause by clause. As I understand it, that is not the practice of the House.

The SPEAKER — Order! While it is correct that the Bill is dealt with in detail during the Committee stage, it has been a long-held practice that during the second-reading debate Ministers or members may refer to clauses. There is no point of order.

Mr BRUMBY (Leader of the Opposition) — I made the general point that the Bill attacks the employment and industrial rights of public sector employees. It does that through a number of changes dealt with in the clauses. Clause 29 allows the government to sack employees without redundancy payments if they refuse jobs in newly designated bodies. I shall refer to that matter later.

The third broad objection is that the Bill has been drafted without consultation with the community or relevant unions.

That breaks another government promise that it would consult. The government promised the State Public Services Federation that it would consult and consider amendments. The federation put forward amendments and the Premier said he would get back to it. But he never did. That is consistent with the government’s approach.

The Bill is an appalling piece of legislation. It has been abysmally drafted and will have a number of unforeseen consequences. I doubt whether many government members have the faintest idea of the implications of its specific clauses. For example, clause 5 represents a major change that clears the way for a new system of remuneration to replace the existing classification system. Departmental heads will have the power to set the pay of individual public servants according to their definitions of work value and applicable remuneration. It sounds simple enough, but the foreshadowed amendments provide for no definition of work value or any
process by which assessment for remuneration can be based.

There is no process, no definition and no assessment. The government appears to want to move to a broad-banded system of remuneration for public servants similar to that which might apply to chief executives; but that undermines the principle of a career Public Service and the principle of equal pay for equal work. If the Bill is passed by Parliament two public servants with the same qualifications, sitting side by side in an office and performing identical work, may be paid substantially different amounts. If as a general principle two members of Parliament sitting on the government back bench, say, the honourable members for Mordialloc and Glen Waverley, do the same work and the honourable member for Glen Waverley is paid $300 000 a year and the honourable member for Mordialloc is paid $40 000 a year a conflict may arise. Is that fair?

The government obviously believes this is a good principle to impose on the Public Service because clause 5 abolishes the principle of equal pay for equal work. It will be within the Minister's ambit or discretion to say that a public servant who performs the same tasks, works the same hours and makes the same contribution to the public sector as another public servant with the same level of experience may be paid $20 000 a year and another may be paid $80 000 a year. I defy any member of the Chamber to stand up and support that principle.

In essence this is the sycophant principle. Those public servants who reward their Ministers by providing the right advice at the right time and in the right direction will be rewarded. Those who provide fearless advice and do their job as independent public servants and are impartial will be penalised. The Bill breaches that fundamental commitment to equal pay for equal work. Those who want to appeal to their Minister will be remunerated by the department and the department head.

Mr Rowe — What nonsense!

Mr BRUMBY — The honourable member for Cranbourne should examine the Bill. That is what it says.

The SPEAKER — Order! The Leader of the Opposition should ignore interjections.

Mr Leigh — Like we ignore him!

The SPEAKER — Order! The honourable member for Mordialloc is out of order again.

Mr BRUMBY — Clause 12 relates to fixed-term employment. This legislation provides for fixed-term employment in the Public Service with contracts between one and five years. It provides for employees who have contracts up to five years and may renew for another five years, which is 10 years in total, to be sacked on four weeks notice with no compensation at all.

Mr Leigh interjected.

The SPEAKER — Order! I have warned the honourable member for Mordialloc several times. It is getting monotonous. If he cannot contain himself he should leave the Chamber. I warn him that if he interjects once more I will name him.

Mr BRUMBY — Clause 12 provides what I assume is just another inadvertent error in this poorly considered and drafted piece of legislation because the right to negotiate collective agreements in this legislation is not guaranteed. The Employee Relations Act passed by Parliament last year purports to guarantee the rights of employees to enter collective or individual employment agreements. The Act provides that an employee can be part of a collective agreement or be on a contract; he or she is allowed to make a choice.

On the advice that the opposition has received from the Public Service Commissioner, clause 12 provides that it will be at the discretion of the department head whether fixed-term employees can be parties to collective employment agreements. Therefore, an Act passed last year will provide a choice to enter collective agreements or individual contracts, but this Bill provides that an individual who signs a contract cannot be part of a collective agreement as is his or her right under the Employee Relations Act. I assume it is an inadvertent error; otherwise the Bill is inconsistent with the Employee Relations Act.

Permanency is undermined grievously by this clause. The purported purpose of the amendment is to provide the capacity for department heads to employ staff for projects funded from external sources such as grants from the Commonwealth government to the Department of Agriculture. However, the intent of the clause appears to be to move permanent employees onto fixed-term contracts. Proposed new section 34B clearly envisages that that will occur. It appears to be a clear strategy of the government.
Permanent public servants will be offered short-term contracts. Those who have been on a permanent employment basis will be offered a contract and the contract can be extended by up to 10 years. The contract can be terminated with a maximum of four weeks notice. That is the clear intent of the Bill. It will result in the further politicisation of the Public Service.

A permanent public servant who is now providing fearless advice to Ministers can be offered a contract. If that person is on side with the department head or the Minister of the day, the contract may be a generous one. If the person is off side with the department head or the Minister, the contract may have appallingly low conditions of employment. That is what the Bill is designed to do. There is no other interpretation of the proposed legislation. It is designed to undermine permanency in the Public Service.

It is designed to produce unprecedented levels of politicisation into the State Public Service by offering a system that will reward those public servants —

Mr McLellan — Excellence!

Mr BRUMBY — Not excellence. There is no mention in the Bill of any formula, any assessment, procedure or basis for rewarding merit. The Bill effectively abolishes merit. It abolishes the principle of equal pay for equal work. Excellence will not be rewarded. The Bill will reward sycophancy. Sycophancy and nepotism will run hand in hand if the legislation is passed.

Mr Micallef interjected.

The SPEAKER — Order! The honourable member for Springvale is trying the patience of the Chair. I ask him to remain silent.

Mr BRUMBY — Clause 32 relates to declared authorities. The definition of a declared authority is expanded by including, firstly, a statutory office and, secondly, any State-owned enterprise within the meaning of the State Owned Enterprises Act 1992. As I have said, when taken in conjunction with the advice provided by Public Service Commissioner Schilling this provision is designed to ensure the Auditor-General and the Ombudsman can be put on individual employment contracts. If the provision is linked with clause 12, it will ensure that if the Auditor-General of the day provides positive reports about the government of the day, is never critical, never digs too deep and does not properly fulfil his or her obligations to Parliament under the Westminster system, he or she may be put on a cosy contract by the executive government, which would totally contravene all of the principles of the Westminster system and the separation of powers. It would put in place an arrangement that does not exist in any other Parliament or jurisdiction in Australia. That is what the Bill proposes. Honourable members who believe in the integrity of this Parliament should be ashamed of such provisions.

Clause 35 is concerned with Ministerial advisers.

Mr McArthur — You must be an expert on that.

Mr BRUMBY — The changes give the Premier of the day the right of veto on employment proposals and the number of persons to be employed by the opposition. However, the Bill does not limit the number of appointments made or salaries paid to those employed to advise the government of the day.

Therefore, we have the two-rule principle: one rule for the opposition where the Premier of the day has the right of veto over who should be employed and under what conditions — which is inappropriate for any Premier — and another rule applying to the salaries and conditions of Ministerial or government employees where no such limits apply. This Bill deals with a Public Service that is supposed to be independent and fair. Why is there one rule for the government of the day and another rule for the opposition? Is that the way Parliament should be run? The former government did not have an Act of Parliament stipulating different rules for the government and the opposition of the day.

Mr Perton interjected.

Mr BRUMBY — The Bill does not specify the salaries of Ministerial advisers. That is left open to abuse by the government of the day. Under the Bill, the Premier and his or her Ministers can employ advisers on whatever salaries they like. If they wish to hire someone on $500 000 a year, they can do so.

The opposition would only find out by visiting the Administrative Appeals Tribunal to discover the truth!

The opposition opposes the politically motivated provision that introduces different rules for the opposition and the government. Although the
legislation provides no salary cap for government advisers, it gives the Premier the right of veto over the appointment of opposition staff. The Bill contains various provisions that will act against the long-term interests of the public and the public sector. It will mean that public servants will be employed according to the predilections of Ministers or the Premier of the day. In other words, there will be one rule for government employees and a different rule for those employed in the offices of the opposition.

Mr Perton interjected.

The SPEAKER — Order! I do not know what Peter Spyker did, but I know what the Chair will do if the honourable member for Doncaster does not keep quiet.

Mr BRUMBY — The opposition strongly opposes the Bill. The government failed to consult before its introduction. It failed to consult with the public sector, the public sector unions and the community. The Bill is full of drafting errors. I can only assume that the clauses that directly contradict the provisions of the Employee Relations Act — in particular, clause 12 — are due to drafting errors. There can be no other explanation. Clause 12 makes clear that the right to negotiate collective agreements is not guaranteed, yet that right is purportedly guaranteed in the Employee Relations Act.

The Bill continues the government’s attack on the public sector. It has destroyed the framework of a previously independent public sector. The public sector was once publicly accountable; it has been available to advise the government of the day without fear or favour. This Bill, and the Public Sector Management Act that preceded it, allow Ministers and departmental heads to sack public servants at whim.

The legislation allows the conditions of public servants to be further eroded. It continues the process whereby information about public sector operations remains a secret. The Bill essentially continues the government’s attack on the Public Service. It will not provide a quality Public Service — in fact, it will undermine the Public Service.

Mr McArthur interjected.

Mr BRUMBY — It is not fearless.

The SPEAKER — Order! The Leader of the Opposition will assist the Chair by ignoring interjections. If the Leader of the Opposition wants the protection of the Chair, he must cooperate.

Mr BRUMBY — This is an appalling piece of legislation. The great myth about this legislation is that it will improve the efficiency of the public sector. The Bill will destroy morale — or what is left of it! The government’s attitude is one of contempt for public servants. This legislation will destroy Public Service morale and will do nothing to improve productivity or efficiency. It will make an enemy of the Public Service and will politicise it.

Government members interjecting.

Mr BRUMBY — If honourable members opposite do not think that two public servants performing identical work but being paid vastly different amounts — according to the whim of a Minister or a departmental head, as provided for in this Bill — will not politicise the Public Service —

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, this is the third time the House has heard this argument. The Leader of the Opposition is indulging in tedious repetition. If he has any new points to make, he should make them. He should not repeat the same arguments.

The SPEAKER — Order! I have listened carefully to the Leader of the Opposition and I understand he is about to conclude his speech. Since he is summarising his remarks, there is no point of order.

Mr BRUMBY (Leader of the Opposition) — In conclusion, this poor piece of legislation will do nothing to de-politicise the Public Service. It will not boost Public Service morale and will further reduce efficiency. The Bill is a further example of the government’s continuing ideological attack on public servants. The opposition vigorously opposes the Bill.

Mr E. R. SMITH (Glen Waverley) — The Bill introduces reforms to the Public Service. Over the years the Victorian Public Service has expanded in a most remarkable way. Since this government came to office it has reduced the Public Service by 21 000 employees. With few exceptions, that figure has resulted from the granting of voluntary departure packages. In other words, the government has tried to bring the Public Service back to a workmanlike situation.
At the same time, the number of government departments has been reduced to 13. The initiatives introduced by the government are designed to make the Public Service work more efficiently. However, it appears that the Leader of the Opposition is unaware of what is happening in the real world.

While many thousands of public sector employees are being made redundant without the benefit of voluntary departure packages, the number of public servants has been reduced dramatically. Unemployment has increased alarmingly because the size of the public sector which is the generator of the economy — it generates the wealth so the remainder of the community can live — is being reduced.

The Leader of the Opposition has misinterpreted the meaning of clause 35 referring to employment of Ministerial officers. I remind him that the House is discussing clauses of the Bill and not sections of the principal Act. One would think the Leader of the Opposition could have used the right terminology when referring to the Bill, especially as he had some years as a member of the House of Representatives. He must be a very slow learner. This is also reflected in the way he is not able to make his comments through the Chair. Proposed section 95A(1) inserted by clause 35 states:

Subject to the directions of the Premier in respect of conditions of employment and termination of employment, a Minister may employ any person as a Ministerial officer for a term not exceeding 4 years specified in the person’s contract of employment.

The Leader of the Opposition contended that this proposed section is not applicable to him and that it treated his office unfairly. He may have almost convinced the House of the logic of his argument except that some members had bothered to check the Bill. Proposed section 95B(1) states:

Subject to the directions of the Premier in respect of conditions of employment and termination of employment, the Leader of the Opposition may employ any person as a Parliamentary adviser for a term not exceeding 4 years specified in the person’s contract of employment.

The same conditions apply to the Leader of the Opposition as apply to a Minister of the Crown. Obviously facts are not important to the Leader of the Opposition. He has attacked the government just for the sake of attacking it, hoping that his lack of facts will go unnoticed. They did not go unnoticed because the Bill is drafted to ensure that the government will reform the Public Service. The government wants greater flexibility for departmental heads. It wants government business enterprises to become more efficient and accountable so they are put on a commercial footing. It wants to reform the conditions of employment of short-term and fixed-term employees so that the staffing needs of departments can be met.

The government is determined to stop overspending by the Public Service, which has occurred for many years under the former Labor government. The Bill will reduce redundancy payments, many of which were made unnecessarily.

The Leader of the Opposition said clause 5 was unfair. He does not recognise that the Public Service has been protected for decades. The government wants public servants to be employed on the same footing as people employed in the private sector, where concepts such as merit and equity are carefully monitored. These are the issues that should be examined when employing public servants. The current appeal system is too complicated and will be done away with. The government wants to eliminate the legalistic procedures that abound in the Public Service appeal system because they frustrate the government in its attempts to get rid of people, which can take many years. I do not know why the opposition is opposing the provisions. It has lost its many friends in public sector unions. The mere fact that the government is no longer collecting union fees has reduced the number of people in public sector unions by half. Perhaps the opposition believes it will score brownie points by opposing these provisions!

The government is determined to improve the management of the public sector and it will not allow inflexibility and inefficiency to drag down the economy. It is constantly examining ways to improve the efficiency of the public sector and the machinery of government. Unfortunately many managers are not prepared to delegate their authority to line managers. I have worked in British and American organisations and it appears to me that Australians have a mind-set that stops them from delegating authority down the line. The Bill is designed to give managers the flexibility to delegate their authority to the people under them.

Recently I attended a meeting of heads of departments at which the Ombudsman referred to a case that occurred at least 10 years ago. He told of an investigation he conducted into the case of a prison
officer who had been bashed. During the assault this prison officer had his watch broken. He put in a claim for the watch amounting to $100. During the ensuing period thousands of dollars were spent trying to ascertain the cost of the watch and whether the person should be reimbursed for the damage to the watch. Some weeks later it was ascertained that the prison officer would have been satisfied with a watch costing $40, yet the inquiry cost more than $2000. If the permanent head had the authority to delegate, an ex gratia payment could have been made almost immediately, saving the administration many thousands of dollars.

The government wants to have devolution of authority where necessary so that people can get on with their jobs. It wants to make changes to management to reflect the changes in the structure of the public sector. The provisions in this Bill will reflect the changing relationship between employees and their employers. These changes will help to turn around the economic mess that the guilty party left the coalition government with when it came to power. The government will not tolerate the sloppy administration and mismanagement that have occurred during the past 10 years.

It wants to reverse the administrative incompetency: it wants a new spirit in the Public Service, which will be achieved by injecting new blood into many organisations.

Honourable members interjecting.

Mr E. R. SMITH — I knew I would get a reaction to that statement. The Labor Party was too lazy and tired to implement the changes it knew were necessary for the better management of the public sector.

Mr Micallef interjected.

Mr E. R. SMITH — The honourable member for Springvale laughs at anything. That is all he can do. The House has not heard one sensible, constructive comment from him since he has been a member of this place. He is a classical example of the empty vessel making the most noise.

The former Labor government was not prepared to delegate powers to departmental heads, which is one of the key aspects of the Bill.

The Bill will refine the already considerable improvements that have been made to the Public Sector Management Act. The government was not content with making one-off changes and resting on its laurels; it wanted to make sure that where refinements were necessary they would be made. The government will continue to improve the principal Act as required. We are prepared to say we did not get everything right the first time and we will keep on going until we get it right.

The Bill will continue the government's emphasis on making the machinery of government perform to the best possible standards. Merit and equity must be maintained. Those two qualities allow people at the managerial level to change and promote staff and select new appointments. An easier appeal system is required because the system used in the past was so cumbersome that the public sector was completely hidebound. The Bill will be beneficial for the efficient running of the Public Service and eventually it will help boost the morale of public servants in Victoria. I commend the Bill to the House.

Mr LEIGHTON (Preston) — In joining the debate on the Bill I also voice my strong opposition to it. The Bill amends the Public Sector Management Act, which was rammed through this House late at night in a couple of hours during the three-week sitting of Parliament last year. As the Leader of the Opposition pointed out, both the principal Act and the Bill breach various commitments given during the election campaign, the main one being that there would be consultation with the public sector unions and that specifically there would be no move on the Public Service Board without consultation.

It is important to note that, rather than the lack of consultation and negotiation that occurred with the principal Act last year, on this occasion on the afternoon prior to the second reading of this Bill, prior to its being publicly available for the first time, the public sector unions were called in and given a briefing. That is the level of consultation that occurred.

I believe there are 10 fundamental flaws in the Bill. The first one the Leader of the Opposition concentrated on is the politicisation of the Public Service. One cannot imagine that a public servant could give objective and sound advice to the government which could involve being critical of government policy when he or she could be put on a contract, sacked at two or four weeks notice or treated differently from other public servants working alongside and undertaking the same work. It is more likely that the government and Ministers will be told what they want to hear because the most professional public servants will be seeking to bail
out and the government will be left with the
remnant of a Public Service that is incapable of
giving the objective advice required. That will be to
the detriment of not only the government but
ultimately of the entire community.

The second obvious flaw is that a number of
fundamental attacks have been made on the
conditions of public servants and employees
throughout the public sector. At the whim of a
departmental head they can be sacked with little
recourse to independent tribunals, or be paid
differently despite performing the same work. If
they refuse an offer of a transfer to a privatised or
corporatised body they have no entitlement to any
compensation by way of a redundancy package.

The third flaw is that despite the first two problems of politicisation and attacks on public servants,
conversely in a number of areas of the Bill there are
matters that amount to nothing more than
window-dressing. An example is the provision for
the employment of Ministerial advisers, and I shall
develop that matter a little later. That is mere
window-dressing because there is no obligation on
any Minister to ensure that any or all people
employed in their offices are employed under that
provision of the Bill.

The fourth flaw is that the Bill is poorly drafted. For
example, one section of the Bill conflicts with certain
principles established in the Employee Relations
Act. I am not advocating that Act, because I think it
is a lousy Act, but the government produced it as the
centrepiece of its changes to the State, yet some
provisions in the Bill conflict with provisions in the
government's own Employee Relations Act. The Bill
is poorly drafted in other respects such as the
provisions dealing with the employment of
Parliamentary advisers, and I shall come to that in
detail later. It raises more questions than it resolve,
in respect of how those staff members are employed.

A fifth flaw is a consequence of the earlier flaws I
have outlined: namely, that there is no longer the
notion of a Public Service. There is certainly no
longer the notion of a career Public Service where
people can look forward to permanency of tenure.
There is no commitment to training or to ensuring
that people undertaking certain work have
appropriate qualifications for that work. In short,
this State no longer has a commitment to a
professional career Public Service. The sixth flaw
was touched on earlier: the Bill is poorly drafted and
it clearly breaches the Employee Relations Act in
several areas.

