(1) Subject to sub-section (2) and section 42, in the case of the disability or death of a member the benefit is to be equal to —

(a) the member's account balance at the time the benefit is paid; and

(b) where the member died or became disabled while disability and death benefits cover for him or her under section 35 was in force, the amount of any insurance proceeds received by the Board under an insurance contract entered into under section 36, any amount applied from the Disability and Death Benefits Reserve under section 37(6) and interest on the basis determined by the Board in respect of the period up to the time the benefit is paid.

(2) A disability benefit is payable to the member.

(3) A death benefit in respect of a member is payable to such one or more of the member's dependants and legal personal representatives and in such proportions as the Board in its absolute discretion determines.

(5) The Board may appoint a legally qualified medical practitioner who has not given a medical report under sub-section (4) —

(a) to advise the Board in respect of the application; and

(b) to attend the meeting of the Board at which the application is considered.

(6) If the Board determines not to pay a disability benefit to a member of the Fund, the member has the right to require the Board to review its determination and obtain a further medical report from —

(a) a legally qualified medical practitioner mutually agreed upon by the member and the Board; or

(b) if the member and the Board do not agree, a legally qualified medical practitioner appointed by the Minister.”.

137. Insert the following new clauses to follow clause 65:

“GG. MTA Superannuation Fund

(1) The provisions of sections 44C, 44D and 46 of the Transport Superannuation Act 1988, with such modifications as are necessary to make those provisions consistent with the governing instrument of the MTA Superannuation Fund, are deemed to form part of the governing instrument of the MTA Superannuation Fund.

(2) The governing instrument of the MTA Superannuation Fund is to be read and construed as if sub-sections (3), (4) and (5) formed part of the governing instrument.

(3) Any benefit to which an employee may from time to time be eligible which is determined by reference to a recognised period of service, employment or membership of the employee, as the case may be, and the employee's salary must be determined on the basis of the final average salary of the employee calculated as follows —

(a) in relation to an employee with less than years of recognised service, an amount calculated in accordance with the formula —

\[
\Delta \times \frac{365}{B}
\]

Where —
"A" is the aggregate salary paid to the employee in respect of the employee's period of recognised service;

"B" is the total number of days in that period;

(b) in relation to an employee with 2 years or more of recognised service, an amount equal to one-half of the employee's aggregate salary for the period of such recognised service of 2 years ending on the employee's last day of service -

and if the period of recognised service includes a period of leave without pay there is deemed to have been payable to that employee during that period of leave without pay salary at the rate payable to the employee immediately before the period of leave, or such higher salary as has been approved by the Trustee of the MTA Superannuation Fund for the purposes of the Fund, but in no case shall the amount in relation to a person who was an employee on 1 January 1994 be less than that employee's final adjusted salary (as defined by the governing instrument) on that date.

(4) An employee must not contribute at a rate greater than 5 percent of salary unless contributing at a higher rate will not make him or her eligible for an accrued retirement benefit greater than that for which he or she would be eligible by contributing at the rate of 5 percent for the whole of his or her recognised period of service, employment or membership, as the case may be.

(5) Any employee contributing at a rate greater than 5 percent on the date that this section comes into operation who is no longer eligible to contribute at that rate is deemed as from that date to have elected to contribute at 5 percent.

(6) A person cannot become a member of the MTA Superannuation Fund on or after the commencement of this section except by transferring with the approval of the Minister from the public sector superannuation scheme established under the Transport Superannuation Act 1988.

(7) Except as required by any relevant Commonwealth superannuation law, the governing instrument of the MTA Superannuation Fund must not be amended in any manner that will increase employer costs by way of any —

(a) improvement in the amount or availability of any benefit; or

(b) reduction of any amount payable by an employee without the approval of the Minister.

(8) Any amendment of the governing instrument of the MTA Superannuation Fund made in contravention of sub-section (7) is void.

HH. Public sector superannuation schemes

(1) This section applies to —

(a) City of Melbourne Superannuation Fund;

(b) Gas and Fuel Corporation Superannuation Fund;

(c) Melbourne Water Corporation Employees' Superannuation Fund;

(d) Port of Geelong Authority Superannuation Fund;

(e) Port of Melbourne Authority Superannuation Fund;

(f) SEC Superannuation Fund;

(g) any other public sector superannuation scheme which the Minister by instrument in writing declares to be a public sector superannuation scheme to which this section applies.

(2) The governing instrument of a superannuation scheme to which this section applies is to be read and construed as if section 68 formed part of the governing instrument.

(3) Subject to sub-section (5), as from 1 January 1994 or such later date as the Minister may specify by instrument in writing, the provisions of sections 31 to 51 and the relevant definitions in section 3, with such modifications as the Minister may approve from time to time, are deemed to form part of the governing instrument of each superannuation scheme to which this section applies.

(4) A person cannot become a member of any superannuation scheme to which this section applies on or after the relevant date under sub-section (3) except in accordance with the provisions that are deemed to form part of the governing
(5) Sub-section (3) does not apply to a superannuation scheme to which this section applies if the Minister declares by instrument in writing that the Minister is satisfied that the governing instrument of that superannuation scheme has been amended so that a person cannot become a member of that superannuation scheme on or after 1 January 1994 or such later date as the Minister may approve.

(6) The Minister may by instrument in writing revoke a declaration under sub-section (5) if the Minister ceases to be satisfied as specified in sub-section (5).

(7) Except as required by any relevant Commonwealth superannuation law, the governing instrument of any superannuation scheme to which this section applies must not be amended in any manner that will increase employer costs by way of any —

(a) improvement in the amount or availability of any benefit; or

(b) reduction of any amount payable by an employee —

without the approval of the Minister.

(8) Any amendment of the governing instrument of a superannuation scheme to which this section applies made in contravention of sub-section (7) is void.

(9) Section 84 of the Electricity Industry Act 1993 is to be read and construed subject to this section.
(2) If a resolution is, under sub-section (1), taken to have been passed at a meeting of the Board, each member of the Board must immediately be advised of the matter and given a copy of the terms of the resolution.

(3) For the purposes of sub-section (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members of the Board, shall be taken to constitute one document.

13B. Improper use of information

A person who is, or has been, a member of the Board or member of the staff of the Board must not make improper use of any information acquired only in the course of his or her duties to obtain directly or indirectly any pecuniary or other advantage for himself or herself or for any other person.

Penalty: 50 penalty units.

13C. Committees of the Board

(1) The Board may establish one or more committees of members of the Board.

(2) The Board may by instrument of delegation delegate any of its functions or powers, other than this power of delegation, to a member of a committee.

(3) A committee is to have an equal number of members nominated under sections 7(2)(a) and 7(2)(b) and of members elected under section 7(2)(c).

(4) A quorum of a committee is constituted by not less than two-thirds of the total number of members of the committee in office for the time being.

(5) Sections 13, 13A and 13D apply with such modifications as are necessary in respect of a committee.

13D. Pecuniary interests of members of the Board

(1) A member of the Board who has any pecuniary interest in a matter being considered or about to be considered by the Board or in any other matter in which the Board is concerned must, as soon as practicable after the relevant facts have come to the member's knowledge, declare the nature of that interest at a meeting of the Board.

(2) The requirements of sub-section (1) do not apply in any case where the interest of the member of the Board consists only of being a shareholder or creditor of a company which has an interest in a contract or proposed contract with the Board if the interest of the member may properly be regarded as not being a material interest.

(3) The person presiding at a meeting at which a declaration is made under sub-section (1) must cause a record of the declaration to be made in the minutes of the meeting.

(4) After a declaration is made by a member of the Board under sub-section (1) —

(a) that member must not be present during any deliberation of the Board with respect to that matter; and

(b) that member is not entitled to vote on the matter; and

(c) if that member does vote on the matter, the vote must be disallowed.

(5) member of the Board is not to be taken to have a pecuniary interest in a matter only because the member has or may become entitled to a benefit from the Fund.

140. Insert the following new clause before clause 120:

'KK. Definition of Authority

After section 3(3) of the Local Authorities Superannuation Act 1988 insert —

"(3A) Despite paragraph (a) of the definition of "Authority" in sub-section (1), the City of Melbourne is an Authority for the purposes of this Act in respect of any person who is or becomes an employee of the City of Melbourne and who is not a member of the City of Melbourne Superannuation Fund."'.
resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Board held on the day on which the document is signed or, if the members of the Board do not sign it on the same day, on the day on which the last member signs the document.

(2) If a resolution is, under sub-section (1), taken to have been passed at a meeting of the Board, each member of the Board must immediately be advised of the matter and given a copy of the terms of the resolution.

(3) For the purposes of sub-section (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members of the Board, shall be taken to constitute one document.

13B. Improper use of information

A person who is, or has been, a member of the Board or member of the staff of the Board must not make improper use of any information acquired only in the course of his or her duties to obtain directly or indirectly any pecuniary or other advantage for himself or herself or for any other person.

Penalty: 50 penalty units.

13C. Committees of the Board

(1) The Board may establish one or more committees of members of the Board.

(2) The Board may by instrument of delegation delegate any of its functions or powers, other than this power of delegation, to a member of a committee.

(3) A committee is to have an equal number of members nominated under sections 9(1)(a) and 9(1)(b) and of members elected under sections 9(1)(c) and 9(1)(d).

(4) A quorum of a committee is constituted by not less than two-thirds of the total number of members of the committee in office for the time being.

(5) Sections 13, 13A and 13D apply with such modifications as are necessary in respect of a committee.

13D. Pecuniary interests of members of the Board

(1) A member of the Board who has any pecuniary interest in a matter being considered or about to be considered by the Board or in any other matter in which the Board is concerned must, as soon as practicable after the relevant facts have come to the member's knowledge, declare the nature of that interest at a meeting of the Board.

(2) The requirements of sub-section (1) do not apply in any case where the interest of the member of the Board consists only of being a shareholder or creditor of a company which has an interest in a contract or proposed contract with the Board if the interest of the member may properly be regarded as not being a material interest.

(3) The person presiding at a meeting at which a declaration is made under sub-section (1) must cause a record of the declaration to be made in the minutes of the meeting.

(4) After a declaration is made by a member of the Board under sub-section (1) —

(a) that member must not be present during any deliberation of the Board with respect to that matter; and

(b) that member is not entitled to vote on the matter; and

(c) if that member does vote on the matter, the vote must be disallowed.

(5) member of the Board is not to be taken to have a pecuniary interest in a matter only because the member has or may become entitled to a benefit from the Fund."

142. Insert the following new clause to follow clause 135:

'MM. New sections 12A — 12D inserted

After section 12 of the Emergency Services Superannuation Act 1986 insert —

"12A. Resolutions without meetings

(1) If all of the members of the Board for the time being sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Board held on the day on which the document is signed or, if the
members of the Board do not sign it on the same day, on the day on which the last member signs the document.

(2) If a resolution is, under sub-section (1), taken to have been passed at a meeting of the Board, each member of the Board must immediately be advised of the matter and given a copy of the terms of the resolution.

(3) For the purposes of sub-section (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members of the Board, shall be taken to constitute one document.

12B. Improper use of information

A person who is, or has been, a member of the Board or member of the staff of the Board must not make improper use of any information acquired only in the course of his or her duties to obtain directly or indirectly any pecuniary or other advantage for himself or herself or for any other person.

Penalty: 50 penalty units.

12C. Committees of the Board

(1) The Board may establish one or more committees of members of the Board.

(2) The Board may by instrument of delegation delegate any of its functions or powers, other than this power of delegation, to a member of a committee.

(3) A committee is to have an equal number of members appointed (non-elected) under section 7(1) and of members elected under section 7(1)(a), (b) and (c).

(4) A quorum of a committee is constituted by not less than two-thirds of the total number of members of the committee in office for the time being.

(5) Sections 12, 12A and 12D apply with such modifications as are necessary in respect of a committee.

12D. Pecuniary interests of members of the Board

(1) A member of the Board who has any pecuniary interest in a matter being considered or about to be considered by the Board or in any other matter in which the Board is concerned must, as soon as practicable after the relevant facts have come to the member's knowledge, declare the nature of that interest at a meeting of the Board.

(2) The requirements of sub-section (1) do not apply in any case where the interest of the member of the Board consists only of being a shareholder or creditor of a company which has an interest in a contract or proposed contract with the Board if the interest of the member may properly be regarded as not being a material interest.

(3) The person presiding at a meeting at which a declaration is made under sub-section (1) must cause a record of the declaration to be made in the minutes of the meeting.

(4) After a declaration is made by a member of the Board under sub-section (1) —

(a) that member must not be present during any deliberation of the Board with respect to that matter; and

(b) that member is not entitled to vote on the matter; and

(c) if that member does vote on the matter, the vote must be disallowed.

(5) A member of the Board is not to be taken to have a pecuniary interest in a matter only because the member has or may become entitled to a benefit from the Fund.

143. Insert the following new clause before clause 146:

'NN. Adjusted final salary

(1) In section 2(1) of the State Employees Retirement Benefits Act 1979 for the definition of “adjusted final salary” substitute —

‘adjusted final salary’ means —

(a) in relation to a member with less than 2 years of recognised service, an amount calculated in accordance with the formula —

\[ A \times \frac{365}{B} \]

where —

“A” is the aggregate salary paid to the member in respect of the member’s period of recognised service;

“B” is the total number of days in that period;
(b) in relation to a member with 2 years or more of recognised service, an amount equal to one-half of the member’s aggregate salary for the period of recognised service of 2 years ending on the member’s last day of service —
and if the period of recognised service includes a period of leave without pay, there is deemed to have been payable to that member during that period of leave without pay, salary at the rate payable to the member immediately before the period of leave, or such higher salary as has been approved by the Board for the purposes of this section, but in no case shall the amount in relation to a person who was a member on 1 January 1994 be less than the member’s salary on that date;

(2) In the State Employees Retirement Benefits Act 1979 in sections 44(1), 44(8) and 55(1) for “salary” (wherever occurring) substitute “adjusted final salary”.

144. Insert the following new clauses to follow clause 146:

OO. Prescribed rate

(1) In section 43A(1) of the State Employees Retirement Benefits Act 1979 for “30 June or 31 December (whichever is the later)” substitute “31 December”.

(2) Despite the amendment of section 43A of the State Employees Retirement Benefits Act 1979 by sub-section (1), section 43A as in force before the commencement of sub-section (1) continues to apply in respect of any benefit payable under section 44, 45 or 47 of that Act before 1 April 1994.

PP. Death and disability benefits

(1) In the State Employees Retirement Benefits Act 1979, in sections 44(1), 44(2), 44(3), 44(8) and 55(1) for “65” (wherever occurring) substitute “60”.

(2) After section 44(8) of the State Employees Retirement Benefits Act 1979 insert —

“(9) Despite the amendment of this section by section 153(1) of the Public Sector Superannuation (Administration) Act 1993, no benefit calculated under this section shall be less than the benefit that would have been payable had the member died before that section came into operation.”.

(3) After section 55(7) of the State Employees Retirement Benefits Act 1979 insert —

“(8) Despite the amendment of this section by section 153(1) of the Public Sector Superannuation (Administration) Act 1993, no benefit calculated under this section shall be less than the benefit that would have been payable had the member become entitled to disability benefits before that section came into operation.”.

Reported to House with amendments.

The SPEAKER — Order! The question is:

That the amendments made by the Committee be agreed to.

House divided on question:

Ayes, 49

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

Noes, 25

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Coghill, Dr
Cole, Mr

Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Roper, Mr
Sandon, Mr
INTERRUPTION OF ADJOURNMENT DEBATE

Friday, 19 November 1993

Cunningham, Mr
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr (Teller)
Hamilton, Mr
Leighton, Mr
Loney, Mr
Marple, Ms

Seitz, Mr
Sercombe, Mr
Sheehan, Mr
Thomson, Mr
Thwaites, Mr (Teller)
Vaughan, Dr
Wilson, Mrs

Question agreed to.

Report adopted.

Third reading

The SPEAKER — Order! As a statement has been made under section 85(5)(c) of the Constitution Act, I am of the opinion that the third reading of the Bill must be carried by an absolute majority of the House.

House divided on motion:

Ayes, 49
Ashley, Mr (Teller)
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Doyle, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Henderson, Mrs
Honeywood, Mr
Hyams, Mr (Teller)
Jenkins, Mr
John, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr
Macellani, Mr

McNamara, Mr
Patterson, Mr
Perrin, Mr
Perston, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr S.J.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Smith, Mr E.R.
Smith, Mr J.W.
Spry, Mr
Steggall, Mr
Tanner, Mr
Tehan, Mrs
Thomson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Weideman, Mr
Wells, Mr

Noes, 25
Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Coghill, Dr
Cole, Mr

Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr (Teller)
Roper, Mr
Sandon, Mr

Motion agreed to by absolute majority.

Read third time.

INTERRUPTION OF ADJOURNMENT DEBATE

The SPEAKER — Order! Earlier today the honourable member for Coburg raised a point of order on the actions of the Chair last night.

Mr Roper — Not on your actions, on how the Ministers were not able to respond.

The SPEAKER — Order! I will roll it all into one so that what I am talking about is clear.

I inform the House that the proceedings of the House on 18 November were completed by my action in leaving the Chair. That action was brought about by the disorderly conduct of the House. I exercised my duty to maintain order and decorum in the House.

There is no automatic way in which the outstanding answers to matters raised during the debate on the adjournment may be given without the leave of the House to provide time for that to be done. I suggest it is a matter that will have to be resolved between the government and the opposition.

Under Sessional Orders there is no necessity for the Chair to put any question when adjourning the House on those occasions when the sittings of the House do not proceed past 10 p.m. I refer honourable members to Sessional Order 5(2)(b). In future I will use the expression "Under Sessional Orders the time for the adjournment of the House has arrived." That will make it quite clear to the House that there is no question before the Chair. On completion of the debate I will further advise the House that the House stands adjourned until the next day of sitting.

I make it clear that I do not regret my actions, as I gave the House every opportunity to come to order with a number of warnings. Those warnings were
not heeded by honourable members. The blame lies not with the Chair but with the House itself.

POLICE REGULATION (DISCIPLINE) (AMENDMENT) BILL

Second reading

Mr McNAMARA (Minister for Police and Emergency Services) — I move:

That this Bill be now read a second time.

Earlier this year, Parliament passed the Police Regulation (Discipline) Act 1993, which introduced major changes to the police discipline system. Those changes were sought by the Chief Commissioner of Police to assist him in effectively managing the Victoria Police.

The legislation came into effect on 26 August 1993. Although the Act outlined a number of transitional provisions to assist the implementation of the new system, it has been determined that it would be appropriate to further specify these provisions to ensure no possible misconception of Parliament’s intention. I understand that Victoria Police are considering disciplinary charges in relation to alleged offences that took place prior to 26 August 1993. It is essential to ensure that the disciplinary provisions to apply in such circumstances are clear and beyond doubt. Evasion of disciplinary action by a legal challenge on a technicality would bring the force’s discipline system into disrepute and would limit the chief commissioner’s ability to control his workforce. That result would be contrary to the community’s expectations of its Police Force. The Bill puts beyond doubt the transitional provisions to apply to the Police Regulation (Discipline) Act 1993.

I commend the Bill to the House.

Debate adjourned on motion of Mr SERCOMBE (Niddrie).

Debate adjourned until Tuesday, 23 November.

AUDIT BILL

Second reading

Mr I. W. SMITH (Minister for Finance) — I move:

That this Bill be now read a second time.

This Bill further demonstrates the action being taken by this government to improve financial management and accountability in the public sector in Victoria. The Bill repeals legislation which has effectively remained unchanged since 1859. It also belatedly addresses recommendations of the Economic and Budget Review Committee in the 1983 report on improving government management and accountability.

The report pointed out that:

The Audit Act is misnamed. Apart from providing for the role of the Auditor-General as the external auditor of the State government and its organisations, it covers matters of financial administration. For example, the Act includes provisions governing the collection and payment of public moneys and rules concerning the protection of public property. Its scope therefore goes beyond audit matters.

The government is removing these machinery provisions from the Audit Act, simplifying and restating them in modern terms and placing them in the Financial Management Act where they properly belong. Other archaic provisions found in both the 1859 and 1958 Audit Acts are removed entirely.

No longer, for example, must collectors of imposts send by post — before the tenth of the month — to the Auditor-General a summary of all public money coming into their possession or control in the previous month.

The Act will also relieve the Minister of the burden of sending to the Auditor-General, on every day on which public offices are open, all manner of accounting records and vouchers and the Auditor-General of the burden of examining them. Modern comprehensive auditing methods will now be applicable. The changes now being introduced give the Audit Act a clear focus, which is to provide for a number of things.

Subclause 4(2) of the Bill provides that the Auditor-General is not subject to the provisions of the Public Sector Management Act. During debate on the Public Sector Management (Amendment) Bill several weeks ago, the Premier made it clear that it was not the government’s intention that the Public Sector Management Act apply to statutory office holders such as the Auditor-General. The Bill provides for appointment of an acting Auditor-General in addition to the provision enabling the deputy of the Auditor-General to act as Auditor-General.
The Bill provides for the audit of all authorities as defined in the Bill and for the reporting of the results to the audit consistent with the Fergus Ryan report.

Fees for the performance audits of departments will be paid for by the Parliament and the funds available to Parliament will be correspondingly increased.

The Bill retains the Auditor-General's power to call for persons and papers and access to information. Clause 19 of the Bill provides for the performance audit of the Auditor-General.

The statement of financial operations — that is, the annual finance statement — will in future be prepared in accordance with the provisions of the Financial Management Act 1993 and the Auditor-General will form an audit opinion on the statement in terms of Australian auditing standards. The power of the Auditor-General under section 36 of the Audit Act 1958 to surcharge an officer with any deficiencies or loss of moneys, or for failing to properly account for such moneys, is to be removed.

Part 2 of the Bill is an adaptation of section 4 of the Public Account Act 1958 except for the removal of the need to balance the Consolidated Fund. The removal of this requirement was recommended by the Independent Review of Victoria's Public Sector Finances and by the Commission of Audit.

The Public Account, the Public Bank Account and bank accounts of departments are provided for in Part 3 of the Bill. This Part also covers the receipt of public money, the issue of such money from the Consolidated Fund and the investment of money held in the Public Account. Honourable members should note that the Bill preserves the roles of the Auditor-General and the Governor in the issue of moneys from the Consolidated Fund.

Part 4 relates to the Trust Fund. The Bill preserves the present provisions of the Public Account Act 1958 and also provides for the investment of money held in trust accounts and for the creation of working accounts. With the approval of the Treasurer, working accounts can be created to operate not only for departments as a whole but also for those specific areas within departments which are largely commercial and freestanding.

Part 5 provides for an annual statement of financial operations in a form approved by the Minister, which must present fairly the financial transactions in the Public Bank Account for the financial year. The statement replaces the Finance Statement. Consistent with the Commonwealth it is proposed that the Statement of Financial Operations will be a high-level reporting document with the detailed financial information being available in departmental reports.

The Auditor-General will be required to provide an audit opinion on the statement; and in addition, provision is made for the Auditor-General to issue a separate report on the statement. No longer will it be the Auditor-General's responsibility to explain the statement. That will be the responsibility of the Minister or Ministers responsible for the preparation of the statement.
Part 6 contains a series of measures to improve Budget sector management, accountability and reporting. Borrowings against future appropriations will be permitted on a limited basis. There are stringent requirements attached to this provision and any approval must be published in the Government Gazette. This Part also includes provisions for annotated appropriations and the alteration of items of departmental and Parliamentary expenditure consistent with the recent Appropriation legislation.

Part 6 also makes formal provision for the carrying forward of amounts unspent at the end of a financial year. The provision of such a facility was recommended by the Victorian Commission of Audit. In 1992-93 the government implemented this facility by administrative arrangement to enable departments to manage their funds across the financial year and to remove the pressure for excessive end of year spending. Departments responded to the initiative and a total of $37.3 million was approved for carryover from 1992-93 to the current year.

Also included in the Bill is the provision which mirrors section 26 of the current Audit Act 1958 in relation to obligations incurred by the State which should be accounted for in the year in which the expense is incurred. This provision has long been used for expenditure on salaries which are currently accounted for on an accrual basis.

The Bill increases the focus on departmental outputs and improves the clarity of information concerning Budget sector activities provided to the Parliament through the presentation of an annual Budget estimates document in association with the annual Appropriation Bill. Included in the Budget estimates will be output information at a program level, the source of funds available during the period and a statement on departmental receipts.

One significant matter addressed by the Economic and Budget Review Committee in its 1983 report on improving government management and accountability concerned the responsibilities of government managers. The committee then observed that “there is no reference in the Audit Act 1958 to any responsibility of chief administrators for financial management or management generally”.

To address this concern Part 7 of the Bill provides for an accountable officer for each authority subject to this Act, together with a chief finance and accounting officer. The Bill specifies their responsibilities including the maintenance of accounting systems and other related financial information. These provisions will strengthen the chain of accountability to Ministers and are consistent with the requirements of the Public Sector Management Act 1992. To more closely relate accountability and reporting the Bill repeals the Annual Reporting Act 1983 and restates the relevant provisions in Part 7 of the Bill.

General clauses in Part 8 of the Bill provide for the writing off of a loss or deficiency, the recovery of overpayments, establishing liability in respect of loss or damage, unclaimed property and a regulation-making power. Part 9 contains transitional and consequential provisions. This Bill and the related Audit Bill put in place enhanced accountability to the Parliament, which the Treasurer referred to in the Budget speech.

The government will continue to pursue opportunities for improved financial and resource management and accountability.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Friday, 3 December.
LOCAL GOVERNMENT
(MISCELLANEOUS AMENDMENTS)
BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this Bill be now read a second time.

The Bill has several purposes. First, it aims to further micro-economic reform within local government by amending provisions of the Local Government Act 1989 which are fundamental to the way councils operate — namely, the provisions relating to the employment conditions of designated council officers. Second, there are amendments to clarify the road provisions, and third, there are technical amendments affecting various parts of the Act. I turn first to the provisions for council officers.

COUNCIL OFFICERS

Councils are required by the Local Government Act 1989 to have certain officers — a municipal clerk, a municipal engineer, a municipal electrical engineer, if the council supplies electricity, a municipal building surveyor and a municipal health surveyor. The Act requires these designated officers and officers holding the positions of municipal valuer and municipal building inspector to have qualifications prescribed in regulations. Various boards have responsibility for setting qualifications for each occupational group and also for issuing certificates to those who meet the board’s qualification standards. These certificates have been regarded as entry cards to the otherwise closed world of local government officer employment. Many people have spent years studying to get them.

There was a time when occupational regulation like this served to improve educational standards in local government. However, in today’s competitive educational and employment environment that rationale no longer holds for the majority of these positions. It is essential that councils are able to employ senior staff with skills suited to councils’ needs and have the ability to do so from a pool wider than those who have particular qualifications. Moreover, it is critical that senior staff have a clear understanding of their responsibilities and are accountable for their performance.

The amendments will further the implementation of undertakings given by this and the previous government at special Premiers Conferences to pursue mutual recognition principles towards the development of a national occupational market. Victoria currently requires statutory qualifications for more local government occupations than any other State. The majority of other States do not have any statutory qualifications requirements for employment in local government and Queensland and Tasmania have plans in hand to remove the few qualification requirements remaining under their local government legislation. Occupational mobility to and from Victoria is impeded whilst our qualification requirements persist. By removing from local government legislation all qualification requirements, this Bill is an important step in labour market reform in local government.

The Victorian legislation is also anomalous in offering protection to certain designated officers against removal from office. In effect, a council cannot remove one of those officers without first going through a hearing before the Local Government Qualifications Board. The existence of this provision is said to have been useful in deterring a council that might otherwise have applied unfair pressure to a designated officer. Today, however, there are grievance and termination provisions in the federal award that covers Victorian council staff, and those provisions, along with breach of contract remedies, provide appropriate protection for officers. The Act provisions have become outmoded and the Bill will repeal them.

I turn now to the significant provisions of the Bill in more detail. Clause 3 inserts a new definition of “senior officer” into the Act. “Senior officer” means the chief executive officer (CEO) and any other officer who is entitled to total remuneration of at least $60,000 in any 12 month period. The government intends that councils put all senior officers on contract, and $60,000 a year has been identified as the appropriate current figure for this purpose; but the Minister will be able to adjust the figure over time.

Clause 4 requires a council to appoint a chief executive officer, who must be a person and not a company. This requirement, as well as the new duties for a CEO, will come into operation on 1 October 1995. The government originally intended that all councils have CEOs by 1 October 1994. However as a result of representations from local government peak associations that such a time scale would be too short, the government agreed to the longer period to assure smooth implementation.
Clause 5 is a transitional provision. If a council does not currently have a chief executive officer position, it must authorise a member of staff to exercise the statutory duties required of a chief executive officer until the position is created. The statutory duties will essentially be the obligations cast presently on a municipal clerk under the Local Government Act.

The functions of a chief executive officer are set out in clause 9 and include ensuring that staff are appointed in accordance with the organisational structure approved by the council. The CEO must maintain and make available for public inspection a register showing the total remuneration of each senior officer. Clause 9 also requires performance reviews to be conducted annually for senior officers. A CEO's performance will be reviewed by council and all senior officers by the CEO.

Clause 7 requires a council to appoint all senior officers on contract. A senior officer contract is to be for a term of one to five years and must include the criteria by which the officer is to have his or her performance reviewed. A senior officer contract must be made with a person, not a company. Existing written contracts will not be affected by the new requirements if they specify, by reference to a date or definite period of time, when they end. These contracts will run through to the end of their contract terms. However the Act will deem an existing written contract that is silent about termination to specify that it ends on 30 September 1995. This deeming provision was inserted by amendment in the Legislative Council to ensure that the position under various existing contracts was adequately clarified.

Where a senior officer is not currently on a contract, the Act will deem a complying contract to be in existence until 30 September 1995 or such earlier date as the council and officer enter into a new contract. The effect of this deeming provision is to require all senior officers not currently on contract to be so by 1 October 1995. The government had intended that the senior officer contract requirement be operative by 1 October 1994 but, as with the requirement for a council to have a CEO, was persuaded that this would not give councils sufficient time. Councils will now have almost two years to make the necessary arrangements. The Minister may exempt a council from complying with the senior officer contracts' provisions.

Clauses 8, 10 and 11 deal with designated officers. Clause 8 removes the Act's present requirements for a council to have designated officers. Clause 10 repeals the Act's provisions for protection against removal from office and clause 11 abolishes the Local Government Qualifications Board.

Clause 12 prevents a council from appointing to its staff any person who in the last two years has been a councillor of the council. This is designed to ensure that a councillor does not take advantage of his or her elected position to gain preference for a remunerated position.

Clauses 15, 16 and 17 make amendments to the Health Act 1958 and require a council to have an environmental health officer who is or is eligible to be a member of the Australian Institute of Environmental Health.

Clauses 18 and 19 make amendments to the Building Control Act 1981 and require a council to appoint a municipal building surveyor. The person appointed need not be a member of council staff but must hold a certificate of qualification from the Building Control Qualification Board. A council may appoint an unqualified person for up to six months and for a longer period only if it has permission from the Minister.

ROADS

The repeal of many of the road provisions under the Local Government (Miscellaneous) Act 1958 was delayed due to problems with the road provisions in the Local Government Act 1989. Initially, areas of concern related to the care and management of roads on Crown land, the power of councils to discontinue roads and the requirements of the Registrar of Titles in relation to the discontinuance and sale of roads.

In reviewing these provisions it became clear that other improvements were also required. Consequently, a comprehensive review was carried out. Extensive consultation on the proposed legislative amendments has been carried out with peak local government bodies and relevant government agencies.

Clause 21 inserts a new definition for "public highway" and substitutes a new definition for "road". The definition of public highway focuses on the right of the public to have access rather than the level of road construction.

Clause 22 substitutes sections 203 to 207F for the existing sections 203 to 207. The new section 205
clearly sets out those roads for which councils will have care and management and most importantly, the legislation spells out the nature of the care and management role. A council may choose to exercise its considerable power to undertake or direct works on roads within its municipal district. However, section 205 makes it clear that the care and management role does not impose a positive duty on a council to construct or repair a road.

The legislation also spells out that while a council must ensure that a road required for public traffic is kept open for public use a council is not required to undertake any road works to the surface or drainage of an unconstructed road.

Sections 207B to 207E essentially relate to the registration by the Registrar of Titles of land in roads which have been discontinued or otherwise affected by the exercise of particular powers by councils under schedules 10 and 11. The Registrar of Titles is given broad powers to deal with such land, including the power to alter titles to land which are subject to a mortgage or charge.

Clause 23 is a minor amendment to ensure that councils need only to consult once on the sale of land in a discontinued road. Councils are required under section 207A to go through a public consultation process when it decides to discontinue a road and either sell or retain the land in the road. This amendment ensures that they do not have to undergo a second consultation process under section 189 which deals with the sale of land.

Clause 24 substitutes schedules 10 and 11 of the Local Government Act 1989. The schedules have essentially been rewritten to make them easier to read. There are few changes of significance. However, honourable members may wish to note that item 3 of Schedule 10 allows councils to discontinue roads whether or not they are vested in the council. This does not change the situation from the 1958 Act and cures a major problem with the 1989 Act.

Finally, a group of miscellaneous amendments will essentially deal with housekeeping matters.

OTHER AMENDMENTS

Clause 26 removes current uncertainties regarding the enforcement of local laws. It widens the powers of an authorised officer to demand a name and address, and balances this by requiring an authorised officer to inform the person of the grounds on which such demand is being made. Clauses 27 and 28 deal with financial matters, including a requirement on councils to supply budget information to the Minister.

Clause 29 gives a council the option of using registration tendering in addition to full public tendering. This provision accords with general commercial practice and protects councils and the private sector from incurring high tendering costs where the scope of a project does not warrant a full open tendering system. Clause 30 repeals the provisions dealing with financial guarantees which are generally regarded as unworkable. The remaining clauses deal with minor housekeeping matters.

I commend the Bill to the House.

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

Debate adjourned until Wednesday, 24 November.

TT-LINE GAMING BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this Bill be now read a second time.

The purpose of this Bill is to authorise the conduct of gaming on board the new ferry, the Spirit of Tasmania, during the time that it spends in Victorian waters on the service between Devonport and Melbourne.

The Tasmanian government has sought the cooperation of Victoria in enhancing the facilities available to passengers on this service. There are potential tourism benefits to Victoria in assisting the success of the ferry service, since Melbourne is the embarkation port for the voyage. In addition, a revenue-sharing arrangement has been negotiated so that there is a direct financial benefit to Victoria in addition to tourism benefits. The legislation proposed is complementary to Tasmanian legislation which provides for gaming to take place on board the ferry. Four principles were considered to be important in framing this bill.

First, Victoria could not be seen to abdicate its responsibility to regulate the proper conduct of gaming in Victorian waters by leaving the matter to the authority conferred under Tasmanian legislation.
Second, Victoria had to be satisfied that there were appropriate regulatory controls in place on gaming in Victorian waters. Victoria has led the way in setting up accountability and regulatory structures for gaming, and in the interests of the proper conduct of gaming and of the Victorian public similar structures needed to apply to the ferry.

Third, the arrangements in place could not be such that the competitiveness of the Victorian industry and individual venues was placed under threat. Finally, it was desirable that, within the confines outlined above, there be consistency between the rules applying for the whole voyage between Devonport and Tasmania. It was not reasonable to require that different rules apply for parts of the voyage. The Bill before the House satisfies all the above principles.

The Bill applies the Tasmanian TT-Line Gaming Act, with amendments, as if it were a law of Victoria. The Tasmanian Act, as amended, appears as Schedule 1, and any regulations made under that Act appear as Schedule 2. This enables amendment of the Victorian Act by regulation if it is desired to enact any changes which may be made to Tasmanian legislation. Of course, regulations will be subject to scrutiny by the Parliament.

Copies of the Tasmanian Act have been made available for scrutiny by members. The Victorian Act accepts the Tasmanian system for the licensing of gaming and generally for the control of gaming areas on the ferry. However, it specifies that the authorisation of games and machines must be carried out jointly by the Tasmanian and Victorian Ministers and that any directions given on the conduct of gaming must be given jointly. The effect of these provisions is to ensure that Victoria is able to specify a threshold level of accountability and probity with respect to the conduct of gaming.

The Bill provides for an agreement between the two States on the sharing of revenue from gaming. It has been agreed that Victoria will receive 25 per cent of the taxation revenue based on 33.3 per cent of net machine revenue.

The Bill also provides for the agreement to cover other matters and it is intended that Victoria will require that machines on the ferry be sourced from a manufacturer on the roll of manufacturers under the Gaming Machine Control Act. This will guarantee that the probity requirements of the Victorian system with respect to manufacturers are met.

As an additional safeguard for the proper conduct of gaming in Victorian waters the Bill provides that the Minister may suspend the approval for the conduct of gaming if the Minister believes on reasonable grounds that in a material respect the provisions of the Act or applied provisions are not being complied with.

As the Tasmanian Act did not make direct provision for inspectorial and enforcement powers, relevant provisions of the Gaming Machine Control Act covering inspection powers and offences of tampering with machines have been inserted. It is envisaged that inspectors from both jurisdictions will be authorised under this Act. The Director of Gaming is required to act in consultation with the Tasmanian Gaming Commissioner in exercising powers to appoint inspectors. While it is expected that the two jurisdictions will act in cooperation, the powers of enforcement provided for in this Bill are there because Victoria must be able to exercise an independent power to enforce the proper conduct of gaming within its powers.

While mindful of the tourism benefits to be obtained from this proposal, the government is also mindful of the interests of the operators of gaming machine venues in Victoria as well as its obligations to the casino consortium. In line with restrictions on machine numbers applying to venues in Victoria, the ferry will not be able to operate in Victorian waters more than the maximum number of machines permissible in a Victorian venue. In addition, access to gaming on the ferry will be restricted to the 3 hours prior to departure when the ferry is docked at Melbourne and access will not be available to the general public.

I consider that the commencement of this new ferry service will be of value to the generation of tourist trade which, as it takes Melbourne as its starting point, will be of benefit to this State.

I commend the Bill to the House.

Debate adjourned on motion of Mr ROPER (Coburg).

Debate adjourned until Wednesday, 24 November.

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

That the House do now adjourn.
Ambulance services

Mr ROPER (Coburg) — I direct to the attention of the Minister for Health an unfortunate matter she should be made aware of. The Minister will recall that a couple of weeks ago I raised the case of a child with head injuries who was picked up by a private ambulance that lacked the proper equipment.

On Monday morning at 8.30 a.m. a 79-year-old Horsham resident was told, only four days after major surgery at Ballarat Hospital, that he would be discharged and would have to travel home to Horsham by V/Line, a distance of 190 kilometres.

He was discharged in only his pyjamas, dressing gown and slippers. A taxi was called to take him to the station, where he was to catch the train to Ararat and then a bus to the Horsham terminal, from where his daughter was told to pick him up. The gentleman was not even well enough to carry his overnight bag. In the end he paid for the taxi to take him the whole way to Horsham, which is a fare of more than $100. He said he was so sore all over when he reached home that the trip was a bad dream. He also said that it would have been even more of a nightmare if he had had to go by train. He said he was humiliated and embarrassed; that he had to have frequent toilet breaks and was still passing blood in his urine. The concerns mentioned by the pensioner in his local area were reinforced by his surgeon, Graham Kitchen, who pointed out that the treatment of this man was quite unsatisfactory.

I agree with the comments of the North Central News newspaper of St Arnaud of last week, which states:

Minister of Health, Marie Tehan, appears to have little understanding or sympathy for the serious problems especially in rural areas these ill conceived and ruthless policies in health are creating.

The Ballarat Base Hospital has subsequently apologised to the gentleman, which is important. However, it is regrettable, firstly, that ambulance arrangements that previously existed to take this person to the hospital and back home have been abandoned and, secondly, that the Ballarat Base Hospital was so much in need of beds that it had to move him out so quickly. No-one objects to hospitals becoming more efficient, but they should treat patients properly; this should not occur again.

North American Free Trade Agreement

Mr McARTHUR (Monbulk) — I direct to the attention of the Minister for Agriculture, and no doubt other honourable members who are interested in the issue, the fact that Bill Clinton, the President of the United States of America, was successful recently in gaining agreement for the introduction of the North American Free Trade Agreement (NAFTA) when Congress supported him in a vote of 234 to 200. The Leader of the Opposition would appreciate that support!

Mr Roper interjected.

Mr McARTHUR — Unfortunately, the Leader of the Opposition does not have the support of his own party.

As honourable members on this side of the House are well aware, the NAFTA agreement will have substantial ramifications for agriculture in this State. Some 40 per cent of Victorian export earnings are from agricultural industries, something members on the other side of the House may wish to pay attention to. In my electorate and in the areas I grew up in agriculture is a major part of life; it is a major employer and a major earner of income.

In Monbulk horticulture is incredibly important to business, providing jobs in the electorate. It is increasingly important as an industry for the State, and the government recognises that. It has recently established the Institute of Horticultural Development at Knoxfield to focus on and promote horticultural development in the State. The industry has substantial export potential and opportunities, and I am concerned to see that Victoria is in a position to take advantage of any improvements in trade on the world scene, particularly in the North American area.

I ask the Minister to advise the House what steps he is taking and what information he has about the ramifications of NAFTA. I also ask the Minister to assure the House that he will do all he can to ensure that Victorian agricultural producers, whether they produce wheat, wool, meat, dairy or horticultural products, as in my area, have every opportunity to access the NAFTA market.

I ask him to advise what effects NAFTA may have on the future of talks on the General Agreement on Tariffs and Trade. As all members on this side of the House are aware, the GATT talks have an incredible impact on agriculture in Victoria and the nation. The
success of the GATT trade negotiations is important, and I hope NAFTA will improve the chances of that success.

Ambulance services

Mr HAMILTON (Morwell) — In the absence of the Minister for Health I direct to the attention of the Minister for Industry and Employment, who is at the table, the concern of a constituent of mine which, unlike the matter raised by the honourable member for Coburg, is about getting into the Royal Melbourne Hospital rather than getting out of it.

Mrs Henry of Mulcare Street, Morwell, an age pensioner, has contacted me with a major complaint concerning new arrangements for ambulance transport between the Latrobe Valley and Melbourne. She is irate. It is not unknown for Mrs Henry to contact local members of Parliament of all persuasions, I can assure the House.

Mrs Henry’s husband, Tom, is seriously ill and cannot travel any great distance in a car. Some years ago I worked with the local council to have a roll-over curb smoothed out because even the small jolt resulting from the car going over it caused Mr Henry immense pain.

Recently Mr Henry’s condition has deteriorated, and his local doctor recommended that he should see a specialist to determine whether there was some way to reduce the pain. The doctor gave Mr Henry an authority to use an ambulance to go to Royal Melbourne Hospital for specialist treatment. As honourable members know, specialists of all kinds are not available at Latrobe Valley Hospital, so it was essential that he went to Melbourne.

When Mr Henry went to arrange his trip by ambulance to Melbourne, he was told by the South Eastern Ambulance Service that he could not be transported to Royal Melbourne Hospital unless the hospital paid. Apparently that is an ongoing situation. The Royal Melbourne Hospital has not agreed to fund the ambulance for Mr Henry, and he is unable to travel that distance by any other means. Mr Henry has been told that Royal Melbourne Hospital has received extra money from the government to pay for country patients travelling to the hospital, but that has not yet eventuated.

To put it mildly, the whole business is making Mrs and Mr Henry even more irate. The point they made to me was that it seems that country people are being severely disadvantaged by changes in policy. Every country member who is concerned about those patients needs to be aware of the changes.

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

Sewerage line collapse

Mr KILGOUR (Shepparton) — In the absence of the Minister for Natural Resources I direct to the attention of the Minister for Industry and Employment, who is at the table, a sewerage problem which involves the central —

Honourable members interjecting.

Mr KILGOUR — The Minister will be flushed with success and I am sure will get success out of it!

The problem involves waste water management and water supply to the central Goulburn Valley area, particularly to the town of Tatura. After I raised the matter with him some weeks ago, the Minister arranged for a review of three water boards in the central Goulburn Valley area. I congratulate him on ensuring that the review was carried out quickly, and we are now waiting for a result of the review.

In recent weeks, however, the situation has become more drastic, and in recent days it has come to my attention that a major sewerage line has collapsed near the intersection of Casey and Francis streets, Tatura. The collapse is causing a somewhat smelly problem in the centre of Tatura.

I understand from reports I have that it is a major problem for the Rodney Water Board. The difficulty is that there are high watertables and moving sands underneath the ground around the township of Tatura and they have damaged both the sewerage and water pipes. The most recent collapse is causing serious and expensive problems for the water board and it will certainly be a difficult problem to fix.

There is also a grave danger of a trench collapse, a very sloshy problem which could cause other associated problems.

The collapse has affected a third of the residential area. The current situation highlights the concern of industry in Tatura that infrastructure for the supply of essential services is falling behind the needs of industry. In fact, it was industry which originally raised the problem of waste water disposal in Tatura.
I congratulate the Minister on acting quickly to initiate a review, and I ask that he provide details of its current status and make a decision to ensure the future of the water supply system in the central Goulburn Valley area so that problems such as collapsing sewers can be addressed.

Ambulance services

Mr HAERMeyer (Yan Yean) — I direct to the attention of the Minister for Health, who is responsible for the Metropolitan Ambulance Service, the employment of a firm known as Henderson Consultants registered with the Australian Securities Commission (ASC) as Transport Safety Awards Pty Ltd to prepare a report on tender specifications for a new computer-aided dispatch system (CAD) and automatic vehicle location system (AVL) for the Metropolitan Ambulance Service. The report has been obtained by the opposition under freedom of information legislation.

The report cost the ambulance service $38 500 for stages 1 and 2 — with stage 3 still to come. The report is one of the flimsiest things I have ever read — $38 500 for a few pages of ill-considered rubbish in large 20-point print. It lacks any detail; it is totally unprofessional; it has been hastily put together — —

Honourable members interjecting.

Mr HAERMeyer — It allows less time for the preparation of tenders than would normally be allowed. The authors of the report have received some $40 000 basically for stating the obvious. The potential tenderers have been asked to come up with a tender within three weeks, which is totally inadequate for this sort of project. The report is flimsy; there are barely a thousand words of substance in it, and most of those are repeated, sometimes up to three times. As I said, it states the obvious.

Mr Jack Firman, the head of the Metropolitan Ambulance Service, has been in a hurry to get his computer-aided dispatch system under the guard of the Department of Finance, fully aware that the department and the Public Bodies Review Committee have been looking to establish a common computerised dispatch system across all the emergency services.

Mr Firman appears hell-bent on getting his way and defying the government that employs him. He is prepared to waste money and place lives at risk by this hasty tender for a computer-aided dispatch system.

I ask the Minister to address herself to whether she has any confidence in Mr Firman's handling of this matter and what she will do to pull this megalomaniac into line.

STAY hostel

Mr PHILLIPS (Eltham) — I raise for the urgent attention of the Minister for Community Services serious allegations brought to my attention and reported in the Heidelberger of 13 October concerning maladministration of the STAY organisation, which provides short-term youth accommodation in the Rosanna-Macleod area.

A report by the Regional Director of Health and Community Services, Northern Region Office, states that the running of the accommodation is being jeopardised by a factional and dysfunctional management committee. The report also states:

It is clear to the reviewers that the dysfunctional state of the management committee has an adverse effect on the operation of the service, seriously jeopardising the agency's capacity to meet service-user's needs.

The secretary of STAY, Mr Craig Langdon, agreed that the committee had become dysfunctional. Given the important role played by the committee in the community it saddens me that the organisation is wasting its energies and time on in-house fighting when the priority should be providing short-term accommodation for young people aged between 14 and 21 years.

I ask the Minister to take immediate steps to ensure that the administration of the STAY organisation is put back in order to allow it to again concentrate on delivering services for young people rather than being sidetracked by internal faction fighting — with funding as tight as it is, youth accommodation today is urgent and extremely important.

Altona District Hospital

Ms MARPLE (Altona) — I raise with the Minister for Health a matter concerning Altona District Hospital and complementary small businesses in the surrounding area. The hospital has been serving the community for nearly 60 years. It admits 90 surgical patients and 350 midwifery patients a year. Such a hospital is an integral part of the development and maintenance of a community.
The government has slashed $230,000 from the Altona hospital’s budget, which represents 10 per cent of its funding. The hospital, the council and the community know that the government’s agenda is to close the hospital and that these cuts, combined with the government’s case-mix funding, are designed to do just that.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, it is evident to all honourable members that the honourable member for Altona is reading from a document and certainly not referring to notes. I ask whether she is prepared to make them available to the House.

Ms MARPLE (Altona) — Mr Speaker, I am reading from copious notes. The hospital board is not taking that lying down. It knows that the best way to handle the system is to increase the turnover of patients. Everyone knows the game — in and out as quickly as possible; cut back the care and cut back the cleaning. It does not matter what standard is delivered so long as the waiting lists are shorter and the books look good. No longer will the hospital be able to give the standard of extra care that we had — it does not matter to the government, so long as everything looks good on paper. That is what the government is about.

The Altona District Hospital has increased its throughput and it has carried the extra cost of doing that. On 22 October the government told hospital representatives, “We are going back to look at case-mix funding to see whether you need more funding because you have put through more patients”. The hospital has been put off again and has had to carry the debt it has incurred, and so do the small businesses which are waiting for their money from the hospital.

The Altona community wants to know whether there is a fair way of approaching these matters. Is this the way to restore confidence to the community, or is it just another method of hacking away at a small community and its hospital, starving it to death?

Greenvale Primary School and Gladstone Park Secondary College

Mr FINN (Tullamarine) — I direct to the attention of the Minister for Education two schools in my electorate that are in dire need of major facelifts. The external paintwork on the Greenvale Primary School is, to say the least, in poor condition. At the moment there is nothing but the wax stain on the outside of the school. It should have been repainted six years ago. The guttering has rusted through. In fact, the guttering has not been touched since the school was opened some years ago.

That school is in need, but not quite as much as the Gladstone Park Secondary College. It desperately needs new carpets for its portable classrooms. I visited the school recently and can vouch for the large holes that have appeared in the floor. There have been no new carpets at the school for more than 10 years — it may be closer to 15 years. The school also has many holes in its walls. It urgently needs a coat of paint.

These are two wonderful schools with excellent reputations. They have strong and hardworking school councils and great principals. I ask the Minister to consider providing those schools with urgent maintenance. Of course it begs the question of where the $4 billion was spent by the former government on education. How could those schools have been allowed to fall into such an appalling state of disrepair? The Labor government allowed the schools to fall to pieces. The school council spent $29,000 painting the portable classrooms.