The seventh flaw is that the Bill removes scrutiny,
especially in respect of certain employment
measures. For example, it removes the requirement
that positions must be advertised in the Victorian
Public Service Notices, and it removes the
requirement to advertise appointments to vacant
positions. The eighth flaw is, as I mentioned earlier,
the lack of consultation, certainly with various
Public sector unions. As I said, the unions were
called in on the afternoon of the second reading of
the Bill and I am not aware of any wider
consultation with the community.

Given all of those problems, from my point of view
the ninth flaw is not such a bad thing, but it should
be, from the government's perspective: it will
accelerate moves to a Federal award. I shall come to
that matter later and speak about one example
where as a result of all this a major union will have a
Federal award by Christmas. Given the accelerated
moves towards a Federal award the tenth flaw in
this Bill, even if it is proclaimed, is that it will not
work.

At this rate no employees will be left in the State to
whom the principal Act and the Bill can apply. With
a bit of luck they will all be brought under the
protection of a Federal award.

I will briefly outline the main features of the Bill. The
first thing the Bill does is to create a number of new
employment categories such as fixed term, part time
and casual. It also impacts upon the hearing of
grievances and disciplinary matters. So the first
feature clearly affects employment, and I shall
expand on that point shortly.

The second provision allows the government to
designate certain bodies to be either privatised or
corporatised and, as a result, to provide for public
servants or persons employed in the wider public
sector to be offered employment in those new
privatised or corporatised bodies. The employees
will have 14 days in which to make a decision, and if
an employee agrees to a transfer he or she will be
entitled to a "comparable" position.

I put the word in inverted commas because if the
employee refuses the comparable position he or she
can be redeployed elsewhere in the Public Service.
However, there is no obligation on the government
or the particular government department to find
another position, so if the employee has refused the
transfer his or her employment can simply be
terminated, and that means holding a gun at the
heads of those individuals.
The third main feature of the Bill provides for certain statutory office-holders to be placed on employment contracts. Despite previous denials, that could well mean that officers such as the Ombudsman and the Auditor-General would be treated comparably with Senior Executive Service officers. They could be put on employment contracts that could be terminated without recourse to the two Houses of Parliament.

The remaining main feature is that the Bill applies not only to the Public Service proper but to the wider public sector and therefore to any State government activity in this State both within and out of Budget. Therefore, it could apply to a public hospital that is to be privatised. Although those employees have traditionally been seen as employees of that hospital, clearly for the purposes of the Bill they are public sector employees and can be treated accordingly.

I turn now to some of the employment issues contained in the Bill. The principal Act provides that a departmental head can classify and grade work. The Bill deletes that expression and states instead that a departmental head will determine the value of the work, which means that he or she can set the salary of each individual public servant. Public servants working alongside each other, doing the same work and with the same title may be treated differently. The government may say that that is consistent with the principle contained in the Employee Relations Act — which provides for individual contracts between employers and employees who can then sit down together and individually negotiate contracts, taking into account the individual’s circumstances and needs — but that has been criticised in previous debates, and the irony is that it is just not happening in the Public Service.

New entrants are being told, “Here is your contract. Sign it or you do not get the job”. There is absolutely no negotiation, and of course in a recession many people have no choice but to sign. It is not an individual contract where both parties sit down and work through items and come to a mutually satisfactory agreement. There is clearly no individual negotiation on individual contracts.

During the opposition’s briefing with the Public Service Commissioner we tried to explore just what a comparable offer would be if a person were transferred to a different position in a privatised or corporatised body. We were told that “comparable” meant somewhere near a reasonable offer. I really do not know what that means but I have decided it must be a joke, because if staff do not accept that transfer, while they can be found other work back in the public sector or the Public Service proper, there is no obligation for them to be taken on. Therefore, if work cannot be found their employment can simply be terminated.

As is the case with the principal Act, in this Bill the government is under no obligation to provide a voluntary departure package. In fact, the Bill states specifically how the government will blackmail the individual public servant into accepting the offer to transfer. If a person chooses to stay and work cannot be found and the person is considered in excess and his or her employment is terminated, it is purely a matter of government policy as to whether that person receives a voluntary departure package. Indeed, it has also been suggested that the superannuation legislation to be introduced will cover public servants being paid out a compulsory redundancy package under the provisions of the Superannuation Act.

As things stand at the moment, if the government compulsorily makes people redundant under the proposed legislation it will have to apply the various provisions of the Superannuation Act, but the suggestion is that further legislation will remove that protection.

Another example of the government fiddling with individual superannuation entitlements is that if individual employees accept transfers to the privatised or corporatised body, their superannuation entitlements have to be rolled over — the person does not have the opportunity of taking the entitlements and cashing them in or perhaps putting them in a preferred fund.

During the briefing, while we speculated with the Public Service Commissioner about whether it might be possible to roll over or transfer the accrued superannuation entitlements to a new fund provided by the new body it became clear that there was no provision for that to occur and there will be enormous practical and legal problems in enabling that to take place.

As I have said, although the Employee Relations Act is a pretty lousy Act, this Bill is even worse. It does not even stick to some of the principles established in the Employee Relations Act, and the key example is that that Act provides for collective agreements where a group of employees or their union or agent negotiate with the employer. A number of public
sector unions have attempted to negotiate collective agreements and have been rebuffed.

I know from first-hand experience with the Department of Health and Community Services that the unions covering the staffing in that area have sought to negotiate collective agreements for the public servants employed by the department, but they have been knocked back. The advice given to us during our briefing with the Public Service Commissioner was that there would be no collective agreements for fixed-term employees. That makes a real joke of one of the few principles in the Employee Relations Act and it makes a joke of one of the few carrots the coalition tried to dangle in front of people during the election campaign.

Given that, it is not surprising that public sector unions have accelerated their move to Federal awards. At the moment the Health and Community Services Union has a case before the Federal commission. The irony is that the government's own legal representatives have been recorded as admitting that the union will be successful in its move to a Federal award. However, the lawyers have gone further because they also conceded that Victoria's Employee Relations Act, the Public Sector Management Act and this legislation are unworkable. The parties are still slogging it out before the commission but they have acknowledged on the record and privately that the move to a Federal award will be made and that this legislation will not work.

The State government has not accepted the outcome of the Federal election because so much of its legislation was predicated upon the Federal Leader of the Opposition, Dr Hewson, winning the Federal election and introducing complementary legislation, but that did not happen. If the State government wanted the Employee Relations Act to work and wanted to maintain direct control over its employees, it should have attempted to make the Act work rather than introducing this Bill, which contains even more draconian provisions and breaches the few principles contained in the Employee Relations Act.

There is a strong chance that by Christmas the Health and Community Services Union will be successful in its move to a Federal award. That would be one of the best Christmas presents the members of my union could get, especially those who work in the psychiatric and intellectual disability areas. I hope they receive their Christmas present of a Federal award.

A number of categories of employment have been created, including fixed term, part-time, temporary and casual. The creation of some of these categories is mere window dressing. The government claims it has created the ability to employ people on a casual or part-time basis, but that has been possible in the Public Service for a number of years. In the 1970s, under the former Liberal government, the general legal advice was that part-time employment was illegal. However, during the 1980s that was changed by the Labor administration when specific provisions were introduced covering part-time and casual employment.

It is important when casual staff are employed that there is a balance between part-time, casual and full-time employment. We all recognise the need for flexibility in casual and part-time employment as workload requirements change and when it is not possible to get sufficient permanent staff. However, if one loads the work force too heavily with casual employees in the nursing area — I have experience in the psychiatric area — patient care suffers because of the lack of continuity. General nursing in public hospitals had frightening statistics in the past — half the registered nurses were casuals employed through agencies. That is not only undesirable but also dangerous to patient care. Only a certain percentage of staff should be casual employees, but the Bill removes that.

The Bill provides for fixed-term and temporary staff. Fixed-term employees can be employed for a period to five years, whereas temporary staff can be employed for a period of only two years. Fixed-term employees must be given four weeks notice whereas temporary employees need be given only two weeks notice.

An Honourable Member — Big deal!

Mr LEIGHTON — I will tell you how big a deal it is. Most members of the Health and Community Services Union are employed as fixed-term staff but the Department of Health and Community Services refers to them as temporary. That is how the department sees its own staff. All new departmental staff are employed as fixed-term or temporary staff, so the notion of people gaining permanency has gone out the window.

The government may claim that the Bill regularises temporary employment by providing that temporary employees may be employed for up to a maximum of two years. The position of temporary employees was regularised in the 1980s because
substantial numbers of temporary employees remained from the 1970s. After two years of temporary employment the person’s position had to be decided one way or another. If the person was satisfactory, he or she was made a permanent officer but if not the employment was terminated.

The government also claims that its employment categories provide a mechanism to deal with funding it receives from the Commonwealth to allow it to employ new staff. That shows its commitment to providing ongoing employment. Under the old Public Service Act that employment category exempted public servants so that other people could be employed. It is not a new solution that was reached by the government.

Another draconian feature of the employment provisions is that people can be downgraded without entitlement to salary maintenance and with no right to regain their classification and previous salary if positions become available.

Clause 8 sets out merit principles, and on the face of them they are not bad, but they are largely window dressing because those principles have been in existence for some time. More importantly, because there is no longer an absolute requirement to advertise in the Public Service notices, people will not have the chance to apply and be considered on merit because anybody can be appointed. What is the point of having merit principles if people do not have the chance to be tested against those principles? A Minister can bring in a mate from outside to do the job.

The Bill contains draconian provisions dealing with the hearing of grievances, appeals and disciplinary matters. Essentially it is a case of the boss hearing complaints against the boss! One need only look at the Public Service regulations to see how it is all done in-house with no staff or union representatives. That goes against the principle of natural justice.

One irony is that although fines in the disciplinary area have been increased from $1000 to $4000, at the same time senior staff can cash in their entitlements to long service leave. That goes against the whole principle of long service leave, which is to provide a break after a lengthy period of service. Perhaps the junior staff will pay the fines and that will allow senior staff to cash in their long service leave.

The government claims it has a commitment to efficiency but it has removed training opportunities. The Public Service will be underfunded, underqualified and undertrained. Clause 10 removes the requirement for a department to employ qualified staff. In some cases it might be appropriate. If one wanted a program manager for human services, people from any number of disciplines could compete for the position, but it should be mandatory that a person hold a practising nursing certificate to hold a position of charge nurse. That is no longer the case.

I shall also deal with Ministerial officers and Parliamentary advisers, both of which are provided for in the Act. The government claims it is regularising the employment of those persons. That is absolute nonsense! The Bill does not say that persons employed by a Minister or in a Minister’s office must be employed pursuant to this section or that they must be Ministerial advisers. At one end consultants can still be brought in on fat contracts and be subject to no public scrutiny while at the other end Ministers’ offices can be loaded with persons employed in the Public Service who have been seconded. There is absolutely no requirement that persons must be employed as Ministerial advisers; the Bill provides only that they can be employed as Ministerial advisers, and that is mere window-dressing. Although it is clear from the Bill that the Premier can set the conditions of employment for Parliamentary advisers, the opposition is concerned that a Premier, particularly one who wanted to be vindictive, could go further and veto the employment of individuals.

This Bill, like many others, cuts off appeal rights to the Supreme Court. The government is eroding the rights of the community in many areas, and this Bill is another example. The Bill does not provide for an independent and fair appeal mechanism, grievance procedure or disciplinary tribunal. The Bill provides no protection at the same time as it takes away from public servants their right of appeal to the Supreme Court. That is a denial of natural justice.

Dr COGHILL (Werribee) — I have checked the debate on the original Public Sector Management Bill on 11 November 1992 in which I referred to the history of Public Service structures and legislation in Victoria, which essentially derive from the 1853 report known as the Trevelyan-Northcote report. That report was subsequently picked up by the Royal Commission into the Public Service and Working of the Civil Service Act, the report of which was published in 1873. That key report led to the introduction of the Public Service Bill, which was debated in the Legislative Assembly on 21 August 1883.
Those proposals and that legislation were essential because of the politicisation that existed in the Public Service up to that point. In commenting on the Bill when he introduced it into Parliament the then Premier, Mr James Service, said that it was unnecessary to talk about political patronage because no other patronage had been possible. Until 1883 there was no other way of getting a job in the Public Service other than by the support of a member of the Parliament of Victoria.

That lesson seems to be utterly lost on the government in the amendments to the legislation. It is interesting to note that the Premier, the Minister responsible for the Bill, has now left the Chamber presumably because he has lost interest in this issue which is of central importance to his formal responsibilities as the chief Minister and the Premier of Victoria.

The government has corrupted the term “reform”. The second-reading speech refers to reform of the Public Service. The understanding which I and most Australians have of the word “reform” is that it is change with a view to improvement. The Bill does not represent a change with a view to improving Public Service; it is change with a view to fundamentally restructuring and destroying the essential quality of Public Service which has existed by and large since 1883.

The changes are being foisted on the Victorian community because of ideology. The coalition pretends it is not an ideological government, but let us look at what the measure of ideology is. If the government were not an ideological government pursuing an ideological agenda, its actions would be purely pragmatic and based on review, analysis and observation of what works best and what does not. There is not a shred of evidence to suggest that the government has attempted the pragmatic analysis of what are the best forms of structuring the public sector — that is, government administration.

There is no evidence that the government is motivated by anything other than an ideological view of the world and an ideological view of what the Public Service should be. The evidence reflected in the second-reading speech is that the government equates Public Service with private sector business activity, but the two are completely different. Totally different motives apply in the operation of a hardware store in a little country town like Romsey than those that apply in the administration of a department of the State such as that operated by the Minister for Sport, Recreation and Racing. The

Minister concedes that point, but that acknowledgment is reflected in neither the Bill before us nor the principal Act debated last November.

The government simply does not understand that the Public Service is there to deliver human and other services on behalf of the Victorian community. It acts primarily in the interest of the Victorian community rather than a particular small interest group, which is the purpose of a private sector administration. The latter serves a limited interest and is in no sense there to serve the general public interest. It is unreasonable to expect that a hardware store in Romsey is there to serve the interests of all Victorians, just as an advertising agency is not there to serve the public interests of the Victorian community as a whole. It is there to serve the particular corporate motivations of the directors who are the ultimate owners of an advertising agency. That debate has been well canvassed in another place today, and I will not pursue that.

I make the point that this legislation is concerned about the best possible outcomes for the Victorian Public Service. The Minister for Sport, Recreation and Racing may be out of his depth when it comes to considering those fundamental issues, but most of us are not. Most of us understand that fundamental issues are at stake and they are being ignored by this government because of its ideological approach to the business of government.

The government seems to believe that somehow or other it need not be concerned about the quality of the service its departments offer to the Victorian public. It is not concerned about its obligations to the Victorian community.

That is the difficulty the Victorian community faces: the coalition does not understand the obligations of government. Whether one is speaking about Victoria, with its advanced democratic traditions, or countries that have weaker democratic traditions, governments are there to serve the public interest. They are not elected to serve narrow sectional interests or to set one section of the community against another.

The second-reading speech is grossly inadequate. It is short when judged by the standards to which this place is accustomed and its sweeping assertions explain very little about the effects of the Bill. The Minister says the Bill aims to ensure that public sector employees are treated similarly to private sector employees. Those words contain all the
evidence that is needed to show that the government does not understand the difference between public service and private service.

The honourable member for Glen Waverley was even more confused than the Minister because he said the aim of the Bill was to put the Public Service on the same basis as the public sector. I presume that was a slip of the tongue — but it was not the only slip that he made. His speech suggested he was confused; and it showed he was in no position to make gratuitous comments about the contribution of the Leader of the Opposition.

One of his most remarkable assertions was that the number of public servants had fallen by more than 20 000. Honourable members will know that the Public Service proper comprised only 20 000 employees when the coalition was elected to government; and I am well aware that a significant number of public servants remain employed in the Public Service. The number of public sector employees may have declined by more than 20 000; but the honourable member for Glen Waverley, who is strolling through the Chamber showing little interest in the debate, should know that the Public Service has not been reduced by 20 000.

Mr E. R. Smith interjected.

Dr COGHILL — The honourable member for Glen Waverley asks what that has got to do with him.

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! The honourable member for Werribee is well aware of the forms of the House, which say that interjections are disorderly. I encourage him to ignore interjections and to continue with his speech.

Dr COGHILL — During the debate honourable members opposite have referred to the politicisation of the Public Service. The conventional wisdom among government members is that during the 10 years the coalition spent in opposition the Labor government was responsible for the gross politicisation of the Public Service. Honourable members opposite have never been able to prove their claims — because there is no evidence to support them. Some of the people appointed to the Victorian Public Service during the 10 years of Labor government were members of political parties. Some were members of the Australian Labor Party, but others were members of the Liberal Party — and no doubt some were members of the National Party. Members of the coalition have been unable to prove that during the Labor government’s time in office public servants were not appointed on merit. They assume that the members or supporters of the Liberal and National Parties deserved to be appointed on merit but that members or supporters of the Labor Party did not have those qualifications. The claim is absolute nonsense and is rejected by all reasonable people.

The Werribee branch of the ALP counts among its numbers people who have been appointed to senior positions in the Public Service solely on the basis of merit, not because they are members of the ALP. Their membership of the Labor Party would not have been known about prior to their appointments; and others joined the ALP only after they were appointed.

Mr E. R. Smith interjected.

Dr COGHILL — The honourable member for Glen Waverley, whom I should ignore, refers to Ministerial advisers. I accept that Liberal and National party Ministers are entitled to appoint as Ministerial assistants advisers who share their political affiliations. It is entirely reasonable and proper that in choosing their personal staff Ministers and honourable members will appoint people whose views are compatible with theirs and who understand what is required in the carrying out of their duties — and it is nonsense to suggest otherwise.

A provision inserted in the Equal Opportunity Act — at my suggestion, if I recall correctly — enables discrimination among people on political grounds in those sorts of limited circumstances. But that is not what we are talking about, because the Bill is about the public sector. I repeat that those who claim that the previous Labor government made political appointments to the Public Service have never proved their case. They have made only assertions —

Mr E. R. Smith interjected.

Dr COGHILL — The honourable member for Glen Waverley asks how those people got their redundancy payouts. That question could just as well be asked of members or supporters of the conservative parties who were appointed by the previous government as it is of Public Service appointees who were members or supporters of the Labor Party — as well as of those who may not have had any political affiliations whatsoever. Members opposite have not made their case. They have made
only bland assertions, similar to those made by the honourable member for Glen Waverley. He will never be able to document the claims chapter and verse, because the evidence does not exist. The claims are mere fabrications.

When the principal legislation was being debated in November last year, a number of honourable members on this side of the House pointed out two of the major ways in which it could lead to the politicisation of the public sector. The first was the appointment by Ministers of departmental heads, who in turn would be responsible for the appointment of their subordinates.

Given the abolition of security of tenure we argued that departmental heads would always be looking over their shoulders when considering appointments to sensitive positions. We argued that they were likely to be overly sensitive in ensuring, at the very least, that the appointments were acceptable to their Ministerial overlords and that, in some cases, the appointments would be designed to curry favour with Ministers. Nothing that has happened in the past 12 months has weakened the strength of that argument.

Because few appointments have been made to the Public Service during the past year — it has been more a matter of sackings and redeployments — the second argument is more relevant to what has happened since the election of the coalition government.

That is the sort of intimidation that we all know has been a feature of the Public Service since last October. Public servants have been gagged and intimidated and are afraid to give advice and express opinions. There are plenty of instances of that on the public record so there is no need to mention further evidence that public servants are intimidated by the way the government has been administering the Public Service. It is reflected in the Public Service's absurdly poor morale.

My concern is not so much the immediate problem of an individual or groups of people who may feel they are vulnerable if they speak out within the confines of their own administration when providing advice that may be unwelcome but professionally justified; I am concerned about the quality of the Public Service and the maintenance of its high standards.