Cuts to psychiatric services

Mr MILDENHALL (Footscray) — In the absence of the Minister for Health, I direct to the attention of the Minister at the table, the Minister for Industry
and Employment, the dramatic reduction in mental health services in the western suburbs.

On 18 October the Minister for Health said that the mental health services had improved during the term of this government, but the facts show otherwise. In the western suburbs there has been a significant deterioration because of a dramatic reduction of staffing through a whole range of services. The number of full-time permanent trained psychiatric nurses at the Footscray psychiatric hospital has decreased by 10 per cent from 72 to 62. Despite denials made this week in the Western Independent the number of hospital beds has decreased from 56 to 48. There is speculation and planning within the hospital to reduce the number to 40.

In the community health services based outside the hospital the clinical staff numbers at Saltwater Community Mental Health Service have dropped from 40 to 31.5. Planning is afoot to further reduce them to 28.5. The cut in staff numbers has resulted in a reduction in the number of clients the service can deal with, which is further exemplified by community health services such as those at Kororoit, where 800 clients were being dealt with until some months ago, but that number has now been pared down to 600. These services will also be required to deal with acute patients who are being referred to them because of the inability of the psychiatric hospital to cope with them.

We understand the per capita funding in the western suburbs is $22 a head compared with the State average of $41 a head, and we seek some justice in that regard. We ask the Minister to reconcile her public statements with the facts and return a level of basic humanity to the provision of mental health services in the western suburbs.

Justices of the peace

Mr LUPTON (Knox) — I raise with the Attorney-General the signing of declarations by justices of the peace and by members of Parliament. I raise this matter because in debate on Wednesday the honourable member for Mill Park made certain allegations about me because I dared sign some documents as a justice of the peace. When I signed those documents the honourable member for Coburg was calling for personal explanations. It is apparent that despite the fact that the honourable member for Coburg was a former Minister of the previous government and can now sign those sorts of documents, he and the honourable member for Mill Park — and possibly many others on the opposition side of the House — have no idea of the responsibilities bestowed upon them.

For the information of the honourable members for Coburg and Mill Park I will quote from the handbook for justices of the peace —

Mr HAERMeyer (Yan Yean) — On a point of order, Mr Speaker —

The SPEAKER — Order! The honourable member for Knox must ask what action he wants taken.

Mr LUPTON (Knox) — I intended to ask the Attorney-General to prepare a briefing paper to circulate to members.

The SPEAKER — Order! The honourable member for Knox is in order.

Mr LUPTON — The handbook states:

It is not expected of a justice that he read the subject matter for the purpose of acquainting himself with the contents, which could be of a highly personal nature.

However, he is required to look at the declaration for the following purposes —

1. To initial (preferably in the margin) any corrections.
2. To initial any matter interlined.
3. To strike out any blank spaces, particularly in the case of a “questionnaire” declaration, and
4. To see if annexures or exhibits are referred to, so that they may be produced and noted as such.

The justice, in taking declarations (and affidavits) is concerned with form rather than content.

From the comments made by the honourable member for Coburg it is apparent that he does not have a clue what he has to do when signing declarations and forms. I ask the Attorney-General to prepare a briefing paper and distribute it to members of the House so that they are aware of their obligations when serving the community in this way.

Respite care

Ms GARBUIT (Bundoora) — I raise with the Minister for Community Services further issues concerning respite care. Earlier this week and last week the Minister spoke about the fee increases and
the concessions that would apply, but people have raised a whole range of other issues with me.

A Geelong group called GRID has sent along a list of 30 questions concerning respite care. Obviously there is great anxiety among parents and families who have intellectually disabled members.

I ask the Minister to clarify some of the issues that are causing anxiety, including things such as the degree of respite care available to children under six years of age given that some facilities are no longer accepting those children because they do not meet the appropriate definition.

Also of concern is the limit of 28 days of respite care, up to a maximum under special circumstances of 42 days. There are also concerns about other types of respite, such as shared family care and interchange, about whether fees in that area will increase and whether a limit will apply. There is also concern about the level of staffing in respite care facilities. I am informed that there has been a deterioration in that area and that trained staff are being replaced with untrained staff.

There is also a need for services for adolescents and for medium-term respite care for those who do not need full-time institutional care but whose parents cannot manage on just 42 days of respite care a year.

Respite care is a lifeline for parents. Without it many families would break up. One parent has told me that if she is unable to obtain regular respite her child could be in danger of being battered. Respite care is absolutely crucial for such families.

Responses

Mr W. D. McGrath (Minister for Agriculture) — The honourable member for Monbulk raised the important issue for agriculture and horticulture in Victoria of free trade in the global environment.

I was pleased to note that President Clinton has achieved support in the Congress of the United States of America for the North American Free Trade Agreement. That augurs well for the Asia Pacific Economic Cooperation (APEC) group meeting to be held shortly in Seattle, which will be attended by the Prime Minister and which could result in a lot of pressure being applied to the General Agreement on Tariffs and Trade (GATT) Uruguay round of talks that must be completed on 15 December.

I suppose the only note of caution is sounded by the fact that at this stage there has been no sign from the recently elected Canadian government of endorsement of the NAFTA. I hope Canada gives its support in the next week or so leading up to the GATT talks.

The common agricultural policy and the export enhancement program under which Australian commodities have been squeezed, leading to lower returns for grain growers and the dairy industry in Victoria, has resulted in the loss of approximately $6 million each year due to subsidised commodities entering the global trading environment.

Australia must market its products to the world without subsidies. It is fair to say that Australia's producers, particularly those involved in broad-acre farming and in the dairy industry, are as good as, if not better than, those in any other nation. Although it is probably impossible to obtain a completely level playing field, if we can achieve something near to that Australian farmers will be winners.

As the honourable member for Monbulk said, that would also be important for Victoria's developing horticultural industry. The establishment of the Institute of Horticultural Development at Knoxfield is an important initiative taken by the government in the past few months. Horticulture will be a significant export industry in the years ahead and the honourable member's area will benefit from that development.

The Minister for Industry and Employment, who has just returned from Japan, has brought back the message that there will be big opportunities for Victoria if it does the right thing in the future. I endorse all the signs that some sensibility is coming into the global trading environment for agricultural and horticultural products. However, we need commitment, particularly from all 12 member countries of the European Community, to a free trade environment. If we can achieve that, Australian farmers, the agricultural industry and the entire economy will be the winners.

Mr Coleman (Minister for Natural Resources) — The honourable member for Shepparton raised an obvious dilemma facing the town of Tatura where, in the past 10 days, sewerage pipes have collapsed. A bypass is in place and it is providing a temporary solution, but other towns in the Goulburn Valley are facing the same dilemma. The local water boards presented the government with a proposition for a merger, but before agreeing
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To understand the region's total requirements.

To that end a study has been undertaken and the outcome is now under review. There is a basic infrastructure requirement, which has been highlighted by the trench collapse at Tatura, in order to meet the demands of the expanding fruit and general product export industry that is developing in the Goulburn Valley.

There are two clear community interests. Shepparton relies on the Goulburn River for its source of supply and Tatura relies on the River Murray. That will be a significant point to take into consideration in the resolution of this issue. Also, the Tatura trench system is working on a temporary licence from the Environment Protection Authority that will conclude on 31 December, when it will be necessary to treat its total effluent load through the plant as was the original design. The current trench arrangement will have to conclude at the end of December. The issue is of concern to the government and it will be working to resolve the matter as expeditiously as possible.

Mr JOHN (Minister for Community Services) — The honourable member for Eltham raised the management status of the STAY Hostel in his area. There have been problems with the agency in the past. It has had a recent history of infighting and questions have been raised about its accountability. I have commissioned a special review and my department is looking into the management and operation of the service the committee provides. An independent financial audit is being conducted and it will be supplied to me in December.

The agency will be closely monitored and if there are further problems in its operation and the provision of services action will be taken to change the auspice of the service. Service to people in need and proper financial accountability is of prime concern to the government.

The honourable member for Bundoora raised the important matter of respite care. During the adjournment debate some nights ago I commented on the considerable reforms the government has undertaken in that area. In the past fees of between $1.20 and $35 or more a night have been charged for respite care. That was unacceptable. Some people were receiving good service, some moderate service and some no service at all. Respite services are a most important issue. Families who dedicate themselves to looking after a disabled family member are at times at the end of their tether and require equitable access to respite care.

The government standardised the fees across the State at $14.10 a night and means tested them. That has never been done before. In recent days I have ensured that people who have health cards, families who are eligible for additional social security payments, pay a lower rate. The government is assisting low-income families by giving them access to respite care services at $6 a night. That is affordable and necessary to help low-income families obtain access to respite care services.

I have given regional managers discretion to allow them to reduce the amount to $2 a night if necessary to ensure that families with disabled members have the opportunity of obtaining respite care. The government has acted with compassion and responded to the needs of those who require respite care.

Mr HAYWARD (Minister for Education) — The honourable member for Tullamarine raised with me maintenance problems at Greenvale Primary School and Gladstone Park Secondary College. I congratulate the honourable member on the outstanding job he is doing as a local member, evidenced by the fact that every time one picks up a newspaper from his electorate his photograph is in it. He is an effective local member who raises local issues.

I have visited Gladstone Park Secondary College in the company of the honourable member for Tullamarine and agree that the college requires attention. I have noted the points he has made about the college and the primary school, and early next week I will examine the matters closely and respond to the honourable member. He also raised the question of where the money had gone over the past 10 years and asked why schools had been allowed to deteriorate to such a dreadful condition.

An assessment has been made that half of Victoria's schools are in a terrible condition and there is a backlog of $600 million in maintenance.

Mr Gude — Isn't there a black hole?

Mr HAYWARD — The government inherited a $40 million black hole. Sadly, enrolments have been decreasing over time and the expenditure indications have increased in real terms. Under the former government an insufficient amount had gone into maintenance; most of the expenditure had gone
into improving work practices for teachers and reducing weekly student contact hours, which brought student contact hours in Victoria to a low level compared with the rest of Australia. That is a short answer to the question of the honourable member for Tullamarine, but I will get back to him as soon as possible on those other points.

Honourable members interjecting.

The SPEAKER — Order! Before I call the Minister for Industry and Employment, I ask the honourable members for Bentleigh, Mornington and Sandringham to remain silent.

Mr GUDE (Minister for Industry and Employment) — The honourable member for Coburg raised a matter for the attention of the Minister for Health about a person in Horsham who had been discharged from a hospital and moved to Ballarat. There was some question about the cost of that transfer. It may be that there was an inconsistency at the Ballarat end, but I will draw the matter to the attention of the Minister for Health so that she can get back to the honourable member.

The honourable member for Morwell drew attention to a Mr and Mrs Henry and an incident that occurred two days ago involving an ambulance transfer. I will also have that matter drawn to the attention of the Minister for Health. As an aside, the honourable member said that the lady concerned was well known for her complaints in the area. I trust that was not meant in any way to imply that the woman is a big complainer and often does not have anything to complain about.

Mr Hamilton interjected.

Mr GUDE — The honourable member says that is not the case so I will assume that is not the situation. Nonetheless it was an interesting throwaway line and may have been very revealing.

The honourable member for Yan Yean, in his usual shrill and immature way, raised a report that is to be undertaken by a consultant to the Metropolitan Ambulance Service. During the course of his dissertation he referred to a Mr Firman who heads up the Ambulance Service as being a megalomaniac. I take exception to that and assure the honourable member that Mr Firman would also. I am sure that any constituent of the honourable member for Yan Yean who reads the Hansard report would not want to support that honourable member when the next election is held. The honourable member owes Mr Firman an apology, but I am sure he does not have the personal integrity to repeat that comment outside the precincts of the House where he would not have the protection of Parliament.

The honourable member for Altona also raised a matter for the attention of the Minister for Health concerning the hospital at Altona. Sir, you will recall during the course of the honourable member’s remarks that I expressed concern about the honourable member reading from a prepared speech. The Clerks have collected from her what is clearly a written speech, which shows that up until the time I raised the issue the honourable member was reading directly from the material. The honourable member has been in this place now for more than 12 months and should be well aware of the Standing Order that does not allow members to read their speeches.

When I raised the matter the honourable member said that she was referring to copious notes, not reading a speech. One of two things could have happened. The honourable member may have deliberately misled the House, although I do not believe that is the case, or she may have inadvertently mislead it. It is clear that until I directed attention to the matter the House was being misled. In those circumstances it would be appropriate for the honourable member to use the first available opportunity next Tuesday to make a personal explanation and declare that she inadvertently misled the House by reading her speech up until the time I directed the attention of the House to that. Nonetheless, notwithstanding the poor performance of the honourable member I will refer the matter to the Minister for Health who, I am sure, shares the concern of all honourable members about the health and wellbeing of Victorians, as much as the people who live in the Altona district. I am sure the Minister for Health will be pleased to get back to the honourable member.

The honourable member for Footscray raised for the attention of the Minister for Health mental health services and I will also draw that matter to the attention of the Minister.

In concluding my remarks I refer the House to matters that have been raised concerning the health system and refer to statements made by the honourable member for Coburg in 1982 shortly after he became Minister of Health when the Cain government came to power. I certainly recall the honourable gentleman saying he was proud to have
inherited the best health system in Australia at that time.

The honourable member for Coburg was not the Minister for Health during all of his government's time in power, so one should not blame him for the extent of the deterioration in the health system that the present Minister inherited. Suffice it to say that the performance of the Labor government during its 10 years in power was disastrous in many ways, not least in the area of health. It is hypocritical in the extreme for honourable members opposite to be raising these matters now. They claim social justice — —

Honourable members interjecting.

Mr GUDE — They more than anyone else are responsible for creating the situation the State now finds itself in. If there is concern — —

Honourable members interjecting.

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

Mr GUDE — If members of the opposition have any genuine concern for the health and wellbeing of the people of Victoria and the state of our health system they should take a hard look at themselves before they spout the hypocrisy we have heard tonight.

The honourable member for Knox directed to the attention of the Attorney-General the seriousness with which he views the signing of declarations by justices of the peace. I am one of a number of members in this place who have the privilege of being justices of the peace. The honourable member for Frankston has been a justice of the peace for a long while. I believe honourable members on both sides of the House who have accepted the opportunity and the responsibility of being honorary justices take their roles very seriously.

The honourable member for Knox referred to the authority a Minister of the Crown has in this regard. I trust that Ministers past and present who have enjoyed those opportunities have acted in the same way. The honourable member's suggestion that a suitable briefing paper be made available is sensible and responsible. I will direct that to the attention of the Attorney-General, who I trust will deal with it in her normal efficient and effective manner.

Motion agreed to.

House adjourned 7.39 p.m. until Tuesday, 23 November.
EDUCATION — BALLIANG EAST PRIMARY SCHOOL

(Question No. 22)

Dr COGHILL asked the Premier:

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

Mr KENNETT (Premier) — The answer is:

I am informed that:
Correspondence was received at my electorate office from Mr Todd Anderson, Chairman of EQUAL, in the week beginning 16 August 1993.

EDUCATION — BALLIANG EAST PRIMARY SCHOOL

(Question No. 23)

Dr COGHILL asked the Attorney-General:

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

Mrs WADE (Attorney-General) — 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.

PREMIER — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 109)

Mr MICALLEF asked the Premier:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into, since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr KENNETT (Premier) — The answer is:

I am informed that:
The only expenditure by my department on external legal advice relevant to the matters raised by the honourable member since 3 October 1992 relates to item (c), that is, advice on the drafting of legislation as follows:-
$2685.00 on account of professional costs and disbursements of Minter Ellison Morris Fletcher in relation to advice on the Public Sector Management Bill.

There has been no other expenditure in relation to the other matters on which information is requested. This information does not include details on the use of legal advisers internal to the public sector such as departmental legal advisers and the Victorian Government Solicitor.

FINANCE — LEGAL ADVICE EXPENDITURE AND CONSULTANCES

(Question No. 112)

Mr MICALLEF asked the Minister for Finance:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into, since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr I. W. SMITH (Minister for Finance) — The answer is:

Details of expenditure on external legal advice and consultancies as at 25 October 1993 are as follows:

Freehill, Hollingdale and Page — superannuation reforms — $572,804.34. This expenditure relates to parts (b), (c) and (d) of the question.

Directorate of School Education — counsel fees — $287.00. This expenditure relates to parts (a), (b) and (d) of the question and was the Department of Finance’s share of costs for legal counsel in the Australian Industrial Relations Commission hearing relating to a claim by the Australian Liquor, Hospitality and Miscellaneous Workers Union to have the Building Services (State Government Departments and Instrumentalities) Award 1992 made a federal award.

AGRICULTURE — LEGAL ADVICE EXPENDITURE AND CONSULTANCES

(Question No. 118)

Mr MICALLEF asked the Minister for Agriculture:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into, since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr W. D. McGrath (Minister for Agriculture) — The answer is:

The details of expenditure by the Department of Agriculture (not including statutory agencies) on non-public sector legal advice and legal consultancies since 3 October 1992 are as follows:

(a) The department incurred expenditure of $287.00 as its share of the costs of engaging counsel in relation to an application in the Australian Industrial Relations Commission by the Federated Liquor, Hospitality and Miscellaneous Workers Union for federal award coverage.

(b) The department successfully defended an action in the Industrial Division of the Magistrates’ Court in relation to the provision of vehicles for the use of certain quarantine staff. The cost to the department of legal advice and legal representation was $46,242.02. Costs were awarded against the plaintiff, and the department is thus entitled to the reimbursement of its costs.

(c) Nil.

(d) Nil.

REGIONAL DEVELOPMENT — LEGAL ADVICE EXPENDITURE AND CONSULTANCES

(Question No. 126)

Mr MICALLEF asked the Minister for Police and Emergency Services, for the Minister for Regional Development
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Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into, since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

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

I am advised that, in respect of the regional development and WorkCover offices within the Department of Business and Employment, there has been no expenditure on legal advice received, or legal consultancies entered into, since 3 October 1992, on (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; or (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations.

Any expenditure by other offices of the Department of Business and Employment on legal advice or consultancies in relation to this matter will be answered separately by the respective responsible Ministers.

ROADS AND PORTS — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 127)

Mr MICALLEF asked the Minister for Public Transport, for the Minister for Roads and Ports:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into, since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

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

There has been no expenditure by the Department of Transport on legal advice or legal consultancies since 3 October 1992.

ARTS — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 128)

Mr MICALLEF asked the Minister for Police and Emergency Services, for the Minister for the Arts:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into, since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

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

Since 3 October 1992, no legal advice has been received and no legal consultancies entered into in relation to (a) union applications for federal award coverage, (c) the drafting of legislation, or (d) advice sought during the course of negotiations by the department with employee and employer organisations.

In respect of (b), proceedings before industrial tribunals, the sum of $287 was forwarded to the Directorate of School Education as the department's contribution towards the cost of being represented at the Industrial Relations Commission by Mr G Guidice.
ETHNIC AFFAIRS — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 130)

Mr MICALLEF asked the Minister for Ethnic Affairs:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr KENNETT (Minister for Ethnic Affairs) — The answer is:

I am informed that:

The only expenditure by my department on external legal advice relevant to the matters raised by the honourable member since 3 October 1992 relates to item (c), that is, advice on the drafting of legislation as follows:

$2685.00 on account of professional costs and disbursements of Minter Ellison Morris Fletcher in relation to advice on the Public Sector Management Bill.

There has been no other expenditure in relation to the other matters on which information is requested.

This information does not include details on the use of legal advisers internal to the public sector such as departmental legal advisers and the Victorian Government Solicitor.

LOCAL GOVERNMENT — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 133)

Mr MICALLEF asked the Minister for Planning, for the Minister for Local Government:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr MACLELLAN (Minister for Planning) — The answer supplied by the Minister for Local Government is:

In regard to expenditure by the Office of Local Government on legal advice received, or legal consultancies entered into since 3 October 1992 in relation to the following categories is:

(a) Union applications for federal award coverage — nil.
(b) Proceedings before industrial tribunals — nil.
(c) Drafting of legislation regarding State government/employee relations — nil.
(d) Advice sought during the course of negotiations by the office with employee organisations and employer organisations — nil.

GAMING — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 136)

Mr MICALLEF asked the Attorney-General, for the Minister for Gaming:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mrs WADE (Attorney-General) — The answer supplied by the Minister for Gaming is:

Since 3 October 1992, no legal advice has been received and no legal consultancies entered into in relation to (a) union applications for federal award coverage, (c) the drafting of legislation, or (d) advice sought during the course of negotiations by the department with employee and employer organisations?
In respect of (b), proceedings before industrial tribunals, the sum of $287 was forwarded to the Directorate of School Education as the department’s contribution towards the cost of being represented at the Industrial Relations Commission by Mr G Guidice.

SPORT, RECREATION AND RACING — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 137)

Mr MICALLEF asked the Minister for Sport, Recreation and Racing:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr REYNOLDS (Minister for Sport, Recreation and Racing) — The answer is:

Since 3 October 1992, no legal advice has been received and no legal consultancies entered into in relation to (a) union applications for federal award coverage, (c) the drafting of legislation, or (d) advice sought during the course of negotiations by the department with employee and employer organisations.

In respect of (b), proceedings before industrial tribunals, the sum of $287 was forwarded to the Directorate of School Education as the department’s contribution towards the cost of being represented at the Industrial Relations Commission by Mr G Guidice.

TOURISM — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 139)

Mr MICALLEF asked the Minister for Tourism:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) the drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr McNAMARA (Minister for Tourism) — The answer is:

Since 3 October 1992, no legal advice has been received and no legal consultancies entered into in relation to (a) union applications for federal award coverage, (c) the drafting of legislation, or (d) advice sought during the course of negotiations by the department with employee and employer organisations.

In respect of (b), proceedings before industrial tribunals, the sum of $287 was forwarded to the Directorate of School Education as the department’s contribution towards the cost of being represented at the Industrial Relations Commission by Mr G Guidice.
QUESTIONS ON NOTICE

POLICE AND EMERGENCY SERVICES — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 124)

Mr MICALLEF asked the Minister for Police and Emergency Services:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

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

Victoria Police has incurred $49,953.50 towards legal fees associated with the Australian Federal Police Association’s application for federal award coverage.

No other expenditure has been incurred on legal advice received and no legal consultancies have been entered into since 3 October 1992 regarding (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations.

CORRECTIONS — LEGAL ADVICE EXPENDITURE AND CONSULTANCIES

(Question No. 125)

Mr MICALLEF asked the Minister for Corrections:

Whether the Minister will provide details to the House of expenditure by the department on legal advice received, and legal consultancies entered into since 3 October 1992; if so what the details of that expenditure are in relation to — (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; and (d) advice sought during the course of negotiations by the department with employee organisations and employer organisations?

Mr McNAMARA (Minister for Corrections) — The answer is:

No legal consultancies have been entered into since 3 October 1992 regarding (a) union applications for federal award coverage; (b) proceedings before industrial tribunals; (c) drafting of legislation; or (d) advice sought during the course of negotiations by Correctional Services Division with employee organisations and employer organisations.

Legal advice and representation for correctional services was sought from the Victorian Government Solicitor for an application made by the State Public Services Federation regarding Structural Efficiency Principles in the Employee Relations Commission. An invoice of $5140.00 has so far been paid for counsel’s fees.

No other expenditure for legal advice as outlined have been incurred.
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The SPEAKER (Hon. J. E. Delzoppo) took the chair at 2.7 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! I have pleasure in welcoming to the Public Gallery the Honourable John Stopp and Mrs Stopp. The Honourable John Stopp is the President of the Legislative Council of Tasmania.

QUESTIONS WITHOUT NOTICE

KNF ADVERTISING

Mr THOMSON (Pascoe Vale) — I refer the Minister for Energy and Minerals to his release to me of only two documents of one page each regarding the construction arrangements between the State Electricity Commission and the Master Builders Association of Victoria in response to my request of 26 October. Will he now table all relevant files in the Parliamentary Library?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — Originally the honourable member for Pascoe Vale asked me to table the documents and I said I would provide him with the information he sought. I duly sought that information from the State Electricity Commission and it provided me with the documents and assured me that they were the only documents on file in this matter; therefore the honourable member has received the documents he sought.

EXPORT OPPORTUNITIES IN ASIA

Mr ROWE (Cranbourne) — I ask the Premier to inform the House of the latest developments in establishing closer ties between Victoria and Asia and what opportunities exist for industries wishing to export technology and manufactured products to the Asian region.

Mr KENNETT (Premier) — Today the Minister for Public Transport is entertaining some dignitaries from Victoria's sister State, Jiangsu Province, China, who are here to purchase for approximately $1.5 million a dry dock which they will take back to China.

I have also had the pleasure of exchanging the contract of sale for the property at 616 Little Collins Street with the Guangzhou City Construction and Development General Company of China. These transactions indicate that the community in China is increasingly trading not just with Australia but predominantly with Victoria.

The contract I have had the pleasure of exchanging this morning for the 616 Little Collins Street property was worth approximately $1.68 million, and Mr Shi Jinling, the chairman and general manager of the development company, came out to Australia for that transaction. This will lead to a $5 million refit of the building. The transaction will allow us to explore further business opportunities with our Chinese friends and help them to get to know our customs in business dealings.

They are also keen on entering into joint ventures. During the past 12 months, or a bit longer, Victoria has been actively encouraging joint partnership arrangements with various organisations in China. Victoria now regularly receives such visits from China, and Chinese investment and interest in Victoria are growing.

Credit for the 616 Little Collins Street sale must go to the Minister for Finance and officers of his department, and I congratulate them on the manner in which the negotiations were conducted and the price that was achieved.

Honourable members interjecting.

Mr KENNETT — Importantly — although some honourable members would obviously, by interjection, disagree with such an important arrangement — Victoria will continue to pursue a closer working relationship with China, particularly with its sister State, Jiangsu Province, and I have no doubt it is very well placed to do so.

I make one other comment on trade, and it concerns our relationship with Malaysia, in particular, which is a most important trading country for Victoria. It is important particularly for the honourable member for Williamstown in connection with what is happening in her electorate with AMECON. Over the past years we have built up a good relationship with Malaysia, not only in business but also in cultural exchanges. At present we have two major delegations from Malaysia. They are here for a
conference to be held later this week that will be
hosted by the Federal Minister, Senator Peter Cook.
It is an important trade conference not only for
Victoria but also for Australia. We will continue to
do everything we can as a State that is clearly on the
move and again open for business — not only for
doing business with China but also with Malaysia —
to strengthen our relationships. I know the business
community is looking forward to the opening up of
opportunities in both those countries to our north.

VICTORIAN CONSTITUTION

Mr Brumby (Leader of the Opposition) — Will
the Attorney-General give a specific undertaking to
the House that the government will not repeal
section 55 of the Constitution?

Mrs Wade (Attorney-General) — This is a rather
unusual question.

Honourable members interjecting.

Mrs Wade — The government has no current
plans to amend the Constitution in any way, but as
every honourable member knows the Victorian
Constitution is an Act of the Victorian Parliament,
and under the previous government it was amended
from time to time; no doubt, in future, it will again
be amended from time to time. I believe that
sufficiently answers the honourable member’s
question.

MINIMUM WAGES

Mr Finn (Tullamarine) — Will the Minister for
Industry and Employment inform the House of the
government’s response to the inquiry by the
Employee Relations Commission into the minimum
wage standard contained in Schedule 1 of the
Employee Relations Act?

Mr Gude (Minister for Industry and
Employment) — The question is important to people
in Victoria. The federal commission made a decision
on 25 October this year to grant an increase to
lower-paid workers covered by federal awards
throughout Australia, and it did so in a way that
enables that payment to be made similarly to the
application of the safety net provisions of the
Employee Relations Act in Victoria — in other
words, the $8 is to apply to the lowest paid workers
and can be absorbed where the payment exceeds the
minimum.

Following that decision I gave a reference to the
Victorian Employee Relations Commission to review
the decision of the federal commission to ensure that
lower paid workers in Victoria would not suffer any
loss as a consequence of the changes that are about
to take place in the federal jurisdiction. After some
toing and froing I understand the Victorian Trades
Hall Council has made submissions to the State
commission. Certain employer groups have done
the same, including a number of industry bodies,
and the Victorian government has also made a
submission. The government’s submission makes it
quite clear that the government supports the general
thrust of the federal industrial commission’s
decision, in the sense of being prepared to look after
the lowest paid workers.

I direct to the attention of the House the fact that
when the employee relations legislation was
introduced by the government I said in my
second-reading speech that there would be reviews
of wages and changes that might occur from time to
time, and this is part of that process.

The government is certainly prepared to amend the
legislation as might be necessary to achieve
appropriate minimum standards. There is no
concern about that. Today, on radio the Leader of
the Opposition suggested that some 400 000 workers
in Victoria — low-paid workers — would be denied
access to this $8 a week increase. The Leader of the
Opposition is nodding his endorsement of that. A
week or so ago the Leader of the Opposition said he
was about to turn to the real issues of the moment,
but what we have seen today is a person who has
been prepared to reach a new low level, to get right
down into the gutter and try scaremongering.

Mr McNamara — He is at home there.

Mr Gude — He may well be at home in the
gutter, but the question that I raise is how could this
man possibly know what the Employee Relations
Commission will decide? The commission has not
even concluded its deliberations.

Mr Brumby interjected.

Mr Gude — The honourable member interjects.

Honourable members interjecting.

The Speaker — Order! The Minister will ignore
interjections.
Mr GUDE — The Leader of the Opposition’s interjection is a very important interjection, Mr Speaker, because he is in fact implying that Miss Susan Zeitz, the President of the Employee Relations Commission, and other members of the commission will kowtow to the government. He is impugning the independence and integrity of that body.

The SPEAKER — Order! The level of interjection is too high. I will call the Minister when the House comes to order: the Minister, concluding his answer.

Mr GUDE — The only way I can be wrong is if the honourable member is truly Nostradamus —

Honourable members interjecting.

Mr GUDE — I do not think members of the ALP administrative committee thought he was Nostradamus when they threw his motion on women candidates out the door!

Even more outrageous and probably libellous is the way he has effectively impugned the members of the State Employee Relations Commission. He might smile, but there could be actions that the commissioners might wish to take against him.

Honourable members interjecting.

Mr GUDE — It is right. The commissioners could do that. It will be a matter for them. It is disgraceful and despicable that a person who would parade as the Leader of the Opposition in this State would in the first place take to scaremongering and intimidation and create a concern for 400 000 Victorians about the level of wages they might be receiving. Even more interesting, in a sense, is that the 1990 Australian Bureau of Statistics figures show that there were 637 000 Victorians then covered by State awards. Since then the State has suffered the Labor disease — we have had a growing level of unemployment, so that number has declined somewhat. But let us say 400 000 is right. If that is the case, is he really saying that every worker in Victoria is on the minimum wage? If he is saying that, he should look no further than the work his party carried out when in government, which destroyed the State of Victoria. You ought to be ashamed of yourself.

Honourable members interjecting.

The SPEAKER — Order! The Minister will assist the Chair greatly if he addresses his remarks through the Chair and ignores interjections. I ask the Minister to conclude his answer.

SAFER CHEMICAL STORAGE TASKFORCE

Mr BRUMBY (Leader of the Opposition) — I direct to the attention of the Minister for Industry Services comments he made in the House last Friday claiming that Mr Peter Vaughan, the Chairman of the Safer Chemical Storage Taskforce, does not have any experience in developing major projects. Is he the same Peter Vaughan who for five years from 1988 to 1993 was the Victorian Director of the Australian Federation of Construction Contractors (AFCC)? Will the Minister assure the House that the government does not intend to sack Mr Vaughan and other members of the taskforce, as stated by his spokesperson in today’s Geelong Advertiser?

Questions interrupted.

DISTINGUISHED VISITORS

Mr PESCOTT (Minister for Industry Services) — The question asked by the Leader of the Opposition is a clear indication of the misunderstandings that went on during the decade when the Labor Party was in government. The opposition does not understand that Peter Vaughan’s previous job with the AFCC was as a senior bureaucrat. He has never worked in private enterprise as the person in control of building or constructing something. He worked within a bureaucratic body that represents the contractors of Australia. To say he has had experience in developing a major project is absolute rubbish.

Honourable members interjecting.

Mr PESCOTT — The second part of the question related to the future of Mr Vaughan and other
members of the taskforce. I am amazed that even in this morning's Age there is a report under the headline "Pescott's Coode review out today". Who said so? Where does that come from? This report was handed to me last week — —

Honourable members interjecting.

The SPEAKER — Order! The Minister will resume his seat. The barrage of interjections makes it impossible for question time to proceed. Members often raise points of order, and I cannot rule on them unless I am able to hear the answers.

Mr Sercombe interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition tries the patience of the Chair. If he interjects once more during question time, I will deal with him.

Mr PESCOTT — A report in yesterday's Age said we had two secret reports on Coode Island. The first report is supposed to be about relocating the bulk chemical storage facility to somewhere other than west Point Wilson. There has been no such report. The second report referred to in the Age is about the functions of the taskforce. That is not secret; everyone knows the report has been made. That is like saying that 50 000 pieces of paper produced yesterday are secret because today they are in the government system.

As I said last week, a report was received last week. It is being considered, and we will be discussing it with the taskforce in the near future. The government has absolutely no intention of being pushed by that bunch of people opposite — —

Honourable members interjecting.

The SPEAKER — Order! The Minister will pause while the House comes to order.

Mr PESCOTT — They believe the agenda on this issue can be run by the opposition, but it cannot.

POOL AND SPA FENCING

Mr DAVIS (Essendon) — I ask the Minister for Planning to inform the House of the stage the government has reached in its proposals concerning the safety of young children near domestic swimming pools and spas.

Mr MACLELLAN (Minister for Planning) — Today I announced a government-funded public awareness campaign over the summer to encourage people to be aware of the dangers of leaving children unattended, especially near sparkling water such as swimming pools and spas.

The government has decided to prepare regulations in anticipation of the passing of the Building Bill to enable the fencing of backyards or areas in which swimming pools and spas are located, including swimming pools built before April 1991, which are presently unregulated in respect of fencing requirements. The proposal brings Victoria into line with New South Wales and Queensland.

I believe the combination of the awareness campaign over the summer and the regulations will enable us to provide suitable safety barriers between children and sparkling water, which has proved so dangerous to them. The regulations will come into effect in the middle of next year, giving a catch-up period of three years, unless a property is sold during the three years, in which case it will be earlier than three years. I believe the government can expect the support and encouragement of the media and both sides of the House.

SAFER CHEMICAL STORAGE TASKFORCE

Mr MICALLEF (Springvale) — I direct my question to the Minister for Industry Services. I ask the temporary Minister about his — —

Honourable members interjecting.

The SPEAKER — Order! Any reflections on members, or similar remarks, are disorderly and cannot be incorporated in questions.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Springvale will ask his question unassisted.

Mr MICALLEF — I refer the Minister to his comments in the House last week when he said the Safer Chemical Storage Taskforce has no status — —

Honourable members interjecting.

Mr MICALLEF — I will repeat that: he said the taskforce has no status within the normal government structure. If that is the case, why has the
Minister personally approved expenditure on consultancies and other work by the taskforce in excess of $3.5 million ——

Mr Kennett — How much?

Mr MICALLEF — $3.5 million ——

Mr Kennett — How much?

Mr MICALLEF — $3.5 million.

The SPEAKER — Order! The Chair does not see the necessity for the repetition. Has the honourable member concluded his question?

Mr MICALLEF — Why has the Minister over the past 13 months approved these consultancies worth $3.5 million?

The SPEAKER — Order! Notwithstanding the humour of the situation, the honourable member for Springvale is trying the patience of the Chair. I suggest he has gone far enough.

Mr PESCOTT (Minister for Industry Services) — I congratulate the honourable member for Springvale for asking a question. We have had the quinella today! The answer to the question is simple — just as the question is simple. About two or three months ago members of the taskforce came to me about its position within the structure of government.

Ms Kirmer — More than three months ago.

Mr PESCOTT — It might have been four months ago. These telling questions are coming from an area that is obviously closely associated with the taskforce. I suggest that if the honourable member for Springvale wants to fully understand the situation — I will not have time to explain it because it requires a long and detailed answer — he should ask those in the taskforce. However, in its usual incompetent way the previous government wrote letters to a few people, thereby establishing a taskforce.

Ms Kirmer interjected.

Mr PESCOTT — The honourable member for Williamstown interjects that that is absolute nonsense. She was the person who signed the letters that established — —

Honourable members interjecting.

Mr Kennett — I think it's Christmas.

The SPEAKER — Order! It may well be Christmas for some, but it has not arrived yet! The House will come to order. I ask certain members on the government benches — namely, the honourable members for Mornington, Tullamarine and Mordialloc — —

Mr Leigh interjected.

The SPEAKER — Order! The Chair fails to see the humour in the remarks of the honourable member for Mordialloc. I ask the Minister to conclude his answer.

Mr Sandon interjected.

The SPEAKER — Order! I ask the honourable member for Carrum to be quiet.

Mr PESCOTT — The previous government told the task force by letter that in future there may be a statutory authority; and a suggestion was made about a number of different ways of putting the task force within the structure of government. That has been the purpose of the consultancy to which reference has been made in this House on a number of occasions. The consultancy was engaged at the request of the taskforce. The future of the taskforce will be dealt with when the consultant's report has been considered. I stand by the statements I have made on a number of occasions, that the status of the task force within the structure of government was badly set out by the previous government.

VICTORIAN WOOL INDUSTRY

Mr TURNER (Bendigo West) — Will the Minister for Agriculture inform the House of measures being taken to revamp Victoria's wool industry with the aim of increasing returns by more than $50 million over the next six years?

The SPEAKER — Order! The subject is broad. I am sure the Minister for Agriculture will confine his remarks to the nub of the question.

Mr W. D. McGrath (Minister for Agriculture) — I shall keep within the micro-range, Mr Speaker! The wool industry is important to Victoria, whose growers produce approximately 20 per cent of the national wool clip. Victoria has good foundation flocks through its studs, and we are working towards establishing a quality management program for our wool producers to increase wool
quality. We also intend to improve clip preparation to make sure we adequately class our better style wools and restrict chemical contamination.

Over the next three years the Department of Agriculture will allocate $196 000 to establish workshops in which our wool growers can participate. If each year 10 per cent of our wool growers attend the workshops to upgrade their skills, we should be able to improve the standard of the wool clip. Undoubtedly some farmers lost interest in clip preparation and flock management because of low wool prices. As wool prices start to improve it is appropriate that we ensure that all those in the industry maintain and improve their skills. Growers must make sure that their wool goes through their shearing sheds and into the marketplace in the very best condition so that the global trade recognises that Australian wool is the best fibre in the world and can adequately compete with artificial fibres.

At present wool accounts for only 5 per cent of the world textile trade. If we were able to increase that to 7 per cent, the increase in the consumption of Australian wool would be significant. That would lead to further increases in the price of wool, which would enhance the development of the industry and the viability of our wool producers, which would be in the best interests of all Victorians.

CHILD ABUSE

Ms GARBUtT (Bundoora) — Will the Minister for Community Services give an undertaking to the House that sufficient funds will be provided to ensure that professional practices can be followed by his department to prevent child abuse cases being closed prematurely and children being left at risk?

Mr JOHN (Minister for Community Services) — The government is totally and absolutely committed to the protection of children in this State. Week after week during question time in this Parliament not one question has been asked by the honourable member for Bundoora on some of the most important social issues of our time. The opposition has been mute on the important social issues.

Obviously what has spurred the honourable member on to action was an article in the Age last Saturday on the subject of child protection in the western suburbs region. No protective worker has been ordered to close a case. Indeed, where there is significant risk of abuse, the workers investigate most carefully and professionally.

In recent times, before closing any cases in the western region, my officers have been in contact with the police, the Royal Children's Hospital, social workers and other workers with young people in this State. They do not take the matter lightly. They close cases only when they are satisfied, after proper review, that there is no significant issue of abuse.

The Age article quoted a former protective services worker who provided the information. The article mentioned four or five cases, one of which was a complete fabrication, and the details of the cases were all wrong. We have checked this matter thoroughly. The worker who was quoted has a track record for bagging former employers. He would have done better to have lifted his game when he was in the service to ensure there were no problems in the western region.

The adolescent response team in the western region is not closing and over the next couple of months steps will be taken to strengthen the region's protective services, not to weaken them. We have added 26 child protection workers; we now have 540 workers, which is probably the highest number of child protection workers who have ever worked in Victoria. Seven workers have been added to the western region and the figures in that area are being closely monitored.

In April, 183 notifications were awaiting critical investigation in the western suburbs region. Now there is none!

Ms Kirner interjected.

Mr JOHN — Because we have acted! You had 10 years to act!

The SPEAKER — Order! The Minister will address the Chair.

Mr JOHN — The quality of child protection workers in the western region has dramatically improved, as it has across the State. As Minister, I monitor all figures coming in each day. In the past 12 months we received about 19 000 reports, about 8000 of which required some action and have been substantiated; of those 8000 cases, approximately 1350 require intervention through the court system. We have mechanisms in place to ensure that the
most serious cases are acted upon as soon as possible because the interests of children at risk are a foremost priority of the government.

I assure the House that we are acting and are determined that Victoria will have the best possible system of child protection.

ADVENTURE HOLIDAYS

Mr TREASURE (Gippsland East) — Will the Minister for Tourism inform the House what the government is doing to promote outdoor adventure holidays in Victoria?

Mr McNAMARA (Minister for Tourism) — The matter raised by the honourable member for Gippsland East is most important not only to his electorate but also to many other areas of regional Victoria. One thing clearly identified during research undertaken by Tourism Victoria was the need for more packaged adventure-type holidays. I am delighted to announce that last week the Minister for Conservation and Environment and I launched a new brochure *Victoria — The great outdoors*. I suggest that all honourable members get a copy of the brochure because it is fantastic! It promotes adventure holidays throughout Victoria.

One area of tourism that was sadly lacking was packaged active holidays that were easily accessible. The need for people to have access to Crown land, parks and other areas has also become clear to the Minister for Conservation and Environment and the Minister for Natural Resources, through their departments. We have now been able to present this excellent brochure, which is the first in a series. The brochure identifies a range of activities such as rafting in East Gippsland, ballooning through Central Victoria, horse riding in the Alps, rock climbing in the Pyrenees, cycling through the wineries, cross-country skiing, bush walking and golfing.

The brochure depicts scenic beauty in photographs, but the Department of Conservation and Natural Resources also markets products for which people can book unlike the tourism promotions undertaken by the former government. For the first time there is a degree of professionalism and commercialism in this sort of promotion, and I am sure that will be welcomed by the tourism industry in Victoria.

CHILD RESIDENTIAL CARE

Ms GARBUTT (Bundoora) — I refer the Treasurer to the funding cuts to children’s residential care and ask whether he will intervene to ensure that sufficient funds are provided so that no child currently settled in a stable environment is forced to leave his or her cottage home as a part of the government's move from residential care to foster care?

Mr STOCKDALE (Treasurer) — After a week away, I thank the House for the scintillating question time we have enjoyed today. As the Minister for Community Services and the Premier have indicated, this area of government responsibility has an extremely high priority and it is being kept under review. I am sure that if the Minister considers there is a need for additional funding he will forward a submission for additional funding and it will be dealt with according to the usual budgetary practices.

PRIVATE HEALTH INSURANCE

Mr McARTHUR (Monbulk) — In light of the split within the federal Labor Party over the issue of private health cover, will the Minister for Health inform the House of the way the government intends to address the problem in Victoria?

Mrs TEHAN (Minister for Health) — I thank the honourable member for Monbulk for his question, which demonstrates the ongoing concern on this side of the House for the role of private health insurance and the number of people with private health insurance in this country. We were given some hope by the interest the Federal Minister for Health, Senator Richardson, has shown in at least maintaining the level of private health insurance in this country at present levels. The level of private insurance is getting dangerously low, having been reduced from more than 50 per cent nationally in 1984 to 37 per cent now. Senator Richardson has indicated that not only will such a low level upset the balance between the complementary systems of public and private health insurance but, if people drop private health insurance and become public patients, public hospital queues will stretch across the country.

What disturbed most health Ministers in Australia — particularly me — were the comments of the Prime Minister that despite his position and salary he does not have private health insurance and does not recognise that there is a need for people
who can afford such insurance to take it out so that they do not take beds from people who are dependent on the public hospital system.

The ideological view of the Prime Minister and many members of the Labor caucus in not recognising, as does Senator Richardson, the strength of the complementary system that has been a major component of Australia's excellent health system is of great concern to me and to the government.

I support the recognition given by Senator Richardson to the role of private health insurance, not only from an ideological but also from a practical point of view — if we are to maintain a public health system in Australia we must have a complementary private system.

I hope Senator Richardson will be more successful than were his predecessors in jumping over the ideological barrier that has resulted in the health system now being a cause of real concern. I hope he will receive support from his colleagues in this State, and the support of sufficient of his colleagues at the national level for his views to prevail.

COBURG PRISON COMPLEX

Mr SERCOMBE (Niddrie) — Will the Minister for Corrections confirm that it is the government's present intention to close the Coburg prison complex by about October 1996?

Mr McNAMARA (Minister for Corrections) — At this stage I can confirm nothing.

ASSISTANCE TO SMALL BUSINESSES

Mr JENKINS (Ballarat West) — Will the Minister for Small Business inform the House of any recent government initiatives aimed at assisting Victorians seeking to establish a small business?

Mr HEFFERNAN (Minister for Small Business) — I thank the honourable member for his question and his ongoing interest in the small business sector. It is with pleasure that I inform the House of another example of this government's working with the private sector — I emphasise, the private sector — to assist Victorian small business. Over the past nine months the Office of Small Business and Youth Affairs has worked with a number of private sector organisations in developing a booklet entitled How to avoid the pitfalls when buying a business. The document meets the strong demand for this type of publication in the small business sector. The document has two sections. The first section is a self-assessment section for people intending to establish a small business.

Mr Haermeyer — Did you read it?

Mr HEFFERNAN — I know what involvement you have had in private business! The first section is designed to force people to ask themselves the hard question: whether they have the economic and personal characteristics necessary to succeed.

The second section is special in that an agreed application form for use by the finance sector has been produced. It is the first time a diverse range of private sector financial institutions have come together to provide a uniform format for people intending to go into small business. I congratulate the Australian Bankers Association, the ANZ Bank, the Commonwealth Bank, the Bank of Melbourne, the Commonwealth Development Bank of Australia, the Institute of Chartered Accountants in Australia and the Australian Society of Certified Practising Accountants on their involvement in the exercise.

I also extend a special thanks to the Real Estate Institute of Victoria Ltd, and in particular to Mr Noel Johnson, who is a member of that organisation and who was the main focus in bringing the booklet into being.

The demand for the publication has been overwhelming. When I launched the document last week there were back orders for 1000 copies. Since then 15 000 copies have been purchased and 20 000 additional copies are now ready to meet the extraordinary demand. Yesterday more than 70 separate inquiries were taken through my office alone. The document is available throughout Victoria at the most reasonable price of $4.95. Perhaps we should have produced a similar document on how to govern for the opposition when it was in government.

I commend and thank the parties for their commitment to the small business sector. The publication of this document is another example of how Victoria is leading the way in fostering small business growth in this State.

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 full funding to preschools and restore the central payment scheme for salaries.

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

By Ms Carbutt (125 signatures)

State education system

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 pray that the Minister for Education:

(a) abandon the quality provision process which is threatening the basis of our State education system;
(b) reject staffing proposals which reduce teacher numbers to unacceptable levels;
(c) guarantee the future of all government schools choosing to remain in their present form.

Your petitioners therefore pray that the House take all necessary steps to ensure the Minister withdraws the proposals which threaten the viability of State schools.

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

By Ms Garbutt (167 signatures)

Laid on table.

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 and 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 (94 signatures)

Laid on table.

BEAVE LTD

Tuesday, 23 November 1993

ASSEMBLY

2081
WORLD CONFERENCE ON HUMAN RIGHTS VIENNA, AUSTRIA.

2082 ASSEMBLY Tuesday, 23 November 1993

WORLD CONFERENCE ON HUMAN RIGHTS VIENNA, AUSTRIA.

Mr PERTON (Doncaster) — By leave, I move:

That there be presented to this House a copy of the report of the Scrutiny of Acts and Regulations Committee on the World Conference on Human Rights Vienna, Austria 1993.

Motion agreed to.

Mr PERTON (Doncaster) presented report in compliance with foregoing order.

Laid on table.

AUSTRALASIAN AND PACIFIC CONFERENCE ON DELEGATED LEGISLATION AND SCRUTINY OF BILLS.

Mr PERTON (Doncaster) — By leave, I move:

That there be presented to this House a copy of the report of the Scrutiny of Acts and Regulations Committee on proceedings of the Australasian and Pacific Conference on Delegated Legislation and Scrutiny of Bills 1993.

Motion agreed to.

Mr PERTON (Doncaster) presented report in compliance with foregoing order.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Interpretation of Legislation Act

Mr PERTON (Doncaster) presented second report of Scrutiny of Acts and Regulations Committee on operation of section 32 of Interpretation of Legislation Act 1984, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No.19

Mr PERTON (Doncaster) presented Alert Digest No. 19 of 1993 on Crimes (Amendment) Bill (No. 2), Planning and Environment (Amendment) Bill, Building Bill, Health and Community Services (Further Amendment) Bill and Education (Amendment) Bill, together with appendix and minutes of evidence.

Laid on table.

Ordered that report and appendix be printed.