Over the past century the experience of many countries has been that if public servants — particularly senior public servants whose positions are most vulnerable as a consequence of this type of legislation — feel they cannot speak out when providing advice to their senior officers and Ministers, the quality of administration declines and the public servants merely say, "Yes, Minister", and express advice they believe conforms to the government’s ideology and policies. That is done at the expense of pragmatic advice about whether an idea will work.

I am not saying public servants have not attempted to curry favour in the same way in recent years, but both the principal Act and the amending Bill before the House weaken the security of an individual officer who wishes to offer advice that may be unwelcome to the senior officer or the Minister to whom it is directed. I am concerned about the watering down of the security of employment available to officers in those circumstances.

Another aspect of the Bill relates to five-year fixed terms. Since 1883 it has been a tradition of the Victorian Public Service and most comparable services in Australia and around the world that an officer who starts off at a relatively junior level has some job security. As a base-grade veterinary officer I knew that if I applied myself and took in-service training in the relevant government department I faced the prospect of advancing to the head of the department if I demonstrated the requisite skills. Save for unacceptable behaviour, I knew that my position was secure for as long as I wished to stay in the Public Service.

As a consequence of the principal Act and the Bill before the House, an officer will not have the security of knowing that at the end of his five-year term or a lesser period if he is part of the way through his contract he will be re-employed. That is extraordinarily important to an officer who is undertaking a degree in business administration. He will not be interested in starting a two-year course before the end of a contract if he has no surety that his position and some career advancement will be available to him at the end of that period.

That point is very important to officers, to whom many forms of training and self-improvement are available. Such circumstances mean there will be a disincentive for officers to improve themselves in ways that may be relevant to their advancement within the Public Service. It may well be that there would be an incentive for officers not so much to gain improved qualifications relevant to the Public Service but to gain improved qualifications to give
them greater opportunities for employment outside the services at the expiration of their contracts. The greatest dangers in the legislation are the long-term issues, which are, in some ways, more important than the intimidation some officers may well feel at the moment.

I commend some aspects of the legislation, but I hope the Minister at the table will take note of the concerns I have raised so that the Premier can clarify them in his closing comments. I welcome the reduction in the period for which people may be employed as temporary employees and the further limitation of the classification of casual employees. That makes it clearer that temporary employees are there for a limited purpose and should not be employed for an extended period for some other reason.

I seek clarification on clause 10, which amends section 29 of the Act. The honourable member for Preston suggested that the provision removes mandatory qualifications for some positions. I understand why that is a reasonable interpretation of the provision, but if that is not the intended effect, I do not understand the point of it. It is not clear whether that is the intention.

Of more concern is clause 11, the effect of which is to remove section 20 of the principal Act and repeal section 30 which requires publication in the Public Service notices of any decision of the permanent head to appoint a person to fill a vacant position. It seems to me that the notification and publication of appointments in that way are one of the protections that enhance and preserve the integrity of the Public Service. Advertising the names of people who have been appointed to vacant positions makes it clear who has been appointed and under what circumstances so that further inquiries can be made if necessary.

When the information is not made public it immediately gives rise to the opportunity for all sorts of speculation to occur on what the notice may have been for a particular appointment, who may have been appointed and why that person was appointed. It is much easier for those matters to be kept track of and for the public to have confidence in appointments by their being notified publicly through the Victorian Public Service Notices.

I seek an explanation from the Premier of the reasons for clause 11, which repeals section 30 of the principal Act. Again we have an example of the second-reading speech having been inadequate.

There is no reference to that matter in the second-reading speech.

I shall come back to the point at which I started. The legislation is based entirely on ideology. If the government were concerned with pragmatic action, as it professes to be, it would have looked at what Public Service practices and law operate most successfully in other Australian jurisdictions and in international jurisdictions, and it would not have come down with this ideologically motivated legislation because it does not reflect international best practice; it does not reflect the sort of public sector administration that has been found to work best on a worldwide basis, particularly in Westminster-style administrations. On those grounds the legislation should be opposed.

Mr SEITZ (Keilor) — The second-reading speech states:

The Public Sector Management Act 1992 has introduced significant improvements to the management of the public sector.

I disagree with that statement. As we have just heard earlier speakers state, without the Public Service Board and without a permanent Public Service that can rely on having a job, position and career structure, governments cannot obtain unbiased advice. In everyday life public servants, in running the State, must make decisions and recommendations without fear or favour, without considering the political position but instead considering what is best for Victoria and the people of Victoria. Under this Act the Public Service is not able to do that.

The Act has changed the whole culture of thinking in the Public Service. In future years Victoria will not benefit from having gone down the privatisation track. Big operations have appeal systems and processes that ensure that their employees feel safe and secure. For the benefit of our State and our community there needs to be a stable and secure employment situation. The Act does not provide that.

A young person planning a career in Victoria today certainly would not get a steady career from the Public Service. There are absolutely no assurances and no aims to work towards, because whatever happens is done at the whim of ideologically driven departmental heads and small section management coordinators. It is a style of administration that will not benefit us as a society; it will not benefit the
community; and it will not improve the advice extended to government.

We now have had some experience of corporatisation of local government and the contract employment of heads of departments and directors. The number of positions has proliferated. Previously there would have been a town clerk and city engineer, but now there are six or seven people in the same position and with the same or higher salaries, and in most cases better packages. That has been the biggest con. People in those positions are there for the terms of their contracts. They sell off assets, exploit the people of Victoria and then look for greener pastures elsewhere. As members of the House we are charged with the responsibility to develop Victoria for today, tomorrow and for the future. The amending legislation further develops the situation where, for example, a young couple working in the Public Service who want to borrow money from the bank for a house — although they would formerly have had little problem getting a home loan with a long repayment period — now have no security.

Again the government has destabilised Victoria and turned Victorian against Victorian. This measure will mean that in the Public Service, in each office and section, someone will be trying to climb over the next person, bringing the next person down. If a person is not going to the right golf club or does not belong to the right church group or choir, that person will be affected because the system will be judgmental. There will be no impartial body that can adjudicate in such situations. I saw examples of that during my recent trip to the United States. If a person is the wrong colour or has the wrong accent, that person will not succeed in a department. I was told that such a person would not bother applying for a job.

The Bill seems to have left everything open, and that will affect the battlers in the community. In my electorate people from migrant backgrounds will find themselves totally disregarded in the Public Service. A migrant worker who takes on a problem in the workplace is more likely to be discriminated against. The migrant worker may win a case on appeal on the ground of discrimination or ethnic vilification or something like that. But he or she will be blacklisted and will not be able to get another job in the area, because employers in private industry have their own lines of communication and means of gossip. They know what is happening.

It will be the same story: if someone is booted out of a government job, that person will be history. The media might like to take on the case for 1 second of news, but what happens after that, when the case is over, the appeal case is over, and the person cannot get a job? It is then a question of whether that person and his family will survive.

It is even harder to obtain a job these days because most jobs are on a contract basis. Is that what everything is leading to in our society? I am sure the government does not mean it to be so, but that is the way it is heading. I know of cases where people have been in temporary employment for three years and suddenly, over a simple issue — perhaps the supervisor has taken a dislike to a person — reports are made and so on, and the result is that the person is dismissed without redress or recourse to an appeal process.

If a person goes to talk to management, the situation is similar. Top executives are themselves on contracts, so they have to please their employers, whether they are the Minister or departmental heads. Not only that: with contract employment, no-one knows what the packages for the top management level are — what their basic payments are, what the contracts mean, and so on. As a result, managers must consider not what is good for the department and for the people of Victoria, and particularly for the young people who need to come into the work force, but how they will maintain their own jobs and whether their contracts will be renewed.

That is not a good situation. It does not lead to management making fair and equitable decisions. It does not lead to management giving Ministers or departmental heads fair advice. That is of great concern when the Act is being further amended by the Bill. It is a sad day for Australia and Victoria when we are saying that the system that has operated for many years is to be changed in such a way. There have been reviews of the Public Service system over the years, and we must change with the times, but this change in these times is not a good change, nor is it a change in the right direction. The change is being driven by a desire to de-unionise the work force, to get rid of unions, so that people will be self-employed contractors and work under the sorts of conditions that contracts impose. That does not lead to building the nation or the State, which is what the Premier says he is trying to do with Victoria. He says he wants to make Victoria the No. 1 State in Australia, but the actions the government is taking do not lend themselves to making Victoria
the No. 1 State. We want a better future for the people of this State.

One of the solid, stable elements in the State has been the Public Service. In many country areas Public Service employment has been a vital factor in maintaining a stable regional economy. It is a big problem in many small towns in country Victoria, whose security and economy are dependent on the income of public servants working in the area. The towns need that income source for the rest of the community to survive.

I well remember the debate that centred on the closure of sawmills and how often it was said that the economies of the small towns depended on employment at the local sawmills. The towns were dependent on sawmill operations for their existence, and the situation with public offices located throughout country Victoria is similar. The agencies are vital in providing stable incomes for those regions. Anyone who talks to small shopkeepers in those towns must be well aware of that situation.

Today, no-one is secure; no-one is safe. No-one can invest in the future without thinking about the current economic circumstances. One example is the upgrading of family cars. New car sales have dropped by 8 per cent in Victoria. The people who buy new cars are those whose incomes are secure — and the former security of Public Service incomes contributed to new car sales. People used to change over their cars every three years to gain the benefits of minimum depreciation, but no-one can do that without knowing whether he or she has a job next week or next month.

When people take long service leave, they do not know whether their jobs will be there when they return. People do not know whether in their absence, they will be undermined, particularly to departmental heads. That is the sort of problem that is spreading across all levels of the Public Service.

The government is doing a disservice to the community by proceeding along its present ideological track. The government is saying that a Public Service department has to be a government business enterprise. People need only look at what has happened in England and what has been done to people who used to have assets. The same thing is happening in Australia. Governments are responsible for what happens to future generations. If government members want to go into their own businesses and operate private enterprises, they should use their own money, not taxpayers' money.

They should not use my money; they should not interfere with my heritage in this way. They should not interfere with the heritage of my offspring. The government is acting only for the short-term. It is looking only at the end of the balance sheet that shows whether there is a profit. It is not looking five years down the track when the assets it is now selling off will be gone and will never be recovered.

The mentality behind that sort of ideology is noticeable elsewhere. New Zealand, for example, has sold off $16 billion worth of public assets, and it is still no better off economically. It has the same problem with unemployment. That ideology has not worked. Governments should not become private business corporations. That ideology comes from a small circle of people who receive very high salaries that they have obtained through contract negotiations; but the rest of the public servants — and the rest of the people — do not benefit. They lose their working conditions. Their incomes depreciate. In addition, they do not know from one day to the next whether they will have jobs.

I reiterate that we will not get the best advice on how to run the State, because public servants who are on contracts will be fearful about speaking out about the future and the way the State is going. I say to the people who think similarly to the government that the privatisation of government enterprises needs to be looked at in a balanced way. The trade union movement has served this country well for many years including two world wars. Employers have agreed to work with unions. Unions also have taken the initiative in making changes, and they are now making rapid changes in adapting to new technology, new systems and new requirements.

Ideologically driven legislation to further reduce the powers of the unions or the public sector work force is not needed. The Public Service has provided standards for the rest of the community to aspire to and to live up to. People once wanted to join the Public Service, but public servants are now being undermined. No-one aspires to those positions any more. No matter what skills someone has, progress or success is no longer certain. The way this legislation reads success and progress are subject to the whim of the department head, the superior, the manager or the area coordinator. Whatever variety of title is used, ultimately the Minister decides whether one gets a job.

An employee who is disadvantaged in the process will not have the opportunity to go to a union or defend himself before a tribunal that is impartial
and independent, which is what the Public Service used to have and which best served this State and this country. I urge the Premier to re-examine the situation and look at the way he is structuring this State.

Mr MICALLEF (Springvale) — I join with my colleague in opposing the Bill for the same reasons that the opposition opposed the original Bill that was introduced in those long sitting days before Christmas and guillotined through the House. I certainly believe, like most Parliamentarians, that a government should have a Public Service of which it is proud. It should have an effective, competent and efficient Public Service. We understand all those concepts and we should be proud of those who serve in the Public Service.

If those aims are to be achieved the Public Service has to be free from political interference. It must have job security and it must have career paths. It must be encouraged, supported and funded. All those fundamental issues and concepts underpin the Public Service. They appear to be under threat in this day and age. I do not have any problem with making government business enterprises more effective and efficient per se, but I have concerns about rationalisation, about downsizing, rightsizing or upsizing, or whatever one calls it, which means that a lot of people are getting the chop and a lot of career paths are being closed off. That is of real concern.

Unfortunately, the only government member to take part in the debate so far has been the honourable member for Glen Waverley, who is not the most enlightened person on Public Service matters. He made three points: flexibility, sloppy management and refinements. I do not think he understood any of those concepts, but he used those words to attack public servants, and that is unfortunate. What a lot of people mean by “flexibility” is taking away existing conditions, and that is rather sad. Conditions that have been established and developed over many years are being undermined by this so-called flexible arrangement.

Sloppy management is an unfortunate phrase to use about the Public Service. In the main the public servants I have had to deal with have been attentive, efficient and dedicated. In the Parliamentary sphere, there will always be some people who do not have the attributes to become an excellent Parliamentarian or to make an excellent contribution to debate, and the same applies to the Public Service. There is a broad spectrum of people in large organisations, but in the main most people in Parliament and, of course, in the Public Service are committed and dedicated.

A few months ago I bumped into a former top public servant who proceeded to tell me that he had been moved sideways and downwards because it was thought that he was too friendly with the former government. I told him that when I had worked with him I did not consider our relationship friendly but saw him as a professional bureaucrat who was only doing his job. I am of the view that professional bureaucrats are able to work effectively with whichever government is in power, but if permanency is taken away from public servants that professionalism will be compromised. I could see the disappointment in that person's face who, in a different lifetime, would have been treated better.

The opposition did not oppose the concept of the abolition of the Public Service Board; it opposed what it was replaced with. Conditions of employment have certainly come a long way from what the opposition considered to be alternative arrangements. The Employee Relations Act contains the basic conditions under which public servants must work, and it has been a failure. That has been acknowledged by employers, trade unions and the community generally. Even the media has come to the conclusion that the Employee Relations Act has been an abject failure. As the honourable member for Preston pointed out, there has been a transition from State awards to Federal awards. He gave the example of his old union being one of those unions that had moved across to Federal awards. It is only natural that workers and trade unions will move to protect their conditions. The one thing the government has done is unify the trade union movement; it has helped bring about a much more centralised trade union movement, which in the long run will benefit Victoria.

Only recently non-unionised workplace arrangements were struck between the trade unions and the Federal government. Although there are problems for both employers and trade unions, it is a move toward a more productive environment in which trade unions and companies can negotiate enterprise agreements. That is far more productive that the Employee Relations Act, which underpins this Bill. It is a pity that individual contracts and collective agreements have not been agreed to.

Debate interrupted.
JOINT SITTING OF PARLIAMENT

The SPEAKER — Order! The time has arrived for this House to meet with the Legislative Council for the purpose of electing members of Parliament to the Victorian Health Promotion Foundation.

Sitting suspended 6.14 p.m. until 8.4 p.m.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL

Second reading

Debate resumed.

Mr MICALLEF (Springvale) — Prior to the suspension of the sitting I was talking about the attributes of an efficient Public Service: it must provide job security, career paths and be free of political interference. I was making the point that one of the main reasons I oppose the Public Sector Management (Amendment) Bill is that it does not meet any of those criteria. The original Bill abolished the Public Service Board and provided for the appointment of the Public Service Commissioner and required the working conditions of public servants to be covered under the Employee Relations Act — all fundamental weaknesses.

I also spoke about individual and collective agreements and said this Bill cuts across the right to make collective agreements. Significantly the Bill is designed to keep out trade unions, who would organise and negotiate collective agreements on behalf of their members. I made the point that under the accord and through enterprise bargaining agreements, trade unions and the Federal government have set the standard for industrial relations in this country. The Employee Relations Act is a disastrous attempt to break down the consultative tripartite approach. It is worrying that anything should cut across the ability of anyone to work with the trade union movement in delivering effective and constructive agreements in both the public and the private sectors.

The possibility of political interference has been mentioned in the debate. It all comes down to individual agreements. Departmental heads are employed under lucrative contracts that specify that certain conditions and criteria must be delivered within specified time frames. If those conditions are not met an executive's position may be in jeopardy. Staff working under the control of officers on those contracts will be affected by the requirements to deliver within the terms of the political agenda set by the government. That again cuts across job security and career paths, which I talked about in my introduction.

Public servants who do well in that type of environment are not necessarily the best qualified people for the job. They may be the chosen followers but may not be best for the community. Although some workers may do all the right things they may still find themselves falling foul of a departmental head on a lucrative contract that specifies that he or she must deliver within a set period. The opposition feels very strongly about these very real issues. The Bill is an attack on the employment conditions and industrial rights of public sector workers.

It has been said that Victoria has lost 20 000 public sector workers rather than public servants. However, a significant number of public servants have gone as a result of the cuts and some government departments are not working effectively. Victoria will suffer as a result of cuts which, by destroying career paths and eliminating talent, affect the ability of departments to deliver services.

I am sure the Premier does not tell the business people who attend the breakfast functions he addresses that an average of 100 people are leaving the State each day. The opposition is concerned about the exodus, because Victoria is a great State with a great history. It has had some colourful leaders, of which the Premier is one — although whether history will judge him to be a great leader is another question altogether. Some would argue the Premier's colour is already starting to fade, and some of us will be here to see his colour become tarnished.

Victoria needs an effective public sector that is staffed by competent, dedicated and efficient public servants. The Bill does not require vacancies to be advertised either in the Government Gazette or elsewhere, which is a departure from normal practice. I hope that during the Committee stage the Premier will explain the purposes of the Bill. I also ask him to explain the conditions that will apply to fixed-term employment, under which public sector employees will be offered contracts of between one and five years.

You can imagine what I said, Mr Speaker, when I was told during the briefing that a casual employee could expect to receive two weeks notice but that a public sector employee on a contract of between one
and five years would receive only four weeks notice. I shall not repeat what I said, because you would disapprove of my using language such as that in this forum. But what is a five-year contract worth if you can be shown the door after only four weeks notice? The notions of job security and career paths referred to in the Bill are a lot of nonsense.

Clause 13 redefines temporary and casual employment in the public sector. As the honourable member for Werribee said, casual employees will be better off knowing that after time they will be considered to have been casual employees — unlike the old system of exempt employees. That makes a lot of sense; and although the opposition will oppose the Bill, that is one clause we have little argument with.

Clause 31 covers the employment arrangements of Ministerial advisers and advisers to the opposition, who are now to be called Parliamentary advisers. The opposition is concerned about the Premier's use of his powers in this instance. He has been known to act responsibly in some areas and irresponsibly in others. He should tell the House whether he intends to act responsibly or to be vindictive.

Mr Mac1ellan interjected.

Mr MICALLEF — It may not matter one way or the other, but I would rather hear it from the horse’s mouth!

Clause 41 fixes a mistake in the principal Act concerning the Show Day public holiday. I understand the government is making other arrangements to cover up its mistake, but if the Bill had been passed as drafted, the government would have had a problem. It would have been forced to override the Employee Relations Act because that public holiday and others may have been included in agreements. I am sure that in his own flexible way the Premier would not have seen those problems as insurmountable; but they are the sorts of problems we should not have to deal with.

Clause 28 and 29 establish mechanisms for transferring people from the public sector when a government body is privatised or corporatised — and that is a real worry. In the terminology of the Bill, employees will be offered comparable jobs with similar job descriptions, but not necessarily with the same wages and conditions.

My colleague the honourable member for Morwell is concerned about how that will affect the large part of his constituency that works in State government instrumentality in the Latrobe Valley. He has asked me to ask the Premier what the term “comparable job” means. Are we comparing apples with apples or apples with oranges?

Mr Kennett interjected.

Mr MICALLEF — Apples with apples? We have heard it straight from the horse’s mouth. I suppose that means they will go to other jobs with similar classifications.

Mr Kennett interjected.

Mr MICALLEF — Obviously you do not know what apples look like! People who work in government instrumentality are concerned that if those bodies are privatised or corporatised they will not be offered jobs that match their talents and skills. For example, forcing a technician to become a truck driver is not a sensible use of skills.

A government member interjected.

Mr MICALLEF — There is nothing wrong with being a truck driver, but it is inappropriate if an employee has the skills to do better. Those of us who know understand that although you can acquire skills while employed as a truck driver, it takes a lot longer in the State Electricity Commission, for example, to gain the skills needed to become an electrical engineer or an instrument technician. The difference in wages may not be that great, but the difference in job satisfaction is another matter. For the information of honourable members I worked as a turbine fitter in the power industry for 20 years, so I understand what it takes to acquire the skills that industry needs. Someone who has acquired skills such as those will gain little satisfaction from being forced to take a job with a lower classification and with no career path.

The Bill contains no guarantees that people who are transferred when a government body is privatised or corporatised will be offered comparable jobs. The opposition asks that the government gives those guarantees because we understand that the Bill could be used to avoid making redundancy and retrenchment payouts. The changes foreshadowed to the Superannuation Act may mean that people who refuse to accept what are described as comparable jobs may be penalised. For example, their superannuation benefits may be jeopardised if, when their employment with a government body is terminated, they refuse to take so-called comparable
jobs or decide that the options they are offered are unacceptable. In circumstances such as those they may be shown the door — after being given only four weeks notice.

In his limited contribution the honourable member for Glen Waverley alluded to the fact that that is part of the government's agenda. I hope the Premier, who is one of those colourful leaders prone to making decisions which irk people but which are occasionally right, gets this one right. I am concerned about accrued entitlements such as long service leave being rolled over. Leave should be taken for long service; it should not be a cash-in-hand arrangement. Even the trade union movement would not support that sort of cash conversion. Long service leave is there for service to the industry and the employer.

The new system of remuneration will replace the existing classification structure of departmental heads setting the pay of individual public servants. That is a real problem. Who will do the assessments? Will one person do them? What happens if an assessment is inaccurate or personal, cultural, political or religious problems arise? If I did not have to be here tonight I would be with the Faith Community in Springvale, which is making a declaration for peace. About 20 different religions will be represented. There are many different cultures and religions in this world, and there is discrimination on the basis of religion and gender. During the Mabo debate moves were made to cut across legislation such as the Equal Opportunity Act and the Racial Discrimination Act, so who is to say that this legislation will comply with the Equal Opportunity Act? We have to be wary of governments that try to override legislation that delivers human rights and equal opportunity.

Clause 10 is contradictory and confusing. It provides that department heads who wish to fill positions must give notice of vacancies in a manner sufficient to enable suitably qualified persons to apply for the positions. The opposition would like to know what that means in plain English. It may be clear to a department head but it seems meaningless in that it enables the commissioner to exempt a department head from the requirement. It appears to suggest that an exemption would free a department head from the requirement that a person who fills a position must be suitably qualified. In other words, it may open the door for jobs for the boys or the girls, which is not the best way for Public Service positions to be filled.

The opposition is concerned that appeals to the Supreme Court will not be allowed under the Bill. Even though I do not believe industrial issues should be fought in the courts and that the Supreme Court must be the last resort — a concept that must bother some of the lawyers sitting in this forum — a person who feels aggrieved and believes he or she has a case must have the right to take the matter to a higher court. The legislation is a denial of natural justice.

The Bill should be opposed because it creates an environment for the politicisation of the Public Service and undermines the accountability and integrity of public servants. The State can do without this type of legislation. It was developed without meaningful consultation with the relevant unions, which is a matter for concern. Ministers such as the Minister for Transport praise the unions whenever they reach agreements, but usually all they do is criticise them.

Mr LONEY (Geelong North) — I oppose the Public Sector Management (Amendment) Bill and the changes it will bring about. Nobody would argue with a government that sought to have the Public Service managed efficiently, but that is not the issue dealt with in the Bill. Despite its title, the Bill goes beyond the management of the public sector and attempts to redefine Victoria’s public sector and the way it should be constituted. The matter at the heart of the Bill is whether we should adhere to the Westminster tradition of the Public Service.

The Bill is not about making changes for the efficient management of the public sector; it is about changing Victoria’s public sector. I suggest that the Bill is detrimental to the operation of an impartial, efficient Public Service, which is what the community has had for a long time and what it has grown used to. The Westminster system has a long tradition of non-political public sectors. It is a fine tradition and should be maintained at all costs. It has served not only Victoria but other States and countries with Westminster-style Parliaments. The basic premise of a non-political Public Service and the impartial advice it provides is the principle of acting without fear or favour. Public servants should be able to offer advice without fear or favour. A basic tenet of a Westminster-style Public Service is the offering of impartial advice. Clearly the separation of the Public Service from direct interference by the government is another important principle that should be upheld. I contend that the Bill is an attack on both of those premises.
One overriding belief is that by and large the Public Service and public servants should be secure from changes of government and therefore changes to the Public Service at whim. The Bill moves us much closer to an American-style bureaucracy based around the government. Instead of a Public Service that is dedicated in effect to serving the people of the State, there is a bureaucracy that is predicated on serving the government of the day. That is a distinction that should always be uppermost in our minds.

Mr Leigh interjected.

Mr LONEY — The interjection of the honourable member for Frankston would seem to suggest that he is opposed to doing just that, yet he sits here supporting — —

Honourable members interjecting.

The SPEAKER — Order! Threats against honourable members are disorderly. Honourable members are out of their seats and are interjecting. That is highly disorderly.

Mr LONEY — I correct that: it was the honourable member for Mordialloc. That would seem to suggest there are some members on the government side who believe we should maintain the impartiality of the Public Service and cling to those tenets, but instead we get a Bill aimed at destroying the Public Service.

The Bill continues the government's attack on the Public Service which began, I would suggest, on 4 October last year when certain Public Service heads were called in and given their marching orders while those more amenable to the silent thoughts of the government were appointed. The former heads were marched off. The attack on the Public Service started that day and it has continued since. This legislation is one more step towards the politicisation of the Public Service of Victoria.

If the government believes there should be an American-style bureaucracy, that is fair enough. The government is quite entitled to hold that belief, but it should state it honestly. If the government wants the politicisation of the Public Service, it should say so and let the matter be debated openly. If it puts its intentions up front we will debate the matter on those grounds; but the government should not bring in such changes under the guise of public sector management legislation. It should tell the House what it is doing instead of saying that it is just fiddling around with efficiencies, because that is not what the Bill does.

The Bill is a severe attack on the conditions of employment of public servants. The introduction of fixed-term employees particularly is a great attack on the Public Service as we have known it. A fixed term would seem to imply that there should be some notion of security about what is going on. That is not what a fixed term means. According to the Bill a fixed term means that employees will be appointed subject to the whim of the government of the day. Public servants will be left in no doubt about to whom they owe their jobs and therefore their allegiance. Fixed-term employment is at the heart of the Bill. I see the honourable member for Doncaster nodding in agreement.

How can a fixed term be held to be in place when a further clause states that termination of employment can occur after four weeks notice? Even a five-year contract could be disregarded and an employee could be thrown out with four weeks notice. The contract means nothing because there is no requirement for any form of compensation under the Bill if the contract is cut off. There is only four weeks notice.

It is also interesting that under the Bill fixed-term employees are not entitled to enter into collective agreements. They cannot negotiate collective agreements, which they would then sign, even though since 4 October last year the government has consistently told us that all employees should have the right to negotiate their own collective agreements. The expression "all employees" would seem to indicate that even members of the Public Service should have that right, but not according to the Bill. That is directly contrary to the Employee Relations Act, introduced last year.

At that stage the Minister for Industry and Employment said that every employee would be given the right to enter into a collective agreement. Certainly the Bill does not give that right, and therefore it seriously undermines the principle of permanency which for many years underpinned the impartiality of the Public Service.

The principle of permanency allows impartiality. Without it impartiality is weakened. The clear intent of the Bill is to get as many Public Service employees as possible onto fixed-term contracts as quickly as possible, and that course of action is clearly envisaged in clause 34.
Other clauses also require comment. Clause 35 concerns Ministerial advisers. It inserts Part 9A, which makes sweeping changes to longstanding practices. Indeed one could be forgiven for believing that this clause has been brought about because of the problems that the Attorney-General had last year in finding a way of employing Greg Craven at a higher salary than that set for a Ministerial adviser. Perhaps this clause will come to be known as the Greg Craven clause, because that is what it is about. There will no longer be any need for a Minister to go through any subterfuge or dodging to get someone onto a higher salary as a Ministerial adviser. Ministers will simply do it under the Bill without telling anyone, so no-one will ever know.

The clause also appears to give the Premier the power to veto the appointment of opposition staff. This clearly contradicts any precedent or former practice in this or any other Parliament under the Westminster system. This is clearly designed to give power to any Premier — a power that should not be given.

Previously the appointment of Ministerial advisers was covered under a schedule in the Act in which the salaries were set, and they were appointed and paid according to that schedule. That goes straight out the window under these proposals and appointments can be made in the dark; nobody need ever know.

Clause 10 deals with exemptions from ratifications of vacancies and clause 11 refers to the publication of appointments. They are also against the public interest because they do not allow the public to know what goes on. Under clause 11 even members of the Public Service will not have the right to know who has been appointed. People who will be working side by side with new appointees will not know about it. The Bill promotes so much secrecy that it fits in perfectly with the undermining of freedom of information and other secrecy provisions that the government has progressively introduced over the past 12 months.

The Bill is about the politicisation of the Public Service and is an attack on public sector conditions. It is about making appointments the gift of the government, which will weaken the Public Service and destroy the morale of public servants. It will undermine the longstanding traditions of a fair and impartial Public Service that can act without fear or favour regardless of the government in power.

Mr KENNETT (Premier) — I thank honourable members for their contributions to this important debate. Although each member of the opposition has raised different points, the major theme has been the potential to politicise the Public Service. The coalition was elected to government just over 12 months ago because the community realised it was being administered in a way that was not producing the results that would provide employment or offer security in the future. One reason was that the administration was highly politicised on two levels. Firstly, Ministers appointed to the Public Service people who were card-carrying members of the Labor Party; and secondly, Ministerial staff interfered with the processes of the Public Service to the extent that on many occasions they actually imposed disciplinary restraints on and gave directions to public servants. That was unacceptable.

The government inherited a politicised, demoralised Public Service after 10 years of Labor government and what should have been a most productive time for this State. We had been through the so-called boom and we should have been harvesting the wealth of that time, putting it aside and paying off debts. Instead, our debts were increasing and our domestic base was being destroyed.

I can give many illustrations of the extent of the politicisation of the Public Service, and the honourable member for Springvale will know what happened with a former Minister, Peter Spyker, who not only had his own Ministerial coterie around him but appointed people to the Public Service who were then assigned to his office.

Perhaps the worst example of abuse and politicisation was in the office of Mr Andrew McCutcheon, who was a member of the left-wing faction and who was the Minister for Planning at some stage. He operated out of offices in the Olderfleet building. He had 19 people on a mezzanine floor, many of whom were public servants but all of whom were card-carrying Labor members and had been appointed to the Public Service to offer political advice. Many of the people appointed by the Labor government about which the coalition initially had concerns are still in the Public Service. Some are close to my office and are doing a good job. There are many, however, who were appointed simply to carry out the bidding of the previous government.

Regardless of what legislation is in place, if the intent is to destroy or weaken the Public Service,
someone will find a way to do it. The opposite view is equally true — if there is goodwill to develop a Public Service that rewards people based on merit, pays them what they are worth and gives them incentive, that Public Service will administer and serve the community of this State. The government has selected that mechanism because it was not happy with the other.

The opposition has raised its concerns about the Bill. That is fine; it is entitled to do so. The results of what we are doing today will be proven with the passage of time rather than by assessing the Bill today or tomorrow. The fundamental difficulty Australians have is that we tend to think about the short term; if something happens today, we judge it today, regardless of the results in the future.

When the coalition came to office the public sector was terribly demoralised. The coalition would not have won the election if public servants had not overwhelmingly voted for it. It is true that we lost the 1985 and 1988 elections because the Public Service was happy with the government of the day and the way in which it was spreading largesse. However, even with all that largesse, in the end public servants understood that their future as citizens would not be enhanced by retaining the administration of the day.

Today we have a largely different public sector; the culture has changed and enthusiasm has been restored. Some people have been disappointed, but invariably they are people such as those who sit opposite, who want to get into government and who oppose issues based simply on personalities because they do not have the strength or policy to argue on a higher plane.

The public sector has been reduced. The government has not enjoyed doing that; nor has it enjoyed the hardship that may have been created in individual family units. But the State could not afford the situation as it was. The government has put in place a new culture. The Leader of the Opposition referred to the people in the Public Service today, especially the top 13 public servants who are earning considerably more than their predecessors did under the previous administration. Again one must understand that the coalition inherited a basket case. We had to try to recover ground as quickly as possible. We had to try to attract to Victoria the best people in Australia or from overseas to help us do the job that had to be done. I make no apology for paying people what they are worth.

The fact that they may be receiving two or three times as much money as I am receiving as Premier is irrelevant. At the end of the day it is what we can do as a Parliament and as a government to provide them with security that is important. Down the line Public Service personnel are being invigorated with a new spirit. They understand the agenda, they want to participate, and ultimately they will be rewarded.

That is not a bad test; it is a good test. I ask opposition members who say we should not be paying these high salaries and should not be putting these top people on four weeks notice: why should we treat those paid by the public sector any differently from the way we treat those paid by the private sector?

Surely the government must be more prudent in taking on board and holding in trust public funds and the public interest. There should be more constraints — and there are more under this government than there were under the last — requiring us to be prudent. One of the offsets is to give higher salaries, which we make no bones about. The government also gives these top people bonuses if they achieve certain goals after five years, which is the term of the contracts we have put in place. Not all have accepted five-year terms — some have wanted three years because they feel they may be ready to retire by then.

The government is establishing competitiveness. It has been argued by opposition members that that leaves the system open to abuse and political patronage. That is always a possibility, but it is a possibility under either system; it depends on the integrity of the management and the government.

We have been fortunate. We have attracted from New South Wales the officer who was second in charge of the Premier’s department. I went to New South Wales to bring back to Victoria the former Victorian Auditor-General, who became the head of the Premier’s department in New South Wales. He was committed to that job, so I said, “If you have done your job well, you should have trained your 2IC to take over in the event of your unfortunate demise”. Therefore I managed to get the person I consider to be the best bureaucrat in Australia to head my department.

Mr Brumby interjected.

Mr KENNETT — One of the difficulties with the new Leader of the Opposition is that he sounds so much like the former Leader of the Opposition, and
the one before that. He is opposing the Bill because he wants to turn back the clock. He still wants to be the mouthpiece of the trade union movement rather than the mouthpiece of the public. We are attracting good people — —

Mr Brumby interjected.

Mr KENNETT — You won’t last that long, buddy!

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

Mr KENNETT — From Tasmania we secured Mr Michael Vertigan, who heads the Department of the Treasury. He is one of the most talented economic officers anywhere in any Australian Public Service. From the Northern Territory we attracted a person who is helping us with our changes in education.

Mr Brumby — Have you been to the Northern Territory?

The SPEAKER — Order! The Premier will resume his seat. Once again I have to tell the Leader of the Opposition that he may not interject constantly across the table. I ask him to remember that when he was on his feet the Chair offered him every protection and ensured that his contribution was heard in silence. I ask him to reciprocate.

Mr KENNETT — Mr Spring is trying to repair the damage caused by the previous administration. Having made the tremendous changes in quality that we have made today, and having the public support us as they do, understanding the problem is a milestone in itself. As our Public Service Commissioner we have employed Mr Mike Schilling from South Australia, who is also a tremendous addition to the quality of people assisting us to do the job. To head the Public Transport Corporation we have secured the services of Mr Ian Dobbs, who has joined us from the United Kingdom.

These individuals are talented and exceptionally independent in the advice they give. I can only say to opposition members that if their desire is to establish themselves as a political rump that simply wants to side with those with whom they were associated previously, who helped destroy the opportunities of so many Victorians, so be it. But we have no doubts and the community has no doubt that we are setting high standards in both administration and accountability.

It is fair enough that you do not agree with all that we are doing — you may not agree with any part of what we are doing and that is your right — but it is also why you are sitting on that side of the House.

Mr Micallef interjected.

Mr KENNETT — It is not patronising, and the honourable member for Springvale has been here long enough to understand the changes and nuances that have gone on in Parliament over the past 10 years. There are some gentlemen either side of him who are new boys and who have come here trying to create something new. This Bill represents something fresh. It puts into place new standards and gives individuals the opportunity of performing and being rewarded.

It gives the community who pays for these individuals the opportunity for a better return on its investment. I am sorry that time has not allowed me to go through many of the points raised by opposition members — we may do that in the Committee stage — but suffice it to say that the test of the Bill will not occur on the floor of the House tonight. The test of this Bill, and of any legislation, comes after it has been in place for a time and its principles have been put into practice.

House divided on motion:

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Mr KENNETT (Premier) — I move:

1. Clause 4, page 3, after line 29 —

'(m) after the definition of “temporary employee” insert —

"this Act" includes regulations made under this Act.'.

The intention is that the department head should have power to delegate functions under the Act and the regulations. To make that clear it was suggested that the Bill be amended by inserting in clause 4 a new definition spelling out that the term “this Act” includes new regulations made under the Act.

Mr LEIGHTON (Preston) — It is important to point out that members have to go to the regulations to understand the implications of the Act, but some far more draconian measures are contained in the regulations, about which honourable members should be aware. I have seen some of the draft regulations. Although the Bill sets out some of the principles, their draconian impact is given effect by the regulations, particularly those affecting the way grievances and disciplinary and appeal procedures are handled. They provide for no impartiality at all. Appeals against decisions made by the boss are heard in-house.

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

Clause 6

Mr LEIGHTON (Preston) — Clause 6 amends the principal Act to allow the head of a government department to delegate various powers outside the department.

What functions are likely to be delegated outside the department? To what type of people or organisations will functions be delegated? Will powers to determine grievances be delegated to industrial officers of the Victorian Employers Chamber of Commerce and Industry?

Mr KENNETT (Premier) — That is not an example of the delegation powers. The intent is to give officers other than department heads certain responsibilities under the Act. The honourable member’s illustration went beyond the Public Service. That is not the intention of the clause.

Mr LEIGHTON (Preston) — Will the Premier outline the types of functions that are likely to be delegated and the sorts of organisations or individuals who will receive those delegated powers? It is clear from the legislation that it could be private organisations or private individuals.

Mr KENNETT (Premier) — If department heads take leave or for one reason or another desire to relieve themselves of certain responsibilities, they may delegate to other members of departments — deputy secretaries or others — all or any part of their functions. The functions of department heads, of which there are 13, are clearly prescribed. At the end of the day, it is entirely up to department heads whether they arrive at temporary or permanent arrangements.

Mr Leighton — To a private organisation?

Mr KENNETT — Quite the contrary; it is within the public sector. The aim of the legislation is to ensure that the delegation authority remains in the public sector.

Mr BRUMBY (Leader of the Opposition) — Clause 6 clearly states that:
(1) For section 16 (1) of the Principal Act substitute —

“(1) A Department Head may by instrument delegate to any person or persons or body all or any of the Department Head’s functions under this Act.”.

The explanatory memorandum states:

Clause 6 amends section 16 of the Principal Act to allow a Department Head to delegate his or her functions to any person, persons or body.

The opposition seeks clarification that explicitly rules out any delegation of authority outside the department head’s department. If that is the Bill’s intention, why is it not made explicit? Why does the explanatory memorandum refer to “any person” rather than any person in the department. It states:

to any person, persons or body.