PAPERS

Laid on table by Clerk:

Adult Parole Board — Report for the year 1992-93

Altona District Hospital — Report for the year 1992-93

Ararat and District Hospital — Report for the year 1992-93

Bacchus Marsh and Melton Memorial Hospital — Report for the year 1992-93

Ballarat Base Hospital — Report for the year 1992-93

Bendigo Hospital — Report for the year 1992-93

Casino Control Act 1991 — Orders in Council pursuant to section 128P(5) (three papers)

Clunes District Hospital — Report for the year 1992-93

Conservation and Natural Resources Department — Report for the year 1992-93


Creswick District Hospital — Report for the year 1992-93

Daylesford District Hospital — Report for the year 1992-93

Dimboola District Hospital — Report for the year 1992-93

Donald District Hospital — Report for the year 1992-93

Dunmunkle District Hospital — Report for the year 1992-93

Edenhope and District Memorial Hospital — Report for the year 1992-93
Eildon and District Community Hospital — Report for the year 1992-93
Gas and Fuel Corporation Superannuation Fund — Report for the year 1992-93
Glenview Community Care Incorporated — Report for the year 1992-93
Harness Racing Board — Report for the year ended 31 July 1993
Health and Community Services Department — Report for the year 1992-93
Hospitals Superannuation Fund — Report on the Actuarial Investigation of the Fund as at 30 June 1993
Kaniva District Hospital — Report for the year 1992-93
Manangatang and District Hospital — Report for the year 1992-93
Mercy Public Hospitals Incorporated — Report for the year 1992-93
Metropolitan Transit Authority Superannuation Fund — Report for the year 1992-93
Nhill Hospital — Report for the year 1992-93
North West Hospital — Report for the year 1992-93
Ouyen and District Hospital — Report for the year 1992-93
Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:
Alberton Planning Scheme — No. L16
Bass Planning Scheme — No. L27
Beechworth Planning Scheme — No. L22
Berwick Planning Scheme — Nos L64, L65
Caulfield Planning Scheme — No. L23
Coburg Planning Scheme — No. L33
Diamond Valley Planning Scheme — No. L45
Footscray Planning Scheme — No. L36
Kilmore Planning Scheme — No. L65
Korumburra Planning Scheme — No. L49
Melbourne Planning Scheme — Nos L110, L112
Mildura Shire Planning Scheme — No. L32
Nunawading Planning Scheme — No. L65
Rodney Planning Scheme — No. L54
Shepparton City Planning Scheme — No. L50
Springvale Planning Scheme — No. L51
Sunshine Planning Scheme — Nos L46, L47
Westernport Region Planning Scheme — No. R12
Queen Elizabeth Centre, Ballarat — Report for the year 1992-93
Queen Elizabeth Centre, Carlton — Report for the year 1992-93
Ripon Peace Memorial Hospital — Report for the year 1992-93
Royal Children’s Hospital — Report for the year 1992-93
Royal Dental Hospital of Melbourne — Report for the year 1992-93
Royal Melbourne Hospital — Report for the year 1992-93
Royal Women’s Hospital — Report for the year 1992-93 (two papers)
St Arnaud District Hospital — Report for the year 1992-93
Statutory Rules under the following Acts:
County Court Act 1958 — SR No. 212
Credit (Administration) Act 1984 — SR No. 209
Local Government Act 1989 — SR No. 213
Transport Act 1983 — SR No. 214
Stawell District Hospital — Report for the year 1992-93
Tweddle Child and Health Family Service — Report for the year 1992-93
Warracknabeal District Hospital — Report for the year 1992-93
Western Hospital — Report for the year 1992-93
Willaura and District Hospital — Report for the year 1992-93
Williamstown Hospital — Report for the year 1992-93
Winnemba Base Hospital — Report for the year 1992-93
Wonthaggi and District Hospital — Report for the year 1992-93

Proclamation fixing operative date in respect of the following Act pursuant to Order of the House dated 27 October 1992:

Casino Control (Further Amendment) Act 1993 — Remaining provisions on 16 November 1993 (Gazette No. 582, 16 November 1993).

DEPUTY OMBUDSMAN (POLICE COMPLAINTS)


Laid on table.

Ordered to be printed.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Audit Bill
Financial Management Bill
Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Bill

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 Friday, 26 November 1993:

Liquor Control (Amendment) Bill
Education (Amendment) Bill
Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Bill
Planning and Environment (Amendment) Bill
Building Bill
Health and Community Services (Further Amendment) Bill
Health Services (Amendment) Bill
Public Holidays Bill — Amendment of the Legislative Council
Stock (Seller Liability and Declarations) Bill — Amendments of the Legislative Council
Rural Finance (VEDC Abolition) Bill — Amendments of the Legislative Council
Telecommunications (Interception) (State Provisions) (Amendment) Bill — Amendment of the Legislative Council
Police Regulation (Discipline) (Amendment) Bill
Local Government (Miscellaneous Amendments) Bill
TT-Line Gaming Bill

Mr ROPER (Coburg) — The opposition makes clear its annoyance and disgust at the government’s intention to close down Parliament a week early.

Government members interjecting.

The SPEAKER — Order! The honourable member for Coburg is entitled to put his point of view without interruption. There are too many interjections from government members.

Mr ROPER — The government’s clear intention was to sit next week. If one looks at the number of Bills on the Notice Paper one realises there is no doubt that Parliament should be sitting next week. It is not as though Parliament is overworked because of the number of sitting days or sitting weeks. Adequate time is required to deal with the Crimes (Amendment) Bill (No. 2), the Education (Amendment) Bill, the Planning and Environment (Amendment) Bill, the Building Bill and others. You, Mr Speaker, thought Parliament was sitting next week because you invited honourable members for drinks!
BUSINESS OF THE HOUSE

Tuesday, 23 November 1993

The SPEAKER — Order! I do not think it is appropriate for the honourable member to embarrass the Speaker.

Mr ROPER — The point I am making is that you, Mr Speaker, and all honourable members in this place have entries in their diaries stating that Parliament will be meeting next week. But the government has decided to run away from this place — firstly to avoid business, and secondly, to avoid questions without notice. The government does not want further issues raised during questions without notice, particularly questions about the Premier’s activities. The past few months have been unpleasant for the Premier and his business activities, and the next week would have been equally unpleasant.

The government is using its numbers to ensure that that does not occur. It has used its new guillotine method to pass 11 Bills so far this sessional period. That is the same number of Bills that were guillotined over the previous three years. Parliament normally meets for at least 10 weeks during the spring sessional period. However, this sessional period the House will sit for only nine weeks. The motion does not allow adequate debate. The same thing that happened last week with the Nurses Bill and the Public Sector Superannuation (Administration) Bill will happen to the Crimes (Amendment) Bill (No. 2); the Minister will introduce substantial amendments that will be passed without discussion. Will that happen to the first six Bills on the Notice Paper? In each instance, the government proposes to move amendments. Therefore it is likely that six Bills and six lots of amendments will not be debated.

Last week the Minister for Finance did not have the opportunity to explain 40 pages of amendments to the Public Sector Superannuation (Administration) Bill — whether he could have explained them is another matter. Nevertheless, the 40 pages of amendments were passed without debate. The same occurred with the Nurses Bill and the Equal Opportunity (Amendment) (No. 2) Bill. I move:

That the following Orders of the Day, Government Business, be omitted:

Planning and Environment (Amendment) Bill
Building Bill
Health and Community Services (Further Amendment) Bill
Health Services (Amendment) Bill

Public Holidays Bill — Amendment of the Legislative Council
Stock (Seller Liability and Declarations) Bill — Amendments of the Legislative Council
Rural Finance (VEDC Abolition) Bill — Amendments of the Legislative Council
Telecommunications (Interception) (State Provisions) (Amendment) Bill — Amendment of the Legislative Council
Local Government (Miscellaneous Amendments) Bill
TT-Line Gaming Bill

I do so because proper debate should take place this week and next week on major Bills. The government should not guillotine debate deliberately and run away from questions without notice simply to protect the Premier.

Mr W. D. McGrath (Minister for Agriculture) — The honourable member for Coburg has presented a feeble argument; he did not back it up substantially. He said the government was running away from question time today; members of the opposition asked the most insipid questions one has ever heard. The honourable member for Niddrie puts his head forward with great surprise.

The SPEAKER — Order! The Minister must address the Chair.

Mr W. D. McGrath — The honourable member for Coburg says the government is running away from question time, but today’s efforts by the opposition during question time demonstrate that the opposition is bereft of major ideas of substance.

Mr Brumby interjected.

Mr W. D. McGrath — I have not been educated at the taxpayers’ expense, as has the Leader of the Opposition!

Mr Gude — A public school boy — mummy and daddy paid!

Mr W. D. McGrath — Who took him through teachers college? The opposition’s argument about the government running away from question time is feeble. By way of comparison, the House sat for 10 weeks during the 1992 autumn session.
Honourable members interjecting.

Mr W. D. McGrath — During the 1992 autumn session the House passed 54 Bills. By the end of the week the House will have sat for 10 weeks and will have passed 59 Bills. Not many weeks ago, during debate on a small business Bill the opposition took about 10 hours to debate an opposition amendment to which the government had agreed.

Mr Sercombe interjected.

Mr W. D. McGrath — I doubt whether the House had nothing else to do. The Friday sittings allow an additional 9.5 hours debating time each week. If the Legislative Council amends legislation, the Legislative Assembly will sit one day next week; but that is not the plan at this stage. I hope both Houses will facilitate the smooth passage of Bills so that the Legislative Assembly does not need to return to ratify Upper House amendments. The opposition is complaining about a common practice in the Federal Parliament.

Mr Steggall — Thirty Bills!

Mr W. D. McGrath — The honourable member for Swan Hill says that 30 Bills at a time are passed through the Federal Parliament, which is controlled by the Federal Labor government! Opposition members should not complain with feeble arguments that lack substance. Their display at question time shows that. You are hollow, shallow, and you have no intestinal fortitude!

The Speaker — Order! I have already asked the Minister for Agriculture to address the Chair. Comments referred to members across the table cause trouble. I remind the Minister for Agriculture of Proverbs 15.1:

A soft answer turneth away wrath: but grievous words stir up anger.

Mr W. D. McGrath — On that note, Mr Speaker, I think my time has expired.

Mr Brumby (Leader of the Opposition) — The opposition strongly opposes the motion to shut down Parliament.

Mr Brumby — Your contribution was the most insipid I have heard in this place.

Government members interjecting.

Mr Brumby — You, Mr Speaker, know that it was the government's intention to sit next week. As the honourable member for Coburg remarked, you issued invitations for drinks on the basis that the House would be sitting next week. I regret any embarrassment that may cause you, but obviously you, Mr Speaker, expected a sitting next week to allow a proper debate of the issues of the day. The opposition demands a chance to debate issues that concern the community.

The Notice Paper contains the Education (Amendment) Bill. The community has reacted spontaneously to oppose the government's savage education cuts. Last week I mentioned an education cut, about which the Minister should be ashamed, because teacher numbers will fall from 11 to 7 — —

Mr W. D. McGrath interjected.

Mr Brumby — Do you support those cuts?

Mr W. D. McGrath interjected.

Mr Brumby — Do you support those cuts? We want the opportunity for debate.

The Speaker — Order! The Chair cannot possibly allow arguments to proceed across the table. The Minister for Agriculture and the Leader of the Opposition are at fault; I ask them to behave themselves.

Mr Brumby — The opposition demands the opportunity of debating comprehensively any legislation that will fundamentally affect the lives of Victorians. It wishes to properly debate the Education (Amendment) Bill as well as the Electricity Industry Bill under which the government proposes to split the State Electricity Commission. No other State has taken that step; your Liberal counterpart in New South Wales backed away from a similar proposal.

As the honourable member for Bendigo West well knows the effects of the Liquor Control (Amendment) Bill will destroy the country hotel industry. The Crimes (Amendment) Bill (No. 2)
should be fully debated. Today the House heard a pathetic, feeble and insipid answer about Coode Island from the Minister for Industry Services. The government has had 14 months in which to begin that process.

Mr Gude interjected.

Mr BRUMBY — You have done nothing. You may think it is laughable.

The SPEAKER — Order! I do not know how many times I have to say it; during debate the Leader of the Opposition may use only the third person. He cannot address individually members of the government — and the same applies for government members. I have already asked government members to remain silent.

Mr BRUMBY — This government says one thing but does another. At the opening of Parliament, the Governor said the government promised to make Parliament open, honest and accountable, to allow Parliament to sit more often and to spend more time debating the issues of the day.

Mr W. D. McGrath interjected.

The SPEAKER — Order! I warn the Minister for Agriculture that I will take action against him.

Mr BRUMBY — The real reason you are shutting down Parliament is because you do not want the opposition to debate section 55 of the Constitution Act and the Members of Parliament (Register of Interests) Act. Where is your Premier?

Government members interjecting.

The SPEAKER — Order! If the Leader of the Opposition uses the first person once again during his contribution, I will no longer hear him.

Mr BRUMBY — This week the opposition will receive legal advice to show that according to the Members of Parliament (Register of Interests) Act and section 55 of the Constitution Act the Premier is in serious difficulties. The government is closing down Parliament because it does not want the opposition to have the opportunity of debating the issue. The Members of Parliament (Register of Interests) Act and section 55 of the Constitution are all that stands between political life and the brown paper bag — —

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

Mr RICHARDSON (Forest Hill) — It was fascinating to listen to the impassioned pleas of the honourable member for Coburg. It would have brought tears to one's eyes, except that it had a certain sameness; I have heard it all before. I fancy I may have made the same speech when the coalition was in opposition. I am sure that when he was the honourable member for Brunswick in a previous opposition the honourable member for Coburg made the same speech. Today he introduced a new element when he suggested that the government wanted to escape the savaging it was receiving at the hands of the opposition. Being savaged by the opposition is like being savaged by a dead sheep. The Leader of the Opposition supported the motion of the honourable member for Coburg, but he does not understand English or what you are saying, Mr Speaker, in relation to the first and third persons. As he is a former schoolteacher I thought he would understand that, but he must be as slow a learner as some of the children he has tried to teach.

The reason the government is taking the action it is taking should come as no surprise to anyone, least of all the opposition, because its action in filibustering endlessly and trivialising debate has forced the government to make the decision it has had to make.

The government said last week that the outcome of the remaining sittings was in the hands of the opposition. If it wished to waste its own debating time and that of Parliament by trivialising debate, that was its decision, but at the end of the week the government's legislative program would be achieved. Everybody knew that. The opposition's action has forced the government to make a decision about its legislative program. The opposition has trivialised debate and brought discredit upon the House by its outrageous conduct.

The opposition still has a choice: it can deal responsibly with the legislative program or it can trivialise the issues and waste time on endless filibustering, but at the end of the week the government's objective will be achieved.

Mr Thomson interjected.

Mr RICHARDSON — The honourable member for Pascoe Vale interjects endlessly. He is one of the high-fliers. He has shown that he has the aeronautical configuration of a block of concrete. All members will benefit if the opposition addresses the
affairs of the House responsibly. The government's objective will be achieved and the opposition will continue to be discredited, as it should be.

Mr SERCOMBE (Niddrie) — Following the wit and wisdom of the honourable member for Forest Hill is a difficult task but it is a pleasure to know that he is awake. The contributions of the Minister for Agriculture and the honourable member for Forest Hill demonstrate what an illiberal, authoritarian government the Kennett government is. It will not brook opposition in the community; it savages the most mild critic and it runs away from the only place where the people of Victoria can gain protection from its arbitrary action: the Parliament. The government is running away by closing down Parliament. It can run away for so long, but ultimately it cannot hide. The Premier will discover shortly, from what the Leader of the Opposition has foreshadowed, that he can run away but he cannot hide much longer.

Parliament is the only place where arguments against government propositions can be put, can be subjected to scrutiny and where debate can occur. The House is not dealing with minor legislation; it is dealing with legislation that goes to the hearts and rights of the citizens of Victoria. Already debate on 11 Bills has been guillotined. Only last week debate was guillotined on the Public Sector Superannuation (Administration) Bill, the Equal Opportunity (Amendment) Bill (No. 2) and the Nurses Bill when they were amended substantially during the Committee stage of debate.

One of the effects of that arbitrary, authoritarian action is that many Bills are being sent back to this House by the Legislative Council with amendments. One can only assume that the Bills are being amended in the other place because it allows considered debate. How much more useful would it be if the weaknesses in the government's program were exposed in this place?

The opposition is prepared to cooperate with the government in ensuring important targets are met. The Police Regulation (Discipline) (Amendment) Bill is listed for debate this week, which suggests that in rushing the legislation through earlier this year the government had mucked up the transitional provisions; nonetheless the Bill is important for the wellbeing of the community.

The opposition has demonstrated that it will facilitate debate on important legislation, but it wants to scrutinise the legislation thoroughly in the interests not just of all Victorians, but of the government itself.

One of the fundamental functions of Parliamentary debate is to expose problems and failings, but the amount of amending legislation listed on the Notice Paper demonstrates that this has not occurred. The amendment moved by the honourable member for Coburg stipulates a number of important Bills to be dealt with next week. The opposition is not seeking to delay the government's program but, in its own interests as well as those of the community, it wants to scrutinise important Bills such as the Planning and Environment (Amendment) Bill, which will give extraordinary powers to the Minister for Planning, as well as other Bills. I am sure that when government backbenchers understand the implication of the Bills for their electorates they will be horrified.

The Crimes (Amendment) Bill (No. 2) goes to the heart of the liberty of Victorians. Other important Bills listed on the Notice Paper will have a major impact on the Victorian community.

Mr COOPER (Mornington) — The honourable member for Niddrie said that the honourable member for Forest Hill was a hard act to follow, and I agree with him. Fortunately the honourable member for Niddrie is not a hard act to follow. The concerns expressed today by the opposition would have some validity except that while the honourable member for Coburg was making his submission opposition members were laughing and giggling, demonstrating their concern for this phoney motion.

Since October 1992 the opposition has disrupted and delayed the proper processes of the House. The honourable member for Forest Hill correctly said that it has brought this action upon itself.

It is phoney and hypocritical for members of the opposition, particularly the Leader of the Opposition, to stand up here expressing concern about the processes that are now in place in the House. The opposition says the processes are not democratic, yet the same processes have been in place in Canberra for years under the Labor government. The government is simply following the processes that were set by the opposition's own party in Canberra, and it is the opposition that is phoney and hypocritical.

The opposition this week — and, it seems, every other week that the House sits — should control itself and look after the running of business on its
own side so that it can debate all the Bills it wants to debate. As was said when the new Sessional Orders came into this place, the opposition has the ability to control the business of the House by saying, "These are the Bills that we want to spend considerable time on, and these are the Bills that we do not want to spend considerable time on", but what have we seen in past weeks? We have seen whole days occupied in debate on single Bills as speaker after speaker from the opposition stood up and repeated parrot fashion the speeches made by members on the same side who had preceeded them.

That is all we have had day after day; the opposition occupies the time of the House and then has the gall to complain about the fact that there is a process in place to get the legislation through in the public interest, and that is what the government is doing. The opposition is ignoring the public interest; it is ignoring the mandate of the government and saying that it believes it has the right to delay and disrupt the proper processes of the government, but it is not going to be allowed to do that.

The Leader of the Opposition stood up in this House a few minutes ago saying he wanted more time to debate issues in the House. What a laugh that got from the House! We never see him in here. The Leader of the Opposition comes in here at question time and then at 5 o'clock; he clocks off and goes home, and if he returns during the evening session he probably puts in a claim for double time. Certainly for the Leader of the Opposition to participate in the business and debates of the House would be a first. It would be a surprise if he ever did that because one can count on the fingers of one's hand the number of speeches the Leader of the Opposition has made in this House. He has been a disaster; he leads a disaster, and all we are now seeing is further evidence of the irrelevancy of the opposition.

Honourable Members — Hear, hear!

The SPEAKER — Order! The time allotted under Sessional Orders for the debate has expired. The Leader of the House has moved a motion setting out the government's legislation program for the week, to which the honourable member for Coburg has moved an amendment proposing that a number of items be deleted.
House divided on motion:

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Motion agreed to.

CRIMES (AMENDMENT) BILL (No. 2)

Government amendments circulated by Mrs WADE (Attorney-General) pursuant to Sessional Orders.

The SPEAKER — Order! 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 28 October; motion of Mrs WADE (Attorney-General).

Mr COLE (Melbourne) — The opposition opposes the Bill, and, if given the chance, it will propose amendments to it during the Committee stage.

Mr Richardson — It’s up to you; it is in your hands whether you do that or not. If you make a short speech —

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! The honourable member for Melbourne will ignore interjections.

Mr COLE — I will try to, Mr Deputy Speaker. The opposition has two points to make; one is about the question of time and the other is about the degree of difficulty with the Bill.

Although it is all powerful and all embracing, the Scrutiny of Acts and Regulations Committee has not allowed much time for contemplating the contents of its report on the Bill, as it was tabled in Parliament only today. That is a shame because it means I will not be able to refer in any length to the contents of that report unless I get the opportunity to read and consider it before dealing with the proposed amendments to the Bill.

I shall refer to the point the honourable member for Forest Hill made by interjection. The opposition will, of necessity, not speak on this Bill for as long as it needs to because of the problems of truncating debate on a series of Bills that are supposed to be debated today.

Mr Richardson — Thank you for saying that. You are the only responsible one among you.

Mr COLE — I thank the honourable member for Forest Hill for his compliment that I am the only responsible member in the opposition. At times, I
feel it is a shame that my own side does not have that view, but the fact is that the opposition is placed in the unenviable position of being confronted with an extremely important and serious Bill with nowhere near enough time to debate it because of the difficulties involved with dealing with all government legislation by 4.30 p.m. on Friday this week. That may be good for individuals or for the government, but it is bad for democracy. If the Labor Party had tried to truncate debate on such a crucial Bill as this when it was in government, the legislation would not have seen the light of day because it would not have made it through the Upper House.

I shall move to some of the substantial issues. The Bill effectively gives the police greater powers over citizens in our community. Whenever that happens we have to be very conscious of the fact that civil liberties are an important issue not only to individuals but also because of the propensity to take them away with a stroke of the legislative pen.

I shall refer in the first instance to the powers to take names and addresses. The current position is that a member of the Police Force has the capacity to ask a person to give his name and address, but if he does not want to he does not have to provide the police with that information. If the police have reasonable grounds for believing the person has committed an offence or can help with inquiries, the police are allowed to ask for his name and address and the person is obligated to answer.

Some of the issues involved in increasing the capacity of the police to ask people their names and addresses are indeed complex, and at first glance one might ask, “What is the problem?” I note that the Attorney-General’s second-reading speech indicates that in most cases the person requested by police officers to provide his name and address does so willingly. Unfortunately, it is not most people who are asked; it is invariably a certain type of person. At least in the current situation if a person objects to giving his name and address the police must provide a good reason for demanding it. If they cannot do so, a person does not have to supply the information, and the opposition believes that is right. If the right of a person to say no to giving his name and address to the police is taken away, one begins a process of identification that was not anticipated in the Bill.

At the moment, if the police ask for your name and address and you say your name is Neil Cole, unless they know that that is correct, which is highly unlikely, they say, “Can you prove it?” You then pull out your drivers licence or identification and show them. If you choose not to answer, you can simply say, “I do not want to tell you unless you give me a good reason for having to give you the answer”. In the view of the opposition it is not sufficient for the police to say that you might be able to help them with inquiries. There must be good reasons for doing so.

The Bill will create a situation where a person will be forced to carry identification because, if you are pulled up by the police and cannot prove who you are, you will be committing an offence and will be taken to the police station. That is the difficulty encountered with this type of law.

It was not so long ago that John Stone, the Liberals and others were strongly fighting the proposal of an Australia card, yet we now see the creation of powers to take names and addresses, ostensibly to assist the police, which take away a major right of an individual. Most importantly, the Bill will mean that from now on a person must have identification with him all the time because the police may ask a person’s name and address while that person is walking down the street.

A contrast must be drawn between the ability of police to ask for your name and address or to see your licence when you are driving a car and the situation outside a motor vehicle, because the contrast is stark. I have no objection to going along with the rules and regulations while I am driving a car. I carry a licence and if I am pulled over by the police and they want to see my licence, I have no objection; but I have grave objections to having to carry a licence just to walk down the street. There is a big difference, and that distinction has never been drawn by the Police Force or other people who support the Bill.

By giving your name to the police you may be admitting or submitting yourself to all types of serious things. Honourable members know of the provisions in the Barley Marketing Act regarding the searching of vehicles and they understand the powers police have when dealing with citizens in cars, who must carry a licence. However, those types of regulations apply in situations that must be contrasted with a citizen who is simply walking down the street.

The requirements of identification discriminate against low-income earners and pensioners who are less likely to hold drivers licences, credit cards or
other forms of identification. Most importantly, it discriminates against the young people who tend not to carry identification, as is the case with most of them, particularly those under the age of 18 years who do not drive. Everybody, including the police, knows those people and not the hardened criminal will be the centre of attention of the Bill.

I have seen many changes over the years, but the one thing that is tried and true is the desire of the police, rightly or wrongly, to control particular groups of young people by asking them their names and addresses. If that fails they suggest that they might be charged with consorting. In days past young people were charged with consorting even though that was not the intent of the consorting laws when they were first brought into being.

There is a general proposition that there is no need for the police to have this power. As the opposition has pointed out before, by and large the police know of the serious criminals and would have little difficulty in approaching them and asking their names and addresses. If a person does not give his name and address and the police have reason to believe he has committed a crime, that person can be taken to the police station. It is as simple as that.

Police and agents of the community and the State are employed to make that judgment. If that judgment is well considered but turns out to be incorrect and somebody is arrested, a mistake has been made and the person arrested should be protected and is protected. I cannot see where reasonable grounds to believe a person has committed an offence is not a sufficient reason or capacity to ask a person his name and address.

Honourable members are referring to a percentage of people who will not give their names and addresses for whatever reasons they choose. In the second-reading speech it was pointed out that most people will give their names and addresses. I have been pulled up three times while walking down the street, twice outside my house and once outside my work. I had no difficulty in telling the police my name and address; I did not have a problem in so doing. However, I would like to have the right not to supply that information if I so choose. I do not like the idea of having to produce identification and the feeling that a person must have identification with him at all times. It becomes a question of what is sufficient identification. How far away are we from an Australia card or passport proposal or some method of identification for individuals as they walk around their own localities?

Absurd situations can arise, and do so regularly, because there is no obligation on a person to have one particular name at one particular time. If I am Neil Cole and I decide I want to change my name to something else; if I am asked a question by the police and I say my name is Bill Smith or James Bond, I am entitled to do so. I am sure they would never believe I was James Bond. Bill Smith is the more anonymous and the more highly probable choice. The only time a person's registration of name is important is when one has a deed poll for certain acts that one may wish to carry out, such as getting a passport. It creates a difficult situation. One reads in the papers — usually in the Crimestoppers articles — about people who are also known as so-and-so and so-and-so. There is nothing to stop a person having many different names, and there is no requirement on a person to register the different names or to stick to a particular name for any period. Currently it becomes an issue only with things such as bank books and passports. It will, however, become a serious and important issue under the provisions of the Bill if a person fails to give his correct name and address without reasonable grounds for doing so. The Bill says that one must not give a false name, yet legally that is very difficult to uphold if a person chooses to have a name other than his own name, and it will lead to considerable problems in identifying a person's name.

The major objection to the Bill is that it substantially increases police powers in a way where they will be subject and open to abuse and in a way that is not absolutely necessary in order for police to carry out their tasks properly. Even if there is a marginal improvement, the opposition does not believe that the sacrifice of civil liberties is justified in the circumstances.

Some other minor statistics should be put forward with regard to the power to take names and addresses. Similar powers exist in South Australia, and, although these figures are open to conjecture, in that State approximately 10,000 or 20 per cent of people charged have not committed any offence. Thousands of people in South Australia, which has a smaller population than Victoria, have been charged with the specific offence of failing to give their names and addresses.

The government has decided to make it quid pro quo for police officers by including in the Bill the requirement that they must, if requested, provide their names and addresses, comprising the stations they are attached to and their numbers and must put
it in writing if requested. That will create a lot of problems for police and it will bureaucratis a situation that occurs on the street. Somebody on the street saying, "I want you, Mr Constable, to tell me what your name, address and number is and I want you to write it down for me and give it to me so I can carry it away" will create a few administrative problems although it will not be overwhelming. However, if it is well known and well advertised that people can do that, it will ameliorate the problems that will ultimately result from the Bill. At least it provides some checks and balances in the system of asking for names and addresses.

The committees that have deliberated on this issue include the Norris committee and the Criminal Investigating Bills Committees of 1977 and 1981, all of which were Liberal committees, and the Gibbs Committee, which was a review of the fifth interim report on Commonwealth criminal law presented in June 1991. According to my information, even the Northern Territory does not give to police general power to ask for names and addresses of persons they already know.

I must point out that no report of any investigation has supported the idea of a person having to provide his or her name and address to police on demand. It is a novel concept and involves many issues. It is not the intention of proposed section 456A inserted by clause 4 that police must provide reasons either before or after requesting someone's name and address. The Bill seems to provide that they can simply say, "What is your name and address? You have to give it to me because the law says so". A person would give his or her name and address for fear of being charged and the police could say, "I am not telling you why I wanted it". Do police officers have to give the reason at the time of requesting name and address, or is it incumbent on them to give it only if the matter goes to court and the person had not provided his or her name and address?

Late one night I was pulled up by a police officer outside my house and asked for my name and address, and after I had given him my name I was told that there had been a spate of burglaries in the area and that the police were concerned. The officer was very good about it and I had no problem dealing with him.

Mr E. R. Smith — You normally wouldn't!

Mr COLE — It has happened to me on three occasions. It does not worry me, but the point is I do not think I should have to give my name and address to a police officer because my word ought to be enough. Even if it is not enough, I should not have to give my name and address. It is a very serious matter.

The provisions of the Bill could give police the power to ask for someone's name and address with no responsibility or obligation on the police to explain their reasons to the person with whom they are dealing. People must not argue, and if they do they will be arrested and possibly charged. I have examined the clause and, while I admit I am not a draftsman — I am interested in what the Attorney-General has to say because she has had experience of legislative drafting — that is my view.

There is no sanction against police officers who fail to provide their names or particulars. Irrespective of that, there is an obligation for them to do so under police standing orders. We all know how vital standing orders are and how often they are complied with and changed, so perhaps they ought to be considered with reservation! It is easy for us to dismiss the issue by asking, "What have you got to hide?" Why should there be an assumption about a person being required to give his or her name and address?

To a large extent the Bill is designed to address the increasing problem of youth crime. I am not saying we should not try to address the problem, but I wonder whether this is the way to go. The Bill will discriminate against young men who gather in groups or walk down the street by themselves with nothing to do but cause mayhem. It is typical of the government that its approach to the problem of youth crime is to legislate against it. It would be better to do what the Labor government did in the context of an unemployment rate of 12 or 13 per cent, with a large contingent of youth unemployed. The great tragedy and the biggest crime of all is that in some places young people comprise 30 per cent of the unemployed population.

Enabling the police to ask for someone's name and address is giving them an unfettered power and it will not resolve the problem of youth crime — in fact it could exacerbate the situation. We should be trying to address the issue, which is not whether police have the power to ask for someone's name and address.

I do not know how bad the police strike rate is on solving crime or whether it is different from what it was five years ago, although I am sure it has
improved. I had intended to debate the many problems facing the Police Force, but we all know that the scope of what it has to deal with has broadened. White-collar crime is almost impossible to solve because of the resources required, and because that type of crime is overt there is a tendency among police to concentrate on it and perhaps direct more resources to it than it should. The community is wasting enormous resources by having its Police Force doing that work when it should be undertaking preventive programs. That view is not exclusive to the Labor Party. I am sure you, Mr Deputy Speaker, know of youth programs in Warrnambool. They probably involve milking cows!

The DEPUTY SPEAKER — Order! A noble occupation, I might add.

Mr COLE — It keeps the kids off the streets. The answer lies not in giving the police the power forcibly to seek name and address. I am not saying the problem of youth crime is not serious. It is very serious: a large percentage of burglaries are committed by young people. It may not be desirable, but we have to address the underlying causes of the crime problem and youth unemployment. It is not just a matter of saying we have to create jobs. There is more to it than that. I make that point in relation to the powers provided under the legislation, because in my experience it is invariably the youth who are most subject to police harassment — I am not disparaging of the police, but harassment is a problem and we ought to consider it during this debate before we race off and just do it.

The Bill provides for dramatic changes to be made to the power to take fingerprints, but the Attorney-General is known for making dramatic changes.

Mr Perrin — And congratulated!

Mr COLE — I did not think there would be any division in the Liberal Party over whether this is a good thing. The power relating to fingerprints concerns me. Clause 4, through proposed section 464K which it inserts, provides that police may take fingerprints from a person 15 years of age and above who is suspected of having committed an indictable offence. That includes shoplifting, which is very serious because clearly it is theft. With respect, the Bill refers to an indictable offence — —

Mr Cooper — It can put someone out of business, and that is serious!

Mr COLE — It certainly is. The Bill refers to an indictable offence or a prescribed summary offence. I know what the honourable member for Mornington is talking about. My best friend, who has a newsagency in Victoria Street, has a problem with shoplifting. It has become so bad that he has put up a sign saying, “Please steal the slow lines; I can’t sell them anyway”.

There is no doubt that shoplifting is a serious offence and that many of those types of crimes are committed by young people. Under the Bill if a person over the age of 15 years is suspected of committing an indictable or summary offence, a police officer seeking fingerprints must first give a detailed caution. I know that many crimes such as shoplifting and burglary are committed by 15-year-olds — but those offenders are only 15. I would prefer the Bill to be amended to raise the age to 17 years, because people should not be written off at least until they have grown up. Perhaps the age should even be set at 18 years. Although for historical reasons the age is 17 years, the Bill should not apply to children under 17 years and 11 months. I also believe the conditions that apply to 10 to 14-year-olds should also apply to children aged between 15 years and 17 years and 11 months, not only for consistency’s sake but, more importantly, because 15, 16 and 17 are still fairly young ages.

Mr Perrin — What about the 10-year-old murderers in England?

Mr COLE — What does that have to do with the fingerprinting powers applying to 15-year-olds?

Mrs Wade interjected.

Mr COLE — The Attorney-General raises an important point. I am not talking about whether they are not fingerprinted, I am talking about the process through which they must go to be fingerprinted. When a 10-year-old or 11-year-old is suspected of committing a crime he or she ought to go through the Magistrates Court because the system cannot be relied on to get it right. No-one says that when a young person is suspected of murder the matter should not go to the Magistrates Court. Giving the police more power to take a child’s fingerprint without first seeking the authority from someone else will change nothing. What is important is the process of dealing with those children.
The government says it wants to protect people from attacks by children, but children do not stop magically attacking people at the age of 15 years. I do not accept the Attorney-General's argument that the Bill will somehow improve the investigative procedures of the police. Even in the murder case in England the police would have easily taken the fingerprints of those children. Although it would not have been an issue, the matter would have been taken to a Magistrates Court, which is what will happen under the Bill. I am talking about children over 15 years of age, because children under 15 years go through the proper procedures anyway.

The Bill provides that when the fingerprints of a person aged 15 years or over are needed, the approval of a senior police officer must be obtained. It is desirable that the officer taking the fingerprints should not be the investigating officer. I am sure that the taking of fingerprints cannot be easily messed up — a fingerprint is a fingerprint. But I am sure there are reasons for that provision.

As I have already pointed out I do not agree that 15 years is a sufficiently mature age at which a young person should be fingerprinted without supervision, but I am concerned about other issues to do with the question of youth. Firstly, I am concerned about the provision that says fingerprints can be obtained from a child aged between 10 and 14 years only when both the child and his or her parent or guardian consent or where a court order is obtained. Although both the parent and the child will have to consent, the opposition is concerned that the criteria for non-consenting fingerprinting will be abolished. Currently police immediately take the fingerprints of anybody who is charged with an offence once a court orders the fingerprinting of any suspect for demonstratively investigative purposes.

Most States do not allow random fingerprinting, but the opposition believes there should be a nexus between a request for fingerprints and the need to identify suspects so that fingerprinting cannot be done just at random. That would mean the police could not pick on any person walking down the street and ask for his fingerprints, as would be the case under the Bill. The Coldrey committee report entitled Identification Tests and Procedures — Fingerprinting (1987) confined the use of compulsory fingerprinting to cases where it is necessary for the present identification of the offence for which a suspect is in custody. The committee did an extensive study of the issue and recommended against the power to fingerprint at random without the consent of the person concerned.

Mr Perrin interjected.

Mr COLE — It depends on the way you look at it. If a person is in a police station and does not consent, the police need only grab him and get his fingerprints!

The committee said that although it would add to the stock of prints held by the police, a few of which might at some later time assist in criminal investigations, the physical intrusion, humiliation, breach of privacy and potential for harassment which would result from the conferral of the powers was not warranted. The Bill ignores the results of the inquiry.

In 1987 a substantial report into fingerprinting was completed by the then Director of Public Prosecutions, who is now a Supreme Court judge. He recommended exactly the opposite of what the government is proposing. As I understand it, a number of police were on that committee and they all agreed with the recommendations. The opposition is concerned not about whether fingerprints can or cannot be taken but about the process through which the police must go. The Bill allows reasonable force to be used to gain fingerprints if the use of that force is authorised by a police officer of sufficient seniority — that is, a sergeant or above. No criteria are set out for the consideration of that officer in determining whether to grant the approval.

In other words, when can a senior police officer, a sergeant or above, say no and in what circumstances can he or she say yes? It is unlikely that any police officer would refuse a request of this nature. This is an important issue. I cannot understand why the government does not establish criteria for such requests?

The position should be identical to what occurs when the police make an application before a magistrate. The mechanism has substantial opportunities for abuse by police. The opposition believes a person has a right to say no to a request to have his or her fingerprints taken unless a good reason is given. It is also unacceptable for someone other than the court to have the power to decide whether to grant such permission for the taking of fingerprints. I have no objection to the police obtaining permission to take fingerprints from someone who does not want to provide them by going to a magistrate to get an order. For that reason the opposition believes the judicial authorisation of
fingerprinting should remain in cases where a person does not consent.

It is not as if there is an all-embracing urgency attached to fingerprinting as there is for other issues that I will deal with later, such as the more urgent blood tests and so on. Fingerprints are constant: they do not go away; they will be there in a day or a year. It does not take long for an application to be made before a magistrate or a judicial authority in any event. The need to protect an individual's right to say no overrides any argument one might mount about the inconvenience for police officers.

The fingerprinting of children is a controversial issue. Section 464K of the Crimes Act provides that children from 10 to 17 years must be brought before the Children's Court for an order to take fingerprints. They have no capacity to consent. A child aged 10 years or less must not be fingerprinted or subjected to fingerprinting. The opposition believes that provision should be retained. All applications for children aged 10 to 17 years should go before a magistrate or judicial authority to obtain fingerprinting. I cannot understand why the position has changed for children aged 15 to 17 years, or whether that was just an ambit claim by the police. I believe we should retain the requirement for consent. People under 17 years are adolescents or youth. The Bill proposes that young people aged 15 years and above will be treated in the same way as adults for the purpose of fingerprinting. I take umbrage at that provision and suggest that it is inappropriate for that to occur.

The parents of young people between 10 and 14 years will on their behalf be able to consent to the taking of fingerprinting only when it does not affect a matter being determined by the Children's Court. I seek clarification from the Attorney-General whether it will be a requirement under this Bill for both the parent and child to consent. The provision in the original Bill was that it would be both. I suggest that if it is only the parent — —

Mrs Wade — It is both!

Mr COLE — I understood that there was some change between the two Bills. If there is no change it alleviates the serious concern the opposition had about the provision. If a parent were able to consent it would affect the rights of the child. I am pleased that the change has been made.

I seek from the Attorney-General an explanation about some important issues. The court order does not have any safeguards; for instance, there is no requirement for the court to determine whether a child's fingerprints are necessary for some special investigative purpose. If a child is taken before a court it would be highly unlikely that the police would not have some reason for doing so. The problem is that no criteria are laid down for the magistrate or judicial officer as to whether such an application should be granted. The opposition also expresses concern about proposed new section 464M. If a child is not a party to the application, he or she cannot cross-examine or call any witnesses. I do not believe a child should be able to call witnesses but he or she should be given the opportunity of asking questions of the police officer or having his or her counsel ask questions.

The concept of randomly taking fingerprints from people, especially when applied to children, is twice as bad. It will create serious problems. Despite the issues raised by honourable members through interjection, the fundamental problem is that people aged 11 to 17 years are still youngsters. Honourable members must consider that fact, despite the horrific cases that have occurred in recent times and the actions of some young people. Over time it is likely that some people will have their Children's Court record or their excesses of youth raised in the future. I am concerned about the limited time for the expunging of fingerprint records in addition to the mandatory term for persons who are not charged or acquitted. I shall not go into that in great depth at this stage, but it seems to me that some of the provisions are too narrow. There is some dispute about when the provisions will come into force. Many people have convictions of some kind in their youth. It is distressing for them to have their fingerprints held by the police.

A person who was convicted of a crime in 1989 would have had his or her fingerprints taken. Some 20 or 25 years later that person may become a member of Parliament or a lawyer.

Mrs Wade interjected.

Mr COLE — How did you fix it up?

Mrs Wade interjected.

Mr COLE — I know that but I am concerned about when it applies. It did not seem to me that it included the time that the expunging of the records occurred. If the position is that the fingerprints are destroyed after eight years — unless the person is a sex offender — I ask: when does it commence? If a
person were convicted in 1980, would the expunging of the fingerprint records apply as of 1988, or would it apply eight years from the time the Act is proclaimed? I am concerned about the transitional provisions. I am extremely concerned that the capacity of people to object to having their fingerprints taken has been removed and that matters now have to go before the Magistrates Court.

The opposition does not object to the forensic procedures, although I will leave it to the shadow Minister for Police and Emergency Services to canvass the issue. We must move with the times — nobody knew what DNA was about all that long ago — and make sure that we do not inhibit the police using the latest types of forensic technology. As is the case with fingerprinting powers, the question is about not whether they use them but how they go about it and the authority they need before doing so.

Members of the opposition are concerned about the taking of mouth swabs and dental impressions, another issue raised by the Coldrey committee. In its report the Coldrey committee said mouth swabs and dental impressions:

... may be an alternative to blood because of the uncertain amount of material required and the difficulty of obtaining it.

The argument for using those methods to test for DNA is based on insufficient blood being obtainable. However, the Coldrey committee believed there was no need to make them compulsory because their application was limited when compared with the results obtained from blood. The committee said that for those reasons there was:

no justification for making the scraping of a person’s mouth a compulsory procedure for criminal investigation purposes.

The committee said that at its highest DNA testing should be a consensual alternative to giving blood. It also said dental impressions were poor and unreliable ways of inculpating a suspect in a crime. It is pretty hard to force a person to give a dental impression — and if you tried to, you would probably do a lot of damage! It was thought that blood samples would be adequate substitutes in situations where mouth swabs and dental impressions could be taken only by force. People agree that mouth swabs and dental impressions are of limited use if they have to be obtained by force, so it is hard to understand why they should be allowed. The idea of dentists being involved sends a chill down my back. I do not know whether I would go to the wall over this issue, but my comments should be noted. Anyway, those tests would be rarely used.

Applications for non-urgent orders must be made in writing, on oath or by affidavit — and unsworn assertions may be taken into account. Although I do not object to the applications, it is Neanderthal to think that an application made before a magistrate is any different from one made over the telephone. I am not sure whether the affidavits should have to be filled out before or at the same time as the applications are made. Nevertheless, they are important issues.

The issue we are most concerned about is the hearing of applications. We believe suspects should not be prohibited from calling or cross-examining witnesses for the sole reason that it would be unfair to deny them the opportunity of explaining why particular tests could not be done on them — because they are haemophiliacs, or for some other reason.

The opposition will propose some amendments during the Committee stage. We will address the issue of the right of an accused person being limited to asking questions of the police officer or officers involved. For reasons of natural justice it is important that applications for blood tests and the like meet certain criteria. At the very least at the hearing of the application the defendant or the suspect should be allowed to ask a few questions of the informant.

In conclusion, the opposition is not opposed to police officers being able to do the tests; but we are concerned about the methods by which people may be forced to submit to blood tests, fingerprinting and the like. In our view, and as the Coldrey committee said, those matters should go before a magistrate. We do not believe that would be such an imposition. We accept that if an application has to be heard quickly — if it has to be made over the telephone — it should be done with back-up affidavit material that is subsequently supplied. We accept that there are times when it is imperative that blood samples and swabs be taken quickly.

The next matter I raise is the important issue of loitering. I move:

That all the words after “That” be omitted with the view of inserting in place thereof the words “this
House refuses to read this Bill a second time until the amendment to provide for a summary offence of loitering by a sexual offender has been referred to the Crimes Prevention Committee of the Parliament for inquiry and report including consideration of all matters relating to the protection of children from sexual assault.

The amendment was drafted after due consideration and deliberation. All honourable members care about this important issue and want to do something about it. I have moved the reasoned amendment because the opposition has not had the opportunity to properly consider what the amendments say.

The Bill is certainly thorough and covers many possibilities. But the opposition is concerned that it has been introduced without being looked at by the Crime Prevention Committee, which was set up to examine ways of preventing crime. I do not believe the Bill will necessarily stop the crime because the issue has much broader implications than those covered by the Bill.

Mr Perton interjected.

Mr COLE — With all due respect to the honourable member for Doncaster, it is a question not only of what is in the Crimes Act but also of how we as a society approach a difficult issue. The Bill gives police the power to move somebody along and charge him with loitering if he will not go. Although the Bill covers just about every sexual offender imaginable it still does not address the overall issue, which is that the community must consider this as a crime prevention issue, not just as a reaction to the recent terrible attack on two little girls.

Even if the legislation had already been in force, it is questionable whether it would have worked in that situation. The person charged with the crimes may not have been covered by the Bill. It is not enough to say that if we give the police extra power the problem will go away.

Mrs Wade interjected.

Mr COLE — I accept what the Minister is saying. She has not said it would have helped; but she has not said what else the government will do. In the absence of that information it is hard to come to grips with the issue. From my observations the Bill is only an enabling provision for the police. It does not go to the heart of any analysis of the reasons for sexual attacks on children. The Bill might be intended to apply to those who have committed sexual offences against adults, which would not necessarily be a bad thing. However, we need a more considered review; and I can think of no better body to undertake it than a joint Parliamentary committee.

I remember sitting opposite the Premier when he was talking about the setting up of the joint Parliamentary committees. He said that if an urgent situation arose requiring a review of crime prevention, it would be referred to the Crime Prevention Committee. I said I did not agree — although at the time I said a lot of things about the committees! However, this is the very time when a crime prevention issue should be sent off to the Crime Prevention Committee. That would enable members on both sides to examine the issues and reach a uniform view on how to address the problem of attacks on kids by paedophiles.

The truth of the matter is that police officers who have neither the wit nor the capacity to get rid of somebody they see lurking outside a school — especially if they have been called by the school — should not be in the police force. The Bill may give police officers extra power, but it will not resolve the problem. The Crime Prevention Committee was established to handle issues such as this. But at the first opportunity the government runs in from left field with a Bill. I do not blame the government for responding — who would not respond when two kids are badly assaulted? Maybe we could be a bit more reflective.

Mr Perrin interjected.

Mr COLE — It is not a cop-out. The honourable member for Bulleen does not have a monopoly on morality or caring for children. I do not believe the Bill is the answer to my children's problems. All I am saying is that the Crime Prevention Committee should consider it.

The Law Reform Committee is a good example. We undertook a substantial inquiry into restitution for victims of crime. I admit the issue does not have the perceived immediacy of this problem. But the Law Reform Committee did a good job in a cooperative, bipartisan sense; and its report will be all enduring and all embracing. The same is true of many of the reports of the Scrutiny of Acts and Regulations Committee.

Referring the matter to the Crime Prevention Committee would not mean shoving the issue aside.
Although the Bill purports to give the police extra power, it will not solve the problem. Anyway, the police already have that power when they are called to a school because it is believed someone is lurking outside — that is, if they happen to answer the telephone, which is another issue. Police officers are not prevented by the Crimes Act from asking for a person's name and address whenever they suspect the person has committed an offence or is prowling up and down and may be about to commit a burglary or an attack.

The opposition believes the reasoned amendment is the way to go. The measure was obviously not thought of until the attack on the two girls. However, a proper consideration of the broad issues involved requires more than just introducing a Bill and saying that something has been done about the problem, because in reality that is not so. I am willing to bet a dollar to a doughnut that one of the best ways of making sure that children are safe in the schoolyard and are looked after once they go through the front gate and leave for home is to have high teacher-to-pupil ratios. That is not something the government is trying to achieve in its education program.

If there are not enough teachers in the school grounds, inevitably children are more susceptible to being assaulted. If statistics were produced for the past 20 years or so, we would find that these days more children have accidents and are likely to be assaulted because teachers are increasingly unable to fulfil their roles in loco parentis. The former government set up the Safety House program. Perhaps the coalition should consider increasing the funding for that sort of program because it has not only provided immediate protection for children but also highlighted the dangers children face.

Sexual assault is a complex issue. It is not something that can be changed overnight. Issues such as the lack of police powers to assist in catching these people should be addressed. As the Attorney-General would be aware, at a recent meeting of the Standing Committee of Attorneys-General it was decided to make it an offence under Australian law for an Australian to commit sex offences on children overseas. The police know these people travel overseas to carry out such acts but they have not had the capacity to deal with them. Local police in some countries do not discourage paedophiles from engaging in these activities with children under 15 years of age, which is scandalous.

Paedophiles are a difficult group to address, particularly because they have a great propensity to reoffend. Paedophilia is unacceptable because children are not able to give consent to this sort of activity. This is not only a Victorian problem, it is a worldwide problem. Recently I heard of an organisation — it is one of the most disgusting I have ever heard about, and in this job one hears a lot of disgusting things — in North America called the North American Man-Boy Organisation. Members of the group travel the world, usually to places like Bangkok where the laws are lax when compared with those in the Western World. Such groups are well organised. Paedophile rings exist all over the world. That is the level of the problem we are trying to confront.

I do not believe the person who committed the assaults on the young children referred to earlier was part of an organisation, and I do not believe we will solve this problem creating an offence of loitering outside schools, although perhaps the amendment deals with the offence of loitering outside schools for illicit purposes if one is a known offender. One can play politics and say who is right and who is wrong, but that is fruitless. I care about the issue. I do not want children to be attacked. I want the best and most effective method used to deal with the problem. It is not a political matter and it is not a matter on which the government should respond just because the Herald Sun has said that governments should do something about the problem. Activity does not necessarily equal action.

We need to look at the broader picture. I hope that accepting the Attorney-General’s view that it is not easy does not mean that we lose sight of the goal. We must look at the facts. This crime is almost endemic within our community. The government’s hallmark is putting form over substance, and this legislation will not resolve the problem.

According to a report I read in the paper, the Attorney-General suggested that a known offender who is in McDonald’s could be in trouble under the loitering provisions unless he was eating a McDonald’s hamburger. It is a foible of the system — if a person is eating a McDonald’s hamburger he or she cannot be accused of loitering. If you have a McDonald’s hamburger in your hand —

Mrs Wade interjected.
Mr COLE — I would have been booked a few times, yeah! I like to support multinationals in that way, but this is a bit bizarre!

Mr Perton — You're lucky you're not up for preselection!