I seek clarification that the clause explicitly prevents delegation outside the department head’s department.

Mr KENNETT (Premier)— I do not think I can be any more explicit. I have tried to express myself in plain English. The clause amends the principal Act to give department heads delegation powers. I am sure the Leader of the Opposition would understand that at the end of the day there may be times when he wishes to delegate responsibility. There may be times when he will either not be here or — —

Mr Tanner interjected.

The CHAIRMAN — Order! The honourable member for Caulfield has made an imputation against members of the Committee. Although I did not hear it, I hear calls for a withdrawal. If the honourable member made an unparliamentary remark, I ask him to withdraw it.

Mr TANNER (Caulfield)— Mr Chairman, I believe the Standing Orders do not require me to make such a withdrawal. However, in deference to you, I withdraw.

Mr KENNETT (Premier) — It may be that the Public Service head — —

Opposition members interjecting.

Mr KENNETT — As the opposition is not interested in the answer, I will not give one.

Dr COG HILL (Werribee) — It is not so much a matter of whether I am personally interested — which I am — but the Premier’s contribution is important in that the public record could be referred to in future proceedings in a court of law in the interpretation of the legislation. Having regard to that, will the Premier further clarify the intended consequences of the enactment of this provision? I understood him to say — I hope he can confirm it — that it is intended that none of the functions would be delegated outside the public sector. Will the Premier confirm that and clarify whether the government intends that this clause will enable a department head to delegate certain functions outside his or her department? It may be convenient in some instances for a department head to say, “That industrial relations function may best be handled by an officer of another department”. Is that an example that would be covered by the provisions of clause 6?

Mr KENNETT (Premier) — A department head may want a person to hear a matter before a personal grievance tribunal. If a person in the department has a grievance it may be deemed inappropriate for the department head or his or her assistant to sit on the tribunal. Therefore he or she may delegate as a tribunal member someone from outside the department who is not party to the political nuances so that the aggrieved person gets a fair hearing. It is also possible the Public Service head — —

Mr Micallef interjected.

Mr KENNETT — That is the difficulty in trying to introduce a rational measure to protect an individual’s interests.

The CHAIRMAN — Order! The honourable member for Springvale will remain silent while the Premier answers the issues raised by the honourable member for Werribee.

Mr KENNETT — The honourable member for Springvale spoke about Public Service politicisation. Clause 6 protects the interests of public servants. I gave the example of a person with a grievance being told by the department head, “In order to hear this grievance it is better that I do not do it myself. I do not want to involve people in my department, so we will get someone from outside. Therefore I will delegate the authority to hear that dispute”.

That may also be the case with statutory boards under the authority of particular permanent heads.
For example, the permanent heads responsible for the Gas and Fuel Corporation, the State Electricity Commission and so on may decide to delegate authority to the statutory authority, but the real terms of the clause are designed to be internal. From time to time exceptions may occur, but the clause is designed to further the independence of the member or members whose interests may be called into question.

Clause agreed to; clauses 7 to 9 agreed to.

Clause 10

Mr KENNETT (Premier) — I move:

2. Clause 10, after line 23 insert —

"(4) Sub-section (1) does not apply to a position which a Department Head intends to fill by way of transfer."

The purpose of the amendment is to make it clear that there is no need to advertise a position when the department head intends to fill that position by way of transfer from within the public sector generally.

Under such circumstances it could be argued that to advertise those positions would result in unnecessary costs and delays. All honourable members understand that from time to time there will be a pool of public servants who have not been allocated jobs. That happened under the previous government and it is happening at present. So there may be people available whose skills make them well suited to fill certain positions, which means that any vacancies can be filled adequately without the need to go through the process of advertising.

The changes will enable the system to be more efficient and effective and will save time, costs and delays. It is part of the government’s attempt to ensure that the professionalism of the public sector matches that of the private sector. Wherever possible, companies attempt to fill vacancies from within their own ranks.

Amendment agreed to.

Mr LEIGHTON (Preston) — I have no difficulty with the concept of positions sometimes being filled by way of transfers without the vacancies being advertised. That can apply to the filling of vacancies where suitably qualified people are not available to be transferred.

However, there may be a number of people in the Public Service who may wish to apply to be promoted to these positions and who would be good candidates based on merit. Because the clause may exempt the Public Service Commissioner from having to advertise the positions, the opposition is concerned that those responsible may not be held accountable for the decisions they make. I ask the Premier to tell the Committee about the extent of the application of the clause. I ask him to outline the criteria that will be considered before the commissioner exempts any position from the requirement that it be advertised.

Mr KENNETT (Premier) — It is difficult to give a complete definition. The application of the clause will depend on the circumstances — and an examination of the clause shows that the criteria could be broad. Leaving the amendment aside, the clause says —

Mr Leighton — It’s your clause.

Mr KENNETT — I am trying to answer the question, because you asked about the clause, not my amendment. In part the provision inserted by clause 10 states:

The Public Service Commissioner may by notice published in the Government Gazette exempt any position or class of positions from the requirements of sub-section (1).

In the event that the position is not advertised in the normal way, notice must be given that it will not be advertised. I understand the honourable member’s concern that there may be people in the public sector who wish to apply for certain jobs. But at the end of the day we are trying to establish a more flexible system, thus avoiding unnecessary bureaucracy. Whether it applies to the head of a department or a junior clerk will depend on the type of vacancy that arises. In the event that a person is appointed and therefore the position will not be advertised, notice must be given in the Victoria Government Gazette that an exemption has been given.

That may not satisfy the honourable member’s concern that every position must be advertised; but the clause is part of the changes we are on about.
Mr LEIGHTON (Preston) - The Premier has not answered my question. I asked him to outline the criteria that will apply and the types of positions that will be involved. This is the Premier's Bill, and this is the Premier's clause. Much has been said about the provisions in clause 8 that define appointments on merit. But there is little point in that clause if positions will not be advertised and people will not be able to apply and be considered on the basis of merit.

The Premier must have some idea of the extent of the application of the clause. I ask him to give the Committee a general idea of the criteria that will apply in deciding whether positions will be advertised. Will the clause apply to a handful of senior positions or will it apply throughout the public sector?

Mr KENNETT (Premier) - I am trying to be as polite as I can. It will depend on the vacancies that exist at any one time. I shall give an example based on a matter raised yesterday by the opposition about my moving office — and the Leader of the Opposition's asking why I needed hot water in my office. I replied that because I often walk from home I like to have a hot shower before I sit down to do a day's work. I explained that often I am unable to enjoy a hot shower because of the vagaries of the old boiler system, which has to be maintained by someone who carries a boilerman's ticket.

Let us assume that that boilerman resigns and a vacancy arises. Let us also assume that another person holding a boilerman's ticket who works in another building owned by the government — that person could be a man or a woman — is able to take on the job. Instead of advertising throughout the Public Service, I could actually ask the person whether he or she would like to work for me — and I am sure that person would jump at the opportunity!

On the other hand, let us assume that tomorrow the head of my department resigns and I have to consider how best to fill the vacancy. There may be within the Public Service someone on the unattached list or someone working in the second or third tier of the service who has clearly demonstrated that he or she has the ability to fill the vacancy. In those circumstances I might make that person an offer. If he or she accepts, why advertise the position? I cannot explain the clause more simply than that.

I have given examples ranging from one extreme to the other. The clause is not designed to cater for a range of specific examples. It is designed to give public servants the flexibility to more easily move throughout the Public Service and to be appointed to positions based on their abilities and professionalism.

I am sure the honourable member for Preston will argue that the proper application of the clause depends on the good faith of the people administering the Act. I assure him that I would not appoint as my boilerman someone who could not turn on my boiler; I would ensure that anyone who was likely to apply would be professional and proficient. Regardless of what the Leader of the Opposition might say, at the end of the day I still like to shower with hot water!

Mr BRUMBY (Leader of the Opposition) - The opposition is asking the Premier to outline the criteria that will apply. I am sure there are many people who could adequately fill the boilerman's job. But the purpose of advertising positions is to ensure that the best people get the jobs. That is why we are asking the Premier to outline the criteria that will apply.

In the examples he used the Premier claimed that the positions would be filled by people who were adequately qualified. That may be so, but there may be people better qualified, more efficient and more productive who should have the right and should be given the opportunity to apply — and again, that is why we are asking about the criteria.

In cases where closed shops exist — where positions are not advertised — and people will not have the opportunity to apply, what rights will they have to appeal against decisions? What about the rights of better qualified persons? What appeal rights will people have who have been denied the opportunity to apply for vacancies?

Mr KENNETT (Premier) - That illustrates a real difference between those on this side of the House and those on the other side. The criteria are simple. Firstly, there must be a vacancy; otherwise you would not advertise or be able to put someone into the position! Secondly, it all depends on the abilities of the people within the ranks of the Public Service.

I find the comments of the Leader of the Opposition to be quite extraordinary because at the end of the day we are talking about a different system.

Mr Brumby interjected.
Mr KENNETT — The Leader of the Opposition is assuming that the government does not know who may be the best people. Under the system proposed by this Bill the government is giving people the opportunity, as I have described it, to fly. It is giving them the opportunity to work hard, perform and be rewarded.

Mr Brumby interjected.

Mr KENNETT — It is not a matter of not knowing. It depends on whether the people who employ them appreciate that they have done a good job. It is bit like the honourable member’s selection for the leadership of the Labor Party. In normal circumstances one would have thought he would have been appointed on merit but he was not. The Leader of the Opposition was appointed by the factions.

In the Victorian Public Service people will be appointed on merit, not as a result of where the support lies. There is a very real difference. At the end of the day I am confident that my Public Service heads and their deputies will get to know and understand the strength and quality of the members of their work force. I do not envisage that all positions will be filled in this way, but the system will provide the government with the flexibility to appoint someone quickly. Many positions will continue to be advertised.

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition asked me about the criteria and I am trying to remain quiet and calm and explain it slowly and at length. Firstly, there has to be a vacancy. Secondly, the vacancy will be filled after considering certain criteria; including whether a member of the Public Service demonstrates the professionalism or merit that warrants their appointment to the job.

Mr MICALLEF (Springvale) — If there is an inappropriate appointment, will the reasons for the exemption of notification explain the inappropriate appointment?

Mr KENNETT (Premier) — Again I will use the Leader of the Opposition as an example because I cannot think of anyone more inappropriate. However, members of the opposition in their wisdom decided that he will lead them to the Promised Land. Unfortunately the Leader of the Opposition does not want many of his colleagues with him. The honourable members for Werribee and Clayton and others will not be here because he wants new faces. I suggest that his is an example of an inappropriate appointment.

When the government considers the appointment of people it may be that, if it uses the system from time to time, it will appoint someone who is not appropriate and does not perform as well as it would have liked. That happens in private enterprise, in politics and in the Public Service, even if the normal advertising system is followed. There are no guarantees in life.

All one can do is best assess a person’s ability, professionalism and preparedness to work. When the government does not advertise it will advise publicly that it is not doing so. When it does advertise, the opposition would have no argument with that system.

At the end of the day this will be one of the fundamental changes that tries to introduce into the Public Service a greater professionalism and ultimately a better system of reward for the tens of thousands of Victorian public servants who are good workers, who are looking to be rewarded on merit and who are now working in a different way in order to seek selection for higher office.

Dr COGHILL (Werribee) — Over the past two days’ proceedings I have been enlightened by the discovery that the Premier does not relish a cold shower every morning. I may have misjudged him.

Honourable members interjecting.

Dr COGHILL — I refer the Premier to the point on which he concluded his response to the honourable member for Springvale. Can the Premier explain to the Committee and potentially to the courts in any future legal proceedings how he sees the interaction between section 29 of the Act as amended by clause 10 of the Bill and section 24 as amended by clause 8?

Proposed new section 24 requires a department head to make each appointment on merit, taking into account the extent to which each applicant has skills, knowledge, aptitude, experience and so on. It seems to me there is a danger that section 29 as amended by clause 10 could enable a department head to bypass entirely the requirement for an appointment to be made on merit. The Premier or the head of the Department of the Premier and Cabinet may require a legal officer to fill a current or forthcoming vacancy in the department.
This may be a matter of some amusement to the Premier but it could be of major significance in future legal proceedings that none of us can foresee at this time. The danger is that a department head might use the proposed new section 29 in such a way that he might say, "That is a nice young fellow there. He is capable of doing the job. I do not know whether he is the best that is available either within the department or the Public Service generally, but I know that he was a member of the Young Liberals so the Premier will like him. He is the one I will appoint without bothering to advertise the job". That is the danger that this provision exposes.

Mr E. R. Smith interjected.

Dr COGHILL — Despite the bleating of the honourable member for Glen Waverley it is not a standard of conduct of the Public Service that I would endorse or practise. I ask that the Premier advise the Committee and place on the public record for possible application in future legal proceedings some guide as to what will be the interaction between proposed new sections 24 and 29 as amended. The last thing that the opposition wants — and I hope the last thing the Premier would want — is for section 29 as amended to be used to bypass the merit principle by some department head who found it convenient and expedient at the time rather than considering the best interests and good administration of his department and the State.

Mr KENNETT (Premier) — I assure the honourable member that if a legal officer were sought, my department head and I would not be making that assessment. At the end of the day a good government or employer wants the best advice possible. If you do not believe you can recognise talent then you do not make the decision on your own. You rely very much on advertising.

It is true that, given the interaction of the two provisions that the honourable member referred to, some people would automatically disqualify themselves. One would not appoint a person if he or she were known to be inefficient. At least the government would not. The former government obviously appointed quite a few.

Honourable members interjecting.

Mr KENNETT — It is all right. The honourable member for Werribee is no longer wanted and is on limited time. In the event that he does not win preselection, given that his Leader wants new faces and given his record, I do not believe the government would appoint him to any job. That might be a little unfair, but I say to you and ask you to keep it to yourself — —

The CHAIRMAN — Order! On clause 10.

Mr KENNETT — I believe there is a fair chance that the honourable member will have to find work in the private sector. The honourable member has been a member of the Chamber for some time and prides himself on knowing these things and understanding Acts. I have already mentioned two criteria, but there is a third criterion. Ultimately it is the protection that we have established through the Public Service Commissioner, Michael Schilling; he has a duty under section 47 of the Public Sector Management Act to act independently to decide whether there are people who can fill those positions.

It allows us to ascertain whether there is a boiler operator or a potential Public Service head within the system who can fill a vacancy without the need to advertise. When a position is not advertised notice must be given in the Government Gazette. There is plenty of protection; but if someone wants to abuse the system or break the law, he or she will do so. Penalties may be applied; nevertheless, the act will have been committed.

I assure the opposition that the government wants the most efficient and effective Public Service in Australia. That will be achieved, and it will become the most vibrant place in which to work. It will recognise talent and merit and reward performance with bonuses, for which the government will make no apologies whatsoever.

Amended clause agreed to; clause 11 agreed to.

Clause 12

Mr LEIGHTON (Preston) — Clause 12 establishes a new form of fixed-term employment. However, as with many aspects of the principal Act and the amending Bill, the clause does not provide much information about employment. To find out how that applies to the Public Service one needs to turn to the Employee Relations Act. That Act establishes two main principles of employment: collective agreements and individual contracts. I seek the Premier's advice. Is it his intention that fixed-term employees will be able to have collective agreements negotiated on their behalf, as established by the Employee Relations Act?
Mr KENNETT (Premier) — Nothing in the Bill prevents fixed-term employees from entering into contracts.

Mr Leighton — Is it something the government would agree to?

Mr KENNETT — Of course. The government is very agreeable. The point of the clause is to give people the opportunity to enter into a new form of contract that gives expression to their particular circumstances. The clause was created to give rise to individualism.

Mr LEIGHTON (Preston) — Although I welcome the Premier’s assurance that fixed-term employees can have collective agreements negotiated on their behalf, the Premier needs to send that message to his departments because most of them are refusing to negotiate such collective agreements. That is despite the fact that the Employee Relations Act, the introduction of which the Premier supported, provides for the making of collective agreements. Notwithstanding the Premier’s assurances, the opposition opposes the clause because it disagrees strongly with the notion of fixed-term employees.

Mr KENNETT (Premier) — A number of public servants have signed individual contracts, which the government has encouraged. It can be done in two ways. Members of a department can come together and sign the contract — members of my department have done so — or they can use an outside agent, which may be a union. Employees are free to choose. Since the recent changes that have taken place in the Public Service, some of those who elected to be represented by a union have found that the union was not as attentive to detail as it should have been.

About 60 people in my department tried to form a collective agreement with the assistance of the union. Prior to the election they were not given the service they needed to enter into the sort of agreement they were seeking — using the agent they selected. But that was because of the failure of their agent rather than the failure of the government.

Mr MICALLEF (Springvale) — If some directions preclude public servants from entering into collective agreements, does the Premier see that as a breach of the regulation?

Mr KENNETT (Premier) — I am not aware of any instructions. That is certainly not our intention. We are giving people the opportunity to enter into collective agreements. They can do it of their own volition either as a group or by selecting an agent, which may be an employer group or a union. It is up to the agent to prove his worth. I find it extraordinary that any directive may have been given. It is a hypothetical question. I know of no examples. It is against my intent and the intent of the Bill.

Committee divided on clause:

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Clause agreed to.
Clause 13

Mr LEIGHTON (Preston) — Clause 13 establishes yet another form of employment in the Public Service — that is, temporary employment. Clause 12 dealt with fixed-term employment. I ask the Premier to advise the Committee when temporary employment, as provided for in this clause, will be used as distinct from when fixed-term employment, as provided for in clause 12, will be used?

Mr KENNEDT (Premier) — The government will be using temporary employees when it believes the task for which they are to be employed is for a particular period. The permanent employees the government has appointed and those it intends to put on staff are and will be occupying jobs for which there is an ongoing requirement in the public sector.

Mr LEIGHTON (Preston) — I was not asking for a comparison between permanent employment and other employment. The Premier need only cast his mind back a few minutes to the debate on clause 12 concerning fixed-term employment, which is a different concept from permanent employment. The Bill introduces new employment concepts. This clause provides for temporary employment. Government departments appear to be confusing temporary employment with fixed-term employment, which is what I think they really mean.

Will the Premier explain the difference between fixed-term employment and temporary employment and give the Committee some idea of the criteria to be applied to determine which of those two forms of employment will be used?

Mr KENNEDT (Premier) — The concept of temporary employment obviously is not new; it has been in the public sector for some time and its use is already referred to in the Public Sector Management Act. Temporary employment is for approximately one year and can be for a maximum of two years and still remain under that definition. Temporary employment is short term given the normal circumstances.

Fixed-term employment is deemed to be normally — though there may be one or two exceptions that fall on either side of the criteria — longer than one year and up to five years. When we get to the position of a period between one year and five years, does the other definition seem appropriate?

I accept that there will always be the occasion when someone's employment is extended because the assessment made in advance was not absolutely right. The government is trying to put in place a system that accounts for the three time frames I have just outlined.

Clause agreed to.

Clause 14

Mr LEIGHTON (Preston) — Clause 14 sets out another form of employment — that is, casual employment. The difference between this and the other categories is that casual employees are exempted from most of the provisions of the Public Sector Management Act and therefore must have recourse to the Employee Relations Act.

Is the Premier able to advise the Committee whether, in the event that a casual employee has a grievance — perhaps a disciplinary matter where employment may be terminated — he or she will have recourse to the Employee Relations Commission of Victoria without the consent of the employer?

Mr KENNEDT (Premier) — If the honourable member looks at the Bill he will see that proposed section 35A(2) inserted by clause 14 states that:

Except for sections 6 and 83 and any provision which expressly applies to casual employees or employees, nothing in this Act —

denies them the opportunity of having a grievance heard.

Mr LEIGHTON (Preston) — With respect, that was not the matter I raised.