Mr COLE — You're right! That is one of the better interjections of the honourable member for Doncaster. The truth of the matter is that if a person who is a known offender is eating a hamburger, even though he may be loitering to prey on children wandering up the road, he cannot be apprehended. It is not mere hyperbole. In Flemington we have had major problems with drug dealers in the car park of McDonald's. They have been raided and they have left things behind.

Mr Perton interjected.

Mr COLE — It may need a Liberal member. I am not sure whether they were taking drugs before they went in or after they had eaten. A person may be loitering but if that person is eating a hamburger he is all right, which is ridiculous!

The opposition wants to resolve the issue by a coordinated investigative process. It has moved a reasoned amendment that provides for a term of reference to be handed over to a Crime Prevention Committee to examine the broader issue. If it is confined to the question of police powers it will mean the issue has been put on the backburner. I know the honourable member for Bulleen disagrees vehemently with that suggestion, but to argue for extra powers for police and then say that that will solve the problem is not good enough. An investigation is warranted.

We have many good people in this State who could address the issue. I hope the government will support the opposition's reasoned amendment. If not, I hope the Crime Prevention Committee will be given a reference by the Minister for Police and Emergency Services or the Attorney-General to consider this issue.

In conclusion, this Bill is different from recent legislation based on policy issues, such as changes to the arrangements for juries, the taking of unsworn evidence and so on, that is in my view unnecessary. The Bill amends the Crimes Act and is largely designed to enable the police to go about their job quicker and in a different fashion. The opposition strongly disagrees with the way the legislation achieves that purpose.

The Bill infringes civil liberties. The extension of both the fingerprinting and forensic testing powers is unnecessary. As was suggested by the Coldrey committee, a person should have the right to go to a magistrate if he or she refuses to take such a test. Underlying the legislation is a feeling that a person who says no to those tests is guilty. The opposition does not and never will accept that proposition. People have a right to due process.

Considered in the broad sense, the changes are not too dissimilar to the fairly predictable approach taken to law and order in Victoria by the conservative parties. In the sense that members of the conservative parties know exactly where they stand on these issues about the preservation of property or whatever it is — they know where they are — I could have written their speeches 18 months ago.

Part of the problem is that conservatives respond predictably — some would say react — by doing certain things which later do not work out quite the way they were intended. I predict there will be no substantial reduction in the crime rate after a long period. In fact, under these laws, there will probably be an increase in the crime rate as a result of the provisions concerning the giving of names and addresses; and no doubt the police will use the increased number of convictions to obtain additional resources.

Let us consider what has happened with the Conservative Party government in the United Kingdom. That government is not too dissimilar to the current Victorian government, although it is a little larger and at times perhaps it has slightly more compassion. A television program screened recently on SBS examined the corrections and law and order policies of the Thatcher and Major governments. At the conferences shown in the program all the speakers spoke strongly about what they were going to do to criminals, but each time the government said it intended to be harder on criminals the crime rate rose — there was an almost symbiotic relationship between the two.

The government of the United Kingdom is now in an even worse position because it cannot think the other way; it cannot say, "We had better pull back". That has led to a different reaction and although, following the Scarman report, the government allocated large sums of money to legal aid and introduced substantial new Bills in a placatory gesture, it still did not resolve the fundamental problems of crime in society.
Another recent television program concerned the
civil rights movement in the United States of
America. That program demonstrated that following
30 years of civil rights agitation the prison cells are
full of black prisoners, some prisons contain cells
that accommodate six prisoners and prisoners are
locked up for 23 hours a day — and the prisoners
shown in the program were all black! Although the
civil rights movement sought to liberate them,
blacks are still locked up in far greater numbers than
are white people for crimes that by and large relate
to the ghettos in which they live.

As was mentioned in the debate on the Sentencing
Bill, various State governments in the United States
of America have moved strongly to introduce
mandatory sentences, increased penalties and so on.
During the Reagan administration, welfare services
were reduced from a practically non-existent base
and the crime rate went up dramatically. The United
States also has gun laws, yet the percentage of
people killed by hand guns in that country is many
times greater — I am not sure whether it is 7000 or
700 times — than in any other country.

Unfortunately, that society is locked into a way of
thinking that prevents it from changing.

Returning to the Victorian situation, the government
is moving in a similar way — I do not say it is the
same because I want to be fair, reasonable and
honest. The government's thinking is that we should
approach these issues in that manner. At the end of
the day this horrendous process will not make any
difference. One does not have to have been around
for long to know that the interests of conservatives
lie in bringing about certain changes that are
important to them as a select group.

Two issues stand out in this debate. Rightly or
wrongly civil liberties are being taken away in the
Bill. It is a great shame that to endorse and improve
the role of the police and to increase their chances of
apprehending criminals people's fundamental rights
are being denied. If there is an increase it will be
marginal.

The second point is that these changes are really
only intended to enhance apprehension rates and
not to protect civil liberties. The government's
actions will not reduce the crime rate sufficiently to
justify the reduction of civil liberties embodied in
the Bill.

The opposition does not oppose compulsory forensic
procedures totally, but will propose amendments to
those provisions. The opposition believes strongly
that technology such as DNA testing should not be
precluded for want of a legal ability to obtain it. The
opposition's overall concern is that the government
is attempting to alter the balance between the liberty
of the individual and the right of the State.

Although I am aware that I must sound a lot like
John Stuart Mill when I say that, I did not want to
mention it because I thought it would be a cheap
point to make.

Mr Traynor interjected.

Mr COLE — The last time John Stuart Mill was
mentioned the honourable member for Ballarat East
said he had arrested him for smoking marijuana. It is
good that I did not mention Karl Marx because the
honourable member probably knew him, too —
although he would have been up on more serious
offences!

I intend at all times to avoid being sanctimonious
about this issue because, as honourable members
know, the former government itself had difficulty in
resolving it.

By and large the Labor government established a
process that ensured significant community input. It
achieved some good, despite the coalition
government's attempts to undo and destroy just
about all the enduring benefits such as the safety
house programs that the Labor government
achieved. The former government had a different
approach to victims; it introduced sexual assault
clinics to assist victims, changed the way police dealt
with rape victims, increased Police Force numbers
substantially and put an emphasis on new programs
such as the good neighbourhood programs.

When Labor was elected to office in 1982 the
maximum penalty for any crime was $5000; when it
lost government in 1992 the maximum penalty was
more than $500 000. Despite its economic rationalist
zeal, I do not think the government will change
those provisions. The biggest issue always was and
is youth unemployment. To address the youth crime
problem one must increase funding, assistance and
support for youth and youth workers. Unless that is
done the problem will not be solved. The Labor
government did much to help youth and alleviate
youth unemployment; by some estimations it did
too much. Whenever the Labor government
attempted to defend or maintain certain individuals'
rights it was accused of not supporting victims.
However, when it introduced legislation such as that
dealing with Garry David it was accused of denying civil liberties.

Mrs Wade interjected.

Mr COLE — I did not expect the Attorney-General to tumble in. The Labor government was under pressure to do something. If it had not introduced that legislation people would have become victims. Despite civil liberties issues the legislation was supported and passed by the coalition in the other place.

A government member interjected.

Mr COLE — It was a difficult issue. The Labor government had to introduce the legislation; it was an extreme example.

Mr Perton — Your Federal Leaders, Keating and Hawke, did it.

Mr COLE — It was a difficult issue. The Labor government had to introduce the legislation; it was an extreme example.

A government member interjected.

Mr COLE — If the Labor government had tried to introduce a system of having all Bills passed by 4.30 p.m. on a Friday nothing would have been passed in the other place! The Attorney-General believes if something has to be done it has to be done immediately. I am not certain whether the government will introduce further legislation to solve the problems or whether in two years time when this legislation has failed — as I predict — there will be a need to introduce more reactionary legislation.

It is true that the bulk of prisoners are working class and from lower socioeconomic groups. Equally it is true that the conservative parties support and do all right from the system. They do not seek to change it. My bet is that the government will opt for the harsh and unconscionable in the future as it has to date, because that is its right and in its supporters' best interests. My concern is that the policies will stop being just ideologically rabid; they will become totally reactionary. That has been the case with conservative forces in England. There is no other way to go: the government cannot become more liberal, because that is a contradiction in terms. All it can do is continue to introduce legislation that leads to an uncaring society concerned only with vested interests.

Mr PERRIN (Bulleen) — The honourable member for Melbourne and I must agree to disagree on many issues in the debate. The Crimes (Amendment) Bill (No. 2) is long overdue. The government introduced an earlier Bill that was allowed to lie over between the sessional periods for the purposes of community consultation. Much community debate and support ensued.

The purposes of the Bill are as follows: to empower the police to require certain persons to provide their names and addresses; to empower police to obtain fingerprints from persons 15 years or over who are suspected of having committed indictable offences or certain summary offences; to empower police to obtain fingerprints from children between 10 and 14 years suspected of having committed indictable offences or certain summary offences by consent or pursuant to court orders; to permit the conducting of forensic procedures on persons who are suspected of having committed indictable offences, where the suspects have given informed consent; to permit the conduct of compulsory forensic procedures pursuant to court orders when consent is refused and persons are suspected of having committed certain indictable offences; and to clarify provisions relating to escapes from custody.

The Bill is the result of an honest government fulfilling its election promises. My only regret is that it has taken so long. However, the Attorney-General wanted to go through the consultative process. I congratulate the Attorney-General for the job she has done in ensuring that the legislation is workable and supported by the wider community.

The powers provided for in the legislation are not unique; they are available to most other Police Forces in Australia. Over the years we have debated police powers on many occasions. I remember the reluctance of the Labor government to give police simple powers and to give the victims of crime a fair go. The Bill will prevent much crime and give victims a better chance of proving the offenders guilty. The Bill is for the victims of crime. The government not only has a mandate to introduce the Bill, it also has a duty. Newspaper articles reveal that the Bill has wide community support. A Herald Sun article of 11 February 1993, headed “Push to lift power of police,” states:

Increased police powers, majority verdicts and tougher penalties are among the sweeping law and order changes expected to be pushed through State Parliament next month.

Work has begun on the legislation which is expected to be given top priority by the government when the Parliament sits in March.
Police and the Victims of Crime Assistance League have applauded the proposals.

In other words, the Bill has been warmly supported by the Victorian community. The article further states:

VOCAL president —

that is, the President of the Victims of Crime Assistance League —

Tricia Rhodes said the "long overdue" changes were a "huge step in the right direction".

"We have needed these changes urgently for about 10 years. These are the first major changes in a long time", she said.

Victims of crime strongly support the legislation. In the Herald Sun of 22 March Mr Danny Walsh, Secretary of the Police Association, comments on whether police should have more powers:

Victorian police are behind their counterparts in other States. Legislation makes it clear that if a person is suspected of committing an offence, they must give their name and address. Interstate, if a suspect is believed to have committed an offence and a hair or blood sample could prove so, the police can get a sample.

If fingerprints are found at a crime scene, what is wrong with the suspect being compelled to provide prints?

And body samples don't always show involvement, they can exonerate a person.

Police need more precise, concise legislative authority because of advances in forensic science and the ability for body samples to be used to solve crimes.

Danny Walsh strongly supports the legislation. Those articles prove the Bill has the support of a wide cross-section of the Victorian community.

On behalf of the opposition the honourable member for Melbourne believes the legislation should be examined in isolation. However, the Bill is only part of a package of Bills with which the conservative side of Victorian politics went to the people at the last election where it received a substantial majority. During the election campaigns of most coalition honourable members — including mine — the community was clearly told that legislation to toughen law and order would be introduced. Victorians gave the coalition parties an outstanding mandate.

One cannot simply examine the Bill in isolation; it must be examined as part of a package. The government has introduced victim impact statements so that victims have the opportunity of having their say in court prior to sentencing. It is hoped that judges will then provide more substantial sentences to criminals. The government has abolished unsworn statements which previously allowed criminals to say whatever they liked in court without being challenged. Those measures were part of the government’s package.

The government has introduced a new Police Board to control the Police Force and to ensure that the police do their job. It will provide support for the chief commissioner from a wider cross-section of the community. The government’s last Budget increased the number of police on the beat — again, that is part of the package in which Victorians are interested.

Another of the government’s improvements is the provision of more child protection to eliminate crimes against children. As part of its package, the government has introduced tougher sentencing provisions, for which I congratulate the Attorney-General. The government has toughened the penalties for sex offences; criminals will now spend longer periods in gaol because of the revised penalties.

Another part of the government’s package is the abolition of the Transit Police. Now public transport throughout Victoria is patrolled by Victoria Police officers who have the power to reduce public transport crimes. The government has created new offences that have never before appeared on the statute book. I refer, for example, to the crime of intentionally infecting a person with an infectious disease like AIDS. One must examine the Bill as part of the clear statement upon which the government went to the people at the last election.

I refer to the provisions dealing with the taking of names and addresses. I cannot understand the criticisms of the opposition about this provision. If I happened to be sitting in a parked car or driving down the road, the police can legally stop me to take my name and address. From my drivers licence they can also access personal information including my photograph and date of birth. I cannot understand the attitude of the opposition; that power is already
available to the police if they reasonably suspect a person to be involved in criminal activities.

Although the police can take the name and address of a known sex offender who happens to be sitting in his car, they cannot take do the same if that same man happens to be standing outside a school watching the girls play. It is nonsense to voice opposition to this provision. The fingerprinting provisions are strongly supported by the community. The main provision will overcome delays. The former Labor government established an elaborate procedure to obtain fingerprints from suspected criminals. However, instead of the police conducting investigative work they were forced to obtain permission to take fingerprints from magistrates. Sometimes they were forced to drive hundreds of kilometres in the middle of the night. A letter to the editor published in the *Age* of 27 April from Mr Robert Falconer, Deputy Commissioner (Operations), Victoria Police, states:

It was pleasing to see your editorial ... supporting the right of police to demand identification from citizens. However, you then criticise our seeking the ability to fingerprint offenders — a basic investigative tool already possessed by police of other Australian jurisdictions.

Currently, we have over 18,000 fingerprints from crime scenes which could be used to identify (or eliminate) suspects — but only if we have a set of fingerprints to match them against.

Deputy Commissioner Falconer goes on to say:

We are not seeking change simply to "save time", but because the current legislation is cumbersome, unworkable, and does not operate in the interests of victims.

Fingerprints are a basic investigative tool, because they are the most positive means of identifying people, including criminals. Certainty of detection by proper investigation is still the best deterrent to crime.

It is the duty of police to prevent crime and detect offenders. The essential legal authorities we have been seeking for years will help us do that — in the interests of law-abiding Victorians.

The deputy commissioner is making it very clear that the police require this power urgently. Other State police forces have been granted similar powers, but the Victoria Police have had their hands tied behind their backs.

Mr Falconer is putting clearly to the readers of the *Age* that a fingerprint record is a deterrent to crime because a criminal will know that his fingerprints may be used against him.

On 1 July 1992, Deputy Commissioner Falconer was quoted in the *Herald Sun*:

Victoria police were a laughing stock because of restricted fingerprint laws, a senior policeman said yesterday.

Assistant Commissioner (Crime) Bob Falconer said Victoria was the only State that didn't allow police to take the fingerprints of an arrested person, and he believed police should be entitled to do this.

"All we want is a basic investigative tool that our colleagues from other jurisdictions in Australia and most other western countries already have," he said.

"Other jurisdictions are quite honestly amused ... Victoria is the laughing stock of police forces throughout Australia. Prior to the last election the Victoria Police Force was begging Parliament to provide it with the power to do its job. People whose fingerprints are taken after charges have been laid against them but where subsequently either the charges are withdrawn or they are found not guilty will have the fingerprints destroyed. It is important the safeguards be incorporated into the Bill to safeguard the community.

The honourable member for Melbourne may have inadvertently misled the House. He implied that police could take a person to a police station and take his fingerprints to see if he was on record as having committed a crime. That is nonsense. Police must have a reasonable suspicion that the person has been involved in a crime. Honourable members need not listen to what I say, but to the experts. An article in the *Herald Sun* of 19 May 1993 entitled "Tougher laws in rape war" states:

Laws making it easier for police to catch and gaol sex attackers are on the way, the State government announced yesterday.

Rape suspects will be forced to give blood for DNA testing without long court battles.

That is crucial. The long drawn-out administrative procedures forced on police by the legislation were
barriers to the conviction of criminals. The article continues:

Police will be allowed to build files of blood, hair and fluid samples from convicted sex offenders.

The article then quotes the Attorney-General as saying:

One of the things I am concerned about is that the delays that have taken place in the past with DNA testing harm the victim.

The article further states:

Under the proposed legislation, police will be able to get a court order in a matter of days.

The officer in charge of policy and projects for the Victoria Police, Chief Superintendent Peter Driver, said last night: “DNA testing is like a genetic signature. Police are waiting with bated breath for the legislation to be passed”.

And he welcomed allowing files of sex offenders' blood, hair and body fluids.

“This could link an offender to unsolved crimes, but we won’t be able to seek an order for a blood test on people convicted before the legislation is enacted”, Chief Superintendent Driver said.

The chief superintendent is saying that police have their hands tied and are waiting for Parliament to pass amending legislation. Referring to the chief superintendent the article states:

He said he hoped having DNA profiles on record would deter convicted rapists from reoffending.

The legislation will deter criminals and sex offenders from reoffending. They will know that their DNA profile is on the police file and will identify them if they reoffend. I take the advice of the police. They give advice to members of Parliament, and their advice is that the legislation must pass this session and should not be delayed.

Honourable members will remember the Shepparton murders which occurred many years ago and which were solved only because New South Wales police were able to fingerprint a person for a minor misdemeanour.

People in my local community, including those who work in Neighbourhood Watch, are aware of the changes to the legislation and they fully support it. They are the people who help the police fight crime in the community.

I turn now to proposed section 456A inserted by clause 4, which provides for the new summary offence of loitering. I reject the proposal put by the opposition that this issue should be examined by a committee of Parliament. I have a strong view that the legislation, including clause 4, is a preventive package that will help stop crime in the community. If police are given the power to take the name and address of persons who they suspect are loitering with intent near a school or a park they will be greatly assisted and have the opportunity of preventing crime. The amendment is important and the legislation should not be delayed by having it examined by a Parliamentary committee.

Recently I listened to a radio broadcast on 3AW where this matter was discussed in detail by Neil Mitchell. He spoke to certain police officers — I cannot remember their names — but I remember listening to their comments, and from them it was clear that the police have been seeking this power for some time, and the appropriate course of action is to support the amendment to the Bill to ensure that happens.

In my electorate a young girl of 12 years of age was abducted from her home, taken away and murdered. That young girl's name was Karmein Chan — a girl who was known to me and my family. When monsters like the one who committed that crime do not just loiter around schools, kindergartens or parks but actually come into your electorate and take children out of their own homes you know there is something wrong with society.

Society needs this legislation. I want to make it very clear that not only do the police want this power, they want this Bill and they want it passed through Parliament. Parliament has the obligation to give the police the powers they have requested.

From the Neil Mitchell radio program it was clear that if the sexual offender in the case of the two little girls at the school in the sandbelt area had been loitering around the area and the police had been able to get to the scene and had found him, under the Labor legislation they would not have been permitted to ask that individual's name and address while he was lurking around the school because this legislation has not been passed. The police would not have been able even to identify or charge the offender if he refused to move on.
I put it to the House that if this Bill and the proposed amendments by the Attorney-General are not passed in this session as a matter of urgency this week our children are going to be put at increasing risk.

I conclude by saying that I welcome this legislation, that all my constituents welcome it, and that it is long overdue. Every group in the community, including the police, the victims of crime and the Neighbourhood Watch members, has been looking forward to this Bill for years.

It is about time Parliament started to pass legislation to give the Police Force the weapon it needs to do its job, and it is my view that the legislation should be passed as a matter of priority.

Mr SERCOMBE (Niddrie) — In entering the debate in support of the honourable member for Melbourne, I point out that it is regrettable because of the application of Sessional Orders that this Bill is not receiving the detailed scrutiny in the Parliament that it requires.

The opposition recognises that there are a number of other important items on the Notice Paper, and if the government is determined to ram Bills through this week that is regrettable, because the Attorney-General — perhaps to her credit — has recognised the extreme complexity of the issues that are involved in the Bill by the fact that it has been the subject of a lengthy process. The government introduced the Bill earlier this year, withdrew it and introduced a new Bill, which indicates that it is complex and vital legislation for a variety of reasons.

The Bill goes to issues relating to the safety of the community, as some other speakers have said, and it goes very much to the liberty of people in our society, which is also an important consideration. It is a matter of trying to achieve an appropriate balance between those considerations, and it is regrettable that the Parliament has only just been provided immediately before the debate, without an opportunity to consider it, with a lengthy report of the Scrutiny of Acts and Regulations Committee on this Bill.

In its report the committee — a bipartisan committee, Mr Speaker, as you are aware — highlights the continuing difficulties Parliament ought to be scrutinising with respect to the Bill. The abolition of some legal rights of children, in the committee's view, unduly trespass upon rights and freedoms. In relation to international conventions on the rights of children, the committee says it is persuaded — and I emphasise, Mr Speaker, that this is a bipartisan committee — that the provisions of the Bill that relate to children may constitute a breach of international obligations.

Another section referred to by the committee was the possible admissibility of forensic evidence. It was the committee's view that the admissibility of forensic evidence may unduly trespass upon rights and freedoms. I will not labour the point except to say it is unfortunate that Parliament is being pressed to deal with this issue in a way that does not enable the type of scrutiny that the Bill requires.

The law must move with community expectations; it must move with changes of technology; it must move with changes of procedure and with changes of opportunity in relation to the solution and prevention of crime. When in government the Labor Party quite frequently — contrary to the inaccurate comments made by the honourable member for Bulleen — conferred powers on the police in the light of emerging situations to enable them to deal with crime in society. That was always done with a sense of balance; it was always done while ensuring that the rights of all parties in relation to criminal proceedings were respected and that due processes of justice applied. There is a need for a balance between the powers of the police and the prerogative of the courts to exercise proper supervision with respect to people's fundamental rights and liberties.

The question of the rights of children comes into focus particularly through this Bill, and it is the opposition's view that the government simply has not got the balance correct. In regard to the fingerprint provision, apart from the aspects relating to children that the honourable member for Melbourne dealt with, the Labor Party when in government introduced legislation conferring on the Police Force powers other than existing common-law powers. Without wanting to touch upon matters that are currently before the courts, the opposition notes the distinction between the difficulties the Commonwealth police have with respect to obtaining fingerprints and the position in Victoria. It was the Labor government that was prepared — with appropriate balances — to ensure by statute that fingerprinting powers were available to police.

I acknowledge that in relation to one matter mentioned by the honourable member for Bulleen — the case of Raymond Edmunds, alias Mr Stinky —
maybe there is a case for some extension of police powers in respect to fingerprinting, but it should not be done at the expense of the principle of court supervision.

It is fundamentally important in the opposition's view that appropriate balances be struck within the criminal justice system and that there be a balance between all the rights involved: police powers and the rights of due process, and to remove entirely, as this Bill does, any court supervision from the operation of fingerprinting powers is simply unacceptable.

Contrary to what the honourable member for Bulleen said, once again it was the former government that conferred powers on the Police Force with respect to taking blood samples. The Crimes (Amendment) Bill (No. 2) extends that power to some other body samples quite appropriately, and without objection from the opposition, but once again the question of balance arises. The opposition agrees that applications before the courts for the taking of blood samples should not become de facto committal proceedings in one particular case. Once again, without mentioning specific cases, the opposition is aware that in recent times Victorian courts have faced the absurd situation of undergoing lengthy proceedings. In most circumstances where police wanted to obtain blood samples from a number of individuals. There was no difficulty in that. However, the Bill is unreasonable and unbalanced. A more balanced, intermediate set of procedures needs to be followed rather than denying the rights of suspects in court proceedings about the taking of body or blood samples.

The amendments of the honourable member for Melbourne suggest mechanisms to provide appropriate flexibility in the system and a modest expansion of police powers if obstacles are placed in the way of the courts — for example, if police cannot obtain body samples reasonably rapidly. But let us not create imbalance in the system. We should not throw out fundamental principles that affect people's rights in the courts. The government is seeking to shift the balance of our society's fundamental democratic tradition in a way the opposition finds unacceptable.

I refer to the provision dealing with paedophiles and loitering. Although the opposition recognises a need for more vigorous action to combat this vile and abhorrent behaviour, the Bill will not improve significantly the safety of young children. The opposition's reasoned amendment seeks a thoroughgoing analysis and examination of a package of measures that can be implemented by the community to improve the safety of its children.

Although the Liberal government opposed it, last week the New South Wales Parliament appointed a judicial inquiry into paedophilia. The opposition is not suggesting that Victoria should do likewise, but more thorough consideration should be given to school resources and the impact of the government's budgetary measures on the safety of children in schoolyards and the school precincts. Consideration should also be given to the resources within the prison system to provide intervention programs for people convicted of sexual offences and to reduce recidivism. The available literature, to which I have referred in recent debates, states that when appropriate intervention and follow-up occurs with released offenders in other jurisdictions huge reductions in re-offending by sexual offenders, particularly paedophiles, is evident. Once released, the normal re-offending rates for certain types of sex offenders ranges between 70 to 80 per cent; but, with intervention, reductions to between 20 to 30 per cent can be achieved. That is a much more intelligent way for the community to proceed. We need to attack the problem at its source rather than fiddle around the edges as the Bill does.

As recently as yesterday the Crime Prevention Committee, of which I am a member, held informal discussions on a reference from the government on re-offending. The committee will embark rapidly on bipartisan and cooperative work towards addressing the problem of re-offending among convicted paedophiles. The committee will come up with a more comprehensive and useful solution for the community than the Bill.

I wish to concentrate on proposed new section 464ZF, which carries forward provisions of the Crimes (Blood Samples) Act 1989. Section 464ZF of that Act states:

The Governor in Council may make regulations for or with respect to —

(a) accreditation of experts giving forensic evidence in a court; and
The opposition moved a reasoned amendment in that respect. If a formal process to establish adequate standards is not quickly undertaken in Victoria the full benefits of developments in forensic science are not likely to be adequately available to the Victorian public for reasons that I will deal with.

The basis for Victoria being at the international forefront in this area was laid by the previous government. The Victorian Institute for Forensic Pathology and the State Forensic Science Laboratory in Macleod are world-class facilities. The National Institute of Forensic Sciences has made its home adjacent to the State laboratory at Macleod.

One of the problems at Macleod at present is the inadequate resourcing available to the institute to carry out forensic work. There is a deplorable backlog of biological samples taken from scenes of crimes that has not been analysed. That is essentially a resource issue. It goes to the heart of the humbug of the government; the government is not prepared to resource adequately those facilities.

It is vital for the Parliament, through an appropriate committee, to establish a strong regulatory environment. Scientists today can gather and analyse potential evidence with a precision never before possible due to DNA, computer, laser, fluoroscopic, chromatographic and other technologies. To be admissible in court, however, evidence should be gathered and analysed in conformity with accepted standards. That is not always easy to achieve. There is an urgent need for standardisation.

In the United States of America, for example, increasing emphasis is being given to setting national standards for all testing procedures, analysis, interpretation and coding of data. As a result of the case known as the Castro case, which exposed the potential for error in laboratory work, there is a great risk that the credibility of DNA forensic evidence could be compromised through mishandling, mismanagement and improper analysis. Laboratories should follow written protocols for each step. Standardising each laboratory finding not only is useful to other agencies doing similar work but also permits more efficient and effective ongoing quality control, accreditation and training of personnel.

Earlier this year the United States House of Representatives overwhelmingly voted for legislation to subsidise forensic DNA laboratories in State and local law enforcement agencies, while establishing a network of quality control mechanisms to ensure that testing is done properly. America's experience emphasises the importance of accreditation of laboratories and individuals engaged in this technology.

The crime laboratory accreditation program is an important process that Australian authorities need to evaluate. Quality control, including periodic evaluation of laboratories by independent experts, is vital. Quality assurance, covering reagent production and test performance along with controls to determine procedural errors, are a vital part of this process.

Improvements to population data and analysis are vital to ascertain probabilities and reliabilities. That is particularly important in a diverse community where there are differences in variant frequencies between population groups. Without subgroup sampling and the DNA procedures, an individual could appear to be guilty with a lower probability because of pure chance in evaluating results of a test for a match when in fact the probability is much higher.

If, for example, a suspect is a Sri Lankan Australian, although variant A in a particular DNA fragment is very rare in the general population, it might be markedly more common among Sri Lankans. Therefore, without the knowledge and calculation of different subpopulation frequencies, a suspect may, on the basis of experience in other jurisdictions, appear much more likely to provide a match. Those problems are regarded so seriously in the United States that a report by the National Academy of Sciences calls for an end to admitting DNA evidence.
until tighter controls exist, and I will deal with more specific discussion on that point later.

In Australia there are some examples of the failings of forensic science. Perhaps the best known example is the case of the Chamberlains which resulted in the 1987 Royal Commission, known as the Morling report, into the Chamberlain convictions. That report found a number of disturbing flaws in the scientific work done in the Chamberlain case, and I shall refer to some of the flaws found by that commission.

It found that the results of tests were used without work being done to verify the results. It found a failure to use adequate controls, particularly in testing blood samples from the Chamberlain car. The commission found that testing was done on articles from which a clear result could not be expected as well as a failure to use a control or obvious scientific methodology in such circumstances. It found a failure to test the anti-foetal haemoglobin anti-serum before using it and that an anti-serum produced as a research product was used despite the fact its manufacturer had made it clear that its diagnostic significance was limited and should be established by interested scientists working in clinical laboratories. The commission also found a failure to take adequate account of the effects of denaturing from heat in the car and the effluxion of time when interpreting test results.

Because of the limitations of time I will read no more, but the list goes on. The reality is that quite appropriately the Australian public has some degree of scepticism about some aspects of forensic science, most notably in the Chamberlain case, and that scepticism has been demonstrated to be correct by the Royal Commission.

The Chamberlain case is not an aberration. Another case often referred to is the Splatt case, which was the subject of a Royal Commission in South Australia. The Shannon Royal Commission found reasonable doubt as to the validity of the scientific evidence that convicted Edward Charles Splatt. In an excellent research project prepared for the Faculty of Law in 1991 entitled "Misapplied Science: Unreliability in Scientific Test Evidence", Ms Judy Bourke describes a number of other Australian cases over the last decade where important scientific issues have arisen.

The Rendell case in New South Wales where Rendell was sentenced to life imprisonment for murder in 1980 but was recommended for pardon in 1989 is one such case. An important factor in that pardon was Mr Justice Hunt’s comment:

Unlike what has been learnt about the testing of blood since 1980, nothing appears to have been learnt in that time in relation to weapons testing ... the system of criminal justice, dependent as it is upon the decisions of juries, is not geared for any minute examination during the course of trials. For the value of such tests ... their reliability should be known and accepted.

A further case is the Cannon case in New South Wales involving a rape and murder and the subsequent conviction of Cannon. It is argued by Ms Bourke in her research report that the DNA testing in that case had a number of flaws. The DNA from the crime scene was from a badly degraded sample two years old which had been kept in poor conditions for the purposes. The DNA from the crime scene and fresh blood were tested on different nylon membranes. The procedure involved in test measurement is argued to be a poor test.

Other cases to which I refer include the Lucas case in the Supreme Court of Victoria in 1991 where it was held by Mr Justice Hampel that the evidence of the DNA testing, its results and conclusions were not admissible because they lacked sufficient probative value compared with their possible prejudicial effect. Mr Justice Hampel found:

The jury has no basis on which it can evaluate the evidence. There is no way the jury can properly value such evidence if there is no evidence before it as to the frequency of a match in the general population. There was in this case the danger that consistency could assume the colour of identity or at least of probability.

In the 1990 Tran case in New South Wales the Crown sought to introduce evidence of DNA profiling to establish a connection between the accused and a rape-murder victim. Expert evidence in that case was highly critical of many aspects of the DNA material. For example, it was argued that the DNA of bacteria could show up in results and that in the absence of a simple probing test to exclude any bacterial role which had not been undertaken the result could well have been affected. The judge excluded the DNA evidence.

The 1989 Coldrey report on body samples and examination considered judicial scrutiny as a safeguard but recommended additional statutory protections, particularly when samples were obtained compulsorily. The nature of the statutory
protections were directed at the scientific community to set forensic test standards, ensure accreditation of experts, require proficiency testing of experts and establish data bases relevant to forensic testing. No action has been taken. The consequences of inaction will have an impact upon unjust convictions or unjust and unreasonable acquittals.

It would appear that in Victoria legal aid may be refused on the basis of the assumed reliability of DNA evidence, and I refer to the 1991 matter of Tsagaris in the Victorian County Court. The problem of the aura of science in obtaining unjust convictions was seen starkly in the Chamberlain trial where, notwithstanding significant eye witness evidence, evidence from an Aboriginal tracker, a recent history of dingo attacks and the prior concerns of the ranger, the scientific evidence prevailed. A jury cannot be expected to assess the reliability of scientific test evidence, or at least not without an explanation of the relevant scientific principles and processes involved.

I shall recap some of the problems that exist both in Australian and other jurisdictions: the failure of testing laboratories to conduct the necessary and scientifically accepted tests; deficient laboratory records; inadequate use of suitable controls in experiments; deficient scientific method and principle, such as looking for similarities in samples rather than, as is accepted in scientific practice, focusing on dissimilarity; the impact of degraded DNA samples often taken from crime scenes where they have been contaminated; and the contamination of probes, and cases have indicated that probes have continued in use even after they have been contaminated.

The final problem is statistical failings in terms of the understanding of DNA and other forensic evidence. Different probability figures can be obtained from the same data depending on how the variables are treated, and it is common for a non-scientist to transpose the words or figures of a probability ratio. A 1 in 1.3 million chance that a match was coincidental does not mean a 1 in 1.3 million chance that an accused is innocent, nor does it mean that an accused is guilty.

Recent advances in forensic science have immense potential to assist in obtaining proper conviction and in acquitting the innocent if they are properly regulated. As I have argued, however, the courts, including Victorian courts, have experienced significant problems with scientific evidence. In the absence of a careful regulatory context, this legislation may well add to rather than resolve those problems. This area is too important to the community to allow it to be treated shoddily.

The prospect of significant injustices are too great to not establish a proper regulatory environment in which we can all be confident. The opposition's proposals in this respect should be taken seriously by the Attorney-General because the advances in forensic science are rapid, and the government must create an appropriate regulatory environment to ensure that it is controlled, that proper standards are applied and that proper accreditation occurs.

It is far too simplistic to describe DNA evidence as simply a new form of fingerprinting; it is a far more complex and scientifically sophisticated process than fingerprinting. It has reached the stage in comparable jurisdictions such as United States of America where figures call into question the ongoing serious injustice associated with not properly regulating this important area. It must be regulated.

Proper standards must be established. Because of its international reputation as a centre for scientific excellence, Victoria has the capacity to be at the forefront in this area, but the government has not taken up the opportunity provided to ensure the establishment of an adequate set of regulations. The government has not adequately resourced the facilities that are currently in place, so there is a serious backlog of biological specimens for analysis and there are lengthy delays in the proper analysis of some of the samples.

The problems cannot be solved by the government's grandstanding and knee-jerk reaction. The shadow Attorney-General indicated at the outset that the opposition recognises that the law needs to move with society, community expectations and changes to technology. It needs to be responsive to all those things, and some things in the legislation are consistent with that. However, it leaves an awful lot out. The government is more interested in the grandstanding than getting down to the serious, hard work of ensuring a multidimensional approach to crime prevention and to sorting out the problems of victims and other people in our community.

Mrs Henderson (Geelong) — I support the Crimes (Amendment) Bill (No. 2) because as a government, the coalition has the responsibility to protect the community as best it can from the perpetrators who prey on innocent people. The
community and victims of crime need a mechanism to deal with the anguish that they feel, and the fear that prevails in the community needs to be addressed.

I am sure that the whole community was shocked by the horrific injuries suffered by Kay Nesbitt in 1985. Although the medical profession has performed some remarkable surgery to restore her face, she will be grossly disfigured for her entire life. Ms Nesbitt's bravery and courage in learning to deal with those horrific injuries had an enormous impact on me and left me in no doubt that police investigative powers must be enhanced.

The Bill aims to enhance the investigative powers of police by giving them the power to obtain names, addresses, fingerprints and body samples in certain circumstances. At the conclusion of his remarks, the Deputy Leader of the Opposition said that the government was grandstanding and adopting a knee-jerk reaction, but that is absolute nonsense.

Prior to the last State election the coalition made a commitment to enhance the investigative powers of police. This Bill honours that commitment. Prior to the election there was enormous support from the community in general that the Bill was what was wanted. It is utter nonsense that the police do not have the power to take the name and address of any person suspected of having committed or being about to commit an offence or who may be able to assist in the investigation of an indictable offence. The Bill will give the police the power to obtain names and addresses and it will be an offence for a person to refuse to give his name and address or to give false information. Safety nets are included as the Bill provides for a police officer, if requested, to provide his or her name, rank and station in writing and it is an offence for a police officer to refuse such a request or to give false information.

Recent amendments to the Sentencing Act introduced a raft of changes aimed at more effectively aligning sentencing with community attitudes. Sentences for serious and violent offenders have been increased by one-third and the community has a right to know that the power to obtain names and addresses of people suspected of committing offences.

The Bill empowers police to take fingerprints from persons 15 years of age and above who are suspected of committing an indictable offence or a prescribed summary offence. When seeking fingerprints the police officer must give a detailed caution. The Bill provides specific safeguards for juveniles that a parent, guardian or independent person is to be present when the police request fingerprints. If reasonable force is required to take the fingerprints of juveniles, the procedure will be videotaped where practicable. In the taking of fingerprints of children between the ages of 10 and 14, both the child and his parent or guardian must consent or a court order must be obtained. One has only to read in the press about the horrendous murder of a very young boy in the United Kingdom by two 10-year-olds who have been charged with the crime to know that investigative powers must apply to young offenders as well.

The Bill provides for the automatic destruction of fingerprint records of a person whose fingerprints were attained as a result of offences committed as a juvenile if they have had a clean slate as an adult for eight years. However, if the juvenile offence was a violent or sexual offence or arson, that person's fingerprints can be retained indefinitely. I refer again to the horrendous crime in the United Kingdom where two 10-year-old boys have been charged with murder.

The Bill also extends the power to allow compulsory blood samples to be taken subject to court supervision in order to ensure that forensic procedures are conducted appropriately. The police officer assisting must be the same sex as the suspect and will not be one of the officers investigating the offence.

Victims of crime, innocent people, and women and children who have been subjected to abuse and violent crimes have a right to live without fear. The community has the right to expect a safe community and to expect governments to have the courage to introduce laws so people can be protected in the best possible way. Events of recent weeks involving two young children at a primary school leave me in no doubt that it is not only appropriate but also essential that it be an offence for a person found guilty of a sexual offence to loiter without reasonable excuse in or near areas frequented by children. I suggest that the entire community supports the penalty for those found guilty of sexual offences who loiter without reasonable excuse in or near areas frequented by children.

Sitting suspended 6.30 p.m. until 8.3 p.m.

Mrs HENDERSON — The community has a right to expect that it is safe and that the government will have the courage to introduce laws that protect
people in the best possible way. There is considerable community support for the Bill. An editorial in the Geelong Advertiser of 18 November states:

The need for better safeguards against sex offenders has long been a concern within Victoria. Many people believe that under the previous Labor government, sex offenders — and many other criminals — were treated with undue leniency by the law.

I believe the view expressed in the editorial is shared by a great number of people in the community. The article continues:

This was to the detriment of victims and the broader community which all too often found convicted offenders back on the streets unrehabilitated and unsupervised. In the absence of better powers, police have often found themselves unable to curb a suspect’s activities until that person reoffends.

The new Liberal regime has shown it is not prepared to further abide this situation.

I hope the honourable member for Melbourne is listening to my remarks. The article goes on to say:

Predictably, civil libertarians have whipped up a cacophony of indignant hostility to this idea. Convicted criminals, after serving their time, should not be further punished by exile from the community, Victorian Council of Civil Liberties vice-president, Mr Robert Richter, QC, says. The new laws would also punish people who had committed no wrong and isolate sex offenders trying to assimilate into the community, he says.

It is difficult to understand how hovering around a school might safely constitute part of any convicted sex offender’s rehabilitation. Quite clearly, any suggestion that offenders should be allowed to fight temptation by loitering in places where children gather is ridiculous. The protection of children must have higher priority than the rights of convicted criminals, especially when statistics signal an alarming degree of recidivism. It is not hard to see the claims of civil libertarians, if accepted, might actively serve the interests of potential offenders.

The editorial makes a very good point when it says:

Why the government’s predecessor could not find its way clear to do this still defies logic. Further, the present government is now looking into a better deal for the victims of crime — including stronger laws to ensure restitution be paid by convicted offenders. This is a move which should proceed posthaste — there is little reason why victims should have courts adding insult to their injuries.

The editorial expresses views that are held by many people in the community.

The Bill represents one of the coalition’s major election commitments, which was to enhance the investigative powers of the police, and underpins the safeguards required to ensure police powers are exercised appropriately. I feel strongly, particularly as a woman, that the Bill will do a great deal for the people in the community. I commend the Bill to the House.

Mrs WADE (Attorney-General) — The opposition has treated the Bill with half-hearted criticism. It seems opposition members felt required as a matter of ideological purity to oppose the Bill, and I do not think their hearts were really in it. Rather than tackling the Bill as a whole, opposition members had difficulty with particular provisions of it, and even in that they were not convincing because many of them had apparently not read the Bill.

The honourable member for Melbourne began his contribution by talking about the provisions that require people to give their names and addresses to the police in certain circumstances. Although the circumstances in which names and addresses are required to be given are limited, apparently the honourable member for Melbourne feels that a person should have the right to refuse to give a name and address in any circumstances.

The majority of citizens are happy to give their names and addresses to the police if asked to do so and only a relatively small number refuse. The Bill proposes that in certain circumstances where a member of the Police Force believes a person has committed or is about to commit an offence or may be able to assist in an investigation, that person should be required to give his name and address. The honourable member for Melbourne thought that is akin to requiring people to carry identification cards and that if they are asked to give their names and addresses, the police will require that they also give proof of those names and addresses. Nothing in the Bill says that that is the case. If a police officer believes the name and address given are not correct, he or she can take further action, but the only requirement in the Bill is that a person give a name and address. The
government is not imposing any requirement that people have identification with them at all times.

If the honourable member for Melbourne is concerned about the notion of identification being carried by persons in the street, then his quarrel is not with the government but with the Leader of the Opposition who, when he was a member of the Federal Parliament, was a keen proponent of the introduction of the Australia card. If the honourable member for Melbourne is concerned about this, he should take it up with the Leader of the Opposition. The government is certainly not requiring that people carry identification with them at all times.

The honourable member for Melbourne also suggested that it will not be an offence for the police to refuse to give their names, ranks and stations when they ask a member of the public to give a name and address. I refer the honourable member for Melbourne to proposed section 456A(5) which makes it an offence for a member of the Police Force not to provide that information and it provides a fine in those circumstances.

The honourable member for Melbourne also said that the requirement to give names and addresses would not prevent crime. I agree with him. His whole speech was directed to the fact that the measures being taken in this Bill will not totally eliminate crime; I also agree with that proposition. However, a start must be made somewhere and the government is making a determined effort through this Bill to assist the police in both investigating and preventing crime. The government does not suggest that the Bill will eliminate crime in the future.

The honourable member for Melbourne referred to the police misusing their powers. Of course it is possible, and the government does not ignore that. However, the Bill contains many safeguards. Opposition members would agree that the legislation that was introduced during the last session and the Bill which has replaced it this session are different and that this Bill contains a number of additional safeguards available to members of the public who may be affected.

The honourable member also referred to fingerprinting powers. He referred to the Coldrey committee report and how it recommended that random fingerprinting should not be introduced. This legislation does not introduce random fingerprinting. The circumstances in which the fingerprints of adults and children can be required to be given are set out in the Bill and include where a person is suspected on reasonable grounds of having committed an offence, where a person has been charged with an indictable offence or where a person has been summoned to answer a charge for an indictable offence. There is no suggestion of random fingerprinting.

The Bill also contains numerous safeguards for fingerprinting procedures, including the requirement of the police to caution people about fingerprinting powers and for those cautions to be tape recorded or recorded in writing and signed by the person concerned. The cautions are set out in detail in the Bill and are required to be given in a language likely to be understood by the person concerned.

In addition, the parent or guardian of children aged 15 or 16 years are required to be present during requests for fingerprints. Where the use of reasonable force is required to take the fingerprints of a 15 or 16-year-old, the taking of those fingerprints must be videotaped or, if that is impractical, tape recorded. The government would prefer videotaping in all circumstances, but all police stations do not have video recording facilities. I have taken up that matter with the Minister for Police and Emergency Services and it will be accorded high priority, but in the meantime it is proposed that audio recording be undertaken if no video recording facilities are available.

Where fingerprints are taken they must be taken by a police officer of the same sex as the person involved and should not be carried out by the investigating officers. Detailed provisions are included in the Bill for the destruction of fingerprints where a person is not convicted or where the charges are not proceeded with within a reasonable period. Provision is also made for the destruction of juvenile records after eight years of good behaviour. That automatically applies to all fingerprints taken after the commencement of this legislation. Fingerprints taken before the commencement of the Bill will be destroyed upon the application of the person concerned because it is not possible to ensure that those records will be automatically destroyed without application.

The fingerprints of a child aged 10 to 14 years can be taken only with the consent of both the parent and the child. The honourable member for Melbourne also asked for that matter to be clarified, and I can inform him that that is the case.
The honourable member for Melbourne also referred to phone applications for forensic samples. He supported that proposal subject to backup affidavits being lodged. The Bill provides for telephone applications, but if those telephone applications are not supported by appropriate evidence then the forensic samples that are taken cannot be used. I believe that covers the issue queried by the honourable member for Melbourne.

During the Committee stage I will propose an amendment to make it an offence for convicted sexual offenders to be found loitering near schools, child-care centres or where children congregate at any time. That provision has been described by opposition members as reactive and a knee-jerk reaction. They have also said that it will not prevent paedophiles committing crimes. Opposition members have said the proposal does not go far enough, but they did not say what else could be done. Although they have acknowledged that paedophiles tend to reoffend, they have not suggested what can be done about the problem.

From the moment it announced the proposal the government made it clear that although it does not perceive that the Bill will solve the whole problem it will provide an extra bit of protection to children. I do not imagine that too many people will be charged with the offence or that it will totally prevent paedophile-type offences. However, it will give police the power to deal with people who are convicted sex offenders when they find them outside a school or child-care centre or any public place where children are present, either by asking them to move on or arresting and charging them with an offence. Although it will not solve the problem, the police have informed me that there has been a large number of sightings of people loitering around schools and playgrounds and other areas where children congregate.

I have been advised that in the four months leading up to the incident at the Cheltenham Primary School there were 40 reports of people loitering in the vicinity of school children and two sightings of people exposing themselves to children on their way to and from school. In those circumstances the proposed new offence may go some way towards preventing that sort of behaviour.

I will refer briefly to the matters raised by the Deputy Leader of the Opposition in what was a thoughtful part of his speech relating to forensic procedures. He expressed concern that as yet regulations have not been drawn up under the provisions of the legislation to deal with technical aspects of forensic procedures. The Act will not be ineffective if the regulations are not available immediately it comes into operation because each case will be judged on its merits before the court as to whether appropriate procedures were taken when dealing with the forensic evidence and carrying out the tests.

The Deputy Leader of the Opposition referred to a number of cases where those aspects were not appropriately dealt with. I agree it will be of great assistance if appropriate protocols and regulations are established setting out the way in which forensic procedures should be carried out. That will ensure that the appropriate evidence is before the court and taken into account. I understand that a working party is being established with experts in that area whose task it is to draw up those regulations and establish appropriate controls.

The matters raised by honourable members today suggest a vast difference of opinion on both sides of the House.

House divided on omission (Members in favour vote No):

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CRIMES (AMENDMENT) BILL (No. 2)

Tuesday, 23 November 1993

ASSEMBLY 2115

McGrath, Mr W.O.  Wells, Mr
McLellan, Mr (Teller)  Marple, Ms
Wilson, Mrs

Mildenhall, Mr  Wilson, Mrs

Motion agreed to.

Read second time.

Ordered to be committed later this day.

Mrs WADE (Attorney-General) — I move:

That it be an instruction to the Committee that they have power to consider an amendment and a new clause to provide for a summary offence of loitering by a sexual offender.

Motion agreed to.

Committed.

Committee

Clause 1

Mrs WADE (Attorney-General) — I move:

1. Clause 1, page 2, line 2, after “custody” insert “; and

(c) to create a new offence of loitering by sexual offenders”.

The amendment adds to the purposes of the Bill by including a new offence of loitering by sexual offenders. It also foreshadows that a new clause relating to the proposed new offence will be inserted. Although at present there is an offence covering a person suspected of being about to commit a property offence because he is found loitering in a place or near a potential crime target, there is no offence covering a person loitering with the apparent intention of committing a sexual offence, including a sexual offence against a child.

As I said earlier it is not suggested that the amendment will prevent any such crimes taking place. However there is a gap in the law applying. Police officers who find a person who has been convicted of a sexual offence loitering near a school, a child-care centre or some other place where children congregate — he may even be taking photographs of the children — have no power to arrest that person or ask him to leave that place. It is unlikely there will be many arrests made under the proposed new clause. However, in those circumstances it will give the police the ability to tell a convicted sex offender that he should leave the area or face the possibility of arrest.
The Criminal Law Coalition has suggested that the proposal will prevent rapists eating at McDonald's or going on picnics. That is not the case. A convicted person will be guilty of this offence only if found loitering in a particular area covered by the clause — and the term is "loitering without reasonable excuse". A person who is actually dining at McDonald's will no doubt be considered to have a reasonable excuse for being there; but a person who sits in front of a cold hamburger for the whole afternoon will almost certainly not have a reasonable excuse for doing so. I do not think the provision will present any difficulties.

The honourable member for Melbourne said the police already have the power to apprehend someone in those circumstances. That is not the case, and it is important that the Bill deal with the loophole in the law. The proposal covers a person who has been found guilty of a number of specified offences, including rape, indecent assault, assault with intent to rape, incest involving minors, sexual penetration of a child under 10 years, sexual penetration of a child under 16 years, indecent sex with a child, sexual relations with a child, an indecent act with a person under 16 years of age or abduction. It also includes people who, under section 7(1)(c) of the Vagrancy Act, have been found guilty of exposing themselves — or flashing as it is colloquially known — or people who have been convicted of offences under section 60A of the Classification of Films and Publications Act, which concerns child pornography.

While the honourable member for Melbourne was speaking I was reminded of the fact that when one is dealing with paedophiles one should take into account all aspects of their behaviour, not just one aspect of it. The provision inserted by the previous government dealt with a specific aspect of the behaviour of paedophiles — that is, their tendency to have collections of child pornography. We supported that provision when we were in opposition; and we believe the amendment falls into the same category because it deals with another aspect of the behaviour of paedophiles.

The government would have expected the opposition's support in dealing with another aspect of the behaviour of paedophiles that can be linked to the offence referred to in the Bill because, as I said earlier, some of the people who have been found loitering around schools, bus stops or other areas where children congregate have been taking photos of children. That behaviour is also related to the offence that was inserted in the Classification of Films and Publications Act by the previous government. I commend the proposed amendment and the foreshadowed new clause which follows it.

Amendment agreed to.

Mr E. R. SMITH (Glen Waverley) — I am pleased that after seven years of campaigning we have at long last been able to introduce the Bill and the important amendment that has been outlined by the Attorney-General. The history of the Bill is one of frustration and, at times, drama. The process was started by the Honourable Digby Crozier, a former member of Parliament, and the honourable member for Mornington, who acted as advocates for the then Secretary of the Police Association, Mr Tom Rippon, later Brian Harding, and the current secretary, Danny Walsh.

We have received overwhelming support whenever we have explained the three basic reasons for the introduction of the Bill, the first of which is the taking of the names and addresses of suspects. I am sure the honourable member for Melbourne is wrong in saying the police will be able to take anyone's name and address at whim. At first the Bill specifically stated that a person must be under suspicion, but that condition was later changed by substituting the word "belief". The reason for the change is that the remainder of the Bill talks about the belief in the minds of police that a person is suspected of a crime or can assist them in their inquiries. Any reasonable person in the community will find this beneficial.

The aim of the Bill and of the coalition government is to make the community a safer place, and that was the policy presented at the State election. It is the right of every person to go about his or her business feeling secure, but why is it that when such a sensible and well thought-out policy is introduced it is opposed? The critics of the Bill would change their views if a family member were seriously assaulted, raped or attacked in some way. I am sure they would not then be making the suggestions that have been made during the debate. Members of the opposition sit on the sidelines and say that the police should not do this and that, but whose side are they really on? The community is crying out for protection. It is no good tying the hands of police behind their backs while they are carrying out inquiries into crime.

Members on this side of the House are proponents of civil liberties, but the crime rate has climbed to such horrendous proportions that the civil liberties...
we have enjoyed for so long must be reduced to achieve a safer community. It would be wonderful to live in the utopia the honourable members for Niddrie and Melbourne have proposed, but we must make rules to control those who do not obey the rules of our society. We have not done that because we want to, but because we have had to. That is the hard fact of the society in which we live. We do not set the criminal agenda — the actions of offenders, villains and rogues are reacted to by the law-makers. The villains who are involved in assaults, frauds or disobeying the law set the pattern and we must react. That is what we have attempted to do through the Bill.

To live in a safer community we must sacrifice some of our civil liberties. That sacrifice does not compare with the sacrifices of those who have given their lives in times of war. The community wants some civil liberties to be reduced. The coalition presented these policies before the last election and received the support of the community by 61 seats to 27. That tells the story.

To balance the equation of those unscrupulous police who may not carry out their duties in the way that is expected we have already given the chief commissioner the power he requires to discipline his force. Recently honourable members would have read stories in the newspapers about the Police Force — I will not mention any names because that may be prejudicial — that show how swiftly the commissioner can take action against officers who act contrary to the spirit of the force. We have seen that the chief commissioner and his staff will not hesitate to follow through. We are aware that there is danger in putting too much power in the hands of irresponsible or wayward police — we admit there are people who abuse those powers — but we believe the mechanisms that have been put in place will counter that difficulty.

People have said that the Bill is too large and that it will be a lawyer’s dream in court. The government has endeavoured to close the loopholes that clever lawyers are able to use to defend their clients. This Bill will provide the types of mechanisms needed to fight crime. It is interesting that when these tougher measures against paedophiles were foreshadowed by the Attorney-General the proponents of civil liberties began their campaign against the Bill. It is also interesting to note that the polls show that support for the coalition has increased and support for the Labor Party has decreased. It is counterproductive for the Labor Party to believe it can hop on the civil liberty bandwagon to gain popularity. There are no votes in opposing the Bill. The coalition has gained votes because it has done the sensible thing.

Ms Kirner interjected.

Mr E. R. SMITH — We have the chattering of the Labor Party, which is what one expects from members of the opposition. They cannot get it through their thick skulls that the community wants a degree of security. The former government did not provide that. As the Attorney-General pointed out, police knew if they went to an area where known paedophiles or sex offenders were loitering they had no power to do more than to observe and ensure that no offence was committed. The police were unable to move the person on or to arrest him.

The crimes committed by paedophiles and sexual offenders who loiter in areas where children are congregated are usually crimes of opportunity. Once an opportunity is presented, as we saw recently with the scandalous episode in Cheltenham, the poor little victims have no protection at all. I will not labour the point that had the police had the power provided under the Bill they would have been able to take action and thus prevent the occurrence of that heinous crime.

The book should be thrown at anyone who interferes with children. We should provide the police with mechanisms to take action against such people so that parents can be confident about the welfare of their children. Under this provision the police will have power to move on or to arrest suspects. They will have greater powers to deal with potential sex offenders.

Under existing law, unless a person who is loitering outside a school does a definite act from which the police can infer an intent to commit a serious offence, there is no power to stop the person from loitering near children. As a result, intending offenders have time to plan and to wait for an opportunity to arise.

The power provided to the police in the Bill is as important as the power of the police to take names and addresses of persons they believe can either provide assistance in the solving of or have committed crimes. I do not know why anyone would take objection to that, and neither do approximately 60 or 70 per cent of people in the community.
I am sure opposition speakers were sincere in putting their views, but there should be bipartisan support for this measure. The almost draconian powers provided to the Chief Commissioner of Police in respect of members of the Police Force who abuse the stronger powers being given to them provide the balance the government believes is necessary.

For far too long the scales of justice have been weighted in favour of offenders. It is hoped that imbalance has now been corrected. Although I listened for some time to opposition speakers I did not at any stage hear raised the plight of victims of crime. Opposition members are so obsessed with the civil liberties argument that they have lost sight of the plight of the victims of crime.

The honourable member for Melbourne is taking notes. I hope he has taken a note of this point. It is important that the honourable member for Melbourne should realise that the government has taken a lead from the community, which wants it to take these stringent measures. Unless these measures are taken swiftly the government will not be able to restore the security that is necessary in the criminal justice system.

Opposition speakers presented arguments about the Australia Card and other identification cards. In eight years as a member of Parliament I do not think I have heard one complaint about the power of police to take names and addresses of motorists. Although police have had that power in relation to traffic offences, which almost equate to civil offences, they have been handcuffed in relation to serious crime. This measure will undo those handcuffs and allow the police to get on and do their duty.

I have had the pleasure since the government has been in office of serving on the Attorney-General's police powers committee and assisting in policy formulation for the coalition in this area. It is with relief and pleasure that I speak on the Bill tonight. The measures in the Bill will assist the police in their fight against crime in Victoria. Victoria is currently experiencing a crime wave, of which none of us is proud. I have pleasure in supporting the Bill and wishing it a speedy passage.

Mr COLE (Melbourne) — Although I spoke extensively earlier, I rise again to take a new look at the Bill and address some of the issues raised by the Attorney-General and the honourable member for Glen Waverley.

It was suggested that somehow the Deputy Leader of the Opposition and I were half-hearted in our approach to the Bill. In a sense that is true because, as I pointed out earlier — ad nauseam, I thought — we are talking about processes and procedures for fingerprinting and collecting forensic evidence, and powers to obtain names and addresses that we believe are already adequate. It is a discussion about how the police go about doing their job properly and effectively and about what tools they use, rather than about whether they should be able to do that.

I disagree with the Attorney-General and the honourable member for Glen Waverley when they say that the object of the Bill is to enhance police powers because the police are not appropriately confronting the crime problem. That is an incorrect and inappropriate view to take. The Victoria Police Force is recognised as a world-class force and one of the best in Australia. It is doing a stirling job. To say it is losing the fight misses the point. Although I do not believe the problem of crime lies solely with the Police Force — it is a much broader and more complex issue — we do need a good and capable Police Force.

I do not think I have ever before spoken immediately following the honourable member for Glen Waverley. He is a good sounding board; he is so strident in his views that it is not hard to come up with a few things to throw back at him. He obviously believes in what he says, so it is good to hear that although police are being provided with these additional powers, protection against abuse is also being put in place. It may be that that protection is sufficient, but I guarantee that the new powers will be abused. Police often see abuse of powers as part of their role.

In Queensland many police officers have been charged with corruption and many are already in gaol. It is easy to say that they were not carrying out their proper function and were corrupt, but many police actually believe that in doing their job it is necessary to bend the rules and offend against people's civil liberties.

In my position one often hears of police handling and dealing with people in all sorts of circumstances in a way that is unacceptable. We must be eternally vigilant in watching for that type of activity. The fact that you believe in civil liberties does not mean you necessarily disagree with every change in police powers or in the law. The civil libertarians of whom the honourable member for Glen Waverley spoke in such disparaging terms are not represented in only
one section of the community. People such as Alan Goldberg, QC, are prominent in speaking out on questions of civil liberties.

I remember having a debate three or four years ago with the current Minister for Planning about how many civil liberties have been lost, not so much in Victoria but around the world. The dangers faced by any society that denies civil liberties are far greater than those faced by a community that stands up and asserts the right to civil liberty. So long as our community can do that, we will be a healthy society.

It is a question of balance, but that balance should never be lost. I said during the second-reading debate and in debate on other similar legislation that this sort of Bill represents a pursuit of votes by the government. Is it the case, as the honourable member for Glen Waverley asserted, that the coalition's rating in the polls went up when the legislation was introduced, and will such legislation become a vote-catching exercise? How far can it be taken? Can it be taken further? That is the real issue.

I know it is difficult for all parties, when the media sensationalises such matters, to resist and come up with options, but that is the real fight in our society. It will be left to other forces to ensure that there is some method of counterbalancing the problem.

I turn to the victims of crime. It is not that people do not care about victims; there is concern for a balance, and that balance is difficult to achieve. The real defence for and protection of victims comes not only from introducing powers that improve the prospect of people being caught and from preventing crime, but also from such measures as compensation for victims of crime.

As I pointed out during the second-reading debate, in 1982 the Labor government introduced a maximum fine of $5000 and when it lost government in 1992 the maximum fine was $50 000. That is an important issue for victims of crime. As a solicitor who has handled many applications for compensation, I can say that that is where it is at when it comes to damages. One must ensure that one can provide some form of compensation for victims of crime. Many other areas can be examined, such as the provision of services for victims to deal with the problems of being involved in a crime and being a victim of crime.

We forget that other people are also victims, such as parents whose child has been injured or killed or parents whose child goes to gaol. They are also victims of the system and often need as much support as the direct victims of a crime — somebody they love has committed a crime that had nothing to do with them. They may have done nothing but be the parents who have to support the child. Those people need care.

Often the argument about civil liberties is lost because of an overwhelming and overriding concern for the victims and, particularly with conservative forces, the desire to take the high moral ground to justify any measure. That is so even when clearly a case cannot be used that way — they get a few votes out of it and they placate the radio journalists and the newspapers that push issues so strongly when it suits them. The media are the first on the doorstep trying to get an interview from the mother when a child is killed. That is the problem we suffer in the community today. The sooner there is a more commonsense approach, not a reactionary approach, the better off we will be.

Another issue is comparisons being made of names and addresses on drivers licences against names and addresses supplied by persons who are asked to provide that information. There is a substantial difference. Surely one does not have to have a licence to walk down the street. Driving a car is somewhat different. To compare the two is nonsensical and ridiculous. The explanation the Attorney-General gave during the second-reading debate was compelling. I do not say she was correct, but it was a compelling argument. It may be equally appropriate to refer this matter to the Crime Prevention Committee. It would not do any harm and the government would not be seen as kowtowing to the opposition.

There is a need for a criminological approach to these sorts of issues. We do not have the answers because at times we are legislators and at other times part of the executive. It is difficult to believe we can provide the answer to such a complex problem by introducing what is in effect legislation that increases the power of the police to approach people outside schools. I do not believe many people will be charged. I am pleased that the issue about McDonald's restaurants has been sorted out. I do not believe the police, if they respond quickly or at all, would have difficulty in dealing with people loitering near schools under the current laws. In a sense the Bill extends the present law so far as theft, loitering with intent, stealing and so on are concerned; it does not necessarily take matters further than is currently provided for in other legislation.
CRIMES (AMENDMENT) BILL (No. 2)

ASSEMBLY

Tuesday, 23 November 1993

It is a worry that the Bill is so broad in its definition of a public place within the meaning of the Vagrancy Act. It is equally a worry that it is aimed specifically towards a particular group of people without necessarily establishing any intent. That will not resolve the problem. Rather than jumping onto the bandwagon of this type of legislation, which will give people a false sense of security, the government should examine the realistic protection of children at schools. That goes far beyond the legislation. We must examine in a bipartisan way the issue of safety houses and have a proper and coherent investigation into the problems of paedophilia and what causes such attacks. The solution will always be hard, but if we put our collective heads together and seek the best psychiatric, legal and criminological advice we may come up with a better approach to the problem than the approach adopted by this Bill.

The Bill creates a false sense of security — "Don't worry, the police will be there because they now have this power". The police are not so good that they will get it right every time. The broader problem for the community and for all the children who are subject to such assaults must be addressed.

Mr COOPER (Mornington) — I support the clause, the main thrust of which is to provide police with the power to require persons to provide their names and addresses, fingerprints and forensic samples. The additional thrust of the Bill deals with loitering by sex offenders near places where young people congregate.

I listened to the contribution of the honourable member for Melbourne during the second-reading debate and the Committee stage. Although he speaks from the heart and with great sincerity, I happen to disagree with his main submission. That will not surprise him; but I do not disagree unkindly. He was correct when he said the Bill concentrates on one aspect of crime. Crime is two-dimensional; although some may say it is three-dimensional. The Bill deals with crime after it has been committed — that is, it gives police the power to deal with matters after crimes have been committed.

The other aspect of crime is crime prevention. In attempting to address those issues the honourable member for Melbourne became confused; he simply came down on the side of civil liberties. However, he referred to only one side of the civil liberties spectrum; he did not deal with those against whom crimes are committed. The government is siding with the latter group.

At some stage when governments introduce legislation affecting offenders and victims they must decide whose side they are on. This side of the Chamber sides with victims. For years the coalition parties have been honest about that. The government knows that the vast majority of the community supports it. For years the community has demanded that police powers be extended. Between 1982 and 1992 the Victorian government simply walked away from that issue. Today the Chamber has heard how the Labor Party continues to walk away from the issue. It said, "Let's not do it, let's talk about it. Send it to a committee, fiddle around with it, talk about it, but do nothing about it". If the honourable member for Melbourne is sincere — I believe he is — he should say, "I support the Bill because nothing in the legislation is insupportable; but I would like matters of concern such as the need for an in-depth study of paedophilia to be dealt with by a Parliamentary committee or an expert committee". If he put that proposition to the government, he would receive support from this side.

However, tonight the honourable member for Melbourne says, "I will not support the Bill because the government will not take one necessary small step". In the meantime, on a minute-by-minute basis, more members of our community are becoming victims of crime. The government is saying, "We are through with the talking, now it is time for action. We do not say the Bill meets every aspect of dealing with crime but it goes a long way towards it. It gives the police the power they have been requesting for many years, the power that other police forces in Australia already hold".

I refer to a leading article in the Herald Sun of November 1991 which quotes the then Chief Commissioner of Police, Mr Kel Glare:

Police need greater powers to combat the rising tide of serious crime in Victoria, according to the State's top policeman.

Chief commissioner, Mr Kel Glare, also slammed objections against wider powers put up by civil libertarian groups.

The wide-ranging additional powers Mr Glare has called for include:

- the right to demand the name and address of suspects;
- viewing rooms to protect witnesses from suspects at identification parades;
power to compel people reasonably suspected of a crime to take part in an identification parade;
the right to fingerprint on arrest;
increased powers to bug telephones;
the right to take forensic evidence such as hair and nail clippings.

Mr Glare is quoted as having said:
I would have less problem with civil libertarians if they showed as much concern for the rights of victims as those accused of crimes.

Mr Glare is correct. The government is providing the Police Force with the authority it needs.

In 1989 Ms Anne Kilpatrick, a feature writer for the former Melbourne Sun, had just returned to Melbourne after living in Tasmania for 10 years. Her article, which is germane to the Bill, states:

After 10 years in Tasmania we moved back to Melbourne last year.

In just 10 years Melbourne has changed from a stable, organised society to one where violent crime is accepted as inevitable, where car theft is an everyday hazard and house burglary is so common it’s no longer cause for comment at all.

Ten years ago our young sons took the tram on scout nights (we lived near a main road); our daughter took a tram home in the dark after hockey practice and music lessons.

What responsible parent these days would think of having their children travel on public transport alone after dark?

Ten years ago young children walked home from school, even quite long distances. There were no “Safety House” signs then.

Why has society so degenerated that we need them now?

Ten years ago, walking in Melbourne’s suburban streets was as safe as walking in your own garden.

No longer.

One friend of mine is blind in one eye after a bag snatcher punched her. He approached her “asking the way” in a quiet Caulfield street one sunny morning.

Another friend was a victim of a similar attack in a supermarket car park.

Why should a small criminal element hold ordinary, law-abiding people to ransom?

Why should we be the ones to be cornered into defensive behaviour out of fear?

When we ask why, there seemed a welter of blurred responses, but one stood out.

The legal system and police authority in Victoria seemed weighted, not for you and me, but for the criminal.

Why do we tolerate the fear, the expense and the infringement to our right to live peaceably and not give the police the authority to apprehend the criminal element that causes distress, apprehension and fear?

Our police in Victoria are like ditch diggers with no shovel. They are not allowed the basic tools of trade.

And who are the losers?

We Victorians.

Years ago we could walk the streets in peace because the criminals were behind bars. Now we live behind bars. We have guard dogs for protection while the criminals take over the streets. The Bill redresses the balance. It is needed and demanded; the Victorian community demands these provisions and the government will supply them.

Ms KIRNER (Williamstown) — I shall speak about the balance of the Bill, several aspects of which cause me concern. When one makes the ultimate judgment about whether the Bill will improve the society in which we live, one must conclude that it fails in some respects. I cannot see how the provision that allows police to fingerprint 15 and 16-year-olds will serve as a deterrent. When one considers the total scene of police catching criminals one realises that power is probably unnecessary. The trauma associated with that process may well in the long term cause the children — we must remember that 15 and 16-year-olds are still children — subjected to a process designed for adults to treat the police and society with disdain. Because of that provision their intentions may become more criminal.

I do not understand why the government wants to proceed with this provision. It was certainly never
pushed by the then Chief Commissioner of Police, Kel Glare, who discussed the issues referred to by the honourable member for Mornington as reported in the Herald Sun regularly at the Cabinet safety subcommittee which I chaired.

I also note that the Scrutiny of Acts and Regulations Committee expresses its concern in Alert Digest No. 19 that some provisions might unduly trespass on the rights of 15 and 16-year-olds. I believe those provisions unduly trespass on the rights of 15 and 16-year-olds and do not enhance the society in which we live.

The honourable member for Mornington said he respects the sincerity of the shadow Attorney-General. I am glad he does, but he should also respect the honourable member's arguments because they were important and, if taken up by the government, would ensure that the legislation struck a balance between liberty and the punishment and apprehension of criminals.

Several provisions get that balance wrong. I have referred to the provision that treats children as adults, but I am sure many people will be alarmed, as I am, about the report of the Scrutiny of Acts and Regulations Committee in Alert Digest No. 19 when it says:

The committee believes that this power to fingerprint children aged 10 to 14 may unduly trespass upon rights or freedoms.

When discussing education, one of the issues that the former opposition, now the government, constantly raised was the rights of the child to choose his or her education and the responsibility of the government to fund that education. The coalition often quoted the United Nations Convention on the Rights of the Child to support that argument. Have I heard one mention tonight by government members of that United Nation declaration? Government members have not mentioned it because it does not suit the argument. However, the Scrutiny of Acts and Regulations Committee has raised this important issue. Should honourable members be proud that the House will pass a provision that the International Commission of Jurists believes offends the United Nations declaration of the rights of the child? Don't ask me to be proud of that. Don't ask me to say that this is good legislation when it offends the United Nations declaration of the rights of the child. If the government does it for one issue it will do it for another.

In the 1930s in Germany exactly the same thing happened. The rights of children and the rights of groups were taken away because of the issue that confronted that society at the time: Jews were not the best people to have in society.

It is unfortunate that the Bill impinges in part on that United Nations declaration, because I agree with many parts of it, but I do not understand why the government and the police, if they were advising the government on this provision, feel it is necessary and appropriate to take this action. When I was Premier, this type of measure was never put to me as essential legislation. If those two provisions were not in the Bill the issues raised by the government and the opposition about the protection of the victim could still be handled sensibly and legitimately and the rights of individuals would not be infringed.

I turn now to the provision that will create the new offence of loitering and the definition of a public place as contained in the Vagrancy Act. When I heard the Minister announce this provision my initial reaction to it was, "Here we go again; an infringement of liberties". I then thought through it as a parent and, more importantly, as a grandparent of a 4-year-old about to go to school, and as a mother-in-law of a primary school teacher who is constantly concerned about the supervision of children. I listened carefully to what Sally Brown, the Chief Magistrate, said this morning and I thought she put an interesting argument which, if discussed by a committee of Parliament, could be taken up. The Attorney-General may yet take on
board what the honourable member for Mornington said and adopt the suggestion of a committee of Parliament examining the broader issues. Ms Brown said this morning, when asked what particular issues relating to liberties and balance that are being discussed today worried her, that sometimes she wished we would take a step sideways from the black and white issues of liberties versus protection of the victim and look at the human rights point of view.

In the sense of human rights — and this issue comes back to my point about the United Nations declaration on the rights of the child — there is a no more basic human right than for a child to live safely and to feel safe in his or her own home or school. That argument is convincing, and I am not opposed to the Minister’s proposal on loitering, but I am opposed to the way it is being handled in the Bill.

I remind the Minister of what a good friend and colleague and a great politician, in my view, Dr Carmen Lawrence, did in Western Australia when she responded to a terrible outbreak of car theft and murder that involved not just intent but actual killing of people in car chases after the cars had been taken. The West Australian government brought in draconian legislation the like of which I do not think Victoria would ever see introduced by either side of the House. The worry is that it was the same quick reaction — one might consider it a knee-jerk reaction — as I believe this loitering provision is.

I am concerned that without the process that was sensibly suggested by the shadow Attorney-General of a committee to look at the total picture we may find that this type of instant reaction on loitering will be no more successful that the juvenile crime law that was proposed in Western Australia.

As the Minister would know, that law has just been examined by Judge Jackson, by the Liberal government and by the University of Western Australia Crime Research Centre, and they have described it as ill-conceived. The opposition spokesperson, who was formerly the Minister, said:

It was meant to be temporary because it was aimed at dealing with a mass hysteria at the time and with the real prospect of people taking the law into their own hands.

The judge went on to say that it is inappropriate to make laws under enormous public pressure that do not seriously examine the plight of victimised children, women and Aborigines.

When one examines when the loitering provision was first put forward by the government one sees that there was enormous public discussion led by Neil Mitchell on 3AW, but whether he had been there or not there would have been, I hope, wide public discussion, and it seems to me that the government has reacted in a limited way to a very serious issue.

If we had a committee as suggested by the shadow Attorney-General, or if the Minister is good enough to consider establishing a committee even if the Bill goes through, because there are a number of other issues that have to be considered, the government would be seen as being serious about the issue rather than dealing with it by the limited action of inserting a new clause on loitering into the Bill.

The first matter that needs to be addressed is the design of primary schools in Victoria. Under my government and the Cain government no new primary school was built with outside toilets. However there are hundreds of primary schools that were built way back in the 1950s and earlier that have outside toilets. The opposition had a plan, as I am sure the government does, to upgrade those facilities as time went by, but not a quick enough plan, and if the government were serious about this issue it would realise that one of the things a committee should look at is how dollars can be applied — it need not be big dollars — so that teachers do not have to worry their hearts out and do not have to supervise children all the time in the playground. I am sure all honourable members would know that primary and secondary school playground supervision is a worry, particularly if the school is badly designed.

Mrs Henderson interjected.

Ms KIRNER — If the honourable member for Geelong does not want to take it seriously, that is her problem. I know of a number of teachers in her electorate who take this issue seriously and would want the honourable member to do something about it, and I am sure members in her electorate would be very pleased to see her comments in Hansard and in the local paper.

The second issue that needs to be addressed as well as the design of toilet blocks is supervision in schools. What has happened as a result of recent government cutbacks in staffing are two things; first of all, the cleaners who used to be the linchpin of care of the school are basically gone. They have been
replaced by contract cleaners, most of whom do not have the same concern unless — —

The CHAIRMAN (Mr J. F. McGrath) — Order! The honourable member for Williamstown has 2 minutes and should not tempt the Chair by wandering too far from the contents of clause 1 of the Bill.

Ms KIRNER — I believe, with respect, Mr Chairman, that better supervision of children in schools might be more effective in tackling this issue and in calming parents' fears than this clause.

Mrs Peulich interjected.

Ms KIRNER — My view is that it is not only relevant but that it should be included in a total review of what can be done to protect children. We know that even with this new clause there will not be sufficient police to do what the government wants — and, indeed, what the opposition wants — to make children safe. Who makes children safe in school? The honourable member for Bentleigh knows this: the teachers and the cleaners are among the people who make the children safe. Certainly in a primary school the caretaker going around checking out the school, checking out the locks, being out in the garden working was part of the school community, and if he was not at your school I am very sorry to hear about that because he was certainly at the ones I have been associated with over the past 25 years. One cannot cut back the numbers of teachers in a school and expect to have supervision all the time. I conclude by saying to the Minister that the issue of loitering — —

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

Mrs ELLIOTT (Mooroolbark) — There are broad areas of agreement between the opposition and the government, and I have some sympathy particularly with the arguments put forward by the honourable member for Melbourne. What disturbs me about the underlying agenda from the speeches of opposition members is the syndrome that is becoming increasingly clear in some of the statements of civil libertarians recently of seeing the perpetrators of crimes as the victims of society as a result of dysfunctional marriages or poor relationships with women, often their mothers, or of the recession. The impact of this is take away from them the need to be responsible for their actions. Once you see the perpetrators of crimes as victims that leaves the victims with nowhere to go, and the Attorney-General when speaking on the Juries (Amendment) Bill last week and talking about victim impact statements described a mother who, during the trial of the killer of her daughter, had to listen to people describing what a good husband and father he had been, and felt that there was no-one there to speak for her dead daughter.

Equally, Mr Cruel has never been caught. He killed Karmein Chan and traumatised beyond measure Nichola Lynas.

In considering the rights of the perpetrators of crime, the rights of the victims of crime must also be considered. The problem, particularly with sexual offences, is that the body might recover but the mind and spirit of children who are the victims of sexual crimes never recover. They are scarred and traumatised for the remainder of their lives and so are their families. They may never again be able to live normal, well adjusted lives.

I, too, heard Sally Brown speaking on the radio this morning. I was impressed by what she had to say. However, I was equally impressed by an interview I heard on 3LO radio yesterday with Ranald Macdonald and Dr Bill Glasson, a forensic psychiatrist with the Department of Health and Community Services and the University of Melbourne. Dr Glasson is involved with the treatment of sex offenders in prison. The transcript of the radio interview reports him as having said:

I think that that is crucial and in the early stages of treatment one of the major issues is that these blokes, they are the greatest self deceivers that you can think of, Ranald. The real problem is that they don’t admit to themselves that going to a park or a school or a children's swimming area is in any way going to send them down the slippery slope of reoffending. So this is where in a treatment sense this sort of legislation might have some use.

Dr Glasson concludes:

Now that well may be something that starts these guys thinking about what they have done, and working appropriately on taking of measures to prevent their reoffending behaviour.

I was a member of the Attorney-General's Bills committee that considered the clauses of the Bill. They are not a knee-jerk reaction; they are the end result of a great deal of thought and consideration, both for the rights of perpetrators of crimes and for their victims. Although I do not propose going through the clauses again, I believe sufficient
safeguards are built into them to protect the rights of perpetrators and also give police sufficient powers to apprehend those they reasonably suspect to be perpetrators of crime.

In a sense the measure will help offenders because, unless they are apprehended, even those who are young may go on to commit worse crimes. Offenders must be helped through appropriate treatment programs. But to leave police without the necessary weapons in their armory — perhaps that is an inappropriate expression — and methods to detect offenders, particularly by the most basic method of fingerprinting under strict guidelines, is to leave our police, in whom we must have faith and trust, without the powers they need to protect society.

The very old and very young are extremely vulnerable, nowhere more so than in my electorate where a large number of elderly people, particularly women, live alone. They do not have the money for elaborate security protection or guards, and they fear attacks on either their property or their person. The police are over-stretched — nobody doubts that — and the Bill will go a long way towards helping them protect society without infringing on the rights of those apprehended.

Ms Marple interjected.

Mrs ELLIOTT — Honourable members can hardly believe that two 10-year-old English boys have been charged with murdering a baby. The details of the murder were so terrible and traumatic that the mother of the child was excused from court.

Ms Marple interjected.

Mrs ELLIOTT — People do not want to see that happen in Australia. We need to prevent crime; we need a fence at the top of the cliff, not an ambulance at the bottom. People do not want to see the urban ghettos of New York or the fetid slums of Port-au-Prince. They want Australia and Victoria to remain places where people want to live. Therefore I support the clause.

Dr COGHILL (Werribee) — I commend the honourable member for Mooroolbark for a more considered contribution to the debate than that of some of her predecessors, who appeared to be concerned only with the perception the community will have of the legislation and not its underlying factors or outcomes.

The honourable member for Glen Waverley challenged this side of the House to show some concern for the victims of crime. By implication, he also meant concern for the potential victims of crime — in other words, concern about prevention. I certainly have concern for the victims of crime. Constituents have sought my assistance in that respect, and I am sure that is the experience of many other honourable members. I certainly am concerned about protecting people from crime — in other words, protecting the potential victims of crime.

Clause 1 details the purpose of the Bill. It is interesting to note that the underlying concern of the honourable member for Glen Waverley was not the legislation's protection for victims of crime, the prevention of crime or decreasing the level of crime overall; it was the public perception of the legislation and of the government's approach to police powers and other action affecting criminal activity. His views seem to reflect the government's underlying view, which is evident in a number of pieces of legislation.

It is worth thinking for a moment about the implications of the government's suggestions. Let us look to the United States of America as an example of what happens when governments respond and pander to public perceptions — something that has been particularly unsuccessful. More than any other advanced country, the United States has pandered to public opinion. When it comes to gun laws, the reward for the American community has been a murder rate roughly nine times that of Australia. Despite that result the American people have not been prepared to control and withdraw guns from the community, which would lead to a dramatic reduction in the incidence of murder and all its implications.

Another view reflected in the comments of honourable members opposite, including in this case the honourable member for Mooroolbark, is that the perpetrator of crime is equated with the accused. It is as though every accused is to be considered guilty unless proven innocent.

New clause AA deals with loitering. The Attorney-General may like to consider the following suggestion. Because of the misgivings some honourable members have about the legislation she might consider applying a sunset clause so that the provision is reviewed in three years time or some
other appropriate period rather than automatically continuing on the statute book for an indefinite time.

The final point I make refers to page 4 of the report of the Scrutiny of Acts and Regulations Committee. It relates to evidence given in camera to the committee. I will not breach the confidence of the people who gave that evidence, but I simply point out that the evidence did nothing whatsoever to substantiate the claims that favour the legislation.

The CHAIRMAN — Order! The time appointed under Sessional Orders for me to report progress has now arrived. The honourable member for Werribee will have the call when the issue is next before the Committee.

Progress reported.

Debate interrupted pursuant to Sessional Orders.

ADJOURNMENT

The SPEAKER — Order! Under Sessional Orders the time for the adjournment of the House has arrived.

Tirhatuan Park

Mrs WILSON (Dandenong North) — In the absence of the Minister for Natural Resources I direct to the attention of the Minister for Industry and Employment, who is at the table, the Tirhatuan Park, which is in the electorate I represent. Concerns have been raised by the City of Dandenong that a committee of management has not yet been reconstituted to administer the management of the park since control of the area passed from the Dandenong Valley Authority to Melbourne Water.

The Minister would probably be aware that the park, which is on Crown land, was first developed in 1977 when the councils of Berwick, Dandenong, Knox and Waverley were asked by the Dandenong Valley Authority to approve a concept plan for the floodway in that area which included, firstly, a nine-hole golf course. The Dandenong Valley Authority had been granted control and management of that area, and although the authority constructed and funded the first nine holes of the golf course, the second nine holes were constructed with a significant contribution from the four councils I have just mentioned.

Those four councils were requested by the Dandenong Valley Authority to form a committee of management for the area comprising one councillor and one council officer from each of the four municipalities, and it was chaired by a member of the Dandenong Valley Authority Board.

In 1980 the Committee of Management and the Dandenong Valley Authority entered into an agreement with the City of Dandenong to develop a considerable portion of land within that municipality. The matter that concerns the City of Dandenong and other councils is that although they have had an indication from Melbourne Water that a new committee of management would be reconstituted at a later stage, a letter to the City of Dandenong dated May 1993 stated that the committee’s status was that of an advisory committee only due to the fact that Melbourne Water did not have the authority to appoint a committee of management.

Further, when the committee raised concerns about the transfer of reserve funds to Melbourne Water and sought an assurance that the reserve funds were secured for the specific use of Tirhatuan Park golf course, it was stated the Minister would have to intervene and give his permission in that matter.

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

Swan House, Sale

Mr RYAN (Gippsland South) — I direct to the attention of the Minister for Community Services an institution in Sale known as Swan House. It is a reception-care facility providing accommodation to children and adults in serious need of such a service. It is an eight to ten-bed facility with a proud 25-year history of providing to those in need. It has a committee of management currently under the chairmanship of Mr Graham Dyer, and for many years the organisation has been faithfully served by Miss Elsie Philipson.

It is a 7-day-a-week, 24-hour-a-day institution which has been at the forefront of providing important services to young people in the Gippsland region. It encompasses the areas from Warragul to the New South Wales border.

In May this year the department undertook a funding review. The facility is currently funded by a base $173,000 together with some $96,000 by way of non-model funding, and the Department of Health and Community Services has determined that the facility would be better served by spreading the money in other ways, such as to foster care and the like throughout the Gippsland region.
Proposals have been put to the committee of Swan House about different ways to conduct the entity. In its wisdom the committee has considered the options and has decided that it cannot provide the level of service appropriate for those it has looked after for so long and has, therefore, determined to close its doors on 30 November, 1993.

My question to the Minister goes to the important issue of the means by which the facilities now provided by this wonderful institution are to be afforded to those who need it. What will happen throughout the Gippsland region? Can the people of Gippsland be assured that the model adopted for the provision of this important service will be sufficient to serve that need? Will it justify the closure of Swan House? What are the means by which the children and young adults in need of this important service will have their needs satisfied?

Teacher reclassification

Mr MILDENHALL (Footscray) — In the absence of the Minister for Education I direct to the Minister for Industry and Employment, who is at the table, an example of school closures and downsizing by the Department of Education which has led to an extraordinary case of discrimination against an individual teacher. Lyndall Soley is a two-year trained primary teacher who has been on secondment to the secondary system for 25 years, and has spent the last 18 years as a specialist remedial support teacher.

During that time she was judged not to be fully qualified to apply for permanency, but rather than return to the primary system she responded to requests from her school and others to retain her now established expertise in the secondary system. In the past 12 months the system has got her. The school, Wattle Park High School, closed last year. She was transferred to Banyule High School, which is to merge at the end of this year.

Despite now being eligible for permanency via training and permanent education undertaken by her, she has been told that the status of permanency no longer exists. She has been advised that there are not likely to be any jobs available at the merged school for somebody with the two-year formal training for teacher education. Despite 25 years service she is now classified as a temporary teacher for the purposes of redundancy packages and further employment which means she is eligible for a redundancy package of $5000 rather than a package of more than $25 000 package which would have been available if she were a permanent teacher and had had her services fully costed at the 25-year mark.

I ask the Minister to intervene to ensure that this teacher, who has been described by her peers and superiors as a dedicated and most effective teacher, can access justice either through further employment or a decent redundancy package.

Rowville Secondary College

Mr LUPTON (Knox) — In the absence of the Minister for Education I direct to the attention of the Minister for Industry and Employment, who is at the table, the Rowville Secondary College. I would like the Minister to visit the area if possible with a view to looking at the establishment of a second college in the area. Rowville is a fast-growing suburb of Melbourne and the staff of the Park Ridge, Karoo, Heany Park, and Lysterfield schools and a local church school have carried the burden of the population increase.

Rowville Primary School is the largest school in the State, and it abuts the Rowville Secondary College, which is land locked. The secondary college currently has 800 students. It is estimated that by the year 1996 there will be 1450 students at that school, and that is probably being conservative. The honourable member for Wantirna and I have had a number of meetings with the principals of the various schools, the local council and their various groups of — —

An honourable member interjected.

Mr LUPTON — A bit of team work; we have worked together as a team very hard on this matter. We have spoken with the parents and we are concerned that by the year 1996 the Rowville Secondary College will be chock-a-block. We are trying to plan for the future. Land is available adjacent to the Park Ridge Primary School and we believe it would be appropriate for the Minister to review the situation with a view to creating a new secondary college in that area.

Rowville has continued to develop at an enormous rate, although that growth has slowed recently, and when one remembers that Rowville Secondary College opened in 1990 with only 180 students and now has 809 students. One can see that in a short time the school will be full and it will be unable to continue to accept students.
I speak on behalf of the honourable member for Wantima when I say that we would like the Minister to deal with this as a matter of urgency so that we can plan a new secondary college in the Rowville area.

Transport Accident Commission

Mr HAERMeyer (Yan Yean) — I direct to the attention of the Treasurer the administration of the Transport Accident Commission (TAC). A constituent of mine, Mr Wyatt from Yarrambat, some while ago was involved in an accident when he was struck by a car while unloading a horse from a trailer. He subsequently received third-party insurance payments to pay for the doctor and hospital bills and he also received 80 per cent of his salary for the next eight months when he was out of work.

Some 18 months later the TAC has come up with a new policy of disputing claims retrospectively, and I note in the 1993 report of the TAC that it proudly boasts the fact that it has reduced liability claims to what it calls a case management approach. I wonder whether the instance that Mr Wyatt has experienced is a general concern because the TAC is now saying the accident in which Mr Wyatt was involved was caused by the horse rather than the car and the commission wants its money back.

The funny thing about it is that Mr Wyatt can supply samples of the clothing he was wearing at that time and it happens to have tyre tracks across it. How the horse caused that injury astounds me. If that is the way the TAC is reducing its claim liabilities, I do not care for it, and it raises serious concerns.

Firstly, I find spurious the excessive zeal with which the TAC is questioning and challenging some of the legitimate claims that are being made, and certainly its claim on Mr Wyatt. Secondly, I question the retrospectivity involved. Mr Wyatt spent the money some time ago. Some 18 months later the TAC wants to be reimbursed for a large amount of money when it was originally paid out without question. Mr Wyatt should now be left in peace and not be hounded and harassed to repay the money. Thirdly, I am interested to know how many other claimants are being affected by the new practices adopted by the TAC.

Respite care

Mr McARTHUR (Monbulk) — I direct to the attention of the Minister for Community Services facility-based respite care for children with intellectual disabilities, and it follows up on a discussion paper that the Minister released approximately two months ago for public discussion. I have been contacted by a number of people in my electorate who have children in their families with intellectual disabilities. Those families need an assurance about the continuation of facility-based respite care. They have difficult circumstances to cope with; the children have profound problems, and the value of an occasional respite to allow families to take a couple of days off to get together or go away with other members of the family and other siblings is enormous.

People who have this load to deal with often find that most of their time is taken in coping with and caring for the disabled child and they often find that the siblings miss out and become resentful of that fact. They need a weekend or a day here and there to be able to take the rest of the family away and to go on the sort of outings and adventures that most families take for granted.

The value for the community in having intellectually disabled children stay with their family is enormous. For some years the trend has been to encourage people to stay in the communities if possible and move away from residential or institutional care. The families affected and the groups they are involved with are pleased to see that the recommendations in the discussion paper are open for discussion and will be considered by the Minister before he makes a final decision on them.

Strong views are being put about the recommendations by some groups and they seek an assurance from the Minister that their views will be taken into account, that all issues are open for discussion, that there will be a continuation of facility-based respite care and that it will be available and affordable for the families who need it most — that is, those people who have children in Victoria with intellectual disabilities.

Strathmore Secondary College

Mr THOMSON (Pascoe Vale) — I direct to the attention of the Minister for Education the concerns expressed by Emma Fenby and Jodie Connell, years 10 and 11 students at Strathmore Secondary College in a recent issue of the Strathmore
Secondary College school magazine, a publication of the highest quality:

On Monday, 13 September, a delegation of parents and students from the school council visited the offices of our local member, Mr Ian Davis. We raised many concerns that the council has about the cuts to education at Strathmore Secondary College, including:

1. Decrease in time and attention available to individual students because of increased class sizes.
2. Increase in the number of hours/classes taught will lead to less preparation and correction time therefore the quality of the presentation and assessment of material must decrease.
3. Difficulty in gaining access to teachers for individual help with CAT drafts, exam preparation, consultation.
4. Decrease in extra curricula activities offered, which conflicts with the aims and philosophy of the school.
5. Inadequate time available for coordinators to deal with individual students and parents.
6. Deterioration of the year level team structure.
7. Inadequate funding for building maintenance and the upgrading of substandard and inappropriate portables.

They go on to say:

Unfortunately Mr Davis was unable to provide any hope that this situation will change in the near future. We are still very concerned about the programs and subjects that will be able to be offered.

The year 10 and 11 students have expressed the concerns of their school accurately and appropriately. I am not aware of any action being taken by the honourable member for Essendon or by the Minister in respect of this issue, but I am aware that the Strathmore Secondary College has severe needs in the area of building maintenance and upgrading substandard and inappropriate portables. As the students have pointed out, it is an excellent school that attracts demand for enrolments from across the local community and it is supported by the school community. It is important that the Minister meet the school community’s concerns and take action to address the problems the students have outlined.

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**Removal of bodies**

Mr WEIDEMAN (Frankston) — Some time before the election I raised the matter of a person who had collapsed and died outside a post office in Frankston. The ambulance attended the scene but because the person was deceased — —

The SPEAKER — Order! To which Minister is the matter directed?

Mr WEIDEMAN — I raise this matter with the Attorney-General, and in her absence the Minister for Industry and Employment. The ambulance officers who attended the scene believed the body could not be removed. After discussions with the then Attorney-General and the coroner it was established that ambulance officers can remove and take to the mortuary bodies of people who have died in public places. It was a great step forward in community health, particularly for the families involved.

It has come to my attention that in the past 24 hours a serious accident occurred on the Mornington Peninsula in which a young man drove off a high road edge at an horrific speed, crashed his car and killed the passenger. The body lay beside the vehicle for 14 hours. The family has told me that the body lay in that place because the coroner had to visit the site to establish the cause of death. If the coroner or a member of his staff is not able to visit the accident scene within a short period, it is unfortunate for the parents and family that the body must lie in a public place. In this case the sister of the deceased had to visit my office and report the matter, and the fact that the young man’s body had to lie there for 14 hours has caused the family great distress. I ask the Attorney-General to look into the matter to see whether bodies can be removed from accident scenes so that families are not caused additional distress.

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**Chain letter in Keilor**

Mr SEITZ (Keilor) — I refer the Attorney-General to a chain letter that is being circulated in my electorate. Some honourable members will recall that several years ago a chain letter caused much fear in the community, but now there is a new, more expensive method of circulating them. A notice in my local paper says:

Persons must pray for this for three consecutive days, stating one’s wish after the third day.
If you name your wish it will be granted and if the wish is granted you have to place the advertisement in the newspaper. I am sure it is not a matter of the newspaper trying to drum up business, but I am concerned that people might respond and pay for this gimmick. I do not know what the advertisement costs but I should like to know whether it is legal. It is signed "S. Mc" so one does not know who placed the advertisement or what it implies. I ask the Attorney-General to examine it and tell me whether it is legal. We should try to discourage people from falling for this sort of stunt. In these days of high unemployment many people are in difficulty and some might fall for a gimmick like this. It is like the advertisements that tell young people that if they send $50 they will get a job, but nothing ever happens. I urge the Attorney-General to take the matter seriously because it preys on people who do not have the strength of mind to resist it. I am not saying it is the newspaper — —

Mr Gude — What's the name of the newspaper?

Mr SEITZ — It is a suburban newspaper.

Mr Gude — Which one?

Mr SEITZ — All of them.

Werribee police station

Ms MARPLE (Altona) — In the absence of the Minister for Police and Emergency Services I direct to the attention of the Minister for Industry and Employment the lack of fixed seating at the Werribee police station. Honourable members may recall that at the end of the financial year prisoners were being kept in cells at police stations and there were difficulties in sending them to Pentridge. I visited one of my constituents at the Werribee police station and was able to interview him in the interview room. The prisoner had no seating in the room, there was a glass partition and a bench between the prisoner and me, and as I was seated and the gap between the glass was at bench level it was awkward for the prisoner to speak to me and make his voice audible.

I asked the police whether it was possible to provide seating and they pointed out the difficulty for them. They felt the seating should be fixed so no harm could come to the prisoner. I raised the matter in correspondence with the Minister, but because of the answers that have been sent to me, I believe bureaucracy has given the Minister the run-around. In every case my question was not answered. Finally, having received second and third letters, I have been informed that it would cost too much to provide fixed seating because the entire interview room would need to be rebuilt. That should not be the case at Werribee police station because it is a new building and would not need a whole new interview room. I ask the Minister to assure the House that he will look into the issue and provide fixed seating for prisoners in the interview room at Werribee police station. I am sure this simple act will stand him in good stead as a Minister who is aware of human rights, even if it is for prisoners, to whom this government is hell-bent on denying human rights.

Noxious trees on French Island

Mr COOPER (Mornington) — I ask the Minister at the table to direct to the Minister for Conservation and Environment in another place the problem of the spread of Pinus pinaster, a noxious tree that has started to grow around the old prison farm at Macleod on French Island. It is now spreading over the island. During Labor's term of office the matter was raised with the then Minister for Conservation and Environment, but it was ignored and Pinus pinaster is starting to take over a good part of the island, some valuable grazing land and a large area of the State park.

The Minister has now begun to direct attention towards controlling the spread of this noxious tree. A contract has been let to a person from Mount Gambier to cut down the Pinus pinaster and to export it to Taiwan or China. However, residents have expressed concern that the stumps will not be removed after the trees have been cut down to a foot or so above ground level. The problem with that is twofold. Firstly, the removal of the trees destroys significant windbreak areas. Will the Minister advise whether it is intended to replant in those areas where larger trees have been removed? Secondly, will the stumps be removed? If the stumps are not removed the area will look like a leftover from the First World War, and it would not be in the best interests of the environment to leave the stumps in the ground. Will the Minister confirm whether a program will be put in place to replace the windbreaks and whether the stumps will be removed?

Responses

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Dandenong North referred to Tirhatuan Park.
that the problem was caused by the party of which she is a member when it was in government, the honourable member displays a great deal of gall in raising the matter. The honourable member for Knox raised the issue with me on 9 November, and a process is already in train within the Melbourne Parks and Waterways division of Melbourne Water to resolve the matter raised by the honourable member for Dandenong North on behalf of the City of Dandenong. Just as I have undertaken to reply to the honourable member for Knox, I will supply the honourable member for Dandenong North with a response when it is available.

The honourable member for Mornington referred to *Pinus pinaster*, which is a noxious tree found on French Island. In some places it has value, and therefore it is being harvested on French Island as part of a push to meet overseas demand for softwood. I will forward a response to the honourable member, but I understand the harvesting is proceeding as part of a control program and once the tree has been cleared it will not be allowed to regrow. I am not sure whether that involves the removal of the stumps, but I will provide the honourable member with a response in due course.

Mr JOHN (Minister for Community Services) — The honourable member for Gippsland South raised funding issues for Swan House, which is at Sale. The government provides more than $100 million a year for children at risk, and the funding changes for Swan House are part of the redevelopment of the placement and supported accommodation program. Swan House is an 8 to 10-bed reception centre and a respected agency with a proud history. However, it does not agree with the general thrust of the government's redevelopment policies and the principle that community family-based care is a viable alternative to residential-based care — in other words, home-based foster care programs versus institutional care.

It should also be noted that on a unit-cost basis Swan House averages $50 000, compared with another local agency, Kilmany Family Care, which averages $11 000, so there is a great cost advantage as well as a policy of care advantage in moving to other aspects of the program.

I thank other agencies throughout Gippsland involved in the redevelopment strategy, which will result in an expected net gain of 16 beds in the Gippsland area and no reduction in services. The government's program for reform is targeted to need and the government is determined to care for children at risk in a more cost-effective way.

The honourable member for Monbulk referred to the respite services preliminary discussion paper issued in August 1993. Respite care is an important part of disability services and the government is committed to putting in place a mixture of facilities based on respite care and in-home support services, the emphasis of which is on flexibility. I thank the honourable member for Monbulk for raising this important issue and assure him that the government is committed to providing affordable respite care services to families with intellectually disabled members.

Mr HAYWARD (Minister for Education) — The honourable member for Footscray referred to a Mrs Lyndall Sloley and provided further information regarding her case. She is not a permanent teacher, which raises problems for her future employment. I assure the honourable member that I will examine the matter thoroughly and get back to him as soon as possible.

The honourable member for Knox referred to Rowville Secondary College, in which the honourable member for Wantirna also has an interest. I have had the pleasure of visiting the school with both those members. I recognise the need for more secondary facilities in that area, which was totally neglected by the former Labor government because it gave no consideration to the growth pattern in the area. It will be a delight to revisit the school in the company of those local members, who will no doubt keep pushing the issue.