The CHAIRMAN — Order! The time appointed under Sessional Orders for me to report progress has arrived. The honourable member for Preston will have the call when the matter is next before the Committee.

Progress reported.

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

Wednesday, 20 October 1993

ADJOURNMENT

The SPEAKER — Order! The question is:

That the House do now adjourn.

Local government industry training board

Mrs WILSON (Dandenong North) — I ask the Minister for Natural Resources, who is at the table, to bring my concerns to the attention of the Minister for Tertiary Education and Training in another place. In recent weeks I have received a number of letters from various councils in Victoria expressing their concern at the possible abolition of the local government industry training board.

I understand from the correspondence I have received that recently a Ministerial review was conducted of all industry training boards in the State. Local government was told by the Municipal Association of Victoria that the recommendation was made to the Minister to abolish the board and to spread the training needs of local government employees across the other six boards. The reason given for this proposal is that local government does not fit the criteria for an industry as set out by the Office of Training and Further Education. In fact it has been said that local government is not an industry but is occupationally based.

Both the MAV and individual councils disagree with this line of thought because they believe local government is a distinct industry with specific training needs for its employees. Since the establishment in 1990 of the local government training board it has played a valuable role in structuring programs to train council staff. To mention a few, the board has been involved in setting up a distance learning model.

Honourable members interjecting.

The SPEAKER — Order! There is too much audible conversation.

Mrs WILSON — I am told that this model is to be used nationally and by other industries. The board has developed competency standards for local government and facilitated basic education, language and literacy.

In view of the changes taking place within local government and the need for the training of local government employees at all levels, I ask the Minister to review the recommendations of the panel established to look at the local government training board and other boards and reject the recommendation that was made to him.

Department of Agriculture

Dr COGHILL (Werribee) — I bring a matter to the attention of the Minister for Agriculture, who I am pleased to note is in the House for the adjournment debate. I hope he notices that I am bringing a matter to his attention.

The matter I raise concerns the urgent need for a relocation of funds within the Department of Agriculture — the appropriation made available to him as a consequence of the Appropriation (1993-94, No. 1) Bill. I raise with the Minister the extraordinary contrast between the increase in funding for corporate services shown in the Budget documentation compared with the huge reduction in funding for field services, the agricultural development line as shown in the allocation for the Department of Agriculture.

There is actually an increase in the number of dollars allocated for corporate services in the Department of Agriculture this year despite the government’s proclaimed policy of reducing the level of red tape and bureaucracy across the public sector. One can contrast the dollars allocated to the corporate services of the Department of Agriculture with the reduction by about one-third in provision for services of the Department of Agriculture in this year’s Budget as compared with the 1992-93 appropriation legislation.

Honourable members interjecting.

The SPEAKER — Order! There is too much audible conversation.

Dr COGHILL — There is no explanation whatsoever for this extraordinary contrast between the increase in the proportion of the Budget allocated to bureaucracy in the Department of Agriculture this year despite the government’s proclaimed policy of reducing the level of red tape and bureaucracy across the public sector. One can contrast the dollars allocated to the corporate services of the Department of Agriculture with the monstrous decrease in the capacity of the State to serve the need for research and development in rural industries in Victoria.

The cutbacks proposed in the Minister’s Budget can only harm the long-term prospects of Victorian agriculture and the Victorian economy at the same time as corporate services in the Minister’s department are being featherbedded. The Victorian farming community deserves an explanation for the increase in bureaucracy and the reduction in
agricultural services, and I ask the Minister to advise the House and the Victorian community of the reason for the allocations.

**Government Employee Housing Authority**

Mr MAUGHAN (Rodney) — I raise a matter for the attention of the Minister for Finance and, failing his attendance, the Minister for Natural Resources, who is at the table. It concerns a Government Employee Housing Authority (GEHA) house in Kyabram.

The schoolteacher in Kyabram is now occupying the house, which had been unoccupied for most of the year. This is a sad story. The person concerned lost his own home in the devastating floods from the Goulburn River. He is a schoolteacher at the Kyabram Secondary College and is temporarily occupying the GEHA home that is adjacent to the college. I have been asked by the principal of the college to see whether the auction of the house, which is scheduled for 19 November, could be delayed until the family concerned can rebuild its own home, which was badly damaged by the floods.

I ask the Minister to use his best offices to delay the auction of the house for nine months for the teacher's family, which is well established in the area. The man's wife is also a schoolteacher at Kyabram and is highly regarded. The school community would be most grateful if the Minister could see his way clear to delaying the auction of the GEHA home for at least 6 and possibly 12 months.

**Proposed Sunbury university campus**

Mr FINN (Tullamarine) — I draw a matter to the attention of the Minister of Education representing the Minister for Tertiary Education and Training in another place. The Minister would be aware that those of us who have been involved in Sunbury for some time have also been active in a campaign to have a campus of the Victoria University of Technology established at the former Caloola training centre site.

I ask the Minister to take into account the overwhelming public support for this project by the people of Sunbury. Earlier this year a public meeting was held in the Sunbury Memorial Hall and more than 700 people attended. Literally bags of letters have come to the Minister's office, and everywhere I go throughout the electorate people ask me when the university will be established. Clearly the people of my electorate want this university to come about.

I ask the Minister to take into consideration the fact that the project was knocked on the head by the former Labor government. The former Minister responsible for tertiary education, the honourable member for Coburg, was heard to say just a day before the last State election that there would never be a VUT campus at Caloola. That in itself is a good reason to build one. The people of Sunbury demand the project, and it will happen.

Honourable members interjecting.

Mr FINN — The honourable member for Williamstown is attacking the people of my electorate yet again. She can't help herself.

Honourable members interjecting.

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

Mr FINN — Thank you for your protection, Mr Speaker. I call on the Minister to give this matter urgent attention. It is not just an education matter; the entire economic future of the region depends on a university being established. The people of Sunbury have been sold down the drain by their Federal member of Parliament, Neil O'Keefe, and obviously that has angered them. They are looking to the State government and me as their local member for support. I have assured them that that support will be forthcoming.

I ask the Minister to take into consideration and pass on to his colleague the fact that the former Labor government sold the region down the drain. I know the government will come to the party and deliver the goods, unlike the honourable member for Williamstown when she was Premier.

**Bulleen Primary School**

Mr MILDENHALL (Footscray) — In the absence of the Minister for Education I direct to the attention of the Minister for Natural Resources the decision to close Bulleen Primary School in defiance of the recommendations of the quality provision task force, the wishes of the school community and any logical independent analysis.

The commonly used and quoted statement offered by the Minister for Education has been that the decisions to close schools are based on demographic and educational factors. The demographic factors are startling. Bulleen Primary School is ideally located in a natural catchment bounded by
Manningham, Templestowe and Thompsons roads, which form natural barriers to the residential area. The school adjoins the Bulleen Heights School, formerly a special school, half of whose students are involved in integration programs. It also adjoins shopping and municipal library facilities.

The area surrounding the school has an increasing population, and the school population increased over the past four years. The school has more students than one of the neighbouring schools that is to stay open, a school that is located in one of the extreme edges of the catchment and is poorly accessed by road configurations.

The educational factors are equally startling. The school conducts three programs that are of either State or national significance. One of the programs has even been funded by the Directorate of School Education as a research program. The school is at the leading edge in terms of its approach to the development of keyboard skills in the middle primary years.

If there is any justice in the system of quality provision task forces, further inquiries will be undertaken and other factors researched, just as occurred with the Parklands decision. The options to merge should be examined, but the unilateral decision to close the school and destroy the morale of the community is outrageous.

LPG conversions

Mr A. F. PLOWMAN (Benambra) — In the absence of the Minister for Fair Trading I direct to the attention of the Minister for Natural Resources, who is at the table, an auto-electrician who has been in the trade for 24 years and who wishes to convert motor cars to use liquid petroleum gas (LPG).

The auto-electrician undertook a course at the Wodonga College of TAFE and satisfactorily acquired a certificate to undertake the conversions. He proceeded to do conversions but found that once he had converted a car from using petrol to LPG the car had to be tested in a licensed workshop. The difficulty is that under current licensing arrangements licensed workshops cannot accept cars that have been converted outside the workshop. The requirement means that people who wish to carry out this work have to upgrade their workshops so that they can be licensed, at a cost of approximately $15 000. The equipment is required only when the vehicle has to be tested; the conversion process does not need the equipment.

I ask the Minister to examine the licensing conditions so that people with the qualifications to undertake conversions can do so outside licensed premises. People in my electorate who want their cars converted to LPG are travelling to New South Wales where many workshops can do the conversions. Many small operators are being denied the opportunity of converting cars to LPG because they do not operate licensed workshops. This is an opportunity for small business and for retaining work in Victoria. I ask the Minister to look into the issue and effect a change to the regulations.

Preschool closures

Mr PANDAZOPOULOS (Dandenong) — In the absence of the Minister for Community Services I direct to the attention of the Minister for Natural Resources, who is at the table, the great concern parents of preschool children have about the preschool facilities in the City of Berwick.

Last June the Minister for Community Services flashed press releases to various local newspapers throughout the State stating that no preschools would close as a result of government policies. Lo and behold, not long after that the community found what the Minister said in June is not the case — a regular theme of the government. This week two preschools in the City of Berwick — the Mossgiel Park Preschool in Endeavour Hills and the Mapleson Preschool in Hallam — will close because of the drastic decline in the number of preschool enrolments, which is a direct result of the massive increases in fees being forced upon local preschools.

Both areas have a high concentration of low-income residents and people from non-English speaking backgrounds. Several preschools in the City of Berwick, including both preschools in Doveton, are being forced to reduce their intake from two groups to one. That raises the question of the future viability of preschools with single groups, particularly if further funding cutbacks occur next year.

It is important to understand that as a result of the fee hikes within the City of Berwick preschool enrolments have declined by 16 per cent. That means that only four in every five children of preschool age in Berwick will attend preschool. In effect, one in five children will not receive the benefit of this important education service, and that will result in future problems for primary schools, which have their own financial difficulties as a result of the decisions of this government.
It is unfair on the communities in the City of Berwick that preschools in Endeavour Hills and Hallam have been hit in this way. Parents cannot afford the fee hikes. They have already been hit an average of $1500 a year as a result of increased taxes and charges by the State government. The Minister made a commitment that no preschooler would miss out on preschool education. I ask him to spell out to the residents of the City of Berwick what he plans to do to ensure that all preschoolers receive preschool education. Certainly the honourable member for Berwick has abandoned his preschool constituency — —

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

Dangerous dogs

Mr McARTHUR (Monbulk) — I raise for the attention of the Minister for Agriculture a serious dog attack on a constituent in the Monbulk electorate. The man who was attacked ended up in hospital with serious injuries and the dogs that are alleged to have attacked him are still at large on premises in the Montrose area. A number of other residents who live in that area are fearful that they in turn may be attacked by the dogs and they have every reason to be afraid.

The victim, Mr Bill Gorman, is a fit and active 57-year-old. He was out on his evening stroll in Mayfield Court, not far from my electorate office, so I know the area well. He was attacked by four dogs and he said if he had not been fit and active he would have been afraid for his life.

A number of children living in the area use the street to go to and from school. If the dogs get loose from the owner's premises again and attack a child the situation will be far more serious. I ask the Minister to advise what options are available to prevent further attacks and also to direct officers of his department to get in touch with Mr Gorman and advise him what personal remedies may be available to him.

The incident was reported in the local paper.

Mr Gorman said it was dark and that he heard a commotion behind him that sounded like a pack of dogs barking and growling. He said:

I looked around and four dogs came rushing all around me. They were bull-terrier types and I was high-stepping to keep them off. One grabbed my leg and the other the family jewels and they pulled me down to the ground and the other two were rushing and snapping.

Honourable members can imagine the situation Mr Gorman was in and we can sympathise with his predicament. We must ensure that this does not happen to any other resident in the area, whether it be a fit adult out for an evening stroll or a child on the way to school.

Orana Family Services

Mr SEITZ (Keilor) — I raise for the attention of the Minister for Community Services the Orana Family Services family support and educational programs, which are in doubt following a 40 per cent State government funding cut. The community in my electorate was instrumental in having the service shifted from the eastern side of Melbourne to Coolaroo in the north west because that is where the service was needed. Members were recruited to the committee from the local area. The community spent a lot of time and effort in enticing the service to come to an area where it is needed, and assistance and encouragement was given by the Urban Land Authority by making a site available. Although Broadmeadows is not a very affluent area sporting organisations and church communities held fundraising activities to assist in setting up the service.

The executive director of the service said that $460 000 has been cut from the Coolaroo-based service's funding of $1.1 million. The members of the committee have worked tirelessly in fundraising and establishing a building for this facility. I urge the Minister not to be party to cutting resources for the service because it is desperately needed in the north west; if it is unable to fund the service it may have to close its doors and will never reopen. It definitely will not be shifting back to the other side of town, if that is one of the tactics the government is using.

The government's slashes and cuts have severely affected the north-west area and there is a dire need for youth services in the whole of the western suburbs. I urge the Minister to reconsider making such a deep cut to the service's funds. Perhaps it could even assist the organisation to establish further fundraising activities because the community has been tireless in fundraising all along.

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

Mr PERRIN (Bulleen) — I raise a matter for the attention of the Minister for Industry and Employment. I am sure the Minister will be aware that section 55 of the Employee Relations Act 1992 provides for prohibition on preference and discrimination in relation to joining a union. I have available to me the financial report of the Shop, Distributive and Allied Employees Association (Victorian Branch) which shows in the statement of income and expenditure for the year ended 30 April 1993 that the union contributed the sum of $120,313 for affiliation fees for the Australian Labor Party. In the previous year it contributed $67,240.

In line with section 55 of the Employee Relations Act I ask the Minister whether he would support employees who do not wish to be forced to join the Shop, Distributive and Allied Employees Association or, if they wish to join, do not want their union fees paid into ALP coffers. Some employers in the retail industry are forcing their employees to do so because of a deal with the unions. I ask that the government support any shop employee who does not want to join a union.

Notwithstanding that, I also believe the government should be asking employers in the retail sector to encourage their employees not to be members of unions in accordance with the Employee Relations Act because it is obvious that some of the union fees are finding their way into the ALP’s coffers and employees find that reprehensible. They do not want to be part of a union that pumps money into the ALP, and I ask that the government support those employees.

Wollert Primary School

Mr HAERMeyer (Yan Yean) — In the absence of the Minister for Education I direct the attention of the Minister for Natural Resources to the Wollert Primary School, which has been forcibly closed against the task force recommendation.

There is absolutely no justification for the closure. This little school has been open for the past 116 years and now the government will bring it to an end. It will destroy the opportunity the school provided to local children to have a good quality education. A number of similar schools did not receive the same treatment and I am grateful for that, but I would like to know the rationale that distinguishes between these schools of similar criteria. Why is a school such as Wollert treated differently from the schools of Doreen or Yan Yean? No reason for overturning the task force recommendation has been given by the Minister. The school provides a good quality education.

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

Responses

Mr W. D. McGRATH (Minister for Agriculture) — The honourable member for Werribee asked about the lack of commitment to field services by the Department of Agriculture at the expense of corporate services. It is hypocritical of him to introduce these criticisms at this stage, bearing in mind that over the past 10 years of his government, when all other government agencies received increases of 40 per cent in real terms, the Department of Agriculture took a reduction of 30 per cent.

Bearing in mind some of the announcements related to agriculture made possible by the Budget I am prompted to write to the Werribee Shire Council and say, "Your local member does not seem to want these things. He says he wants greater emphasis on field services but does not seem to be interested in the fact that we are relocating the State Chemical Laboratory from Treasury Place to Werribee at a cost of $4.2 million. Apparently he does not want that, nor does he want to provide jobs in his electorate".

The government has encouraged the dairy research arm of CSIRO to move alongside the Food Research Institute at Werribee — and apparently he does not want that, either, so it will be interesting to see whether the Werribee Shire Council wants these things.

I shall certainly have his question analysed and give him a written response. His claim tonight is quite inaccurate. For instance, corporate services have been removed completely as a management unit running in the Department of Agriculture. The previous Minister had an executive support unit in the department, and that no longer exists.

Mr Coleman — What were the Minister’s expenses?

Mr W. D. McGRATH — I have just had them analysed and, without giving the exact figures in dollar terms, I can say that the expenses I have incurred in operating the office are 48 per cent lower than those incurred by the former Minister in his last
12 months in office. The operating costs themselves are approximately 40 per cent lower. I am sure there have been similar reductions in the corporate services area because we have attempted wherever possible to quarantine the research and extension services provided by the department.

I intend to continue bolstering those services because I have always said that the Department of Agriculture has a role to play in supporting the farming community in its endeavours. That is the policy on which we will deliver.

The honourable member for Monbulk referred to dangerous dogs and the unfortunate attack on one of his constituents and the damage suffered by that constituent. I hope the honourable member does not come into contact with the dogs before we come to terms with the problem. The Honourable Dick de Fegely in another place is currently working on legislation relating to domestic and feral animals, and dangerous dogs are certainly an important component of the proposed legislation.

We are reviewing the possibility of giving power to a council to designate a dog as dangerous in any one of a number of different cases, including circumstances where it has inflicted serious injury on a person without provocation or where, while off its owner's premises, the dog has killed a domestic animal or caused unrest in the community.

I fully understand that some people keep guard dogs, particularly on used car lots. They could be seen as dangerous dogs, but if they are kept in proper compounds the owners are entitled to use those dogs to protect their property.

Where there has been an attack by any type of dog that has been designated as a dangerous dog in another municipality, owners of that animal will be required to notify the council and the dogs will have to be kept in childproof enclosures to ensure that they do not attack children. When outside the enclosures dangerous dogs will wear collars that are easily identified. People will be warned to tread warily when those dogs are in their vicinity.

We will also ensure that dangerous dogs are muzzled and are on leads when they are in the public domain, and I hope that in the not too distant future, perhaps in the autumn session, a Bill will be introduced to safeguard the community from dangerous dogs.

Mr JOHN (Minister for Community Services) — The honourable member for Dandenong referred to preschools. I make the point that kindergartens will open and close because of demographics. They have done so for decades in this State. There is no point in funding a kindergarten if there are no children to attend it.

The implementations are well in place, and the issue is not funding for bricks and mortar or the vested interests of teacher unions: the issue is serving the interests of children in this State. The fundamental issue is access to preschool programs, and the government is committed to providing every eligible child with a kindergarten program.

The honourable member for Keilor drew attention to the funding of the Orana agency, which is involved in the Department of Health and Community Services placement and support program. The government is continuing discussions with Orana but no final decisions have been made. The government wants to give the agency $189 000 for services for young women in the western suburbs, and Orana is considering that option.

The government is currently spending more than $100 million a year to support children at risk. That is the highest figure per capita of all States. The government is not interested in funding the existing 400 beds that are empty every night in this State, but it is committed to ensuring that funding goes to those in need. The government hopes for positive results from its discussions with Orana.

Mr COLEMAN (Minister for Natural Resources) — I will ensure that the honourable members for Dandenong North and Yan Yean receive responses from the Minister for Education on the matters they raised.

The honourable member for Rodney directed attention to a Government Employee Housing Authority house which is currently occupied by a tenant and which is due to be auctioned on 19 November. I will ensure that he gets a prompt response from the Minister for Finance.

The honourable member for Benambra directed attention to liquid petroleum gas conversions for cars. I will ensure that the Minister for Fair Trading provides a response.

The honourable member for Bulleen directed to the attention of the Minister for Industry and Employment the contributions of the Shop,
Distributive and Allied Employees Association (Victorian Branch) to the ALP. I will ensure that the matter is raised with the Minister.

The honourable member for Footscray directed the attention of the Minister for Education to Bulleen Primary School. I have no doubt that the honourable member for Bulleen could have answered that question, but I will ensure that the matter is raised with the Minister for Education so that the honourable member for Footscray can learn something about a suburb that I am sure he knows nothing about.