The honourable member for Pascoe Vale referred to Strathmore Secondary College. The honourable member for Essendon, an excellent and hard-working local member, has already forcefully brought the matter to my attention. He has visited Strathmore Secondary College, as has the honourable member for Ripon, and they have told me about the maintenance problems at the school. I have said on previous occasions that the government has enormous problems with maintenance in Victorian schools. After the coalition took office an analysis of school maintenance revealed that over the past 10 years there has been a neglect of schools and a cumulative backlog of required works amounting to some $600 million.

Mr Gude — How much?
Mr HAYWARD — About $600 million. Some 50 per cent of our schools are in need of maintenance work. According to the strong representations made by the honourable member for Essendon, the Strathmore Secondary College falls into that category and the government will be urgently examining the matter to ascertain what can be done.

The honourable member for Pascoe Vale referred to a suggestion that class sizes will increase. There is no need for class sizes to increase or for any reduction in school programs. If secondary teachers are prepared to work another 90 minutes a week the problem will be resolved. The 1994 staffing formulas for that college and other secondary colleges by Australian standards are generous in comparison.

As to the honourable member's claim about teachers' preparation time, despite it costing the State an enormous amount, teachers will have adequate time to prepare their lessons. The honourable member referred to common assessment task drafts for the Victorian certificate of education. Again an appropriate time for preparation of those drafts will be allowed. The question of CAT drafts is really to do with the VCE and the major problems associated with it, which I know the Board of Studies is addressing. That is important in terms of workloads for teachers and students. On the whole, the many problems facing schools are the legacy of the former government, whether they relate to maintenance or the ongoing problems of the VCE. The government is addressing those important issues. It is my strong desire that resources are provided as quickly as possible to Strathmore Secondary College to deal with its urgent maintenance matters.

Mr STOCKDALE (Treasurer) — The honourable member for Yan Yean raised a matter concerning someone whom he described as Wyatt Earp and an accident associated with a horse. The honourable member was not a member of the House in 1986, but some of his colleagues would be able to advise him that the general principles of the transport accident legislation are the result of an agreement between all three parties represented in Parliament. The precise drafting of the legislation was in the hands of the former Labor government. By force of the statute and by the nature of its responsibilities under the scheme the Transport Accident Commission (TAC) is legally obliged to enforce the Act. The criteria for legitimate claims are set out in the third-party insurance scheme.

On the basis of the information that he has provided and on my own knowledge of the Act, it would not be possible for me to venture an opinion on the appropriateness of the original claim; but clearly if there is a doubt about the claim's validity and the coverage by the Act, the commission would have an obligation to seek to ensure that there was compliance with the letter of the law.

I will refer the matter to the Transport Accident Commission and arrange for a response to be provided to him, which will consider whether the action taken is appropriate in all the circumstances and seek an explanation of the basis on which the TAC has taken that action.

Mr GUDE (Minister for Industry and Employment) — The honourable member for Frankston referred the Attorney-General to a person who as a result of a car accident died and whose body was not moved for 14 hours. On more than one occasion the honourable member has expressed his concern about that issue. I recall that he directed it to the attention of the former Labor Attorney-General. The matter has come up again. There is clearly some concern that the body of a person who dies as a consequence of an accident or, as in the previous instance, collapses in a public place, remains in that state for a considerable period. It causes distress to those who are in the immediate vicinity of the accident or incident and it is also distressing to the deceased person's relatives and friends. I will raise the matter with the Attorney-General on behalf of the honourable member who has a long and detailed concern about this issue.

The honourable member for Keilor referred to the Attorney-General a chain prayer which he read from his local newspapers. I share with the honourable member his concern about those in society who seek to — if you excuse the pun — prey on innocent people in the community and take advantage in the way that has been described by the honourable member. I will direct the matter to the Attorney-General and pass on the documentation that the honourable member in his usual caring way provided to me so that she can have the matter examined.

The honourable member for Altona referred the Minister for Police and Emergency Services to seating in the Werribee police station and the difficulty conversing with people accused of crimes. I take it those were the circumstances — —

Ms Marple — With a prisoner!
Mr GUDE — The honourable member raised a concern about the circumstance relating to a prisoner located apparently in the Werribee police station. I will direct it to the Minister's attention.

Given the additional information I now have, it is interesting that we are talking about a prisoner and that so much concern has been demonstrated by opposition members about criminals rather than the victims.

Notwithstanding that, I will direct the matter to the attention of the Minister and no doubt he will investigate. Had we not had the level of debt and liability and the growth in crime that has been as a direct consequence of the mismanagement of the former government, it is probable and almost certain that the Werribee police station lockup would not be used as a place to contain criminals. I regret that that has happened. The blame lies squarely with the former government.

The SPEAKER — Order! The House stands adjourned until next day.

House adjourned 10.49 p.m.
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:

Human life experimentation

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

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

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

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

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

By Dr Napthine (159 signatures)

WorkCover

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 Micallef (29 signatures)

Macedon Ranges Water Authority

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

The humble petition of the citizens of the Macedon Ranges requests that the House take action to oppose the structure of the new water tariff recently imposed by the Macedon Ranges Water Authority.

We reject the massive increase in the service charge and request that this increase be either lowered or abolished.

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

By Mr Finn (1040 signatures)

Brothel in Hoppers Crossing

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:

The government uphold the decision of the Werribee City Council in refusing the permit for the brothel for Hoppers Crossing.

Your petitioners therefore humbly pray that the House will take all necessary steps to ensure that the Hoppers Crossing residents are protected from the intrusion of a brothel within the area of Werribee.

I sign this petition in support of the proposed changes to the Town Planning Act, which will take into consideration community views. In this instance the proposed brothel for Hoppers Crossing.
And your petitioners, as in duty bound, will ever pray.

By Dr Coghill (477 signatures)

Public hospital in Epping

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

The humble petition of the Northern Hospital Action Group Inc. sheweth call on the Parliament to acknowledge the need for a large public hospital in the northern suburbs on the corner of Coopers and High streets, Epping.

Your petitioners therefore pray that:

1. Reactivate the previous advisory committee.
2. Include community reps from the northern hospital action committee.
3. Commence the health planning process.
4. Ensure that sufficient funding in the future is budgeted for to construct a 300-bed public hospital.
5. Give a commitment to build the hospital and advise the public.

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

By Mr Haermeyer (4368 signatures)

Laid on table.

Private investment in provision of public infrastructure

Mr WEIDEMAN (Frankston) presented report of Public Accounts and Estimates Committee on private investment in provision of public infrastructure, together with appendices and minutes of evidence.

Laid on table.

Ordered that reports and appendices be printed.

AUDITOR-GENERAL'S REPORT

Investment management

The SPEAKER presented special report No. 26 of Auditor-General on investment management.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Ballarat University College — Report for the year 1992
Deakin University — Reports for years 1991 and 1992 (two papers)
Fair Trading — Report of the Department of Justice for the year 1992-93 — Ordered to be printed
LaTrobe University Council — Report for year 1992
Melbourne University — Report of the Council for the year 1992 (two papers)
Monash University — Report for the year 1992
Parliamentary Committees Act 1968 — Report of the Minister for Roads and Ports with respect to the recommendations made by the Road Safety Committee's Report upon Motorcycle Safety in Victoria
Royal Botanic Gardens Board — Report for the year 1992-93, together with an explanation from the Minister for Conservation and Environment for the delay in tabling the report
Mr SANDON (Carrum) - I wish to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance — namely, the advice on staff numbers for 1994 issued to schools last week by the Minister for Education and his department, which will significantly reduce the quality of education provided for Victorian school students.

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

Mr HAYWARD (Minister for Education) — On a point of order, Mr Speaker, I oppose the motion being put as an adjournment motion.

On the issue of urgency, this is not new information. If the opposition wished to raise this as a matter of urgency in an adjournment motion it could have done so some months ago.

Honourable members interjecting.

The SPEAKER — Order! The House will come to order while the Chair listens to the point of order raised by the Minister for Education.

Mr HAYWARD — On speaking to the point of order, I make three points. In April this year —-

The SPEAKER — Order! I ask the Minister for Education to pause while the conversation between the Leader of the Opposition and the Premier dies down. I ask both honourable members to come to order.

Mr HAYWARD — In his April statement this year the Treasurer made it clear that the education portfolio was required to find $145 million in Budget savings. Following that there were three months of extensive consultation throughout Victoria, and on 6 September in memorandum No. 749 the Director of School Education advised schools of their staffing formulas. Since that time all schools have known their staffing on a constant enrolment basis. All that has happened in the immediate past is that their enrolment returns and their staffing levels have been confirmed.

Speaking directly to the point of order, Mr Speaker, I refer to the Age article, which is a basis of the honourable member's urgency motion. Senior editorial executives of the Age have acknowledged that the article published in the Age last Friday was not sound and that essentially there was nothing new in the story other than that the Director of School Education had formally advised schools of their staffing entitlements based on enrolment.

On the question of urgency, if the opposition had wanted to raise this matter it should have done so some months ago when this staffing information was known. No new information on this matter has become available recently. Any correspondence or communication with schools has been simply on the basis of an expected enrolment and staffing, and it is information that was known some months ago. If the opposition were serious about raising this subject as a matter of urgency, it could have done so at the time when the information became known, or indeed at any time in the past few months.

Mr SANDON (Carrum) — On the point of order, Mr Speaker, the Minister has admitted that the enrolment figures have been finalised for the first time and that schools themselves now know for the first time what their staffing allocation is, so there is no point of order. The fact is that the opposition has waited until the staffing numbers have been determined and forwarded to schools to raise the matter. What the Minister has said is spurious.

Mr GUDE (Minister for Industry and Employment) — On the point of order raised by the Minister for Education, it is quite clear by any standards that this motion should be ruled out of order. The government is not at all concerned about urgency motions or, indeed, the general content of this motion. But when one addresses the issue it is patently clear that yet again the opposition has raised an issue that, had it wanted to do so, it could have raised a long time ago.

I can understand the opposition's embarrassment about having done absolutely nothing for the past four months. This matter goes back to the Treasurer's statement in April. Since then we have
seen the opposition spokesman on education — we hear he might not be so for much longer — and an opposition in total disarray. The opposition is a group of people who have not made the intellectual adjustment to the changes that have been made, particularly in education. It is a party that went out of office by a large margin and its members are now in total disarray. That has been made obvious by the performance of the opposition, which is in contrast with the performance of the coalition government.

As the Minister for Education said, he acted upon the Treasurer's April statement several months ago and three months of detailed consultation followed, which has been widely reported and referred to on innumerable occasions during the course of debate in this Parliament. Yet in all that time, curiously, this pathetic opposition has failed to raise the issue that it now wants to raise in the dying days of this sessional period.

I can understand the embarrassment of the opposition but that embarrassment in itself is not sufficient to justify an adjournment motion of this kind when, as the Minister for Education said, a memorandum has been sent out to every school affected by this matter. There is no secret about that. The memorandum was No. 749. It was sent to schools in September this year. Why has it taken the opposition since September to get around to it? It is not a secret issue. This issue has been before schools throughout Victoria for some time — the schools have been acting on it.

I refer to the commentary of the media on this issue. More recently the Age made reference to this matter, as the Minister pointed out; but even the Age said that the information given to it was old hat. It was out of date, and irrelevant. It is a bit like the opposition — irrelevant; and that is how the adjournment motion should be regarded. It should be ruled out of order.

**Mr ROPER (Coburg)** — On the point of order, the Standing Orders and the decisions of this place make it clear that an adjournment motion of this kind must concern a single specific matter that must be urgent; it must be of recent occurrence and raised without delay. Numerous rulings have been made on this matter. The advice sent to schools setting out what their staff numbers will be was issued by the Minister last week.

**Honourable members interjecting.**
government members know that schools knew of their staffing formulas some three months ago, with executive memorandum No. 749 released on 6 September.

The SPEAKER — Order! A point of order has been raised as to whether this matter is admissible under the rules pertaining to the debate on the adjournment of the House. The Chair has no prior knowledge of what went on in respect of education announcements; the Chair has to satisfy itself that the matter is of urgent public importance, and there is no doubt that that is the case. Because the motion revolves around an announcement made last week, I rule that the matter is admissible and that the debate can continue.

Mr SANDON (Carrum) — I move:

That the House do now adjourn.

Of all the bad decisions this government has made in the education area, one of the most disastrous relates to the impact on teacher numbers. I say it is disastrous because of the impact it will have on every student in this State. All students will be affected by the dramatic decline in teacher numbers for 1994. All students, no matter whether they are in primary or secondary schools, will be affected by the decisions of this government and this Minister.

In January this year the Minister gave an assurance to the people of Victoria that there would be no more staffing reductions in 1993. However, he has now indicated that there will be reductions. He has broken a commitment and an assurance because he is seeking to remove another 2600 teachers from the system. Some 4000 teachers have gone to date, and honourable members have seen the impact of that decision on every school in this State. Every school has been affected in a dramatic way; every school has seen a decline in the quality of education offered and every school knows that in 1994 that will continue to occur. The decision to reduce teacher numbers means less subject choice, increased class sizes and less support for students. Students faced with those problems in our school system have a difficult future.

There is no more difficult time for all young people than now because of the uncertainty in the Australian and world economies. Our students deserve better. We talk about the lucky country, but this State is not providing sufficient resources to ensure that our students have the opportunity to enhance their life skills, lifestyle and chances. What happens in education affects dramatically a student's future direction. Education is the gateway to where we end up as adults, and a significant reduction in the programs offered in education will have a dramatic impact on what happens to students and where they head.

If we want to be successful as a State and as a nation, money must be spent on education so that money will bear fruit through what students do in the future. We all will pay the price for the decisions now being made in education. Each of us, as parents and as grandparents, will see the dramatic impact these short-term decisions will have.

Less curriculum choice will be offered. If one speaks to principals one finds they are currently making those decisions now that they know their staffing formulas for 1994. They are deciding what subjects will be cut, and they will indeed be cut. Fewer VCE subjects will be offered next year because of fewer teachers and, therefore, students will be offered less choice. No matter which secondary school principals one speaks to, they make it clear that they are now restricting the number of subjects to be offered next year. The impact on each student will mean increased class sizes because that is the juggling act currently going on in every school. The situation gets worse when one considers the impact on school support services.

Principals and timetable keepers appreciate the full ramifications of the decision. Schools must now determine whether they will employ student welfare coordinators next year and what extra curricular activities they will be able to offer. The decisions include whether they will have choirs, school magazines, excursions and the sort of coordination necessary to make up the broad curriculum in our schools. That is now being restricted and, as the honourable member for Sunshine indicates by interjection, a broad curriculum is important because it allows some students to excel in some areas when they do not excel in the academic side of their lives. It enables them to gain self-esteem through other activities, and they are important to the extent they assist students in their maturity and development.

Schools should be seen in the context of providing not only an academic framework but also a social framework within which they must operate. Schools I have visited have indicated to me that they will close their libraries for a number of hours each day because the librarians will have to go into classrooms to teach. That is how pervasive the
situation is. Everybody knows what the development of library skills means to students. Students cannot succeed in secondary schools if they do not know how to use libraries and if they are unfamiliar with what those libraries contain; those skills are essential to personal and academic development. To restrict the library hours because librarians will now be asked to teach is an indication of the extent to which these cuts will bite into essential student services.

One of the most disappointing aspects of the cuts relates to the many students who need help. Many of us needed support in our school lives. Secondary schools employ student welfare coordinators, but they will now be asked to reduce significantly the amount of time they spend working with students who have difficulties because, as a result of the decision of the Minister, they will be asked to spend more time in the classroom. That means that students who are having difficulties in the classroom, the schoolyard or at home will now have less support.

Mr SANDON — Violence in our schools will increase as a result of the decisions made by this government and the Minister. Less support will be provided for teachers, and that will have a dramatic impact on students and the support they receive. One must consider the context within which students with learning difficulties and students with social problems will have to operate.

It is not only the number of staff that has been reduced; the number of school support centres is also being reduced. The Minister has closed school support centres and the staff of those centres have taken packages and have not been replaced. Some of the staff from the centres have been placed in schools and teachers do not know where they are. In terms of non-government agencies offering support to schools, I instance the Citizens Advice Bureau in my area which received funding from the previous Minister for Police and Emergency Services to establish an anger management program for young people. The Minister for Community Services has cut funding for that program. Students who needed attention would use the facilities previously available outside the school perimeter, but now that program has been cut and the students have nowhere to turn.

The situation has a direct impact on the future chances of students to have a decent education because of the increase in class sizes. Every parent knows that bigger class sizes means less personal attention for students. Every parent knows and understands that the more students there are in a classroom, the less attention individual students will receive.

Decisions being made by principals and timetable keepers mean that subject choice will not be as great as in the past. The House should be reminded that this year the number of subjects on offer was reduced as a result of decisions made last year on teaching cuts. Music, library, art, physical education, computer classes, programs for kids with troubles and programs for the brighter kids have all been cut in primary schools; they are now offered as optional extras. I do not believe computers, music, art, library and special programs for kids with abilities and disabilities are optional extras. They should be an integral part of a curriculum offered by a State which believes in the future of its most important assets — that is, its young.

This government and this Minister stand condemned for cutting those programs, and honourable members can be assured that next year will be even worse. I remind the House of the extent to which some of these cuts will have a pervasive influence on some of our schools. I shall quote examples from a couple of different regions, commencing with Goroke Consolidated School in Central Highlands region.

In 1992 the school had a staff of 12.7 but in 1994 its projected staff is 7.2. That is a loss of 5.5 staff and a reduction of around 40 per cent. In 1992 Ballarat High School had a staff of 86.3 but its projected staff for 1994 is 78.2. That is a loss of 8 staff or a 10 per cent reduction. It gets worse. The staff at Wendouree Secondary College was reduced from 67.6 in 1993 to 53.8 in 1994. That is a loss of 14 staff or more than 20 per cent. In 1992 Ararat Secondary College had a staff of 71.3 and in 1994 it will have a staff of 55.1. That is a loss of 16 or more than a 20 per cent reduction. In 1992 Manangatang Consolidated School had a staff of 11.6 and in 1994 it will be 7.6. That is a loss of 4 staff or a reduction of 33 per cent. Echuca High School will be reduced to a staff of 42.4 next year, which is a loss of 8 staff or a reduction of 15 per cent. In 1992 Kangaroo Flat had a staff of 51.3
and in 1994 that will be reduced to 40.6, a loss of 11 staff or more than 20 per cent.

This government promised the rural communities that schools would be the focus for rural reconstruction. Its education policy stated that "rural schools will be the focus for rural reconstruction". When one considers the cuts of 10, 15 or 20 per cent to teacher numbers in rural primary, consolidated and secondary schools, one sees that it is not only the students of this State who will be affected by this decision but also the people living in rural communities. They are the social mix and fabric of our rural society.

The reduction in teacher numbers in rural areas will also have an impact on the rural economy. One cannot take that number of teachers out of small rural communities and not expect it to have a dramatic impact on both rural economies and societies. As all honourable members know, teachers are often the coach the local football, cricket or the netball teams; they are involved in the local guides and scouts and in the local SES units. The teachers become an integral part of those rural communities and they perform a valuable role, not just in terms of education but also in terms of the social and economic mix of rural communities.

The government stands condemned for what it has done because many rural towns will die. Ghost communities will be created as a result of the cuts. Schools are the heart of rural communities; they are the central focus; they are the raison d'etre. When one takes out the heart and soul of a community one condemns that community, and that is what will happen.

The impact of staff reductions on rural communities has been absolutely pervasive. More than 4000 teachers have gone and the government is targeting another 2600. I do not know of a profession where the morale is as low as it is in the teaching profession. The State has lost some of its best teachers because of the actions of this government. Teachers believe they are not wanted and that this Minister and this government do not see their role as valuable. They do not see that they perform an invaluable function in preparing our young people for the role they perform in this State and nation.

Teachers are aware of the view the Minister and the government have of them. Low morale does not assist in education; teachers believe they are unwanted and undervalued, and when one considers the attitude that the Minister and government have in respect to their professional development — they have just wiped out the number of days set aside for that activity — no wonder teachers believe the Minister is being antagonistic towards them.

One of Victoria's greatest attributes has been its student retention rate. Other States have envied both that and Victoria's high standard of education. I accept that the cost of education is higher in Victoria than it is in other States, but other States have looked with envy upon Victoria because of our retention rates and wide-ranging curricula.

We should encourage students to stay at school for as long as possible because of the benefits it has for them. School prepares them for life and helps to create the sorts of citizens we want in Victoria. We can encourage young people to stay at school by ensuring that the education system offers a full range of subjects. The Victorian certificate of education (VCE), which was a great innovation in education, has been an outstanding success in ensuring that young people stay at school and that there is a wider curriculum.

This year I have had first-hand experience of the Victorian certificate of education because my son has been studying for his VCE, and it was interesting to examine the syllabus. I was pleased to see that it was challenging and practical. It examined the role of Parliament in the making of new laws, the justice system, practical issues such as land rights by considering the Mabo issue and a number of contemporary issues our children should consider. They should question and challenge what we do in this place. I was impressed that my son was challenged by the curriculum, and I like to think we are doing everything we can to ensure young people are challenged by their education.

The government's decisions will result in less subject choice at the VCE level. Principals are making the decision to reduce the range of programs, and that will force students who want access to certain programs not offered at their schools to travel to other schools. You, Mr Deputy Speaker, represent an electorate outside the metropolitan area so you will be aware that many students have to travel on buses to school to be educated. The reduction in teacher numbers will mean many more students will have to travel further than they should to acquire the education that is their right. A decent education is a right, but it is being denied them because of the economic rationalists in the government who see everything in terms of national averages and
comparisons and do not see the benefits of quality education. The decisions the government is making, which are of a divisive nature, are affecting schools.

The quality provision task force initiative was really about reducing teacher numbers. The government had to close schools to reduce teacher numbers and many task forces were told at the outset to make the decision to close or the government would do it. The decision to close has been made by task forces such as the one in Orbost and the one in my electorate, where the district liaison principals were told they had to make the decision to close or it would be done for them. The quality provision task force was a sham; it was about closing schools to reduce teacher numbers.

Mr McARTHUR (Monbulk) — On a point of order, Mr Deputy Speaker, I suggest the honourable member for Carrum is out of order because the motion before the House refers to the advice on staff numbers for 1994. It does not mention the quality provision process, the closure of schools or the wide range of issues he is canvassing. I believe you should bring him back to the matter before the House.

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! I do not uphold the point of order. The motion before the Chair deals with quality provision and staff numbers, which I believe are part of the task force provision process. I believe the honourable member for Carrum is in order.

Mr SANDON (Carrum) — Thank you, Mr Deputy Speaker. The other aspect of the reduction in staff numbers that disturbs me relates to school closures. The two issues are intrinsically intertwined. The decision to reduce staff numbers for 1994 will result in further school closures. The Minister is closing schools by stealth.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Conversations across the Chamber are disorderly, particularly at this considerable volume. The honourable member for Carrum, without assistance.

Mr SANDON — The 40 per cent reduction in staff numbers in small rural communities will mean that each school faces a difficult future and that there will be further school closures. The cuts in teacher numbers which took place this year and which will take place next year will have a dramatic impact on the schools' ability to survive, particularly as the Minister is directing schools to provide a certain curriculum. He knows they are in double jeopardy and just cannot do it. I believe the staffing formula means there will be further school closures.

One of the most disturbing features of the reduction in teacher numbers is the impact it will have on students with learning difficulties. They need special attention. Indeed, at some stage of academic life every student requires special attention. Now they will not get it. They are condemned. They will not get the support they need.

Mr Cooper interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mornington can have the call next if he so desires.

Mr SANDON — The point I am making is that the government is not providing the number of special needs teachers that are required. It is interesting to consider the extent to which the changed formula affects special needs. It has been introduced without any public debate, discussion, scrutiny or accountability. The number of special needs teachers for 1994 at Box Forest Secondary College has been reduced from 18 to 4. Why? The Minister has changed the formula. If you can believe it, the socioeconomic background of the student is no longer considered to be a relevant criterion in deciding whether the school receives an allocation for a special needs teacher. The Minister has restricted the requirement for a special needs teacher to language other than English; English as a second language; and integration.

The Minister does not accept that students come to school with different backgrounds, whether they come from Balwyn or Broadmeadows. We all know how pervasive a student's background is, what it means and how itimpinges on the student within the class setting. I believe the Minister stands condemned for allowing that to happen and for not trying to even up the balance or overcome the structured inequality that exists in the broader community.

That is what should be done with schools: the imbalance should be understood and redressed. Reducing the number of teachers in the way this government has done will impact directly on what is delivered in a classroom because it will result in increased class sizes, less subject choice and less support for students. Students go to school hoping they will be able to learn in an environment that is conducive to learning. That will not happen when
the government is significantly reducing the number of teachers, because students have particular needs and they will not be met. Even excursions will become a thing of the past because schools will not have replacement teachers to cover for teachers who take students on excursions. More librarians will be removed from libraries to teach, specialist programs will not be available in primary schools and fewer languages will be taught in schools. In every way the decision to reduce teacher numbers will dramatically impinge on the quality of education and will affect not only schools but the whole community.

Mr DOYLE (Malvern) — I listened carefully to the honourable member for Carrum and the Labor argument for the last half-hour and all I can say is, "There they go again!" His contribution was not an example of an impassioned plea on a matter of urgent public importance; I suggest it was reminiscent of Humphrey Bear on Mogadon.

The last time I had the pleasure of joining in a debate on an adjournment motion the subject was ambulances, and opposition members referred then to exactly the same bucket-of-money fallacy as their argument rests on today. The effect of the opposition's argument in that debate was like being whipped with fairy floss, and that is happening again today.

The whole argument of the honourable member for Carrum was built on the old bucket-of-money belief: that more equals better; that staff numbers equate with quality of education. That is nonsense.

Mr Mildenhall interjected.

Mr DOYLE — I will come to that in a moment, but first I will talk about what happens in practice rather than in the comfortable ideology and stereotypes of the Labor Party. If the opposition wants a debate on quality of education that debate should be about restoring morale and pride in schools; better training of teachers; how to have an orderly, planned and supportive environment for students; the school charter and the Schools of the Future program; a curriculum of value; having valued accreditation at the end of a student's school life rather than the discredited Victorian certificate of education that was visited on us by the former Labor government; fair assessment; regular monitoring of students; feedback from the community; equity; access; participation; accountability; and choice. They are the matters that govern quality of education.
The government will provide predictability, certainty and surety under the formula the Minister outlined earlier when speaking on a point of order. The formula was provided to schools in September. From that time principals have been planning. I have talked to them in my electorate, as I am sure the Minister has talked to them across the State, and they understand the framework for staffing their schools.

The government is not prepared to go back to the days of playing favourites. Decisions will be made not on political grounds but on educational grounds. Lack of ethics is out in educational decision making and long may that situation last. The Minister makes educational, not political decisions. If there are anomalies the government is prepared and able to address them through the director's discretion, case by case.

Mr Mildenhall interjected.

Mr DOYLE — The honourable member for Footscray continues to interject and make judgments about this side of the House. He should be embarrassed about the hypocrisy of his predecessors. He is new to this House, as I am, but we both know the Labor hypocrisy that led to borrowing to pay teachers' salaries while the capital works infrastructure of schools ran down. As recently as last week the honourable member for Tullamarine mentioned the maintenance needs of Greenvale Primary School and Gladstone Park Secondary College. The Minister has informed the House of the $600 million backlog of maintenance works required by schools. Although money was being thrown at the system over 10 Labor years necessary maintenance was not done. Did money lead to smaller class sizes? Of course not. Honourable members opposite should be talking about quality, the school charter, self-management, having a range of schools which are discrete autonomous units and enhancing the quality of teachers so that they are committed, trained, knowledgeable and love their work. The greatest pride for any teacher is to help set young people on a strong and rewarding path in life. The Labor Party's motion contains the old confusion of the industrial issues with the philosophical and practical issues. The opposition does not have the answers.

Schools do not need limitless staffing; they need certainty in staffing. That is provided by a proper configuration of base staffing, enrolments staffing, and a rural loading so that country students are considered. Country students need what the honourable member for Carrum ignored in his contribution: recognition of geographic circumstances, special allocations for languages other than English, for English as a second language, and for children with special needs. Given the comments of the Auditor-General on the quality of integration that occurred during the wasted 10 years of Labor administration, the opposition has a hide to come in here and lecture the government on the quality of special needs education. I further remind the House of the director's discretion in deciding such matters as anomalies in individual schools emerge.

The honourable member for Carrum also talked about small class sizes. It is sad that only three opposition members are in the Chamber for their motion of urgent public importance, but I am delighted that the Leader of the Opposition is one of them, rare though his appearances may be.

Honourable members interjecting.

Mr DOYLE — Although I, as always, am grateful for the help of my colleagues, I thank you, Mr Deputy Speaker, for your protection.

Considering class sizes, I refer the House to the graph which shows the inexorable climb over the past 10 years of real recurrent Directorate of School Education funding and the inexorable decline over the same years of government school enrolments. Did the former government have a policy of reducing class sizes or introducing new programs to improve the quality of education? The answer is no. The graphic disparity described may lead to improved industrial conditions but there is no evidence of an improvement in quality. Yet today we again hear the bleating of the opposition on quality education.

I remind the House of some facts about teaching conditions in Victorian government schools. Fact 1 is that teachers enjoy generous conditions of employment compared with other sectors of the work force. They have better long service leave, maternity leave, paternity leave, family leave — up to seven years with a guaranteed right of return to a teaching position, as introduced by the former government — recreation leave, a wide range of other leave entitlements, security of employment.
tenure, ready access to leave without pay and generous superannuation entitlements.

Fact 2, which is the crux on which the opposition's argument falls backwards, is that in 1992 Victoria had the lowest teacher-student ratios in Australia. Despite that, the educational outcomes were too often an Australia-wide joke. A major issue on which the coalition went to the electorate in October 1992 was the shambles of the entire education system. Consider the Victorian certificate of education. The coalition was given an historic mandate to improve education: to address the lowest teacher-student ratios in Australia without allowing any decline in quality.

Fact 3 is that the current reductions in teacher numbers is bringing Victoria into line with other Australian States. The government does not resile from its budgetary responsibility. It does not resile from quality. Neither does it lean towards the simplistic notion that more equals better — because it does not.

Fact 4 is that to protect educational programs and class sizes it will be necessary to marginally increase teacher average face-to-face contact time. In 1993 the average weekly teaching contact was 16.5 hours and preparation, correction, administration time and so on — the other load of work that teachers, responsibly and quite properly carry — was 21.5 hours, a total of 38 hours a week. In 1994 the average weekly teaching contact will be 18 hours and preparation, correction, administration time will be 20 hours, again a total of 38 hours a week. That represents an increase in face-to-face teaching and will ensure that we get education back onto track: quality with economic responsibility.

I refer the House to a comparison of staffing of Victorian government schools to Australian averages. In 1993 the maximum class size for primary schools was 27 and the 1994 recommendation is that it remains at 27. The projected Australian average class size for primary schools for next year is 29.7. The current maximum class size for secondary schools is 25 and the recommendation for next year is also 25. The projected Australian average for secondary schools in 1994 is 29.4 for years 7 to 10 and 25.1 for years 11 and 12. The government does not resile from the difficult decisions it is making, and simply asks the opposition to examine the figures for the other States. The opposition should consider the Australian average and not come into the Chamber and confuse those issues with quality. They are entirely different issues. The faith of the government in its Teaching Service will ensure that that quality of education is delivered.

There will also be an improvement in maximum face-to-face teaching hours. The current weekly teaching time is 22.5 hours in primary schools and the recommendation for 1994 is 23 hours. In secondary schools the current weekly teaching time is 18 hours and the recommendation for next year is 20 hours. The projected Australian average for primary schools is 23.5 hours — still more than we ask — and 20.6 hours for secondary schools. I could go on and on about such comparisons.

If the opposition wants to have a debate about the quality of education, the government would welcome it — we would be delighted to debate the issue — but the opposition should not come into the Chamber with paltry motions such as this and cry crocodile tears; the government does not believe them — and neither will the community.

Mr BRUMBY (Leader of the Opposition) — It is my pleasure to support the motion for the adjournment of the House which has been moved by my colleague the honourable member for Carrum.

Mr McArthur interjected.

Mr BRUMBY — The honourable member for Monbulk is a persistent interjector in debate, but he has stood by and supported significant staffing reductions to schools in the Monbulk electorate.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! As Chair of the various proceedings of the House from time to time, I have said that I welcome a level of interjection across the Chamber because I believe it is healthy and adds something to the atmosphere of the debate. However, some commonsense and control must be applied to interjections so that the debate does not degrade into a slanging match across the Chamber. I call the Leader of the Opposition, without interchange of an unacceptable nature across the Chamber.

Mr BRUMBY — All we have heard in the debate so far have been the voices from redneck hill. They have attacked women. All we have heard from you over there, from redneck hill — —

Honourable members interjecting.
Mr BRUMBY — That is what you are — redneck hill.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I also advise the Leader of the Opposition that he is not assisting the Chair in making direct provocative remarks to members of the House. If he directs his remarks through the Chair we may be able to get on with maximising the time available to him for debate.

Mr BRUMBY — All we have heard in this debate is an attack on teachers, an attack on women, an attack on various schools —

Honourable members interjecting.

Mr BRUMBY — All we heard from the honourable member for Malvern —

Honourable members interjecting.

Mr BRUMBY — The Hansard record, if it is not doctored, which is common practice by government members of this place —

Mr E. R. SMITH (Glen Waverley) — On a point of order, Mr Deputy Speaker, the Leader of the Opposition is casting aspersions on the ability of Hansard to take down an accurate recording of the House. I find that offensive and, on behalf of Hansard, I ask the Leader of the Opposition to withdraw such an imputation.

Mr BRUMBY (Leader of the Opposition) — On the point of order, Mr Deputy Speaker, I said that government members of this House doctor the Hansard record. I have made no reflections on Hansard reporters. The fact is that a comparison of the daily and weekly Hansard shows that on previous occasions the Minister for Finance has doctored and changed the Hansard. That is a statement of fact.

Mr COOPER (Mornington) — On the point of order, Mr Deputy Speaker, the Leader of the Opposition is making an allegation against members of the House and, in particular, against the Minister for Finance. The Chair will be aware that honourable members are entitled to correct Hansard and it is Hansard's responsibility to ensure that when corrections are made they are made within the rules.

The Leader of the Opposition has raised a direct allegation against the Minister for Finance — which he has raised previously — which was found not to be substantiated and he was ruled against. The Leader of the Opposition is using this motion to launch an attack on the Minister for Finance. The Standing Orders of the House are clear: if an honourable member makes an allegation against another member of the House, he or she must do it by a substantive motion.

The Leader of the Opposition has not moved a substantive motion. He is cloaking his attack under the motion moved by the honourable member for Carrum. He is clearly out of order.

Mr Deputy Speaker, you should rule him out of order and make him address the motion before the House, not go off on such a wide tangent of insults and allegations against honourable members who are present in the Chamber and others, such as the Minister for Finance, who are not here and cannot stand up and take a point of order to defend themselves at this point in time.

The DEPUTY SPEAKER — Order! The Chair is in some confusion on the point of order, which I see as being in two parts. The first part was raised by the honourable member for Glen Waverley, who took offence at comments that were made and, if I recall correctly, requested that they be withdrawn. The second part of the point of order was raised by the honourable member for Mornington, who rightly referred to the Standing and Sessional Orders on substantive motions.

I uphold the second part of the point of order. I ask the honourable member for Glen Waverley whether he still seeks the withdrawal. I find some difficulty in the honourable member's seeking a withdrawal on behalf of members outside this place.

Mr E. R. SMITH (Glen Waverley) — I am quite happy to withdraw the first part of the point of order. As the honourable member for Mornington rightly pointed out, I believe the basis of the withdrawal should be the imputation against the Minister for Finance and the general imputation that members on this side of the House are cheating by changing their speeches in Hansard. Nothing could be further from the truth. That is deplorable, and the honourable member should be made to withdraw such an allegation.

The DEPUTY SPEAKER — Order! The honourable member for Glen Waverley finds the imputation made by the Leader of the Opposition unacceptable. Will he withdraw?
Mr BRUMBY (Leader of the Opposition) — I withdraw. After its first year in office, and after taking into account the Budget estimates for next year, the government will have taken something in the order of $500 million out of the State education system. That is designed to diminish quality, reduce opportunity, increase class sizes and discriminate against parents who choose to send their children to government schools, because they are the ones who have been hit by the cutbacks. The cutbacks in October 1992 totalled $230 million, and there was a further cut of $145 million in the August Budget. The Budget Papers show that in the next three years another $262 million will be cut from the State education budget. State education is not a government priority.

Mr BRUMBY — It does not matter how much you talk or how much you guffaw. It does not matter how much the honourable member for Malvern attempts to justify the cuts. They are a savage attack on the State education system and are evidence of your ideological obsession with smashing the State education system.

Mr BRUMBY — The figures I have show that as a proportion of Budget outlays spending on education has fallen from almost 25 per cent in 1992-93 to less than 19 per cent in 1993-94. It does not matter how you measure it; education is not a government priority. The government has made savage cuts in education.

Mr Seitz interjected.

Mr BRUMBY — The fraud being perpetrated by the government is that the reductions in teachers can be accommodated by a modest increase in teaching hours. Last week in this place I raised the case of the school at Cann River, and I will refer to it again. Last year Cann River had 11.8 teachers; this year it will have only 7.3. I challenge the Minister — or the real Minister, the honourable member for Ripon — to explain how educational quality in Cann River can be maintained in the face of those cutbacks. Goroke Consolidated School has had its teacher numbers reduced from 12.7 to 7.2. How can that be accommodated simply by a modest increase in teaching hours? It cannot! Does the government expect the students from Goroke or Cann River to travel elsewhere? What about the Bellarine Secondary College? Its teacher numbers have fallen from 74.6 to 63.8. Where is the honourable member for Bellarine? Is he speaking up for his school?

Honourable members interjecting.

Mr BRUMBY — Is the honourable member for Bellarine speaking up for his school?

The DEPUTY SPEAKER — Order! The Leader of the Opposition will assist the Chair if he directs his remarks through the Chair and not across the Chamber.

Mr BRUMBY — What about the Colac Secondary College, where teacher numbers are down from 53.6 to 46.5? Can that massive reduction be accommodated by a modest increase in teaching hours? The answer is that it cannot. What about Eltham High School? Where is the honourable member for Eltham? Is he speaking up for his electorate? At Eltham High School staffing has fallen from 92.3 to 81.3. Can that be accommodated with a modest increase in teaching hours? No, it cannot. Teacher numbers at Horsham Secondary College have fallen from 59.2 to 48.8. Where is the Minister for Agriculture? Is he standing up for his electorate?

Teacher numbers at the Warrandyte Secondary College have fallen from 43.6 to 35.6. Where is the member for Warrandyte? The Premier's mouthpiece in Warrandyte is not standing up for his electorate.
Can that reduction be accommodated? It cannot, because class sizes will increase, VCE choices will be reduced and overall educational quality will decline. What about the honourable member for Bayswater? Has he bothered to turn up for the debate? At the Bayswater Secondary College teacher numbers have fallen from 46.5 to 37.5. The honourable member is just another mouthpiece for the Premier. What about Cobram? Where is Mr Jasper? At Cobram Secondary College teacher numbers have fallen from 61.9 to 50.3.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Either deliberately or otherwise, the House is making a huge success of wasting its own time.

Mr E. R. SMITH (Glen Waverley) — On a point of order, Mr Deputy Speaker, the forms of the House require that honourable members be identified by the seats they represent, not by name. I ask you to direct that to the attention of that very slow learner, the new Leader of the Opposition — or the temporary Leader of the Opposition.

The DEPUTY SPEAKER — Order! I uphold the point of order in the sense that it is common practice to refer to an honourable member by the title of the electorate he or she represents.

Mr BRUMBY (Leader of the Opposition) — Staffing at Cobram Secondary College, which is in the electorate of the honourable member for Murray Valley, has fallen from 61.9 to 50.3. Because of the reduction, certain consequences will follow — larger class sizes, reduced subject choices and a lower quality of education. The government's actions are an attack on students in country schools. We are talking about quality!

Honourable members interjecting.

Mr COOPER (Mornington) — On a point of order, Mr Deputy Speaker, I direct your attention to Standing Order No. 84, which obviously has escaped the attention of the Leader of the Opposition again. His attention has been directed to it by Mr Speaker and other Chairmen in times gone by. It obviously needs to be directed to his attention again. Standing Order No. 84 states:

Every member desiring to speak shall rise in his place and address himself to Mr Speaker.

The leader of the Opposition has been on his feet, yelling remarks at members on this side of the House. He is clearly out of order and I suggest that you bring him to order.

Dr COGHILL (Werribee) — On the point of order, Mr Deputy Speaker, the honourable member for Mornington clearly has not been listening to proceedings. He has been totally disinterested in what the Leader of the Opposition has been saying. Instead he has been concentrating on his own agenda of disrupting the proceedings and the contribution of the Leader of the Opposition.

The Leader of the Opposition was directing his remarks to the Chair and was referring to certain members opposite in the third person, as is the proper form in the House. If that happens to embarrass the honourable member for Mornington because he cannot take the heat that is being put on members opposite, that is a problem with which the honourable member for Mornington has to live. It is legitimate for the Leader of the Opposition to direct attention to the failure of honourable members opposite to represent their electorates.

The DEPUTY SPEAKER — Order! I have heard enough to rule on the point of order. I do not uphold the point of order at this stage. I reminded the Leader of the Opposition part way through his speech when the level of interjection was too high that he would assist the Chair by directing debate through the Chair. To a large extent, he did so. The Chair has been tolerant with previous speakers on that issue, so I do not uphold the point of order.

Mr COOPER (Mornington) — On a further point of order, Mr Deputy Speaker, I direct your attention to Standing Order No. 108 and remarks made by the honourable member for Werribee. Standing Order No. 108 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.

My point of order is that the response of the honourable member for Werribee was an imputation of improper motives and a personal reflection on me.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Mornington is entitled to put his point of order.
Mr Richardson interjected.

Mr COOPER — As the honourable member for Forest Hill says, I am entitled to feel hurt if I want to. As you have correctly pointed out to the House, Mr Deputy Speaker, a member is entitled to take a point of order. In doing so, I suggest that it is disorderly for any member, including the honourable member for Werribee who should know better having regard to his past experience in the House as Speaker, to state that the taking of a point of order is designed to disrupt the House and the contribution, such as it is, of the Leader of the Opposition. I object to the imputation in the words uttered by the honourable member for Werribee, and I ask for them to be withdrawn.

The DEPUTY SPEAKER — Order! The Chair finds itself in a difficult position. I shall make a statement before asking the honourable member for Werribee whether he is prepared to withdraw. I have been concerned lately about continual requests for the withdrawal of words that in the past have been used regularly in the cut and thrust of Parliamentary debate. And I am not looking at either side of the House in particular; those requests have come from both sides of the House. When deciding to take exception to words used in this place, honourable members should be mindful that they do not paint themselves into a corner and so reduce the vocabulary that can be used that future debates will be inhibited. We need to use commonsense at all times in applying that Standing Order. On the point of order, I ask the honourable member for Werribee to withdraw.

Dr COGHELL (Werribee) — I had not previously noticed the sensitivity of the honourable member for Mornington, but in accordance with your request, Mr Deputy Speaker, I withdraw.

Mr E. R. SMITH (Glen Waverley) — I am pleased to join the debate because I do not believe the opposition has a clue about what is happening in education. The opposition’s adjournment motion refers to the quality of education. To my way of thinking, the quality of education can be judged and accounted for only if certain factors are in place — and one such factor is testing. During the Labor Party’s period in government, it virtually cut out testing, and standards fell. I will prove how standards have fallen under Labor governments.

In 1990 New South Wales conducted a survey of literacy levels following a decade of Labor government. The survey revealed that 25 per cent of the State’s grade 3 students were functionally illiterate; in other words, although they could write their names, they were unable to read aloud or comprehend what they were reading. That is a startling finding! When grade 6 students were tested, the same results were found.

One wonders what happened between grades 3 and 6. What happened in New South Wales is the same as what happened in Victoria: core subjects such as literacy and numeracy were put in the background. Instead emphasis was placed on what I call mickey mouse subjects such as peace studies and social engineering, subjects the opposition applauds.

Throughout Australia there has been a constant falling in educational standards. That was proven this year when a national education survey by federal authorities arrived at a similar outcome to that of New South Wales. Twenty per cent of children in grades 3 and 6 were functionally illiterate. At the end of grade 3 when students should be learning to read, some 20 per cent were unable to read aloud to the class or to comprehend what they were reading. That result was translated in the figures for year 6 students. In other words, before entering high school, 20 per cent of students were functionally illiterate; they could not possibly go on to function effectively within the system.

The opposition argues that the government’s cutting back on teacher numbers will cause standards to fall. In fact, the opposite is true — more teachers teaching fewer students has resulted in falling standards. Let us consider where the money goes: 85 per cent of the education budget goes towards paying teachers. The government suggests that the reduction in teacher numbers will allow schools to have more resources and an opportunity to return to the days of higher standards.

It is interesting that for many years the look-see system used in schools has been the only way of teaching children to read, and for 75 per cent of children it has been a remarkable success, but for the other 25 per cent it has been an abject failure. That system must be revised. The New South Wales system has reverted to teaching phonetics, and the results are better.

Ms Kimmer interjected.

Mr E. R. SMITH — The honourable member for Williamstown has been bleating for years about education and is now aggressively opposing what we are trying to do. It is too late; the standards have
fallen and the problems must be addressed. The government is doing that in a way that will provide savings in the education budget and allow resources to be applied to better remedial teaching and to areas that will give all students a better opportunity. Although the number of teachers has increased over the years, the standard has not risen — it has actually fallen. Quality education can be provided only by the means currently being put in place by the government.

Ms KIRNER (Williamstown) — The debate today is central not only to the future of Victorian school students but also to the future of Victoria, because the future of Victoria is based not simply on economic units but on a cohesive society and educated people. It is well known across the world that where a society invests in its human resources, as Germany and Singapore have done, it will be able to cope and progress in the 21st century.

In an action that is unmatched in any other State in Australia, the Victorian government has made an extraordinary attack on our most human resource, children! Eight thousand teachers have been taken out of this once great State system; more than 200 schools have been closed, 55 of them without proper process; an excellent Aboriginal secondary college has been closed and all but 10 of the Aboriginal students from that college are now out of education; an excellent high school serving the disadvantaged has been closed at Flemington —

Mr Richardson — Who was the principal?

Ms KIRNER — Doug Robb, but he is not the person you are thinking of. Sixty of the students from Flemington are no longer in education. Richmond Secondary College, whose problems could have been resolved, is now about to feel the force of the government's power. Perhaps the most appalling example of all is the school in the electorate of the Minister for Education, Ardoch Windsor, whose students are forced to go to Prahran. They do not want to go there because that is not the kind of education they need. I have listened carefully to the Minister time and again in this House and time and again on radio — he is rarely on television because he is not allowed to go on, which is probably good fortune for the schools — and I am tired of hearing his hypocrisy when he says that all the teachers in schools across the State have to do is to teach one extra period a week and there will be no cutbacks in curriculum or services.

I attended a meeting of all the schools in my electorate on Monday night. The parents are organising another meeting and I invite the Minister to come to it and listen to the schools; if he is not game enough to do that I invite his Parliamentary secretary to come. The first school I shall mention is Williamstown High School which went down in numbers, came back up and now has the same number of students it had three years ago. This time it has lost between three and four staff — on the previous occasion it lost about two staff. It is impossible for the school to cope with the same breadth of curriculum by simply giving each teacher another period a week. Teachers will need to teach at least two more periods a week. They will have to teach 23 periods a week plus 2 extras, which is 25 periods, plus dealing with the extra activities the school was previously so proud to provide. This is not a school like those described by the Premier, where teachers act like bureaucrats and teach only between 9 a.m. and 3 p.m., do not give proper service and do not relate to the parents or children, this is a school where parents and teachers work together. The reward from the government is a cutback in curriculum and increasing class sizes.

Williamstown High School cares about kids who may not fit in well in the education system. Its excellent pupil welfare system has kept many kids at school. That pupil welfare system must now be cut back. When students ring up the student support services, which this Minister says remain at the same number, they are told that the services have been cut back by 40 per cent. People are so demoralised that they are not applying for positions and vacancies are now occurring. Students are told that they cannot be seen by the service for six weeks. A child's decision to stay at school rests on that visit.

The Minister has his head in the sand and his co-rider, the honourable member for Ripon, goes around smiling in schools. He appears to listen but he is either not listening properly or is not reporting the truth, because the truth is that schools in the western and northern suburbs and disadvantaged schools right around Victoria have had the stuffing knocked out of them with staffing. It is not a well-known fact because the Minister has not bothered to tell anybody, but this Minister, who came from a working-class background, and his Parliamentary secretary, who often tells us he came from Broadmeadows, have completely removed socioeconomic needs from the staffing schedule. The staffing "needs" allocation for a school such as Box Forest Secondary College, which is a disadvantaged school, has gone from 18 to 4. I say, shame! At least
under the system the Lindsay Thompson government — —

Yes, Minister, go up to your Parliamentary secretary for advice because you need it, because you are not getting the truth!

Ms KIRNER — The Minister has to go and get advice because he does not know there are no socioeconomic loadings in our staffing system any more. There have been socioeconomic loadings on our staffing levels since the Schools Commission was set up in 1973. The former education Minister, Lindsay Thompson, agreed to socioeconomic loadings on staffing levels in 1975. But this government has surreptitiously removed those loadings. I invite honourable members to go through the list and they will see that I am not exaggerating. Any honourable member who has a disadvantaged school in his or her electorate will find that that school has suffered the most as a result of staffing cuts.

The honourable member for Glen Waverley had the audacity to say that he cared about standards. The standards of education in Victoria were among the highest in the world. The former Labor government managed to increase student retention rates from 25 to 85 per cent. The children in the western and northern suburbs, as well as those in the southern suburbs, managed to gain equality of opportunity with children going to private schools and government schools on the other side of the Maribyrnong and Yarra rivers. I challenge the Minister to demonstrate that I am wrong on the issue of him removing socioeconomic needs from the staffing schedule and that that is not the case. I would be delighted if it were not the case.

The Minister told us last Friday that there had been an increase in language other than English (LOTE) teachers and also English as a second language (ESL) teachers. I am delighted about that, but I would like to know where they are. They are not at Wembley Primary School. It lost one LOTE teacher. They are not at Williamstown Primary School, which had an excellent program. It had eleven LOTE classes with two teachers, which is reasonable, but now it has only one LOTE teacher. The Minister says that we will have more ESL and LOTE teachers but where are they? Perhaps they have been shifted out of programs for disadvantaged children and are working in other programs. I support the Minister in increasing the number of those teachers because it was our policy to have languages taught to children in all schools, but it cannot be done with cutbacks of 8000 staff.

The Minister has closed a number of schools, which is appropriate in some areas if the communities agree. The Minister knows that. There are plenty of briefing papers around to demonstrate that. However, it is important to ensure that the communities agree with the closures. The communities of Heatherdale Primary School, Verdale Primary School and Eastmont Primary School know all about that. Behind this decision the government has a hidden agenda; eventually it wants to close Eastmont Primary School. The honourable members for Wantirna and Mitcham are not the favourite persons of their communities because they did not stand up for their schools.

The closure of Heatherdale Primary School is interesting because it is by far the best site in the cluster. The facilities report stated, as the Minister knows, that it was the best site, but when the community asked why the school had been closed and whether it was because of the curriculum the answer was no. They asked whether it was student preference, but again the answer was no. There is something else that the department knows, but the parents do not know. What is it? I have gone through all the documentation and looked at all the photographs, which the Minister did not look at, and clearly the reason that the Heatherdale school was closed is that the Heatherdale site will bring in the most dollars.

Mr Hayward interjected.

Ms KIRNER — We will see. I stand by my view. There is no other reason.

Mr Hayward — It is shameful for you to say that.

Ms KIRNER — I will say that a few more times if it upsets you, because it is true and the same situation applies to Grimshaw Primary School.

The SPEAKER — Order! The honourable member for Williamstown will address the Chair.

Ms KIRNER — It is the same at Grimshaw Primary School and at Flemington High School. It was the same at Ringwood East and at many other schools. The value of the dollar held sway over the value of children's education.
I want to make a point about Heatherdale Primary School, because it is a symbol of many other issues. The parents at Heatherdale believed in the State school system. They are now deciding where their children will go. They have done their figures and it seems that 10 per cent, probably 15 per cent, of the children whose parents were totally satisfied with the State education system that was offered at Heatherdale will now go to non-government schools because their parents do not want any more hassles. They believe the State system will go through many more hassles, and they do not want to be part of them.

I could cry about this result because in the 1960s we, as parents and teachers, fought for the State system. When I was Minister for Education I set a target of stopping the transfer of children from government schools to non-government schools so that parents could have a real choice, and in 1992 we achieved that. But in one year this Minister, pushed by his Treasurer — I believe the Minister has some understanding of children — and pushed by his extraordinary head of department, who appears to have no understanding of the Victorian culture of school community participation, has destroyed the education system in Victoria.

Mr ELDER (Ripon) — For the past hour I have listened to political claptrap from the other side of the House. The opposition was unprepared for the adjournment motion. Its members were rushing about every which way getting something prepared to deliver this morning because they had told the media to be here at 10.30 a.m. The opposition intended to raise another matter because it did not believe it would be debating this motion. It should not be doing so because the matter is not urgent. On 6 September schools were told what their staffing levels would be. It is nothing new. The opposition told the media to be here at 10.30 a.m. The media arrived; they are cheesed off! They are not going to cover anything from the opposition because it did not deliver. The opposition intended to raise another matter because it did not believe it would be debating this motion. It should not be doing so because the matter is not urgent.

On 6 September schools were told what their staffing levels would be. It is nothing new. The opposition told the media to be here at 10.30 a.m. The media arrived; they are cheesed off! They are not going to cover anything from the opposition because it did not deliver. The opposition is terrified because it did not have anything ready, and that has been plain in the contributions made by members of the opposition, which were completely off the track. You don’t know where you are going and you know you have lost the education debate!

The SPEAKER — Order! The honourable member for Ripon will address the Chair.

Mr ELDER — The opposition knows it has lost the education debate. The government found $145 million in the education budget but we did not hear anything from the opposition spokesman. He has been sleeping on the beach at Carrum waiting for someone to remind him about what is going on. He knows the opposition has lost the education debate. That is why he sends his children to non-government schools. We saw the show pony, who formerly represented Bendigo in the Federal Parliament, who now represents Broadmeadows, who was here prancing around like a palomino.

The SPEAKER — Order! The honourable member for Ripon may not use those terms about another member.

Mr ELDER — I withdraw. We have heard the honourable member for Broadmeadows deliver a speech on education but he did not know where he was coming from. We have also seen the rebirth of the former opposition Leader, the honourable member for Williamstown, because she is the only one who has spoken with conviction on education, but she is also wrong. She has not consulted widely enough with schools. Last week the honourable members for Altona and Williamstown tried to do me over on Williamstown High School and the quality provision process. Graeme Smith, the principal of Williamstown High School, had something to say about the two local members.

Ms Marple interjected.

The SPEAKER — Order! I warn the honourable member for Altona that she may not interject.

Mr ELDER — The letter reads:

I have been informed that Carol Marple, MLA for Altona, has made some scurrilous assertions regarding the process of quality provision as it impacted upon Williamstown High School and Bayside Secondary College.

That is about a Labor member! Mr Smith goes on:

I am disgusted with her uninformed and incorrect attack and have written and told her so.

You do not go out and talk to your schools because they do not want to know you. They know the reason — —

Dr COGHILL (Werribee) — Order!
**STATE EDUCATION SYSTEM**

Wednesday, 24 November 1993 ASSEMBLY 2153

The SPEAKER — Order! Will the honourable member please resume his seat. I was under the impression that only the present incumbent of the office of Speaker could call order in this place. I am aware that old habits die hard, but I ask the honourable member for Werribee to remember his current position. I call the honourable member for Werribee on a point of order.

Dr COGHILL — Thank you, Mr Speaker.

Mr Cooper — Do you want the wig?

Dr COGHILL — The sensitivity of the honourable member for Mornington seems to be getting to him again.

The SPEAKER — Order! What is the point of order?

Dr COGHILL — The honourable member for Ripon has repeatedly defied your ruling that he should address the Chair. He has time and again addressed his remarks to the honourable member for Altona and in referring to a piece of correspondence has directly addressed the honourable member for Altona about her involvement in the matter.

You, Sir, have assiduously called other honourable members to order and required them to address their remarks directly to the Chair. I ask you to do the same in respect of the honourable member for Ripon.

The SPEAKER — Order! Although I upheld the point of order, I point out to the House that there have been breaches of the appropriate Standing Order by honourable members on both sides of the House.

Mr ELDER — (Ripon) Mr Smith also wrote to the honourable member for Altona, who, together with the honourable member for Williamstown, has said she consults with the schools in her area. In his letter to the honourable member, Mr Smith states:

I am shocked and deeply upset that neither you or anyone from your office had the simple courtesy to speak to me ...

That is the way Labor members consult with schools in their electorates — they do not! The honourable members for Altona and Williamstown should talk to the schools in their areas. If they did that they would find that the education debate is over and that the government has won.

The people of Victoria know that the findings of the Victorian Commission of Audit condemned the previous government for its maladministration, incompetence in economic activity and management and lack of vision for the future. No-one has addressed the reason why the current government has had to find savings of $145 million, representing a 6.3 per cent cut, in the education budget, a lower cut than has been made in other areas of government activity. The cuts are lower because of the government's commitment to education.

The report of the Victorian Audit Commission succinctly explains why the cuts need to be made. At the end of 1991-92 the Victorian government had liabilities of $69.8 billion, an amount equivalent to $47 000 for each household. The failures of the former Labor government committed every student in every State school in Victoria to approximately $15 000-worth of debt.

In 1991-92 government expenses exceeded its revenue by $3 billion, an amount equivalent to $2000 for every household in the State. Those figures might sound like telephone numbers to opposition members but the cold, hard reality is that we cannot follow the Jim Cairns model and print more money; we have to meet our commitments, which is what we are doing.

Between 1989-90 and October 1992, the former Labor government borrowed not just to pay for capital, but also to fund financing costs and other day-to-day operating expenses. Labor left Victoria with a public sector debt higher in per capita terms and relative to the size of the State’s economy than that of any other State except Tasmania.

Ms Kirner interjected.

The SPEAKER — Order! The honourable member for Williamstown will remain silent.

Mr ELDER — Labor’s legacy was a debt servicing burden that was the highest of that in any State. The interest expenses on State borrowings amounted to $4.2 billion or 17 per cent of the State’s annual income, of which $2 billion related to the Budget sector.

Commonwealth Grants Commission figures indicate that Victoria spent $306 million more in 1991-92 than it required to provide government school education.
at the same standard as the average of all States and Territories. The incompetence of the former government is why the current government has had to find savings of $145 million or 6.3 per cent in the education budget. Opposition members do not say why the government has had to find those savings — it is because of their incompetence in handling the Victorian economy during the past 10 years!

Australian Education Council data for 1991-92 shows that Victorian spending on government schools was $528 per student higher than in New South Wales and $372 per student higher than in Queensland. The differences were largely attributed to higher teacher salary costs, because spending in Victoria on items such as buildings and grounds was up to 30 per cent lower than in New South Wales and Queensland whereas spending on teacher salary costs was $640 per student higher than in New South Wales and $792 per student higher than in Queensland.

The blame for the mess Victoria is currently in lies squarely with honourable members opposite. The palomino Brumby can come in here — —

The SPEAKER — Order! I have already told the honourable member that he may not use derogatory terms about another member.

Mr ELDER — I withdraw, Mr Speaker.

Ms Kimer interjected.

The SPEAKER — Order! I have warned the honourable member for Williamstown twice. She will remain silent.

Mr ELDER — The most important things in my life are my children and their education. I do not like the fact that the government has had to make cuts because of the former government’s incompetence and mishandling of the economy and has had to find a 6.3 per cent cut in the education budget. However, after examining the key features of that budget I believe I can live with it and that my children will not be worse off than are children in other States.

The key features of the 1993-94 school education budget are that staffing in primary schools, including special needs and special education provision, will still be better than the Australian average; staffing in large metropolitan secondary schools will approximate the national average; smaller rural secondary colleges with enrolments of fewer than 500 students will receive substantial additional support for their Victorian certificate of education courses, which will result in them enjoying the best staffing levels in Australia; the remote primary school formulae and the overall remote provision will be the best in Australia; special needs resources for languages other than English will be the best in Australia; and resources for students with disabilities and impairments have been increased to the point where they are now the best in Australia and among the best in the world.

Despite the claptrap from honourable members opposite, the key features of the school education budget demonstrate that Victorian students are receiving a better education than are students in almost any other State in Australia. Current reductions in teacher numbers simply bring Victoria into line with other States and provided that face-to-face contact hours for teachers increase to national average levels, there will be no reason to increase class sizes or reduce current programs.

I make no apologies for the fact that teachers may have to work a bit harder because of the incompetence of the former Labor government. As a parent with one child attending a school in the State system and another child about to enter school, I can live with the cuts that have been made necessary by that incompetence. It is hypocritical for opposition members to attempt to focus the blame on the current government. The government is trying to bring the State back on track so that the students so warly spoken about by opposition members have a future.

Mr MILDENHALL (Footscray) — I can understand the government’s reluctance and hesitation in having this matter debated and why it argued for so long, raising points of order and moving an adjournment motion: it is because of the outrageous acts that have been perpetrated on the community by the government since October 1992, the most disgraceful of which is its education strategy and so-called education policy.

Never in this State before have we seen such an outrageous assault on the education system: 250 schools are to close and 8000 teachers are to go. The government is killing diversity, quality, sport and a range of other programs. The government does not care; it uses the resource argument. As the Leader of the Opposition said, the argument is not so much about resource levels, because resources indicate priorities. The government has lowered its priority and commitment to education. It is killing
the education system. That almost killed the Greiner government, but it will kill this government.

The problem manifests itself in communities like the one I represent where extraordinary reductions in allocations have occurred. So many reductions have taken place that programs will have to be discontinued. My electorate is one of the first places migrants settle and English is not their first language. In the school my children attend, 75 per cent of students have language difficulties.

What will be the result of the government's much lauded language strategies? The 3.5 positions that were committed to English as a second language will be reduced to 1.5. How can that school cope with a two-third reduction in resources in an area that affects 75 per cent of the students? Their disadvantage will become ingrained and the children of those families will find it more difficult to integrate into the community and participate in economic and community life.

The language other than English program lauded by the government as a high priority — the area that supposedly is to be expanded — has been halved. When my daughter comes home from school she often says, "Look Dad, we are learning Vietnamese as part of our language program". But by the end of the year my daughter will be unable to participate in that language program. That pattern is repeated throughout my electorate.

Since last year the Sunshine Secondary College has lost 53.1 staff members. It is almost inconceivable that a school could lose more than 50 staff and continue to operate. I asked the vice-principal how the Schools of the Future programs will operate. He replied, "We are a bit short of cleaners now. The school is starting to fall apart and I have to do many things. When kids have accidents, I have to clean the vomit in the corridors. I am the one who gets the working bees of students and teachers together to repair broken windows and so on". Because schools have been decimated, Victoria's educational leaders have to act as cleaners.

Resource reduction has a practical and qualitative impact on the ability of schools to conduct their daily activities. That has been illustrated throughout my electorate and the State. The impact of the government's strategies is killing excellence. One need look no further than the quality provision process.

On a number of occasions in this place I have referred to the fate of the Bulleen Primary School. Anybody who has surveyed its curriculum and its outstanding achievements over the past few years can only be impressed. It has a national level of achievement and its programs have been reported in journals that have been distributed internationally, particularly three separate program areas. The quality provision process has killed that school; its academic leadership is demoralised and the school community is demoralised. But the school has managed to survive. It has warded off the all-out assault by the Minister and the reduction in resources. The school could not have continued with the reduced staffing levels.

Opposition members have spoken to many schools that have been victims of the quality provision task forces. I have asked principals how they feel about it. And they reply that they are outraged. They say that the task force has picked the wrong school and discriminated against them. Their secondary response is, "But what is the point of fighting when our staff will be halved next year? There is no point. If we managed to keep our doors open our staff will be halved and the quality programs, curriculum and staffing excellence that we have managed to build up will be lost. We will also lose established resource sharing programs with neighbouring schools". Relationships between peers and neighbouring schools have been destroyed by this process. It is not just about resources; it is also about the relationships, networks, and peer group work that develops excellence because peers feed off each other.

I am sure Scotch College emphasises curriculum development and peer group assessment and collaboration; it stimulates considerable qualitative development. That has been another casualty of the government's education policies. The diversity of programs is another victim of resource reductions. The opportunity to study music has disappeared from the school my children attend, and sport has been killed across the State. The Minister and other departments have come up with the answer, "We will make it compulsory". Teachers and principals with whom opposition members have spoken ask, "Where are the resources? We do not have emergency teachers, the staff capability, the training or the numbers, so how can we do it? The resources are not there and, because of that, sport has been killed?" Resource reductions have killed the motivation and the culture in our schools.
In another debate I cited the Monash study on the impact of the government's downsizing program on teacher culture and teacher motivation in the school system. The results were staggering. One of the advantages of having worked in bureaucracies and having been a public servant is that I realise that, although the Public Service is much maligned, it has some advantages. One advantage is the ability to build teams to get things done. Another is motivating people about the reasons they come to work and why they should maximise their effort in the absence of private sector conditions and so on. In that way they achieve a sense of purpose; they appreciate the complementary values associated with the positive impact their actions have in the community. But when government cutsbacks are imposed that positive impact disappears. When the value of their labour is demeaned, degraded and devalued by their leadership, morale is destroyed.

The Monash University study showed the quantitative outcomes of qualitative changes. It showed that 45 per cent of Victoria's teaching workforce did not see themselves being in their present positions in five years time. Their commitment has disappeared and their careers have lost their value. They see no point in coming to work.

The government has insulted teachers; it has degraded and devalued their work. Victoria has lost the morale and culture of that workforce and I am not sure how it can be rebuilt. I visit many teacher staff rooms in my electorate; perhaps the only people with worse morale problems are those working in child protection in the western suburbs. Further examples of the way the government approaches its workforce and its school system — apart from cutting the heart out of its value system and resources — can be seen in its legislative programs.

Mr McARTHUR (Monbulk) — On a point of order, Mr Speaker, when points of order were raised about whether the urgency motion could proceed, the opposition argued strongly saying that last week the department had advised schools on staff numbers, which was of critical importance to the quality of education and thus the community. The House has listened to a wide-ranging contribution from the honourable member for Footscray. He canvassed the quality provision task forces and child protection in the western suburbs and is now discussing the government's legislative program. I direct the attention of the House to Standing Order No. 26(c), which deals with adjournment motions. Among other things, it states:

In speaking to such motion debate shall be strictly confined to the subject-matter stated ...

The motion then refers to time limits. The honourable member for Footscray has strayed far and wide from the subject matter of the debate. I suggest to you, Mr Speaker, that it would be useful for the House and the honourable member if in the time remaining, he were brought back to the motion.

The SPEAKER — Order! This morning's debate has been wide ranging; the subject matter was necessarily extensive. However, I advise the honourable member for Footscray that he must be relevant to the subject matter before the Chair.

Mr MILDENHALL (Footscray) — If the government is committed to achieving quality outputs from the school system and the way that system relates to the economy, it should restore resources.

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

Mr HAYWARD (Minister for Education) — The debate has essentially been about 10 years of Labor mismanagement. I am amazed at the short memories of members of the Labor Party — including the honourable member for Williamstown. Members of the opposition raised a whole range of issues but at the end of the day it is all about its general financial mismanagement of the economy, which resulted in the Budget deficit. More particularly, the debate is about the Labor Party's mismanagement of education.

The debate is about the deficit the incoming government inherited from the previous government. That is highlighted by the fact that the previous government borrowed to pay teachers' salaries. Unless that deficit was brought under control, increasingly the servicing of that deficit would absorb the revenue of the government to the degree that increasingly less money would be available for such vital services such as education, health and transport. The former Labor government is to blame for any Budget measures taken in education.

Mr Sandon interjected.

Mr HAYWARD — It is a fact. The public understands that, no matter what the opposition says. The debate is also about 10 years of mismanagement in education, during which time
education had become the captive of interest groups. Every Labor education Minister, perhaps with one exception, was the captive of interest groups — particularly the unions. The exception was perhaps Mr Ian Cathie.

Dr Naphthine — And he got the shaft.

Mr HAYWARD — That is right, he did not last very long. The former government's mismanagement meant that a larger proportion of the Budget had to be absorbed in recurrent expenditure, especially in teachers' salaries. Because of commitments made to teacher unions, the net result was that the incoming government was faced with a Budget drawn up by the previous government that failed to make adequate provision for a variety of requirements including the commitment to appoint advanced skills teachers (AST) at the beginning of this year.

I recall a meeting held in an office that the honourable member for Williamstown probably remembers well. A line of bureaucrats sat opposite saying that the previous government had left a black hole of $40 million — and that has now been acknowledged by the Labor Party.

The historical trend in education in Victoria during the past 10 years has been to allow outlays to increase considerably — by 17.8 per cent — whereas enrolments during that time declined by 4.7 per cent. The tragedy is that the quality of education was not improved. Although most of the additional allocations went on teachers they did not improve those salaries because teachers in Victoria are now relatively underpaid. One of Victoria's greatest resources is its committed professional teachers. What the previous government did to teachers was disgraceful; their salaries did not increase in proportion to other professions because the Labor government was the captive of teacher unions.

The extra funds were spent on work practices including reducing the face-to-face contact time between teachers and students; they did not go towards reducing class sizes, which are in line with class sizes in other States. An example of Labor's mismanagement was the imbalance between recurrent and capital education costs which put Victoria very much out of step with other States; regardless of whether one considers capital expenditure for new schools or maintenance, one realises Victoria was out of step in the capital expenditure area. In that 10 years the quality of schools' stocks declined. When the coalition came to office a backlog of $600 million worth of maintenance had to be faced; and approximately 50 per cent of Victorian schools were in an unsatisfactory situation. If only during that time Victoria had had a Minister who understood work force management!

There was a complete lack of work force planning. For example, thousands of teachers on long-term leave were replaced by full-time employees. The return to work of those teachers resulted in large numbers of surplus staff. What an extraordinary situation for a so-called responsible government to allow to develop!

That time bomb is still ticking, because many teachers remain on long-term leave. The way the previous government allowed its work force management to get out of kilter was absolutely disgraceful. As a result, there have been no opportunities to employ new young teachers. In Victoria the thousands of young people who are qualified — —

The SPEAKER — Order! The time allowed for the debate has elapsed.

House divided on motion:

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Elliott, Mrs  
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Gude, Mr  
Hayward, Mr  
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Henderson, Mrs  
Honeywood, Mr  
Hyams, Mr  
Jasper, Mr  
Jenkins, Mr  
John, Mr  
Kennett, Mr  
Kilgour, Mr  
Leigh, Mr  
Lupton, Mr  
McArthur, Mr  
McGill, Mrs (Teller)  
McGrath, Mr J.F.  
McGrath, Mr W.D.  
McLeian, Mr  
Plowman, Mr A.F.  
Reynolds, Mr  
Richardson, Mr  
Rowe, Mr  
Ryan, Mr  
Smith, Mr E.R.  
Smith, Mr I.W.  
Spry, Mr  
Stegall, Mr  
Stockdale, Mr  
Tanner, Mr  
Tehan, Mrs  
Thompson, Mr  
Traynor, Mr  
Treasure, Mr  
Turner, Mr  
Wade, Mrs  
Weideman, Mr  
Wells, Mr (Teller)

**TELEVISING OF PROCEEDINGS**

Mr TANNER (Caulfield) — Mr Speaker, I wish to refer to the televising of proceedings. Under the practices and procedures adopted by the House and circulated by a previous Speaker it was agreed that televising of proceedings in this House would concentrate on the speaker addressing the House and, if need be, provide a general coverage of the members of the House. Specifically excluded from that coverage are disturbances in the House either by members or by other persons; television coverage may not include such material.

I direct to your attention that the proceedings of the House are being filmed for broadcasting purposes throughout the State. I ask members to uphold the procedures and practices adopted by the House.

The SPEAKER — Order! The honourable member for Caulfield is quite correct. Under the guidelines and rules set down by the House for the filming of proceedings, particularly under item (5), coverage of the galleries is not permitted. I uphold the point made by the honourable member and I instruct the Serjeant-at-Arms to pass on that advice to the television crews.

**PREMIER’S PRIVATE INTERESTS**

Mr BRUMBY (Leader of the Opposition) — I desire to move, by leave:

That this House immediately deals with the Premier, the Honourable J. G. Kennett, for contempt of the Parliament pursuant to section 9 of the Members of Parliament (Register of Interests) Act 1978 (the Act) in that he has breached sections 3(1)(a)(ii) and 3(1)(e) of the said Act by allowing his office as Premier to be used to benefit clients of his own private company, and further particulars of the contempt are as follows:

(a) The Premier was from February to October 1993 a director and shareholder of JGI Nominees Pty Ltd trading as KNF Advertising;

(b) The Premier’s “private interests” as referred to in section 3 of the Act include his interest in the KNF Advertising business;

(c) Profits made by KNF Advertising directly benefited the Premier and members of his family as defined in section 2 of the Act;

(d) On 8 March 1993 the Premier appeared in a newspaper advertisement for a builder, which advertisement was placed by KNF Advertising as follows:

Honourable members interjecting.

Mr BRUMBY (to Mr Kennett) — You might not care about the law, but everyone else does!

The SPEAKER — Order! I warn members on both sides of the House that interruptions and interjections are disorderly. I warn the Leader of the Opposition that I will hear his motion, but if he interrupts it to interject in asides across the table I will no longer hear him.

Mr BRUMBY — I shall return to the motion:

(d) On 8 March 1993 the Premier appeared in a newspaper advertisement for a builder, which advertisement was placed by KNF Advertising as follows:
(i) Keilor Messenger, 8 March 1993, for West Homes Australia Pty Ltd;

(e) On 27 February 1993 the Premier appeared in a photograph in the Herald Sun with Mr Livio Mingot, the manager of Mingot Homes at Taylors Lakes, opening the third display village on the Taylors Lakes estate, and subsequently advertisements were placed in newspapers by KNF Advertising for builders at the Taylors Lakes estate as follows:

(i) Community News, 13 April 1993, for Mingot Homes;

(ii) Western Independent, 7 September 1993, for Burbank Homes;

(iii) Western Independent, 5 October 1993, for Nankervis Homes Pty Ltd;

and in acting in the above manner the Premier has acted in a way so as to bring discredit upon the Parliament and failed to ensure that no conflict exists, or appears to exist, between his public duty and his private interests.

The SPEAKER — Order! Is leave granted?

Mr KENNETT (Premier) — Leave is granted.

The SPEAKER — Order! The Leader of the Opposition will need a seconder to his motion. The motion has been seconded by the Deputy Leader of the Opposition.

Mr BRUMBY (Leader of the Opposition) — I move:

That this House immediately deals with the Premier, the Honourable J. G. Kennett, for contempt of the Parliament pursuant to section 9 of the Members of Parliament (Register of Interests) Act 1978 (the Act) in that he has breached sections 3(1)(a)(ii) and 3(1)(e) of the said Act by allowing his office as Premier to be used to benefit clients of his own private company, and further particulars of the contempt are as follows:

(a) The Premier was from February to October 1993 a director and shareholder of JGK Nominees Pty Ltd trading as KNF Advertising;

(b) The Premier’s “private interests” as referred to in section 3 of the Act include his interest in the KNF Advertising business;

(c) Profits made by KNF Advertising directly benefited the Premier and members of his family as defined in section 2 of the Act;

(d) On 8 March 1993 the Premier appeared in a newspaper advertisement for a builder, which advertisement was placed by KNF Advertising as follows:

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and in acting in the above manner the Premier has acted in a way so as to bring discredit upon the Parliament and failed to ensure that no conflict exists, or appears to exist, between his public duty and his private interests.

This motion is the most serious matter that has been debated in the House since the election of the Kennett government.

Honourable members interjecting.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, I wonder whether copies of the motion can be made available to honourable members?

The SPEAKER — Order! Does the Leader of the Opposition have copies of the motion to be circulated?

Honourable members interjecting.

The SPEAKER — Order! I am informed that if the Leader of the Opposition can provide a copy of his motion it will be photocopied and distributed. The Leader of the Opposition must pause until copies of the motion are in the hands of honourable members.

Before calling the Leader of the Opposition to speak to his motion I inform the House that this is a most serious matter and I will interpret the Standing
Orders in the most stringent manner. There will be no interjections from either side of the House. Due to the serious nature of the motion the House must deal with it in that way.

Mr BRUMBY (Leader of the Opposition) — As I have said, this is the most serious matter that has come before this Parliament in the 14 months the government has been in office and the Honourable Jeff Kennett has been the Premier of this State. The motion is about the conflict between public office and private interests. No matter is more fundamental to the operation of a free and democratic society; no issue is more fundamental to the operation of a Parliament than the ability of an office-holder in the executive arm of government to distinguish between public office and private interest. When that line becomes blurred, when the ideology of the day becomes the brown paper bag ideology and when private office is allowed to intrude into the interests of public office, we break down that vital institution of Parliament, that vital democratic safeguard and that fine line between public office and private interests. That is why we have the Members of Parliament (Register of Interests) Act, which draws the line between public office and private interest.

This issue arose some months ago when the Premier of this State appeared in a full-page advertisement — I have copies of the evidence with me — featuring the Premier of Victoria with the managing director of that company and that it was placed by KNF Advertising, which is the Premier's family business. The ad features the Premier of Victoria endorsing a company which has an account with the Premier's family business, and that crosses the line.

Mr KENNETT (Premier) — On a further point of order, Mr Speaker, that is also incorrect. That company has no account with KNF Advertising. I do not mind the Leader of the Opposition raising this motion; I do not mind debating it. It may be that you, Sir, will not uphold this point of order, but I want to point out the inaccuracies in the statements made by the Leader of the Opposition. You are inaccurate and therefore your case flounders!

Mr BRUMBY (Leader of the Opposition) — The fact of the matter is that a full-page advertisement was placed in the *Keilor Messenger* on 8 March this year — I have it here — featuring the Premier of Victoria with the managing director of that company and that it was placed by KNF Advertising, which is the Premier's family business. The ad features the Premier of Victoria endorsing a company which has an account with the Premier's family business, and that crosses the line.

Mr KENNETT (Premier) — On a further point of order, Mr Speaker, that is also incorrect. That company has no account with KNF Advertising. I do not mind the Leader of the Opposition raising this motion; I do not mind debating it. It may be that you, Sir, will not uphold this point of order, but I want to point out the inaccuracies in the statements made by the Leader of the Opposition. You are inaccurate and therefore your case flounders!

We have Acts of Parliament, the Constitution Act in particular, which guard against confusion between public office and private interest. The reason for those Acts is so that a Premier, a Minister of the day or an office-holder in the government cannot use public office for private gain. If the Premier or government backbenchers are prepared to reject the legal opinion the opposition has and say that it is okay for the Premier of Victoria to appear in paid advertisements placed by his family business, I think you are guilty —

The SPEAKER — Order! There is no point of order. The Leader of the Opposition will address the Chair.

Mr BRUMBY — I repeat: a full-page advertisement in the *Keilor Messenger* of 8 March this year features the Premier of Victoria in an advertisement placed by KNF Advertising. The company KNF Advertising is owned by JGK Nominees Ltd, which at the time the advertisement was placed was owned, in effect, by the Premier and his wife. That is the fact of the matter.

The SPEAKER — Order! The Premier raises a point of order on the accuracy or otherwise of the statements made by the Leader of the Opposition. The Premier will be in a position to refute the accusations later in the debate. I do not uphold the point of order.

Mr Sercombe interjected.

The SPEAKER — Order! I have not need any encouragement from the Deputy Leader of the Opposition.
Mr BRUMBY — This is a fundamental issue for every backbencher in Parliament. We have laws in the Constitution and in the Members of Parliament (Register of Interests) Act for good reason, and they provide that there is a line between public office and private duty. If you cross that line between public office and private interest, you are then into the business of corruption; and Jeff's jury, which is here on the back bench — —

The SPEAKER — Order! The Leader of the Opposition will refer to honourable members by their correct titles.

Mr BRUMBY — Breaches of the Members of Parliament (Register of Interests) Act are dealt with by Parliament, and I put it to Parliament that the legal opinions which have been gathered in relation to this matter show beyond doubt that the Premier of Victoria has wilfully breached the Members of Parliament (Register of Interests) Act.

The judgment for members of this Parliament to make is whether they are prepared to stand up and say that it is worth protecting the principle of the line between public office and private gain or whether honourable members and Liberal backbenchers are prepared to say — —

Mr McNamara interjected.

Mr BRUMBY — Inane interjections, Pat, inane.

The SPEAKER — Order! The Leader of the Opposition should ignore interjections.

Mr BRUMBY — I have moved this motion today because, based on all the information which has been made available through questions without notice, Parliamentary debates and public information that has come into the possession of the opposition, the Labor Party has come to the conclusion on the basis of the best possible legal advice that the Premier has wilfully breached the Members of Parliament (Register of Interests) Act.

I shall read some of the advice that the opposition has obtained from an eminent Queen's Counsel, Ron Castan, a person with an outstanding reputation in the legal area. Mr Castan says:

A breach of the Act is constituted by a wilful contravention. This means that there must be — —

Mr KENNED (Premier) — On a point of order, Mr Speaker, the Leader of the Opposition is now quoting from a document and I ask that the document be tabled and circulated so that members can refer to it during the debate.

The SPEAKER — Order! I ask the Leader of the Opposition to table a copy of the document so that it can be circulated.

Mr BRUMBY (Leader of the Opposition) — I am happy to make the document available at the end of the debate.

Mr KENNED (Premier) — On a point of order, Mr Speaker, that is quite obviously not acceptable and I ask that normal practise be adhered to. When a member indicates that he is quoting from a document that document should be made available immediately to the House.

The SPEAKER — Order! Has the Leader of the Opposition a spare document that he can provide to the Chair?

Mr BRUMBY (Leader of the Opposition) — I do not have a spare document. I am happy — —

Mr Kennett interjected.

Mr BRUMBY — I do not have a spare document.

The SPEAKER — Order! Has the Leader of the Opposition a copy of the document that he has been requested by the Premier to produce?

Mr BRUMBY — I have a copy of the document which I am intending to quote from and, therefore, I cannot make it available now.

The SPEAKER — Order! Is there another copy available?

Mr BRUMBY — I do not have another copy of the document.

Mr KENNED (Premier) — On a point of order, Mr Speaker, the honourable member for Albert Park brought down a second copy. The Leader of the Opposition does have a copy. If this is the most serious debate ever, the honourable gentleman would obviously want members of the House to be informed and to be able to follow the documentation that he says he has. Either the Leader of the Opposition has absolutely no concern about the documentation, in which case he will make it available so that the House can have a proper debate, or he is concerned about it and will not table
The House is debating the issue now, and I ask the Leader of the Opposition to make the document available.

Mr ROPER (Coburg) — On the point of order, Mr Speaker, the Leader of the Opposition has made it clear that he intends to make a copy available in accordance with the normal practice of this place. He is currently quoting from the document, obviously he cannot quote from the document while someone takes it to get copies. He will make it available for members of the House as soon as he is finished with it and the officers of the Chamber can take copies and distribute them to interested honourable members. I put it to you, Sir, that the Leader of the Opposition is following the normal practice and should be permitted to do so.

Mr GUDE (Minister for Industry and Employment) — On the point of order, Mr Speaker, I ask you to cast your mind back to Friday of last week when during the adjournment debate a member of the opposition was in fact reading her speech. On that occasion I direct the attention of the House to that and asked that the document from which she was reading be made available, as is the normal practice. That document was made available forthwith consistent with the normal practice. It was then photocopied and given to me. That was your approach, Sir, on Friday of last week and it has been the consistent approach in this House since I came here in 1976.

I ask you, Mr Speaker, to rule in line with that. To do otherwise in a matter that is claimed to be so important — I am not sure that it is all that important as we have heard nothing so far — at the very least the opposition should want the document to be copied and distributed to honourable members so that the debate can continue in a proper, orderly and sensible fashion.

Ms MARPLE (Altona) — On the point of order, Mr Speaker, I was that member to whom the Minister for Industry and Employment referred, and it was after I finished my speech and while the Ministers were responding to matters raised that the document from which I had been reading was copied. It was after I finished my speech.

Mr STOCKDALE (Treasurer) — On the point of order, Mr Speaker, one could excuse the Leader of the Opposition for his lack of experience.

Honourable members interjecting.

The SPEAKER — Order! I have already indicated several times to the Leader of the Opposition that he may not interject in the way he is doing. I have already informed the House that I will take action against those persons who ignore my warnings. I will not warn the Leader of the Opposition any more. He will remain silent while I deal with this point of order.

Mr STOCKDALE — One might excuse the Leader of the Opposition for his lack of experience, but I put it to you, Sir, that the Premier and members on this side of the House should not be disadvantaged by the consequences of that, and this matter is clearly not going to end with the document. The House is presumably about to adjourn for lunch within the next 5 minutes. I suggest that you, Mr Speaker, ask the Leader of the Opposition to ensure that at the resumption of the debate after the luncheon break he is in a position to ensure that the documents to which he proposes to refer are available to both sides of the House. It is clearly the case that various members of the opposition have access to documents that the government does not. This is held out to be an important debate and it is important that both sides are in an equal position and have the same rights.

The SPEAKER — Order! I understand the previous rulings of the House, but given the seriousness of the motion and on the basis of equity, I believe the members of the government should have copies of the document in question. In order to resolve the matter, I will resume the chair at 2 p.m.

Mr KENNETT (Premier) — On a point of order, Mr Speaker, the government has made a request in line with practice that it be given a copy of the document. When you resume the chair at 2 p.m. the House will immediately begin question time. In line with normal procedures, the government would have sought leave to proceed with this debate after question time, but if you, Sir, leave the chair now and the House takes questions without notice after the lunch break, Sessional Orders will prevent this debate from continuing. If it is your intention to leave the chair, Sir, I ask that you allow the government to seek leave for this debate to be resumed at the end of question time and to continue until 5 o'clock this afternoon.

The SPEAKER — Order! Is the Premier moving the motion now?

Mr KENNETT — I am requesting that the opposition grant leave for this debate to continue at
the end of question time until 5 o'clock this afternoon so that the matter can be resolved.

The SPEAKER — Order! Is leave granted?

Mr BRUMBY (Leader of the Opposition) — Leave is granted.

The SPEAKER — Order! Leave is granted; therefore, the House has resolved that the debate will continue after question time.

Sitting suspended 1 p.m. until 2.5 p.m.

The SPEAKER — Order! Before the luncheon adjournment it was agreed by leave that the debate on the motion moved by the Leader of the Opposition would continue until 5 p.m. this day. However, the House has not resolved by way of a motion to agree to the proposition. I call on the Leader of the House to formalise the situation.

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

That Sessional Orders be suspended to allow the motion moved by the Leader of the Opposition to take precedence over all other business after question time until 5 p.m. this day at which time the question shall be put.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, the agreement was that the debate would continue until 5 p.m. and there was no suggestion that a time limit would be placed on the debate.

Honourable members interjecting.

The SPEAKER — Order! The Chair cannot resolve the point of order when there is a barrage of interjections.

Mr ROPER — The opposition was asked to give leave, which we believe is the appropriate thing to do, for the matter to proceed after question time because of its importance. The government should not place a gag on the debate. We have no difficulty in resuming debate on government business and arranging to postpone the debate, if time for debate is still required, until some other time. I understand that the government might wish to return to government business at 5 p.m., but both opposition and government members may wish to speak. I believe it was agreed before the luncheon adjournment but not put at the time because of some confusion.

Mr KENNETT (Premier) — On the point of order, Mr Speaker, I suggest this is an incredible situation. The opposition has moved the motion, which it considers to be serious, and the government has moved to accommodate that motion and provide time for lead speakers and perhaps a couple of other speakers to debate the matter before 5 p.m. so it can be resolved. The government has offered to allow the matter to be debated. Now the opposition has to decide whether it will grant leave, and it is important for the Leader of the Opposition to say whether leave is granted. The government has offered to make time available so the opposition's arguments and the government's response may be heard. It will not be any action of the government's that prevents the matter from being debated. The Leader of the Opposition has to decide whether he is going to lead now and let it happen or squib it.

Mr Sercombe interjected.

Mr KENNETT — The government is setting aside Standing Orders to provide time for the matter to come on as soon as possible after question time. There is only one question: is the opposition going to grant leave for the debate to continue or deny Parliament the opportunity to resolve the issue by 5 p.m.?

Mr BRUMBY (Leader of the Opposition) — On the point of order, Mr Speaker, the issue is whether the debate should be gagged. In light of your earlier ruling that documents ought to be copied and made available, I am sure you, Sir, would agree that this is an extraordinarily important issue which goes to the heart of good government.

It is impertinent to suggest that debate should be guillotined for just 2 hours. Debate on this matter ought to occur today and next week. You have guillotined the Parliament.

The SPEAKER — Order!

Mr BRUMBY — As you know, Mr Speaker, until the government became aware that the opposition intended to move its motion, the government intended that the Parliament would sit next week. That is the fact of the matter.

The SPEAKER — Order! I have heard sufficient on the point of order. Although I rely on my memory, I am confident that when leave about the
time for this matter was discussed, 5 p.m. this day was mentioned. I am sure Hansard will prove me to be right. The question is whether leave is granted for the motion.

Mr ROPER (Coburg) — Leave is granted for the motion and, in accordance with the opposition's understanding of what was discussed before lunch, I move:

That all words and expressions after "question time" be omitted from the motion.

That will allow the debate to proceed as long as it is required to proceed. This will clarify what the opposition thought had been decided because things were done in such a rush that the opposition had assumed that what had been agreed to was that the House would proceed with the Leader of the Opposition’s motion until government business was called and then the debate on the motion would be completed at another time. I hope the government will agree to the amendment and that an appropriate time to complete the debate can be worked out.

The SPEAKER — Order! The Leader of the House has moved a motion, from which the honourable member for Coburg has moved that certain words and expressions be deleted.

Mr Roper's amendment negatived.

Mr Gude’s motion agreed to.

Mr KENNETT (Premier) — On a point of order, Mr Speaker, before lunch I raised a point of order about the Leader of the Opposition making available to the House a copy of a legal opinion that he was referring to so that honourable members could be assisted in dealing with the issue. I understand he has met with you, Mr Speaker, and has decided that he does not want to release it until after he has completed his contribution, yet that document has already been released to the press. Obviously it is good enough for the Leader of the Opposition to release that document to the press, but as yet honourable members do not have copies of it.

I consider what the Leader of the Opposition has done to be in contempt of the Parliament. I ask you, Mr Speaker, to ask the Leader of the Opposition to make that document immediately available to the Parliament. The Parliament may have to consider the contempt of Parliament aspect at a later stage.

Mr BRUMBY (Leader of the Opposition) — On the point of order, Mr Speaker, there is no contempt of Parliament. The opinion was made available to the Clerks at 1.45 p.m. before I appeared at a press conference and released the document. There is no contempt, as the document has been provided to the Clerks.

Mr KENNETT (Premier) — On the point of order, Mr Speaker, my understanding is that it was made available with an embargo placed on it. It is wrong to blame the Clerks.

The SPEAKER — Order! I am prepared to rule on the point of order. The Leader of the Opposition had not begun to quote from the document.

Mr Kennett — He had.

The SPEAKER — Order! He mentioned the document but did not start to quote from it. During lunch I made arrangements for sufficient copies to be in the hands of all honourable members by the time debate continues.

Debate interrupted.

PHOTOGRAPHING OF PROCEEDINGS

The SPEAKER — Order! I advise the House that I have approved a request for still photographs to be taken during question time. No additional lights or flashlights will be used.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the House that the Minister for Energy and Minerals has been delayed and will be late for question time.

QUESTIONS WITHOUT NOTICE

SAFER CHEMICAL STORAGE TASKFORCE

Mr BRUMBY (Leader of the Opposition) — Will the Minister for Industry Services advise the House whether the Cabinet submission proposed by the Safer Chemical Storage Taskforce on the proposed facilities at west Point Wilson will be considered by the government and a decision made to proceed with the relocation of Coode Island before the completion of the 1993 calendar year?
Mr PESCOTT (Minister for Industry Services) —
The government will not be bulldozed by the opposition to set down dates on which to proceed with this issue. The amount of misinformation that comes from the other side is unbelievable! Yesterday the honourable member for Springvale said that the government had approved $3.5 million worth of consultancies. Not only is the figure half that amount, but more than 90 per cent of the amount of money involved in the consultancies was actually in the pipeline before the coalition came to government.

TAXI INDUSTRY

Mrs McGILL (Oakleigh) — Will the Premier inform the House of his meeting this morning with taxidrivers at Tullamarine Airport? What discussions and options will the government be considering to develop an international standard taxi industry for Victoria?

Mr KENNETT (Premier) — This morning with Mr Baxter, the Minister for Roads and Ports, and Mr Craige from another place I had the pleasure of witnessing the work of the taxi industry in Victoria and speaking with drivers in the industry. Perhaps there is no better place to do that than Tullamarine Airport, which is the gateway to the State. This morning well over 400 taxis and drivers were waiting on the visitors and businessmen coming to Victoria.

All of us, including the media, were very impressed with the efficient way in which the taxi industry and the Federal Airports Corporation provide a prompt service to those who rely on this vital form of public transport at Tullamarine.

I have always had the view, and it is shared by most honourable members on this side at least, that the first impression of a State or country is absolutely vital. Often taxidrivers are the first people that tourists and visitors to Melbourne meet.

They are important ambassadors to both Melbourne and Victoria. It is essential to the tourism industry and the commercial sector that Victoria has a professional and world-class taxi industry.

The government has met with management representatives of the taxi industry and taxidrivers and is encouraging them to participate in a review of their operations. The government wants the industry to further improve its standards as we head towards the 21st century so that Melbourne’s taxis are without a doubt the most professional in Australia.

We will consider a review of the knowledge of taxidrivers both in terms of the locality of Melbourne and their ability to speak English. Although we welcome second, third, fourth and fifth languages, drivers must have a strong understanding of English in order to converse with passengers. The government will consider the introduction of security provisions both within and outside cabs, depots and taxi zones. We are considering the introduction on an industry agreement basis of uniforms for taxidrivers so that passengers in particular will have more confidence in the system. I am sad to say that the uniform livery will not be pink because most people in the taxi industry do not believe that is an appropriate colour. We are working towards establishing a colour scheme that will be easily identifiable to our own community and, more importantly, to the international community.

Following today’s visit the government will consider the problems confronting those travelling from Melbourne Airport to the north of Melbourne via the Tullamarine Freeway to the city. There is no doubt that particularly in peak hours the freeway is crowded and experiences substantial delays.

The former government introduced a lane on the Eastern Freeway dedicated to public transport, whether it be buses or taxis. Therefore the opposition should not oppose the introduction of a lane dedicated to public transport on the Tullamarine Freeway. It makes a lot of sense. There is nothing worse than flying from Sydney or some other city to Melbourne, getting into any form of public transport and being delayed in traffic for 30 or 45 minutes on the Tullamarine Freeway. The government is considering the provision of another dedicated lane and that work will be ongoing between the Minister for Roads and Ports, the Honourable Bill Baxter, Mr Geoff Craige and me. I trust that ultimately the industry will play an ongoing and professional role in operating an efficient service for the people of this State.

The taxi industry has expressed concern about the Industry Commission report, which recommended the deregulation of taxis in this State, and I believe, this nation. The difficulty is that most taxis are small businesses. Many are driven and owned by people of ethnic origin. They work very hard and their taxi plates are worth about $145 000. Since the release of the Industry Commission report the value of those plates has dropped by about $20 000. This morning I told taxidrivers that despite the Industry Commission report the government has no intention...
of deregulating taxis given that the industry, the
government and the community can work together
to put those changes into place.

There is an enormous amount of goodwill within the
taxi industry for the introduction of those changes. It
is not right that governments should just come along
and take away taxidrivers' livelihoods or assets. I
advised taxidrivers that the changes will be
introduced. The people of Victoria will then have a
taxi service of which they can all be proud as we
head towards the 21st century.

SAFER CHEMICAL STORAGE
TASKFORCE

Mr MICALLEF (Springvale) — I refer the
Minister for Industry Services to his comments in
the House yesterday when he said the Oxley report
on the Safer Chemical Storage Taskforce was not
secret and ask: in light of the spirit that is now
prevailing and the fact that copies of the report have
been leaked to the media, will the Minister table the
report in the House in this sessional period?

An Honourable Member — The answer is simple.

Mr PESCOTT (Minister for Industry Services) —
It is simple and I hope the honourable member for
Springvale understands it. It has been no secret that
there has been a report by the Oxley Wertheimer
group, management consultants, and I am unaware
of any copies of it being with the media.

APPOINTMENT OF CHIEF
MAGISTRATE

Mr TRAYNOR (Ballarat East) — Will the
Attorney-General advise the House of the
appointment of a new Chief Magistrate for Victoria?

Mrs WADE (Attorney-General) — The need to
appoint a new Chief Magistrate has arisen because
the former Chief Magistrate, Sally Brown, has been
appointed to the Family Court. I pay tribute to the
excellent work that Sally Brown did in her capacity
as Chief Magistrate. Over the past 14 months that I
have dealt with her in that capacity, she has acted in
the most professional manner. She has given me
some excellent advice on a number of difficult
issues, including matters facing the Children's
Court. I am sure that honourable members would
join with me in congratulating her on her new
appointment and would wish her well in the future.

Honourable Members — Hear, hear!

Mrs WADE — Recently, the government sent
Sally Brown to Canada and the United States of
America to examine issues relating to gender bias.
She advised me that her expertise on that subject
and on any other subjects of interest to the
government are still available to the government,
and I thank her for that.

Last week the honourable members for
Williamstown and Melbourne gave me some advice
about the appointment of a new Chief Magistrate.
The honourable member for Williamstown said it
was vital that the government appoint a woman. She
is reported in the Herald Sun of 20 November as
having said:

The new Chief Magistrate simply must be a woman ...

If they don't appoint a woman, they should have a very
good look at themselves.

She was supported in those comments by the
shadow Attorney-General, the honourable member
for Melbourne.

I take this opportunity of saying again to the House
that the government will continue to appoint the
best people to public office. Women do not want
particular jobs set aside for them, nor do they want
to have it said that they have been appointed to
positions purely because they are women. It does no
credit to the honourable member for Williamstown
to make such comments. When the former Labor
government left office not one woman was sitting on
the Supreme or county court benches. It has been
proven that women were available for appointment
to those positions at that time.

In contrast, the coalition government is committed
to opening up the judiciary to suitably qualified
people, men and women of all backgrounds.
Increasing diversity among the judiciary does not
just mean appointing women to the positions. The
government believes the talents of a number of
groups in the community have been under-utilised
in the past.

I am pleased to advise the House that Mr Nicholas
Papas, formerly a Prosecutor for the Queen, has
been appointed Chief Magistrate. He was appointed
on merit because he was the best person for the job.
Honourable members may be interested to learn that
to the best of my knowledge his is the first judicial
appointment in Victoria of a person with a Greek
background. Mr Papas was born in Australia to
Greek migrant parents. I am sure he will bring a
useful perspective to the work of the Magistrates Court.

**SAFER CHEMICAL STORAGE TASKFORCE**

Mr MICALLEF (Springvale) — Will the Minister for Industry Services make the Oxley report available to the House?

Mr PESCOTT (Minister for Industry Services) — As I said in answer to the previous question, the answer is simple, although I wondered whether the honourable member for Springvale would understand it. I repeat: it was well known that the Oxley-Wertheimer report was being produced and it is now being considered by my department — and that is it.

**ACCREDITATION OF CHILD-CARE CENTRES**

Mr McLELLAN (Frankston East) — I ask the Minister for Community Services whether he will inform the House of the impact of accreditation of Victorian child-care centres.

Mr JOHN (Minister for Community Services) — I thank the honourable member for Frankston East for his question. He has always had an interest in the provision of affordable child care in this State.

During the 1993 Federal election, the Federal Labor Party said it would introduce an accreditation system under which child-care centres across the country would be required to comply with certain standards to be eligible for Commonwealth funding and fee relief. I shall examine some of those Labor proposals, which are supposedly designed to ensure that child-care centres become centres of quality. Principle No. 21 of the Commonwealth government's proposed accreditation system says:

> The constant repetition of Christmas carols is now deemed to be unsatisfactory for preschoolers.

That is unbelievable! Labor says the constant repetition of Christmas carols by preschoolers is now deemed to be unsatisfactory.