House adjourned 10.44 p.m.
Joint Sitting of the Legislative Council
and the Legislative Assembly

Wednesday, 20 October 1993

Victorian Health Promotion Foundation

Honourable members of both Houses assembled at 6.15 p.m.

The CLERK — Before proceeding with the business of this joint sitting it will be necessary to appoint a President of the joint sitting.

Mr KENNETT (Premier) — I move:

That the Honourable John Edward Delzoppo, MP, Speaker of the Legislative Assembly, be appointed as President of the joint sitting.

Mr ROPER (Coburg) — I second the motion.

Motion agreed to.

The PRESIDENT — I thank the joint sitting for the distinguished accolade of allowing me to preside over this joint sitting.

I direct the attention of honourable members to extracts from the Tobacco Act 1987, which have been circulated to honourable members. It will be noted that the Act requires that the joint sitting be conducted in accordance with the rules adopted for the purpose by members present at the sitting.

Mr KENNETT (Premier) — Mr President, I desire to submit the rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

Mr ROPER (Coburg) — I second the motion.

Motion agreed to.

The PRESIDENT — The rules having been adopted, I am prepared to receive nominations for the election of two honourable members to the Victorian Health Promotion Foundation.

Mr KENNETT (Premier) — I propose:

That Ronald Alexander Best, MLC, and George Graeme Weideman, MP, be members of the Victorian Health Promotion Foundation.

They are willing to accept the appointments if chosen.

Mr ROPER (Coburg) — I second the nomination, knowing that both members would do anything required to carry out this particular task.

The PRESIDENT — Are there any further nominations?

As there are only two members nominated I declare that Ronald Alexander Best, MLC, and George Graeme Weideman, MP, have been elected to the Victorian Health Promotion Foundation.

There being no further business, I now declare the joint sitting closed.

Proceedings terminated 6.24 p.m.
Thursday, 21 October 1993

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

PETITIONS

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

**Preschool funding**

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

The humble petition of the undersigned citizens of the State of Victoria respectfully showeth that:

(1) every child should be entitled to at least one full year of kindergarten at an affordable cost as it is an extremely important educational experience and is invaluable as a preparatory year for school. We are therefore opposed to the proposed funding cuts for kindergartens and the recommended structural changes.

(2) The Minister for Community Services promised on 24 May 1993 to “strengthen neighbourhood houses” and “ensure that the services offered were available to the widest number of people” and,

(3) that now many houses face savage funding cuts of 25 per cent, 50 per cent or even total defunding.

Your petitioners therefore pray that the House take all necessary steps to ensure the Minister honours his promise.

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

By Mr Tanner (45 signatures)

**Neighbourhood houses**

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

The humble petition of the undersigned citizens of the State of Victoria showeth that:

(1) the Minister for Community Services promised on 24 May 1993 to “strengthen neighbourhood houses” and to “ensure that the services offered were available to the widest number of people” and,

(2) that now many houses face savage funding cuts of 25 per cent, 50 per cent or even total defunding.

Your petitioners therefore pray that the government restore full funding to preschools, and restore the central payment scheme for salaries.

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

By Ms Garbutt (158 signatures)

Laid on table.

PERSONAL EXPLANATION

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I wish to make a personal explanation. During the Committee stage of the Mineral Resources Development (Amendment) Bill yesterday afternoon I gave a response to a matter raised by the opposition spokesman, the honourable member for Pascoe Vale, who asked a question about who has access to details of a work plan in relation to exploration or mining.

In my response I said that once a work plan is registered it becomes a public document open to inspection by any member of the public. That statement is not correct. The department now advises me that the mining register indicates that an approved work plan has been registered. The work plan is not a public document, as it would generally contain commercially sensitive information.

PAPERS

Laid on table by Clerk:

Capital Works Authority — Report for the year 1992-93

Dietitians Board of Victoria — Report for the year 1992-93

Environment Protection Authority — Report for the year 1992-93
Film Victoria — Report for the year 1992-93

Geelong Performing Arts Centre Trust — Report for the year 1992-93

Government Employee Housing Authority — Report for the year 1992-93

Historic Buildings Council — Report for the year 1992-93

Infertility (Medical Procedures) Act 1984 — Report by the Secretary, Department of Health and Community Services to the Minister for Health pursuant to S. 22(4)

Libraries Board of Victoria — Report for the year 1992-93

Liquor Licensing Commission — Report for the year 1992-93

National Gallery of Victoria — Report for the year 1992-93

Northern Victorian Fresh Tomato Industry Development Committee — Report for the year 1992-93

Public Record Office — Report from the Keeper of the Public Records for the year 1992-93

Public Transport Corporation — Report for the year 1992-93

Small Business Development Corporation — Report for the year 1992-93

State Film Centre of Victoria Council — Report for the year 1992-93

State Insurance Office — Report for the year 1992-93

Statutory Rules under the following Acts:
   Boilers and Pressure Vessels Act 1970 — SR Nos 188, 189
   Instruments Act 1958 — SR No. 185
   Property Law Act 1958 — SR No. 184
   Subdivision Act 1988 — SR No. 186
   Transfer of Land Act 1958 — SR Nos 183, 186

Victorian Health Promotion Foundation — Report for the year 1992-93

The main purpose of the Bill is to implement a number of amendments to the Education Act 1958. The amendments fall within the following five general areas:

Firstly, the Bill provides for the creation of “designated schools”. The designated schools will have increased contractual powers and will develop school charters.

The increased contractual powers will mean that with the exception of the full-time teaching staff of the school, the school administration will be able to employ staff or arrange administrative support assistance either directly or through an employment or service agency. Through an agency, the school council will be able to provide additional staff resources for the educational programs of the school without incurring the staffing overhead responsibilities of superannuation, recreation or sick leave, or WorkCover, all of which will remain the responsibility of the agency with which the school contracts.

In relation to school charters, the Bill provides that the contents and other requirements of charters may be prescribed by Ministerial order. The Bill gives an example of the type of matters charters may deal with: for example, the profile, goals and priorities of schools; curriculums offered by schools; codes of practice for the council and school staff; the student code of conduct; and statements of school finances. The school charter will be a critical document in that it will provide in one document all the above matters. It will be a means of providing accountability to parents and it will be a statement of understanding between the school, the school community and the Director of School Education.

Secondly, the Bill provides that all State schools shall be able to enrol overseas students and to charge fees to those students. Schools will also be able to use general purpose funding for any school purpose. In addition, the Bill updates the list of subjects in the Second Schedule for which instruction in State schools — except to overseas students — shall be free.

The Victorian State education system is the only Australian system not able to benefit from the desires of citizens of neighbouring countries who seek primary or secondary education in Australia. This is largely due to the constraints in the Education Act on the charging of fees for instruction in State schools. This constraint, when linked with the Commonwealth government’s requirements that places in our schools occupied by non-Australians be funded fully by the student or the State, has meant that the Victorian State education system has not been able to enjoy the financial advantage open to other States. The Bill amends the Act to enable the charging of fees to a person defined as an “overseas student”, while ensuring that instruction for Australian students remains without charge. The amendments will permit the Minister to make Ministerial orders in respect of fees payable by overseas students and to ensure that the fee structure will be on a full cost recovery basis.

The Second Schedule to the Act is intended to record the subjects in which instruction given in State schools shall be free. The list of subjects, however, does not reflect modern educational philosophy and the opportunity is taken in the Bill to update the schedule. No longer will the subjects of drill, manual training, singing, health and temperance, and others appear in the schedule. Instead the schedule will contain the eight key learning areas of today’s curriculum.

Thirdly, the Bill refines the present relationship between school councils and the Crown by introducing a number of changes. Those changes include an indemnity for school council members, an immunity for the Crown in respect of the liability of school councils, a requirement that councils first obtain the consent of the Minister before issuing legal proceedings, and the right of the Minister to issue guidelines and directions to school councils. In addition, the director is given the right to conduct an effectiveness and efficiency review of a school council. These accountability provisions are appropriate having regard to the public moneys that school councils manage and the role they play in State schools.

In providing the indemnity for school council members, the Bill ensures that all members of school councils will be indemnified against legal actions arising from decisions of the council undertaken in good faith and in the performance of the functions or the exercising of the powers of the council. The government is concerned to assure members of the community who voluntarily give their time and talents for the benefit of our schools that their efforts will not be accompanied by the threat of financial disadvantage from defending their involvement against legal challenges.

Fourthly, the Bill states that the Minister’s decision to discontinue a school is not subject to review and also limits the liability of the State in respect of those
persons who continue to occupy discontinued State school sites in protest at the Minister’s decision to close the school.

In limiting the right to review a decision of the Minister to discontinue a State school, the power of litigants to seek interim relief and to undertake costly litigation against matters of government policy is unacceptable due to the adverse effect on the quality provision program and on the uncertainties created in the educational situations affected by the litigation.

In limiting the liability of the State in respect of those persons who continue to occupy discontinued State school sites, the government is concerned that it may be liable for any injuries to those persons who are unwilling to abide by a lawful decision in relation to the discontinuance of a State school. The government is not prepared to accept ongoing occupiers’ liability in respect of persons who continue to occupy a school site that has been closed by a decision of the Minister. This provision will be strictly applicable to the unlawful occupation of a closed school site and will not interfere with the accepted liability of the State in respect of persons injured while on State property.

Finally, the Bill updates the existing provisions on pupil suspension and expulsion. The government’s education policy includes the devolution to the school administration of all aspects of student discipline within the school. The Bill supports this policy with amendments to section 25 of the Act to remove the involvement of the Minister and the director from the expulsion of a student who has seriously contravened the published code of conduct of the school. An expelled student will be given the right to seek a review of the action of the principal from the Director of School Education. As is currently the situation, an expelled student of school age will continue to be assisted to continue his or her education in the most appropriate educational setting, which may be at another local school. In the worst possible situation the director may disallow a student from enrolling in any State school, although this action would be rarely taken.

The Bill also implements a number of miscellaneous consequential changes flowing from the changes referred to earlier.

In many of the provisions of the Bill, the Minister is empowered to issue orders for the clarification or determination of matters covered by the Act. These orders will generally be published for the benefit of the whole community.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of the Bill to alter or vary section 85 of that Act.

In relation to the actions referred to in new section 81A(a), the reasons are that with greater self-management comes greater accountability, and school councils must be accountable for their actions. That accountability is inconsistent with the State being automatically responsible for the actions and liability of each council, unless such responsibility is agreed in writing between the council and the Minister.

In relation to the action referred to in new section 81A(b), the reasons are that it is inappropriate for councils to issue proceedings against the State, or other school councils, or other persons having a common interest with the State, or in circumstances where administrative action can resolve the matter.

In relation to the actions referred to in new section 81A(c) and (d), the reasons are that it is inappropriate for decisions to continue or discontinue a school to be challenged by legal avenues.

In relation to the actions referred to in new section 81A(e), the reasons are that it is inappropriate for the State to owe a duty of care to persons who continue to occupy a State school site in protest at the Minister’s decision to close the school.

The Bill continues the government’s electoral pledge of quality education and will provide the administrative capability for the government’s programs.

I commend the Bill to the House.

Debate adjourned on motion of Mr SANDON (Carrum)

Debate adjourned until Thursday, 4 November.
LIMITATION OF ACTIONS (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

The purpose of the Bill is to amend section 20A of the principal Act to ensure that section 20A operates in the way that it was originally intended to operate.

For a number of years, the current section 20A has provided that actions to recover overpaid taxes must be commenced within 12 months of the date of the overpayment. This Bill does not change that limitation period.

However, the Bill makes it clear that the provisions of section 20A(1) apply to payments made either under a mistake of law or under a mistake of fact. The Bill also makes it clear that, except in cases where a payment is recoverable because of the invalidity of an Act or a provision in an Act, the 12-month limitation period can be extended by provisions in another Act which allow for the refund or recovery of the money within a longer period.

In conjunction with this Bill, the government is introducing amendments to the refund provisions of the payroll tax, land tax, stamps, financial institutions duty and business franchise Acts which provide that, except in the case of a claim for a refund based on an argument that a provision in a relevant Act is invalid, proceedings for a refund of an amount overpaid under any of these Acts can be brought if an application for the refund has first been made to the Commissioner of State Revenue within three years of the date of the payment in question.

Where money paid by way of tax or purported tax is recoverable because of the invalidity of an Act or a provision in an Act, the Bill makes it clear that a proceeding for the recovery of that tax must be commenced within 12 months after the date of payment. This limitation period cannot be extended. It applies notwithstanding any provision in any other Act and regardless of whether the payment was made voluntarily or under compulsion.

However, in cases of invalidity where the amount overpaid would have been overpaid even if the relevant Act or provision was valid, the Bill ensures that the limitation period within which proceedings for the recovery of that overpayment can be commenced is the period set out in the relevant Act within which the overpayment can be refunded or recovered.

The Bill makes it clear that section 20A applies to proceedings seeking administrative law remedies such as mandamus. This is necessary because of the recent decision of the Full Court of the Supreme Court of Victoria in Royal Insurance Australia Ltd v. Comptroller of Stamps, which held that section 20A of the Act does not apply to mandamus proceedings. The Royal Insurance case has been appealed to the High Court and is listed for hearing on 16 and 17 November 1993.

The provisions of the Bill apply from 15 October 1993, the date the government announced that it would make amendments to the Limitation of Actions Act and to the refund provision of the various taxation Acts.

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the Bill. Clause 5 provides that it is the intention of that clause to alter or vary section 85 of the Constitution Act to the extent necessary to prevent the Supreme Court entertaining a proceeding to which the new section 20A applies that is brought after the expiration of the period referred to in that section, or making an order referred to in subsection (4) of that section.

The reasons for limiting the jurisdiction of the Supreme Court are as follows: it has become necessary to amend section 20A to ensure that the section operates as it was originally intended to operate. The Bill makes provision for certain periods within which proceedings must be commenced to recover overpaid taxes. The purpose of the Bill would not be achieved if the Supreme Court could entertain proceedings to which the new section 20A applies that are brought after the expiration of the periods referred to in that section, or if the Supreme Court could make an order enabling or permitting a proceeding to which subsection (2) of the new section 20A applies to be commenced after the expiration of the period referred to in that subsection.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Thursday, 4 November.
STAMPS (FURTHER AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

The purpose of this Bill is to make a number of technical and procedural amendments to the Stamps Act. The Stamps Act currently does not allow a credit for rental duty paid in another jurisdiction on the same transaction. The Bill remedies this by providing a full credit for duty paid interstate on rental business that is also dutiable in Victoria.

The Bill provides for a new scheme for the imposition of duty on loan securities that affect property located both inside and outside Victoria. The purpose of the scheme is to prevent the double taxation of such securities by making dutiable in Victoria only that proportion of the loan money secured by property as is determined by the ratio of Victorian property to interstate property.

Complementary legislation has already been enacted in New South Wales, but is yet to be proclaimed.

The provisions of the Bill implementing this new scheme in Victoria will not be proclaimed until similar legislation has been adopted in other States.

Unlike other Victorian revenue statutes, the Stamps Act does not permit service of proceedings to recover the duty by post. This adds significantly to the administrative costs of recovery of outstanding stamp duty. Accordingly, the Bill amends the Act to allow the service of recovery proceedings by post.

The Bill specifically authorises the commissioner to disclose information to the Federal Police.

A new exemption for the transfer of farmland between family members is provided in the Bill. The exemption applies to transfers of land used for primary production between family members and between trusts where all the beneficiaries are family members. There must be a pre-existing business relationship between the family members with respect to the use of the property for primary production. Where multiple interests are transferred by the same instrument, a partial exemption is available.

The exemption will apply to transfers between individuals, and to transfers between trusts where the beneficiaries are family members. However, the exemption will not apply to transfers involving companies. The exemption will be lost if the transfer arises from a scheme devised for the principal purpose of tax avoidance.

The purpose of this exemption is to encourage the take-up of ownership of family farms by younger family members and to encourage the use of more efficient and innovative farming methods.

The Bill also requires registered used-car dealers to keep records explaining their returns of stamp duty for a period of five years. The Bill requires dealers to keep only records that they — and I emphasise "they" — consider will explain their returns. It is anticipated that nearly all dealers will maintain these records in any event for business purposes.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Thursday, 4 November.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL

Committee

Resumed from 20 October; further discussion of clause 14.

Mr LEIGHTON (Preston) — Before I was rudely interrupted last night by the adjournment of the sitting, I was seeking clarification from the Premier about the operation of this clause. As I told the Committee, the clause creates the concept of casual employment. It also makes clear that casual employees will not be covered by this Act I understand that in instances of grievances, appeals or disciplinary matters one needs to turn to the provisions of the Employee Relations Act. Will the Employee Relations Commission of Victoria hear grievances and unfair dismissal disputes involving casual employees?

Mr KENNETT (Premier) — The answer is yes, casual employees in the Public Service will have exactly the same access to the Employee Relations Commission as employees in the private sector.
Clause 18

Mr LEIGHTON (Preston) — Again I seek clarification on the application of this clause, which should be read in conjunction with section 54 of the principal Act. Section 54 sets out various provisions for members of the Senior Executive Service. My understanding is that the amendment will incorporate statutory office-holders. What sort of statutory office-holder may be included in the provision? Does the Premier envisage the Ombudsman or the Auditor-General being included with Senior Executive Service officers and being subject to employment contracts, employment by Ministers or the Governor in Council?

Mr KENNETT (Premier) — The provision does say “any statutory office which is a declared authority”. That means it has to be specifically declared. It is not the government’s intention that statutory officers such as the Ombudsman or the Auditor-General will be included in the provision, which is the nub of the honourable member’s question.

Mr BRUMBY (Leader of the Opposition) — I direct to the attention of the Premier a document circulated by Commissioner Schilling from the Office of the Public Service Commissioner which states that contract employment conditions under Part 4 of the Act will apply to statutory employees, so they may be appointed by a Minister rather than the Governor in Council, which would allow the Minister to appoint the Auditor-General on a contract. I seek specific clarification that that is not the government’s intention.

Mr KENNETT (Premier) — The easiest way of answering the question is to say that the Ombudsman and the Auditor-General can be excluded. I do not believe it is appropriate. It is interesting that there is a difference of opinion. The Auditor-General does not think it is appropriate and we discussed it briefly once when I raised the issue. On the other hand, the Ombudsman is not concerned about it.

I do not believe it is right to have people independent of the Parliamentary system being on contracts. Even though their funding comes by line direction through my office, it is better that they are kept separate. Each statutory office-holder will be dealt with on a case-by-case basis. It is not intended that the provision will apply to the Ombudsman or the Auditor-General.

Dr COGHLI (Werribee) — I seek further clarification and guidance from the Premier. Has he obtained legal advice that it may be possible for a future government, having a different policy from that which he indicates to the House, to use the provision to bypass provisions of the Audit Act that provide the present security for the Auditor-General or other similar legislation; is the advice to him that the provision could not be used to override or bypass provisions of other legislation, or has he received no legal advice on that point?

Mr KENNETT (Premier) — The advice I have on all these issues is obtained during the preparation of the legislation. We do not necessarily seek different legal advice on different clauses, as you will appreciate. I have already indicated that in respect of the matters raised by the opposition any legislation can be overturned by a new government or by a change of personnel in an existing government. The government under my leadership does not intend to apply the provision to the Auditor-General and the Ombudsman. That is not to say that at some stage — in 5, 20 or 30 years time — things will not change: personnel will change and another government may interpret it differently, but it will not happen under my government.

Mr LEIGHTON (Preston) — As I have said before during debate on previous clauses, this is the Premier’s Bill. He and the government must perceive some need for this provision and must have something in mind. Will the Premier indicate the type of statutory office-holder who may be included in the provision? For instance, will the Chairman of the Mental Health Review Board or a Chairman of a Ministerial Advisory Council be included?

Mr KENNETT (Premier) — The easiest way of answering the question is to say that the Ombudsman and the Auditor-General can be excluded. I am not sure whether the Governor is a statutory office-holder, but if he is, his office would also be excluded. The Governor is, I think, on a form of contract.

Dr Coghill — That is by custom.

Mr KENNETT — Yes; but the custom in real terms is for a five-year appointment, which is a verbal contract. All other individuals who hold statutory offices may have the provision applied to their terms of employment.
Clause agreed to; clauses 19 to 24 agreed to.

Clause 25

Mr LEIGHTON (Preston) — This clause provides for the redundancy of public sector employees who may have refused job offers or for whom other work cannot be found. I seek clarification on superannuation matters. I have three queries. The first is important because in various briefings conflicting advice has been given. Will public servants have their superannuation entitlements preserved? When the Public Service Commissioner briefed us he said no, but representatives of the State Public Services Federation were told yes in their briefing.

The other two queries relate to the current provisions of the State Superannuation Act for compulsory retrenchment where people are paid out certain entitlements under the Act. If a person is offered a position and does not accept it and is compulsorily retrenched, will he receive his entitlements under the Act? If a person is not offered a position because no work can be found for him and he is compulsorily retrenched, will he receive his entitlements under the Act?

Mr KENNETT (Premier) — I will check up on those questions, but I believe the answer to each is yes. My understanding is that under the Commonwealth law, which overrides State law, all superannuation entitlements are protected and cannot be adjusted.

Clause agreed to; clauses 26 to 28 agreed to.

Clause 29

Mr BRUMBY (Leader of the Opposition) — This clause provides for employment arrangements for new designated bodies and establishes the process for transferring people out of the public sector when a public body is privatised or corporatised.

Mr BRUMBY (Leader of the Opposition) — This clause provides for employment arrangements for new designated bodies and establishes the process for transferring people out of the public sector when a public body is privatised or corporatised. The Act provides that employees shall be offered comparable jobs with similar job descriptions, but not necessarily the same wages or conditions. I seek from the Premier an explanation of what a "comparable" offer means. How will it apply in law and how will it apply in practice? How do we define what is a comparable offer? I seek clarification from the Premier.

Mr KENNETT (Premier) — The Bill states that the employment offer should be comparable with the designated employee's current position or employment in the public sector. The words "comparable terms and conditions" have not been used because it would be difficult, given that such staff are moving to organisations operating on a commercial footing, to provide them with exactly the same terms and conditions they may have enjoyed in the Public Service.

However, the clear intention is that such offers of employment will be broadly comparable with the terms and conditions staff have enjoyed in the Public Service. In other words, we are fundamentally saying that if, for example, I were to leave this job and move into the private sector, given that the job I would be occupying would be in a corporate setting, the terms and benefits would have to be comparable. Obviously that means they would have to be comparable in terms of wages and conditions and the transfer of benefits, particularly as it would apply to superannuation prospectively rather than retrospectively.

I understand the opposition raised this matter with the Public Service Commissioner when it had discussions with him. The clear intention is that staff will be offered positions that are broadly comparable with their current positions. Obviously it is not designed to be exact because in the private system there will not necessarily be a position that is exactly the same as the position in the public sector.

Mr BRUMBY (Leader of the Opposition) — The Premier is correct: the opposition had a detailed briefing from Public Service Commissioner Schilling. When we asked him about the meaning of the word "comparable" he replied that it meant "something near a reasonable offer". I wonder whether the Premier endorses that view, and if so perhaps he could explain why "comparable offer" could not be defined to mean "reasonable offer". Why are we using "somewhere near a reasonable offer" as a definition of comparable offer? I seek clarification from the Premier on whether he endorses the commissioner's view.

Mr KENNETT (Premier) — As the Minister responsible for this Bill I prefer the definition I gave because I think it better reflects the intent of what we mean when talking about a comparable offer. It could also be reasonable. It is what you call a commonsense application of conditions relating to the transfer of a person from a position in the public sector to a position in the private sector.
As is the case with everything else, you will never cure the worst problems in the world through legislation, and ultimately a great deal of commonsense must be applied. This provision is meant to apply that commonsense. “Comparable” is to mean “reasonable” and “a reasonable likeness” to what the person enjoyed in the previous position in the public sector.

Mr MICALLEF (Springvale) — The Premier says the offer of comparable employment will rely on commonsense. But if a person is offered what may be seen not to be comparable employment and believes he or she may be being victimised, is there any other mechanism by which that person can have his or her grievance heard? The Bill seems to provide that it is in the hands of the department head only.

Mr KENNETT (Premier) — I am not sure whether people with grievances have resort to the Public Service Commissioner. I shall seek advice and respond to the honourable member in a few minutes, before the end of this discussion.

Clause agreed to; clauses 30 to 34 agreed to.

Clause 35

Mr LEIGHTON (Preston) — I have three queries about this clause: firstly, the consultation with the State Public Services Federation Victoria; secondly, Ministerial officers; and thirdly, Parliamentary advisers. In respect of consultation with the SPSFV, the Premier would be aware that last night after progress on the Bill was reported the federation expressed concern about the fact that, although it had been invited to provide suggestions and requests to the Public Service Commissioner, those suggestions and requests were not passed on to the Premier. The Premier agreed to contact the commissioner this morning and said that, although it would be too late to deal with them in this House, if it were possible he would examine them while the Bill is between here and another place. I ask the Premier to confirm that.

Secondly, I understand that although persons can be employed as Ministerial officers they do not have to be employed under this provision: at one end of the scale people can still be employed purely as consultants on contract, and at the other end public servants can be seconded from a department into a Minister’s office. I ask the Premier how many Ministerial officers will be employed in each Minister’s office, whether there will be a ceiling on the number of officers or a ceiling on their salaries and whether criteria for the type of work to be done by Ministerial officers will be established?

Thirdly, I seek a response from the Premier on Parliamentary advisers. The Bill clearly says that the Premier can determine their conditions of employment, so that is not in doubt, but I ask the Premier whether, under this clause, he can veto the appointment of an individual. The opposition pursued this question with the Public Service Commissioner, who said he thought it was probable that the Premier could not do so. The provision relating to the appointment of Parliamentary advisers certainly sets out that the Premier can determine their conditions of employment but it is not clear whether that means the Premier can also veto their employment. I ask the Premier to clarify that point.

The clause also sets the term of the employment of Parliamentary advisers at a maximum of four years. I can understand why that is the case, because it has to fit in with the election cycle and Parliamentary terms — we will not need any Parliamentary advisers after 1996 — but I ask the Premier whether Parliamentary advisers can be reappointed at the expiry of their four-year terms.

Mr KENNETT (Premier) — I undertook to check on a point raised earlier by the honourable member for Springvale about staff who may have grievances about a comparable terms issue. I said at the time that I thought they could go to the department head and then perhaps to the Public Service Commissioner. I have checked, and it is the Public Service Commissioner, so there is an added protection.

In response to the three points raised by the honourable member for Preston, I spoke to the Public Service Commissioner at 8.15 this morning and relayed to him yesterday’s conversation to which the honourable member referred. I asked the commissioner to get in touch with Karen Batt this morning as a matter of urgency and he said he would do that. Although he is not supporting the suggestions put forward by the union, I have asked to see the suggestions and, as I indicated last night, I will discuss them when the Bill is between the Houses.

The second point raised was about the number of Ministerial officers and their salary levels. Because of the rorting that went on under the previous system where many people were driven from the
public sector into Ministers' offices — therefore greatly exceeding the costs generally attached to Ministerial staff — the government has put into effect what I call global limits. The limits are publicly known and were released under the provisions of the Freedom of Information Act when the issue was raised by the member for Albert Park. They apply to all Ministers' offices and to the staff of the opposition, and there has not yet been an occasion in which I have intervened.

For example, I am not sure what the global limit for the Leader of the Opposition is — it might be $350 000 or $400 000 or something of that order — but if he wishes to appoint one person on a salary of $400 000, as far as I am concerned that is his decision. From memory, the normal process is that an application is made to my office and it is usual that I automatically approve it; I do not interfere in the running of it.

Staff numbers are restricted by the global limit, unless one pays people extremely low wages, and obviously that does not happen in this environment. Most of my Ministers have a staff consisting of a personal adviser, an assistant, a telephonist and one other. I obviously have a lot more.

The other point raised by the honourable member for Preston was whether contracts can be renewed — of course they can. If a government is in office for 10 years, as the previous government was, and wants to keep the same people, contracts can be reviewed and renewed. If both parties are satisfied with the terms and conditions, contracts can be renewed. The honourable member also asked the important question of whether I have the right to hire and fire Ministerial staff.

Mr Leighton — In particular Parliamentary advisers.

Mr KENNETT — Parliamentary advisers are members of Ministerial staff.

Mr Leighton — No, they are opposition staff.

Mr KENNETT — I view that as the same thing. We are talking about Ministerial offices, and the opposition party is seen to be a Ministerial office in this context. The answer is, yes, I do have the right to hire and fire in that case. The question is whether I would exercise that right.

I have clearly retained that right and authority in terms of government administration. A staff member may be behaving in a way that is good for the Minister but which is against the government's interests. If such a conflict cannot be resolved, at the end of the day, as the Minister responsible for this Act, I have the authority to intervene. I have the same authority over staff of the opposition, but the question is whether I would use it. So far as I am concerned who the opposition employs is its business, and as long as it keeps within global limits it will have no difficulties with me whatsoever. Based on the standard of the people the opposition is currently appointing, I hope they stay there for a long time.

Mr LEIGHTON (Preston) — I place on record my opposition to the concept of the Premier being able to veto Parliamentary advisers — that is, staff employed by the Leader of the Opposition in his office. I accept that the Premier has some overall responsibility with respect to staff employed in the offices of his Ministers, and if it is the wish of the government that he have some overriding veto, I am not going to enter into that argument. However, I totally reject that concept when it comes to employment decisions by the opposition.

The opposition raised this matter in its briefing with the Public Service Commissioner because it was concerned about it. That part of the Bill is badly drafted and does not make the exact situation clear. For example, the Public Service Commissioner said the Premier probably cannot veto employment decisions of the opposition, but the Premier is saying he believes he can. I place on record the Labor Party's opposition to the provision. The Bill will create uncertainty in that area because the clause is badly drafted.

Mr KENNETT (Premier) — I understand the opposition's concern, but this is not much different from the way it used to work when the Labor Party was in government and the coalition was in opposition. In those days, as the Leader of the Opposition I had to seek approval for the appointment of staff and argue the case for salary levels. The Bill gives the opposition greater flexibility than was the case in the past because it provides a global limit and allows the Leader of the Opposition or a group within the opposition to determine how it is spent.

I understand the opposition's concern about what may happen and I accept that, but I will not move away from the global limits because the principle is excellent. Each Minister should have responsibility for his own budget and spend it as he sees fit. There
procedure is a lot easier than the previous one. At times there were some real barneys when the then opposition could not appoint to its staff who it wanted because it was unable to offer the salary necessary to attract employees of a certain standard. The Bill gives the Leader of the Opposition absolute flexibility.

Dr COGHILL (Werribee) — The Premier’s response does not address the point raised by the honourable member for Preston. There is no objection to the concept of global budgeting, the flexibility available in salaries and conditions nor for that matter the Premier’s involvement in the determination of those conditions of employment and termination of employment as laid out in the Bill. The point being made is about the mechanics of the appointment of individuals. There is adequate power under the legislation for the Premier to delegate the authorisation of those appointments — ideally to the Leader of the Opposition himself — given the Premier’s earlier comments that it would be appropriate as a matter of policy for delegation to be standard practice. That would be preferable than the suspicion that the Premier, or some future Premier, may seek to intervene in the appointment of staff by the Leader of the Opposition.

Clause agreed to; clauses 36 to 47 agreed to.

The CHAIRMAN (Mr J. F. McGrath) — I do not intend to be patronising, but I wish to state that this debate has been valuable and constructive for both sides of the Chamber.

Reported to House with amendments.

Report adopted.

Third reading

The SPEAKER — Order! Pursuant to section 81(5)(c) of the Constitution Act 1975 I am of the opinion that the third reading of this Bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in Chamber:

The SPEAKER — Order! The question is:

That this Bill be now read a third time.

As there are some voices for the Noes, I ask that honourable members supporting the Bill stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

TOBACCO (AMENDMENT) BILL

Second reading

Debate resumed from 15 September; motion of Mrs TEHAN (Minister for Health).

Mr ROPER (Coburg) — This Bill makes minor amendments to the Tobacco Act. It is the government’s tokenistic response to a huge community health problem on which the government is not prepared to take effective and consistent action. No matter whether one considers the problems caused by tobacco in economic, social or health terms, it is the largest public health issue we face. As a result of tobacco use, in only one year our community will face the dreadful human toll of 18,000 deaths and a cost of $2.5 billion because of lives lost, hospital treatment and absenteeism.

In 1993, 850,000 Victorians are still addicted to smoking despite the fact that over the past decade 2 million Australians have stopped because of the consistent campaign waged by the Federal and State Labor governments and those involved in health policies and activities. Over the past decade the number of Victorians who smoke has declined by 25 per cent. That reduction has been hard won, and if it is to continue there must be a consistent, coherent and comprehensive ongoing attack on the tobacco industry, those who smoke and those who may take it up.

Huge changes have occurred. I can remember when the State government introduced the first government-sponsored campaign against smoking. I was the health Minister at the time. The No Buts campaign was conducted in conjunction with the Anti-Cancer Council of Australia and with the support of such groups as the Australian Medical Association, the Australian Nursing Federation and various other interested community organisations. In offices and buildings throughout the State I still see some of the signs produced by that campaign, which proclaim the message No Buts. The government was attacked for wasting taxpayers'
money but its investment in combating tobacco use has paid off enormously. The savings made because of the 25 per cent reduction in smokers in Victoria is a tribute to that campaign.

If we are to further reduce the economic, social and health costs of the use of tobacco it is necessary to make a coherent, consistent and comprehensive attack on tobacco use, but this Bill does not represent that sort of attack. It deals only with people under 18 years of age who smoke. It declares smoking illegal for those between the ages of 16 and 18 years. They will not be able to purchase or be sold tobacco products. The opposition has no objection to that proposal, but the Bill deals only at the margin with the needed action against tobacco use in the community.

Over the past 12 months the government has deliberately cut the funds available for health promotion in the community. In 1992 the government told the Legislative Council that the cuts in funding for the Victorian Health Promotion Foundation were temporary and that hypothecation of funding would resume in the next financial year.

The government has not restored funding for health promotion to the previous level. The government’s deliberate cutting by a third of funds available to the Health Promotion Foundation has resulted in fewer funds being available for the attack on tobacco abuse or for dealing with other health issues in the community. That should concern all honourable members.

While the foundation supports this minor piece of legislation, its overall capacity to attack tobacco abuse in the community has been substantially reduced by the deliberate decision of the Minister for Health and the government over the past 12 months.

In addition, over the past 12 months the government has deliberately undermined the 1992 agreement concerning warnings on tobacco packets. In May 1993 the Premier specifically wrote to Premiers and Chief Ministers of State and Territory governments saying that the Victorian government would not adopt warnings agreed to by the 1992 conference. In his letter the Premier said the government intended to adopt the standards used in Europe rather than the standards agreed to in 1992. That was a deliberate attempt by the Minister for Health and the government to undermine the 1992 agreement.

Understandably that decision was attacked by other health Ministers and by groups such as the Australian Medical Association (AMA), which over the years has adopted an increasingly effective role in combating tobacco use through both its public support of anti-tobacco activity and its support and encouragement of the promotion by doctors of the desirability of people quitting tobacco use.

The attitude of the government to this kind of criticism was well demonstrated when the Minister for Health, following criticism of her by the AMA, refused to meet with the federal president of that organisation to discuss this government’s action in trying to undermine the agreement.

Dr Napthine interjected.

Mr ROPER — I take up the interjection of the honourable member for Portland.

The SPEAKER — Order! The honourable member for Portland is out of his place. The interjection is disorderly and I ask the honourable member for Coburg to disregard it.

Mr ROPER — The honourable member said the AMA are simply political hacks! The president of the AMA is not a political hack; he has an important role in representing his profession. When the AMA quite reasonably criticised the actions of the Premier and the Minister for Health in undermining the national agreement on labelling the Premier said that the Minister for Health would not meet with the AMA to discuss its view. A spokesperson for the Minister said that Mr Nelson’s actions in criticising the government and the Premier just hours before the scheduled meeting were extremely inappropriate.

That response demonstrates the government’s view that it does not want to be criticised for its efforts to deliberately undermine efforts of the Federal government and other governments to get a coherent Australia-wide strategy on labelling of cigarette packets. This legislation refers briefly to the issue of labelling when it provides for changes to the principal Act in relation to regulations on tobacco. I will come to that shortly.

The Federal government then attempted to achieve national uniformity and attempted to overcome the deliberate efforts of the Minister and the Premier in attacking the national warnings arrangement. Following discussions, the Federal Minister for Health, Senator Richardson, and his officers put to
the July meeting of the Ministerial Council on the drug strategy new proposals in relation to cigarette packet warnings.

There is no doubt that the Australian got it right in describing that particular result when it used the headline “Ministers weaken cigarette warnings”. In an effort to obtain national uniformity, and because they had no option, the Commonwealth and the other States tried to go some way towards the Victorian position by incorporating Victoria in the national arrangements. Although the warnings that resulted were much less vigorous than those agreed to in 1992, they were a significant step forward. One might have expected the Victorian government, having watered down a national agreement, to then follow that reduced agreement, particularly as the Minister for Health chaired part of the meeting that adopted the new national arrangements. Instead, the government ensured there would be no arrangement for a national agreement.

The government organised to further undermine the national agreement. It is instructive to consider what the Premier has said about tobacco advertising and the link between tobacco use and health. I shall quote what he is reported to have said on radio 3AW late month when asked about the decision he and the Minister made to further water down the national agreement. It is instructive to consider what the Minister for Health said it was part of the government’s overall attack on tobacco abuse. In the normal course of events, lead speakers from both sides are allowed to speak about general policy issues.

More specifically, I direct to your attention clause 5, which concerns the amendment of regulation-making powers for labelling. I am specifically talking about the issue of labelling, about the labels that will be placed on cigarette packets. That is an important part of the debate.

Mrs TEHAN (Minister for Health) — Further on the point of order, Mr Speaker, the regulation-making powers for labelling are very specific. They relate to the tar, nicotine and carbon monoxide content of cigarettes. At no stage has the honourable member for Coburg referred to any of those contents. To date his contribution has not in any way related to clause 5.

The SPEAKER — Order! I do not uphold the point of order. I believe that clause 5 gives the honourable member for Coburg the license to canvass the issues.

Mr ROPER (Coburg) — The point I was making before the Minister for Health tried to restrict the debate even further was that when talking about labelling the Premier is reported to have said:

I just get tired of governments. They rip the cigarette smoker off ... They attack the company, they say you can still produce it. I just get tired of governments continually coming in and saying what you can and cannot do.

The transcript shows that the Premier then went on to say that the warnings proposed by Senator Richardson were:

just big government, Big Brother all over again.

The warnings to which the Premier referred were agreed to by all the health Ministers, including his health Minister, who attended a meeting last July — and that meeting was chaired by the Minister for Health. The opposition believes that the Bill does not go far enough. We believe it should be withdrawn and redrafted so that it provides for warnings on cigarette packets in accordance with the agreement made at the July Ministerial Council on the Drug Strategy. Accordingly 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 provide health warnings on cigarette packets in accordance with the agreement made at the July Ministerial Council on Drug Strategy”.

I have moved the amendment because I believe it is important that Parliament direct the government to adopt the national warning arrangements. That is what the Bill should do; it should not just deal only with the nicotine, tar and carbon monoxide