*Honourable members interjecting.*

Mr JOHN — As I said, principle No. 21 of Labor's proposed accreditation system says:

> The constant repetition of Christmas carols is now deemed to be unsatisfactory for preschoolers.

> Boys should no longer be able to play with trucks.

> *Honourable members interjecting.*

> Mr JOHN — What do you think?

> *A Government Member — No trucks for boys!*

> Mr JOHN — We will have no truck with that.

> *Honourable members interjecting.*

> Mr JOHN — According to Labor, young girls should no longer be allowed to play with dolls. Why?

> *Honourable members interjecting.*

> Mr JOHN — The answer is that Labor says they are stereotypic.

> *Honourable members interjecting.*

> Mr JOHN — Do you agree with it or not? According to Labor's accreditation system, children should not use colouring books. They should not use crayons — —

> *Honourable members interjecting.*

> Mr JOHN — No trucks for boys, no dolls for girls and no crayons or colouring books because they are — —

> *Honourable members interjecting.*

> The SPEAKER — Order! I will hear the honourable member for Coburg on a point of order when the House comes to order.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, I have been watching the Minister very closely and he is clearly reading from a prepared document, which is not in the form of handwritten notes. Given what happened the other night to the honourable member for Altona, I ask you to ask him to make available the material from which he is quoting.

*Honourable members interjecting.*

The SPEAKER — Order! The Minister has been asked to make the notes available.
Mr JOHN (Minister for Community Services) — On the point of order, Mr Speaker, I have notes to which I am referring, but I am not prepared to table them.

An Opposition Member — Table them!

The SPEAKER — Order! As the House well knows, the point of order that was raised the other night concerned the reading of a speech. The Minister is saying he has some notes, to which he is referring; but he is not reading his answer. There is no point of order.

Mr JOHN — Under the Labor proposals, child-care workers are not supposed to use the words “no” or “naughty” when talking to children. The proposals are not about quality child-care; these are about Labor ideology and Labor’s social engineering. The principles have been tried in pilot programs in all States of the Commonwealth, and they have been found to be very expensive to implement. Labor hired some Melbourne accountants called Pitcher Partners to do the pilot programs.

Honourable members interjecting.

Mr JOHN — The consultants found that — —

Honourable members interjecting.

The SPEAKER — Order! It is impossible for the Chair to hear and from time to time adjudicate on answers given by Ministers when the level of interjections is as high as it is. The House will listen in silence while the Minister concludes his answer.

Mr JOHN — Labor’s consultants found it cost $3775 extra over seven weeks. On average that means an extra $9 a week for each child. If the accreditation system is accepted across Australia, parents will have to find another $9 for each child each week. Child-care centres that do not comply with the standards will lose their operating subsidies and the parents will lose their fee relief. It is a great shame. I do not know what it says about our generation.

Mr DOLLIS (Richmond) — On a point of order, Mr Speaker, the Minister has been reading from a document for more than 6 minutes. It is obviously a typed document. The Minister has described the document as containing his own notes. I doubt very much whether they are his own notes. I ask — —

The SPEAKER — Order! What is the point of order?

Mr DOLLIS — I ask the Minister to table the document, given that he is reading a prepared speech.

The SPEAKER — Order! I understand the Minister has told the House that he is prepared to table the notes; is that correct? If he has not, I ask him to do so now.

Mr JOHN (Minister for Community Services) — No, Mr Speaker. Under the Standing Orders I am entitled to use notes. You have been in a good position to see whether I have been reading from them.

The SPEAKER — Order! The Chair was under the impression that when the earlier point of order was raised the Minister had agreed to make them available.

Mr JOHN — No, Mr Speaker.

The SPEAKER — Order! Obviously I was wrong.

Honourable members interjecting.

An Honourable Member — Table them!

Mr JOHN — If you do not want — —

Mr BAKER (Sunshine) — On the point of order, Mr Speaker, there is some concern that the Minister has misled you and that he is reading from a document. I ask you to have the Minister hand it up so that you may inspect it.

The SPEAKER — Order! A request has been made for the Minister to make the notes available. I ask him to do so.

Mr JOHN (Minister for Community Services) — I accept your ruling, Mr Speaker. However, if one does not want one’s child to sing Christmas carols in a child-care centre, one’s son to play with trucks, one’s daughter to play with dolls, or to pay another $9 a week, support Labor’s proposal.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister whether the documents he handed across the table are the documents relating to the question.
Mr JOHN — Absolutely. The documents I have handed across relate to the question I have just answered.

The SPEAKER — Order! I accept the Minister's answer.

VICTORIAN HEALTH SERVICES COMMISSIONER

Mr TURNER (Bendigo West) — I direct a question to the Minister for Health.

Ms Marple interjected.

The SPEAKER — Order! I looked to each side of the Chamber. The only person I saw standing was the member I called.

Mr TURNER — Given that the position of Victorian Health Services Commissioner has been vacant since the resignation of Dr Ian Siggins almost 18 months ago, will the Minister inform the House of the government's policy on the position?

Mrs TEHAN (Minister for Health) — I thank the honourable member for his interest in the position of Victorian Health Services Commissioner. The previous government rightly appointed a Victorian Health Services Commissioner in 1988. The strength of that appointment was in the person who held the position: Dr Ian Siggins was widely respected by honourable members from both Houses and by health consumers. However, in March 1992 Dr Siggins accepted an appointment as Queensland's health services commissioner. The government has worked hard to find an appointee who would generate the confidence and support that Dr Siggins enjoyed. I am pleased to announce that the government has found an outstanding woman to fill the position of Victorian Health Services Commissioner in the State. Ms Liza Newby will take up her position as Health Services Commissioner on 10 January next year. Ms Newby is currently a lecturer in law at the University of Newcastle. Before she headed the legal services division of the Western Australian health department. As well as having an excellent legal background, Ms Newby has widespread experience in health services and women's and community issues. She will fill the position of Health Services Commissioner well; the confidence that position engendered by Ian Siggins will continue.

For the past 18 months during a difficult time of transition, Mrs Vivienne McCutcheon performed an excellent job in an acting capacity. She maintained the confidence of consumers, producers, government and opposition in the role of the Health Services Commissioner. I am delighted that Ms Newby will be assuming the position of Health Services Commissioner on 10 January next year, and that that position will continue to enjoy a high standing.

Ms Newby — Me!

The SPEAKER — Order! I hope, by her actions, the honourable member for Altona is not reflecting on the judgment of the Chair.

WATER-EFFICIENT TOILETS

Ms MARPLE (Altona) — I refer the Minister for Natural Resources to an offer made by Melbourne Water to customers and municipalities in Camberwell, Essendon and Waverley to upgrade their toilets to more water-efficient models. I refer the Minister to his letter of 19 November to the honourable member for Coburg and various other members of the House, in which he states that customers in those suburbs have been chosen — —

The SPEAKER — Order! The honourable member must come to the point of her question.

Ms MARPLE — I will, Mr Speaker.

Mr COLEMAN (Minister for Natural Resources) — On a point of order, Mr Speaker, I am in no way criticising your action, but I am having trouble hearing the honourable member. She may care to rephrase the question.

The SPEAKER — Order! Will the honourable member recommence her question? She may use sufficient facts to make the question intelligible.

Ms MARPLE (Altona) — I refer the Minister to Melbourne Water's offer to customers in the municipalities of Camberwell, Essendon and Waverley to upgrade their toilets to more water-efficient models. I refer the Minister to his letter of 19 November, in which he states that customers in those suburbs were chosen because they have high disposable incomes. Will this service be available to other Melbourne Water customers or is this another government policy that discriminates against low-income families?
The SPEAKER — Order! The latter part of the question, which offers an opinion, is out of order.

Mr Coleman (Minister for Natural Resources) — The honourable member for Altona refers to an offer made by Melbourne Water for the replacement of cisterns. Melbourne Water recognised that in the three municipalities mentioned, broadly, cisterns are in need of replacement. In accordance with a draft agreement and in association with the supply company, which has agreed to sponsor the initiative, Melbourne Water will auspice replacement assistance in those three municipalities.

As the honourable member pointed out, the municipalities were selected on the basis that it was likely that the replacement offer would be taken up. That process is well understood by the honourable member and by consumers in those three municipalities. The introduction of water-efficient appliances will assist water conservation. To that extent, it fully meets the initiatives of both this government and the previous government.

The SPEAKER — Order! The time for questions without notice has expired. Before calling the Leader of the Opposition to continue his speech, I ask that the documents discussed earlier be distributed to the House.

PREMIER’S PRIVATE INTERESTS

Debate resumed.

Mr Kennett (Premier) — On a point of order, Mr Speaker, and by way of clarification, I thank the Leader of the Opposition for this document. We all know who Ron Castan is. I ask the Leader of the Opposition whether Mark Oreyfus is the same person who was on Mr Kennan’s political staff and who has represented the honourable member for Albert Park at Administrative Appeals Tribunal hearings?

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

Mr Brumby (Leader of the Opposition) — There are two vital issues at stake in this debate. The first is the conflict between public office and private interest, which seems to be of little concern to government members opposite. The second is the honesty of the Premier.

The Members of Parliament (Register of Interests) Act 1978 is there for good reason — to guard against the misuse of government and Parliamentary resources and to draw an essential line between public office and private gain. The principle underlying the Act is that, in their deliberations on behalf of the Victorian public, members of Parliament should neither use Parliamentary or government resources nor gain from government decisions. That vital principle should always be upheld. It is an essential element of open, honest and accountable government, something that I should have thought is vital to the way we run our democratic institutions.

It is extremely disturbing that the Premier of our State does not seem able to make a distinction between public office and private gain. Worse still, the Treasurer describes the breaches of public office as trivial. I assure the Premier and members of the government that the public of Victoria does not regard those matters as trivial. They go to the heart of good government because they concern the difference between acceptable and unacceptable behaviour by elected Ministers of the Crown. They are about standards in government, and Jeff’s jury opposite — —

The SPEAKER — Order! I have already warned the Leader of the Opposition that he may not use derogatory terms in describing other members of this House. I will not warn him again. I suggest he withdraw.

Mr Brumby — With pleasure, I withdraw. As I have said, the issues raised today by the opposition are fundamental to good government. If they are glossed over by members opposite, and if at the conclusion of the debate there is a vote along party lines — which I suspect will happen because not one government member has the courage to stand up for what is right, decent and honest — the government will be saying that the Premier’s appearance in paid advertisements endorsing a specific company is acceptable behaviour.

Further, the government will be saying that it is acceptable for the Premier to appear in advertisements placed by his advertising company.

PREMIER’S PRIVATE INTERESTS

Debate resumed.
Despite the point of order raised by the Premier, the advertisement we are debating today is one of many that clearly show by which company they have been placed. It did not suddenly appear in the newspaper by itself; it was placed in the newspaper by KNF Advertising, the trading name of the company of which the Premier was previously the major owner.

The advertisement was placed by KNF Advertising and JGK Nominees Pty Ltd, the company which owns KNF Advertising. If members of the government vote along party lines they will be saying the Premier’s behaviour is acceptable. We should get this straight once and for all. I see the Deputy Premier shaking his head. You will be saying that it is acceptable behaviour because you also have problems with public office and private gain!

The SPEAKER — Order! Through the Chair.

Mr Sereombe interjected.

Mr KENNETT (Premier) — The Deputy Leader of the Opposition made a totally unparliamentary remark about the National Party and the Leader of the National Party. I ask him to withdraw.

Mr SERCOMBE (Niddrie) — In the interests of the debate, I withdraw.

Mr SERCOMBE (Niddrie) — In the interests of the debate, I withdraw.

The SPEAKER — Order! The Deputy Leader of the Opposition knows full well that when a request is made for a remark to be withdrawn it is to be done in an unqualified way.

Mr SERCOMBE — In deference to the Chair, I withdraw.

Mr BRUMBY (Leader of the Opposition) — I do not think Victorians want a Parliament that says it is acceptable for the Premier of the day to appear in paid advertisements that endorse a particular company. The fundamental issue is whether it is acceptable and proper for a government office holder to appear in paid advertisements endorsing a company or product.

What makes this case worse is that the advertisement at issue was placed by the Premier’s own advertising company. So there has not been just one breach of the Members of Parliament (Register of Interests) Act. There have been a number — and that is the issue. The opposition is not prepared to allow fundamental, democratic principles to be breached. We are prepared to debate the matter for as long as it takes, even to the extent of bringing Parliament back next week.

Mr McNamara interjected.

Mr BRUMBY — You are like a parrot, you keep repeating yourself. Like a parrot, like a parrot!

Honourable members interjecting.

The SPEAKER — Order! Members on both sides of the House are not assisting the Chair. I ask the Deputy Premier to remain silent.

Mr BRUMBY — The opposition is not prepared to stand by and allow important, democratic principles to be breached. We are not prepared to stand and watch as this government creates conditions similar to those that led to the misuse and abuse of power in Queensland under Sir Joh Bjelke-Petersen.

If government members do not take seriously their responsibilities in relation to the debate, at 5 p.m. they will be voting to endorse the position taken by the Premier, which will lead to the sort of corruption that occurred in Queensland under Sir Joh Bjelke-Petersen.

The Premier can laugh. All we have seen through the debate and on every issue the opposition has raised during question time has been the Premier responding with personal abuse and invective. No
material has been made available by the government or the Premier. The answers the Premier has given to questions have, almost without exception, been dishonest, haven't they?

Mr KENNEDT (Premier) — I ask the Leader of the Opposition to withdraw that allegation.

The SPEAKER — Order! Reflections on other members using words of that nature are disorderly. I ask the Leader of the Opposition to withdraw.

Mr BRUMBY (Leader of the Opposition) — On the point of order — —

An Honourable Member — Just withdraw!

The SPEAKER — Order! There is no point of order. The Leader of the Opposition should withdraw.

Mr BRUMBY — Am I entitled to make a point of order?

The SPEAKER — Order! Under Standing Orders it is clear that if a member is offended by a word used by another member during debate, if that word is unparliamentary or impugns or reflects on the character of the member and the other member is asked to withdraw it, he must do so. I ask the Leader of the Opposition to withdraw.

Mr BRUMBY — I withdraw. When the opposition has asked questions about the Premier’s use of government facilities and government cars, the Premier has responded by using disgusting language in this House.

Mr KENNEDT (Premier) — I find those words to be offensive and I ask the honourable member to withdraw.

The SPEAKER — Order! The Premier finds the words used by the Leader of the Opposition to be unacceptable and he asks him to withdraw.

Mr BRUMBY (Leader of the Opposition) — I withdraw. This is the Premier’s secret strategy. On every point that is made in the debate — you can give it but you can’t take it, can you? You just can’t take it!

The SPEAKER — Order! The Leader of the Opposition will address the Chair.

Mr McNamara interjected.

Mr BRUMBY — Get on the largactil. Calm yourself down.

The SPEAKER — Order! There is an alternative drug I could think of. The Leader of the Opposition is to be heard in silence.

Mr BRUMBY — Based on the legal opinion we have made available to Parliament today it is clear that the Premier has wilfully breached an Act of Parliament. This is a serious matter indeed. The Premier now has a choice. He can allow government members to vote freely and properly on this issue — which they will not do — at 5 p.m., or he can stand aside and allow a full independent judicial inquiry, which is the proper course of action. If the Premier believes the breaching of yet another Act of Parliament is the end of the matter, he is sadly mistaken because there are more fundamental matters to follow from this that go to the Constitution of Victoria, particularly section 55. This is not the end of the matter. It is one part of a much broader mosaic, which goes to the integrity of the Premier of Victoria.

Every time we have raised this issue in Parliament the Premier’s only defence and response has been personal invective. On issues I have raised concerning the use of government cars the Premier responded with personal abuse and invective, but subsequently the matter became clear. It did not become clear on 3AW on 29 October on the Neil Mitchell program when the Premier was asked by Neil Mitchell:

Before we get into that area of it, though, have you ever used government cars for private business?

Mr Kennett: No.

Within a couple of days the directors of Ultrafine were prepared to say publicly that the Premier of Victoria had used government cars and government resources. Board meetings were held in your office. You used phones. The fax and other facilities were available to you as an office-holder of Victoria. How honest was the Premier’s answer in Parliament? Was it a little bit honest, maybe honest or totally dishonest? In fact it was totally dishonest.

Mr McARTHUR (Monbulk) — On a point of order, the Leader of the Opposition relies on a claim that we should discuss this issue as a matter of urgency because the Premier has breached sections 3(1)(a)(ii) and 3(1)(e) of the Members of Parliament (Register of Interests) Act. Those sections deal with a
member bringing Parliament into discredit and having a conflict between public duties and private interests.

Standing Order No. 26(c), which deals with such adjournment motions, says that members shall strictly confine their contributions to the matter before the House. The Leader of the Opposition is discussing the 3AW interview, which has nothing to do with the motion before the House and which is well outside the terms of the debate. In the interest of having the debate proceed within the time set aside for it, it would be better for the purposes of the debate, the general community and the business of the House if the Leader of the Opposition were brought back to the motion before the Chair.

The SPEAKER — Order! The honourable member for Monbulk is somewhat confused in his interpretation of Standing Orders. I do not uphold the point of order. The Leader of the Opposition is within the terms of the motion he moved.

Mr BRUMBY (Leader of the Opposition) — The fundamental issue remains: the honesty of the Premier and whether he crossed the line between public office and private interest. On Tuesday, 26 October, in response to a question I asked during question time, the Premier replied about his responsibilities in KNF Advertising in the following way:

From the time that I was appointed, though not sworn in, to my Ministerial responsibilities, my time was taken up with managing the responsibilities I had ... that once appointed to Cabinet in 1980 my time was fully occupied with the affairs of State. There was a short period when I had a couple of years off ... and during that period there is no doubt I spent some time at KNF Advertising ... I did not involve myself in any major way in the running of the agency but simply from time to time occupied an office that I went into.

That statement is culpably false. It is another part of the farrago of misrepresentation presented by the Premier to Parliament. The fundamental issue is the honesty and integrity of the Premier. In the October Hansard report I have just quoted the Premier said he was not involved in the business of KNF Advertising. We have been shown during this debate and on previous occasions that the Premier appeared in paid advertisements endorsing a company, and that advertisement was placed by the Premier’s own company. The Premier signed company returns. Not only was it the usual invective and abusive, he was also wrong. How many people does it take to sign a company return?

Mr Sercombe — Two?

Honourable members interjecting.

The SPEAKER — Order! I cannot ask honourable members to withdraw. The Leader of the Opposition will continue without assistance.

Mr BRUMBY — The Premier of Victoria has appeared in paid advertisements endorsing a company and has signed returns on behalf of JGK Nominees Pty Ltd in total contradiction of what he told Parliament in October. The Premier of Victoria appears in the latest editions of Ad News Handbook and B & T Yearbook, journals of the advertising industry, as the director of companies in which he has said he has had no involvement since 1980. The Premier, who has said he has had no involvement with KNF Advertising, has signed affidavits lodged with the Supreme Court that refer to the fact that when the Premier was Leader of the Opposition he was in the office at 9 o’clock in the morning and used regularly to watch the business of the managing director of the business. That is what the affidavits say! So, you either misled the Parliament yet again or perjured yourself in the Supreme Court.

The SPEAKER — Order! The Premier finds the word used by the Leader of the Opposition offensive. I ask the Leader of the Opposition to withdraw.

Mr BRUMBY (Leader of the Opposition) — What I said was that the Premier either misled the Parliament or perjured himself.

Mr KENNETT (Premier) — I ask you to withdraw the word “perjured”.

The SPEAKER — Order! The Premier finds the word used by the Leader of the Opposition offensive. I ask the Leader of the Opposition to withdraw.

Mr BRUMBY (Leader of the Opposition) — What I said was that the Premier either misled the Parliament or perjured himself.

Mr Kennett — That is right! I asked him to withdraw.

Mr BRUMBY — Well, one of them is right.

The SPEAKER — Order! The problem the Chair has is balancing what is being said against the
substantive motion, but there are some words that reflect upon the personal integrity of members. The Premier has found such a word offensive and I ask the Leader of the Opposition to withdraw that word.

Mr SERCOMBE (Niddrie) — On a point of order, Mr Speaker, under Standing Orders members have an opportunity of asking for words that are directed at them to be withdrawn if they find them offensive. The word in question was not directed at the Premier; it was used rhetorically as one of several options for the House to consider. If you, Sir, were to regard words that were used but not directed at the Premier as being words which he could insist should be withdrawn, you would be effectively preventing the debate occurring in the House.

The SPEAKER — Order! The Chair has to use its judgment in cases such as this. In the interests of the debate and the smooth running of the House I ask the Leader of the Opposition to withdraw the remark.

Mr BRUMBY (Leader of the Opposition) — I withdraw. The fact is that right through that period of the 1980s, during which time, he has said in Parliament, he had no involvement in the business of KNF Advertising, the Premier appeared in advertisements, signed company returns and is listed in advertising journals as a director. He also signed affidavits lodged with the Supreme Court.

If the Premier is so clean, so honest and so above reproach in all of these matters why will he not ring the Age today — you find that offensive? — and authorise that newspaper to release its confirmation booking sheets? Because they will show that during the 1980s when you said you had no involvement with KNF Advertising you were — —

The SPEAKER — Order! The Leader of the Opposition must address the Chair.

Mr BRUMBY — The Premier was approving advertising material for KNF Advertising. And, if that is not so, authorise the release of the signatures to prove so. Because, the fact of the matter is that you approved those ads, didn't you, Premier? You approved those ads!

The SPEAKER — Order! The honourable member will address the Chair.

Mr BRUMBY — We also have the Ultrafine Ltd revelations where, despite what the Premier said in this House about never using government resources ever, the directors of Ultrafine had the honesty, decency and guts to say publicly that he did. You not only misled Parliament, you also misled radio station 3AW and its listeners. You have misled them — —

The SPEAKER — Order! The Leader of the Opposition must address the Chair.

Mr BRUMBY — The Premier has also misled in relation to investment in Ultrafine because the fact is, as Mrs Campbell of the Liberal Party says, dozens of people wanted to invest in Ultrafine. The Premier's decision to invest in Ultrafine had nothing to do with helping Victoria, it was to do with his campaign to win back leadership of the then opposition — your campaign to get your photo in the paper! It was the personal wealth of the Kennett empire.

Mr Kennett interjected.

Mr BRUMBY — You have been unsuccessful.

The SPEAKER — Order! The Leader of the Opposition must address the Chair.

Mr BRUMBY — Let me now refer to the legal opinion I have circulated signed by Mr Castan, QC, an eminent and perhaps the most eminent Queen's Counsel. I will refer in detail to the legal advice. Paragraph 14 states:

A breach of the Act is constituted by a wilful contravention. This means that there must be an intention to commit the offending act; it does not mean that the member concerned must intend to breach the Act. As was said by Lord Westbury in Carter v. McLaren... in a passage approved by the High Court in The King v. Boston...:

"There are two maxims which must never be weakened: one is that you must ascribe to every subject a knowledge of the law — more especially in cases where it prescribes a rule of civil conduct. The other maxim is, that you must ascribe to every man a knowledge of that which is a necessary and inevitable result of an act deliberately done by him."

Here, Mr Kennett knew he was being photographed. He must have known that the photographs were likely to be used in press articles and advertisements. The advertisements appeared over an extended period. Unless Mr Kennett was completely unaware of KNF Advertising's responsibility for the advertisements, and
the publication of all of the advertisements, he must be taken to have "wilfully" contravened the Act.

Here is the advertisement, showing the Premier and with "KNF" written down the side. So, I hardly think, Premier, you weren't aware! You were aware!

Mr Leigh — Was aware?

Mr BRUMBY — The Premier was aware.

Mr Kennett — You said both.

Mr BRUMBY — Yes, I said the Premier was aware; it hardly appears that he wasn't aware. Fool, fool!

Honourable members interjecting.

The SPEAKER — Order! The barrage of interjection is not helping the Chair.

Mr BRUMBY — Mr Castan goes on in paragraph 15 to state:

It appears to us, based on the facts and assumptions provided to us and set out above, that the Premier has breached sections 3(1)(a)(ii) and 3(1)(e) of the Act.

Paragraph 16 states:

Section 3(1)(a)(ii) requires members to "ensure that their conduct as members must not be such as to bring discredit upon the Parliament". Section 3(1)(e) requires Ministers to "ensure that no conflict exists, or appears to exist, between his public duty and private interests". It might be observed that any action of a Minister which breaches section (3)(1)(e) will almost certainly be a breach of section 3(1)(a)(ii) — to allow a conflict to exist, or to appear to exist, between public duty and private interest, is in almost every case "to bring discredit upon the Parliament".

He goes on to state in paragraph 17:

The Premier's "private interests" include his interest in the KNF Advertising business, as both shareholder and director. Profits made by KNF Advertising presumably benefit Mr Kennett or members of his family. His public duty is to serve as the Premier of Victoria. The duties of the Premier might extend to opening a display village, but that is not to the point: the Act requires the Premier to avoid taking any action in the course of his duties as Premier which might appear to be in conflict with his private interests. In this instance it manifestly appears that he has allowed his office as Premier to be used to benefit clients of his own private firm.

Paragraph 18 states:

Even if KNF did not enter a commercial relationship with any of the Taylors Lakes builders until after the Premier opened the display village, the advertisements featuring his photo were published in March and April. In our view, the Act required the Premier to ensure that the appearance of a conflict of interest did not occur. In these circumstances the appearance of a conflict of interest was manifested by those advertisements in March and April.

The final paragraph of Mr Castan's advice states:

We thus conclude that, on the facts and assumptions set out above, Mr Kennett has wilfully contravened the Act. The consequences of that contravention are a matter to be dealt with by Parliament, as a contempt for which a fine not exceeding $2000 may be imposed.

That advice was received from an eminent Queen's Counsel and made available on all the public information, none of which has been refuted at any stage by the Premier. Mr Castan's advice is that there is a clear conflict between the Premier's public office and his private interests.

That is just one part of a broader mosaic. The bigger issue is section 55 of the Constitution Act and the overriding principle that, in the absence of good faith, good judgment and decent government by elected office holders serves to protect the public interest by providing a line between public office and private interest.

Although the motion refers to the appearance of the Premier in advertisements placed by his own advertising agency, many more questions will be raised in this place and publicly about other matters — about who else appeared in advertisements, about why the Premier appeared in advertisements and for what reasons and particularly the Premier's involvement with the Northwest 2000 Club and the financial arrangements between that club and the Liberal Party. These are the types of arrangements that eroded justice in Queensland; these are the types of arrangements that filled volumes of the Fitzgerald inquiry; and these are the types of arrangements that led to that simple word beginning with C — corruption. These are the arrangements we seek to safeguard against in today's motion.
These and other questions relating to the Premier's conduct can be properly addressed only by a full independent judicial inquiry. We cannot allow these matters to be dealt with simply by those opposite because at 5 o'clock today those opposite will show the usual lack of backbone for which they have become famous.

Mr Leigh (Mordialloc) — On a point of order, Mr Speaker, I am offended by the suggestion of the Leader of the Opposition that I, for one, have no backbone. Many opposition members know I have backbone, as do many government members. The Leader of the Opposition is casting aspersions against members of the government. We are all members of Parliament and I request that the Leader of the Opposition develop a little backbone himself and withdraw.

The Speaker — Order! May makes it clear that one must consider the context in which a particular word is used. I understand that the word was not used against any individual member, but collectively against a group of people. I do not uphold the point of order.

Mr Brumby (Leader of the Opposition) — The fundamental test is whether at 5 o'clock today government members will stand up, show a bit of backbone and properly support the principle of the separation of public office from private interest? The opinion says there has been a wilful contradiction of the Constitution Act — a wilful breach of the Act. This is the ad. If government members vote at 5 o'clock today in support of the Premier they will be saying to every Victorian, every Minister of this Parliament and everyone who watches what goes on in Victoria that they think it is fine for Premiers, for Ministers, for office holders to appear in full-page advertisements endorsing companies: it is back to the brown paper bag days. A lot more will come out in the days and weeks ahead.

Mr E. R. Smith (Glen Waverley) — On a point of order, Mr Speaker, the Leader of the Opposition has been quoting from the document and, again, the name Mark Dreyfus appears. Is it the same Mark Dreyfus who three weeks ago had me subpoenaed when he was representing the Age newspaper?

The Speaker — Order! There is no point of order. If the honourable member wishes to comment on the gentleman in question he may do so during the debate.
Mr KENNETT (Premier) - The House has just witnessed a sad farce by an increasingly discredited and lonely Leader. I wish to deal with this matter in three parts to try to put some order into the illogical presentation of the Leader of the Opposition. I wish to examine where the matter has come from and its history. I wish to look at the ingredients in the motion. Then I wish to refer to the legal opinion on which the Leader of the Opposition has placed so much faith.

The motion moved by the Leader of the Opposition was moved only after the opposition was evenly divided or split about whether to proceed with it today. It was evenly divided, because half the Labor Party members believe there is no substance in the allegations and they do not warrant being proceeded with. That evidence comes from two members of the Labor Party who spoke to government members during the suspension of the sitting.

Opposition members interjecting.

Mr KENNETT — There is nothing new in these claims. There is not one new word. It is all repetition by a Leader of the Opposition who set the high jump bar so high that not only can he not jump it, he has had to go underneath it. He has failed the test that he set himself.

The motion today is based on the scurrilous, totally unproven and petty motion moved in October by the Honourable David White in another place. I will demonstrate clearly to the House that many of the basic issues raised then by David White have been dropped or omitted today by the Leader of the Opposition because there was no substance in them.

This is the third time the opposition has raised the issue. It did so in 1992 immediately before the State election. The opposition tried to discredit and attack me. When it was unsuccessful, the opposition discredited my wife. Then, four weeks ago the opposition again raised the matter. The Leader of the Opposition said I would bleed to death until Christmas. My reply to the Leader of the Opposition is: although I may have put on a little weight I believe I am healthier and stronger today than I was four weeks ago.

Today is the third time the issue has been raised as the House approaches the end of the sessional period and as the Leader of the Opposition tries to regain some respectability after six or eight weeks as Leader. He has occupied that position for more than two months. He never had to fight for anything in his life. He won the seat of Bendigo, but lost it because the public withdrew its support. He got the Upper House seat in this Parliament with no fight; he gave that away and was then given the leadership of the Labor Party. During the past eight or nine weeks we have come to understand that the Leader of the Opposition has learnt nothing in his time in Federal Parliament. He is the one who has substantially tripped up in the way he has pursued this issue.

There is no doubt that the motivation behind the issue has come from another place and that the Leader of the Opposition is today very much David White’s lackey. David White has only just secured ALP endorsement to contest the seat of Tullamarine at the next election — with the support of the Leader of the Opposition. I welcome that.

Mr Sercombe — He’s gone already.

The SPEAKER — Order! He will not be the only one who has gone if the honourable member for Niddrie keeps on like that. The Leader of the Opposition was afforded the protection of the Chair during his contribution and the Chair intends to
Mr KENNETT — It is important to understand the nuances of the internal operations within the opposition at the moment. Mr White has gained the right to stand for preselection in the seat of Tullamarine following the intervention of the Leader of the Opposition. Never again will the Leader of the Opposition be able to claim he is a new face or new blood for the Labor Party. He has-condoned everything that David White represents as one of the leading players in the guilty party before the election. I assure the Leader of the Opposition that the government welcomes David White's candidature as it welcomes the rest of those who led the State down a perilous path during the 10 years of the Labor government.

Let us be clear. The motion is not new; the subject matter of the motion was raised in 1992. Who raised it then? David White. Who raised it four weeks ago? David White. The matter is in this Chamber today because the Leader of the Opposition set the high jump bar so high and raised expectations so high that he has fallen flat on his face.

Before I examine the second part of the matter — that is, the actual material in the motion — I refer to the point made by the Leader of the Opposition about section 55 of the Constitution.

When this latest issue commenced for the second time five weeks ago the Leader of the Opposition was touting strongly that he would get me under section 55, that legal opinions would be obtained under section 55 and that he would lodge challenges under section 55. The opposition has had plenty of time to do it — but nothing has happened.

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says "You wait". We have all been waiting. The people waiting are in this Parliament, one of the two journalists representing a particular newspaper group, but not the public. The public has not waited; it has gone on with the job of creating wealth and providing services. In every test of public opinion on this issue the Leader of the Opposition has been given a very clear thumbs down.

I return to examine the issues. At no stage to date has the Leader of the Opposition or any of his party been able to prove any of the allegations made when they revised the issue a second time. Importantly, the opposition has not proceeded with what it started by way of launching a challenge under section 55 of the Constitution. It has not done so because it knows that is inappropriate and irrelevant. Such a challenge would simply not stand up to any legal test.

Therefore, I shall examine the motion moved today by the Leader of the Opposition. He has raised and referred fundamentally to only two paragraphs of section 3 of the code of conduct for members described in the Members of Parliament (Register of Interests) Act. Why has he raised the contents of only two paragraphs, unlike David White in another place who raised the issue some weeks ago? David White said I had breached section 3(1)(a), (b), (c), (e) and (f). He left out paragraph (d) which talks about pecuniary interests and the code of conduct because obviously I have met that requirement; every honourable member must sign a pecuniary interest statement.

Now the Leader of the Opposition has referred only to section 3(1)(a)(ii) and section 3(1)(e) of the Act. The ALP has already recognised that the point from which it started is no longer appropriate. Therefore, let us examine the two provisions on which the Leader of the Opposition bases his case. In his rhetoric and repetition he has used much material — almost by way of theatre; but it is irrelevant to the motion because all his talk about Ultrafine and the other dealings that have become public have nothing to do with his motion because it specifically refers to the time I played a role as a shareholder of an advertising agency.

An Opposition Member — A director.

Mr KENNETT — I appreciate the fact that all members of the opposition are now awake — which was not the case during the last speaker's contribution! Section 3(1)(a)(ii) of the Act says members shall:

ensure that their conduct as members must not be such as to bring discredit upon the Parliament.

Nothing I have ever done has brought discredit on the Parliament. The Leader of the Opposition is trying to make a case that I have brought discredit on Parliament. He is entitled to make that argument, but he must base it on fact. The rest of the clause gives him the opportunity to establish the facts. Section 3(1)(b) states:
Members shall not advance their private interests by use of confidential information gained in the performance of their public duty ...

That is not part of the motion because the Leader of the Opposition knows an allegation based on it would have no foundation. Section 3(1)(c) states:

A member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interests for or on account of, or as a result of the use of, his position as a member.

That is also not part of the honourable member’s motion. Why? Because he knows an allegation based on that subsection would have no foundation.

Section 3(1)(d) says:

A member shall make full disclosure to the Parliament of —

(i) any direct pecuniary interest that he has;

(ii) the name of any trade or professional organisation of which he is a member which has an interest;

(iii) any other material interest whether of a pecuniary nature or not that he has ...

This has not been referred to in either the motion moved by the Honourable David White in the other place or the motion moved by the Leader of the Opposition. Why not? Because they know any allegations would be without foundation.

Subsection (e) says:

A member who is a Minister shall ensure that no conflict exists ...

The facts must be established before a conflict can be proved. Again, the Leader of the Opposition may say that in his opinion there has been a conflict, but he has to prove it — and he has not. During the past four weeks he has not produced a scintilla of evidence —

Honourable members interjecting.

Mr KENNETT — Members on the other side are asking, “What about the QCs?” We will come to that in a moment. There is no evidence for the allegations made in the motion moved by the Leader of the Opposition. There is absolutely no conflict of interest. The Deputy Leader of the Opposition may try to show there is by holding up a piece of paper; that is not good enough, not good enough at all.

Mr Sercombe interjected.

Honourable members interjecting.

The SPEAKER — Order! If the Deputy Leader of the Opposition cannot contain himself, he should leave the Chamber.

Mr KENNETT — The opposition has not relied on the sections to which I have referred to prove any wrongdoing. Instead it has relied on its interpretation of selected sections to give weight to the allegations it has levelled. I have accepted the raising of the issue as a political tactic, as I did in 1992. But I do not accept what you have done to my family. The Leader of the Opposition may say that is acceptable, but I do not find it so. Five weeks after raising the issue the opposition has moved a similar motion. But it has not produced a scintilla of evidence. It has failed to make its case.

The honourable member referred to the Age. I was not going to refer to the Age group, but this seems as good a time as any. For some time the Age has been pursuing the issue —

Honourable members interjecting.

Mr Sercombe interjected.

Mr KENNETT — You are going to have to lift your game. A senior political editor of the Age newspaper group has been pursuing this issue for the past eight or nine weeks. He continues to ring up people to see whether I have met former clients and so on. The Sunday Age has been pursuing the issue very strongly. That is fine; that is their right. But it is sad to think that its senior political journalist has not written on any issue other than this in his entire time covering this Parliament. In fact the Age —

An honourable member interjected.

Mr KENNETT — The Age has not covered some of the major issues that have been addressed by my colleagues the Minister for Health, the Minister for Education and the Minister for Public Transport. I do not want the Age to take what I am about to say too much to heart, but yesterday I was speaking to a senior Australian of international standing who was commenting on the quality of newspapers around the world. In particular, he talked about the New York papers and some of the English newspapers.
He said all the great papers of the world have the capacity to build up their cities and to make people feel proud of the cities in which they live. He told me that most of the time he picks up the Age he reads stories attacking State institutions. The newspaper does not stand for anything of value.

_Honourable members interjecting.

Mr KENNETT — He said it makes you want to go to the bath, get in and open a vein. This is what one of Australia's leading citizens says about the Age. I accept that the Age is entitled to formulate a new image. But I tell you this much, its performance has been desultory to say the least.

Mr Sercombe interjected.

Mr KENNETT — You have probably not heard of the word. I can only say the newspaper is being judged accordingly.

I will turn to the so-called legal opinion, which is signed by Ron Castan and Mark Dreyfus.

An Honourable Member — Who are they?

Mr KENNETT — Everyone knows Ron Castan; he is an eminent individual. Mark Dreyfus — it is most unusual for a Queen's Counsel to use a junior in preparing this sort of advice, as anyone with a knowledge of the law would know — is up to his eyestalks in Labor Party politics.

_Honourable members interjecting.

Mr KENNETT — The honourable member for Albert Park asks, "So what'? We say that as well. It is worth putting on the record that this individual, so I have been informed, worked on the personal staff of the former Attorney-General, Mr Jim Kennan, who is a close friend of the honourable member for Albert Park.

He is currently involved with the Age in a number of particular actions. He issued a summons to the honourable member for Glen Waverley; and more recently he has been working with the honourable member for Albert Park on freedom of information matters. I make no further comment, except to put it on the record that this particular QC's opinion is faulty on a number of counts. I shall go through them. Unlike the previous Leader — —

_Honourable members interjecting.

The SPEAKER — Order! I afforded the Leader of the Opposition the protection of the Chair when he was speaking to his motion, which concerns a serious issue. The person who is the subject of the motion has the right to put his point of view to the House without being interrupted by a barrage of interjections. Do I make myself clear?

Mr KENNETT — Thank you, Mr Speaker. The legal opinion runs to seven and a half pages. However, it does not contain seven-and-a-half pages of detailed legal analysis. The first four pages just recite the facts as they have been received.

The next page and a half quotes sections of the Members of Parliament (Register of Interests) Act, so we are now up to five and a half pages regurgitating in part information obviously provided from the opposition, because the client in this case was not the public interest; the client was the ALP, and therefore what was put into this document is what the ALP wanted. So, we have lost five and a half pages. It is not until page 7 that we get a statement based on the allegation that the Premier supposedly breached sections 3(1)(a)(ii) and 3(1)(e).

The opinion then really only goes to deal with section 3(1)(e), conflict of interest. That is because the only alleged breach of section 3(1)(a) is that conflict of interest is "conduct bringing discredit on Parliament". The document does not deal with the first point raised by the Leader of the Opposition in his motion. The ultimate conclusion of the opinion, in paragraphs 18 and 19 at page 9, is that the Premier is required by the Members of Parliament (Register of Interests) Act to ensure that there is no appearance — no appearance — of a conflict of interest.

The opinion then states, as all honourable members have it, that an appearance of conflict was manifested by the advertisements of March and April 1993: an appearance — this opinion gives no finite qualification and its final conclusion is based on assumptions. In paragraph 19 it talks about an appearance of conflict of interest. The conclusion is that because of an appearance of conflict I have wilfully breached the Act. I reiterate, that is based on an appearance and not on facts. The opinion does not conclude — it is important to note this — that there was any actual conflict of interest at all, only an appearance.

In dealing with this motion today, members of the coalition parties, unlike those of the opposition party, have tried to speak logically and calmly. I do
not believe we have repeated at any stage what we have said on a previous occasion. However, there are two points the Leader of the Opposition made in his comments to which I shall respond by repeating what I have said in the past. All the way through his contribution the Leader of the Opposition said that I have had no involvement with my former advertising agency KNF Advertising. That is not correct. I have always said and it has always been on the record in the pecuniary interests register since 1982 that I have both potential director and shareholder positions and therefore could be entitled to a pecuniary return. So, it is not true to say that I have had no involvement, and I have made that quite clear and public on many occasions.

The Leader of the Opposition also said — I think he got so exited at one stage that he did not have it in context — that he feels it is inappropriate for any member of Parliament to appear in any advertisement promoting any product. That may be his outlook and his belief, but if he believes one can control any photograph taken of one when opening or closing anything and where that photograph may subsequently appear, he is misleading himself. 

Honourable members interjecting.

Mr Cole — It depends on whether you pay for it.

Mr KENNETT — I did not, nor did KNF Advertising. After the debate on the Leader of the Opposition’s original motion he left off talking about Mr Chiavaroli — following his miserable attack on him last time for his successes — and referred to Mr Mingot. Mr Mingot is in fact one of the other builders to whom I referred when I addressed this issue in Parliament a few weeks ago and said that when I opened the display village, at their request, I visited every display home and had my photograph taken with every proprietor; and I will continue to do that sort of thing as Premier if I am asked to do so. As have Labor Premiers and others, I have had my photograph taken and used freely in advertisements: advertisements for Pacific Dunlop, for example, in which case the Premier of New South Wales and I were, as Premiers, trying to promote a new product to re-establish the importance of fresh food in Victoria and New South Wales both to our own State audiences and overseas.

Mr Micallef interjected.

Mr KENNETT — I ask the honourable member for Springvale to withdraw his remark. He said, “And a buck on yourself”.

The SPEAKER — Order! I request the honourable member to withdraw. The Premier finds his remark offensive.

Mr MICALLEF (Springvale) — I withdraw.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition will now get to his feet and withdraw his remark.

Mr SERCOMBE (Niddrie) — Out of deference to the Chair, I withdraw.

Mr KENNETT (Premier) — While this issue has been run by the opposition, the coalition government has been continuing to provide the State of Victoria with good management. It is interesting how we on this side of the House manage government as opposed to those on that side. They find nothing wrong with what they did in 10 years of government. The Leader of the Opposition claims he is a cleanskin, but after his support for the candidature of David White for the electorate of Tullamarine he can no longer claim that. He is very much part of the guilty party that ran down this State with huge losses. The honourable member for Williamstown — —

Honourable members interjecting.

Mr KENNETT — It happens to be a fact. We on this side of the House have been able to provide the people of this State with good and sound government. The coalition government has been able to govern on issues that are important. As I have said before, unfortunately what we are now finding is that although the Victorian public deserves to have an efficient and effective opposition the Victorian opposition is found wanting. The public can have no confidence in this opposition as it is currently structured. The very fact that members of the opposition had to debate among themselves whether to move this motion reveals the differences of opinions and splits in the Labor Party.

Mr Sercombe — You are making that up.

Mr KENNETT — I am not making it up, because two of your members told me. I said the other day that it is one thing for the honourable member for Broadmeadows to hold what I would have accepted as a very important position in Parliament, it is one thing to have the title, but it does not necessarily guarantee him authority, and the honourable
member does not have the authority. The Leader of the Opposition does not have the authority because he does not have the character; nor does he have the strength. As we have said before, this is an individual who has been given a blessed life in Labor Party politics, and many Labor members sitting in this Chamber simply follow him but many others are part of an increasing group who say that they will not tolerate his mismanagement, his inabilities and his irrelevancy to the party and its future.

In life, as in politics, a real test of how we judge the worth of an allegation is how we judge the worthiness of the person making the allegation. Today the Leader of the Opposition has demonstrated his capacities in a way that allows us to dismiss the worth of his argument. He has simply continued the traditions of a small-minded party, and, I have to say, a miserable endeavour. The claims he has made are without foundation; they are without substance; they are without evidence; and, I have to say, they are without worth.

We dismiss their worth because they come from someone who has singularly failed to exercise authority, judgment or any semblance of worthiness. The Leader of the Opposition has failed the test that he has set himself. He lifted the bar on the high jump; he is the one who wanted to pursue this issue and he has failed to produce evidence. He is the one who hit the rail.

The public of Victoria rejected the Labor Party at the last election when this issue was first raised. It has been increasingly isolated from the public because a political party must contain a cross-section of people with different experiences to govern in the interests of the public. If the honourable member were to examine the code of conduct for members of the Victorian Parliament and the report on it, he would see that former honourable members of this place and another place recognise that instead of having 41 members who have never employed a person, who have never run a business and who have only ever earned their money from the public purse or from unions, the public is increasingly requiring members of Parliament to be experienced and professional and to do the job required to advance the interests of the State. I reject the motion of the Leader of the Opposition, and my colleagues will make up their own minds, as I trust will opposition members.

The once proud Labor Party is the big loser today; but the biggest loser of all is the new boy on the block who brings absolutely no experience with him but who is prepared to throw dirt. He has failed beyond any reasonable measure to prove his case because the case he tried to prove was the issue he set his leadership upon, and his leadership has failed. I doubt whether it will be able to recover simply because of the way he has failed his own members.

Mr THWAITES (Albert Park) — That was a pretty thin defence. We listened to an attack on the Labor Party, an attack on the Leader of the Opposition, an attack on the Age, an attack on the Sunday Age and an attack on the legal advice. However, we did not hear any addressing of the real issue as to whether there is a conflict of interest. That point was completely ignored by the Premier.

We heard a farrago of criticisms that did not deal with the issues, and in the only part of his speech where the Premier dealt directly with the issue rather than attacking people the excuse was, "Well, it is pretty hard for a Premier to avoid being in photographs". That seemed to be the basis for his defence.

It is interesting that the Premier has now left the Chamber. It shows how much he cares about this important issue. This is not merely a case of a photographer taking a photo and the Premier, by some coincidence, appearing in an advertisement; nor is it a case, such as the one referred to by the Premier, of Pacific Dunlop where he appeared endorsing that company. The difference is three little letters at the side of the advertisement — KNF.

Those three letters did not appear in the advertisement for Pacific Dunlop; they do not appear in the coincidental photos of Ministers or Premiers in other newspapers, but they do appear in this advertisement and that makes a difference because when those three letters appear the money from the advertisement goes to the Premier.

It is not simply a question of the Premier endorsing a product; it is a question of the Premier gaining financial advantage as a result of it, and that is what he has done here and in the case of Mingot Homes and the other Taylors Lakes homes. He has benefited. Yet in his entire speech to the gallery we heard absolutely nothing about the specifics of his defence.

The Premier dealt with the issue in five parts, and I shall deal with it in the same way. He started with the history, he went through the motion, he then
attacked the *Sunday Age* and the *Age*, he attacked the legal opinions and finally he attacked the ALP. That gives an indication of the thrust of his defence, which is merely to attack his prosecutors.

As to the history, the Premier made something of the fact that this matter was first raised in 1991, and so it was. The Premier suggested that because it was raised then it should not be raised again today. But there is a very good reason why it is still being raised and that is that the same improper conduct occurring in 1991 is still occurring in 1993, and if he keeps doing it, it will be raised again in 1994 and in 1995 and in 1996, and he is showing every sign that he will keep doing it.

It is not merely a question of raising it once and then letting the Premier go off and continue to breach the law and the provisions of the Parliamentary code making a mockery of Parliamentary propriety. It is quite clear that if you continue to do that you will be brought to account and the opposition will ensure that you are.

The second issue on which the Premier seemed to rely was the motion itself, and for some reason he suggested that because only two sections of the Parliamentary code were raised, that somehow exculpated him because we did not raise other sections this time. Of course, the two sections that we did raise constitute a breach of the law and they are very serious sections for which Parliament, in passing the legislation in 1978, provided a serious sanction. That sanction is that Parliament may deal with the member who breaches those sections and impose a fine of up to $2000. That is exactly what the opposition proposes today and what government members should be thinking about rather than merely leaving the Chamber or talking to each other, because it is a serious matter. It is one of the rare times when a motion has been moved against the Premier for contempt of Parliament.

The third issue upon which the Premier seems to rely was an attack on the *Age* and the *Sunday Age*. Once again the Premier avoided the issue by playing the man and not the ball and shooting the messenger, which seems to be his approach — he ignores the issue. Where was his analysis of the advertisement? Where did he say, "I saw the advertisement going in and tried to pull it out because I was not going to let my position of Premier be sullied by this action"? That is exactly what has happened.

How do other builders out there in the northern suburbs regard this? If you are developing a couple of blocks of land out in the suburbs and you see the advertisement in the paper with those three little letters KNF with the money going off to the Premier and you see the Premier congratulating that builder you would say: "I had better get into that because if I do not I will not get the endorsement of the Premier".

In his speech the Premier claimed, "I am so innocent; a photographer came and I just happened to be there". He claimed that that is all it was. Is it just the photograph of the Premier? Is that the end of it? No, it is not because the Premier is quoted in the advertisement. There is not merely a picture but the Premier is quoted as saying:

> The fact that West Homes is a family company catering for other family's needs is probably the major factor in their success.

That is what the Premier said. Did you know that went in or presumably that was a — —

> The DEPUTY SPEAKER — Order! The Chair has been tolerant with the honourable member for Albert Park in relation to where he is addressing his remarks. I suggest he address them through the Chair.

> Mr THWAITES — Mr Deputy Speaker, I ask rhetorically; did the Premier have some awareness that he would be quoted in this advertisement? Did he have any awareness that he would be quoted in that advertisement, congratulating West Homes on the fact that West Homes "is a family company catering for other family's needs" and that that "is probably the major factor in their success". Was that copy checked with him? Did he have any knowledge of that? Is that the major factor in the company's success, or is it rather that KNF Advertising is used for its ads.

> Maybe it is the fact that this company is a major donor to the Liberal Party. Maybe that is another factor in its success that has been left out. Presumably, that little bit of information and that coincidence was left out. I am glad the Treasurer is here because he is interested in business, and maybe he has some knowledge of Mr Chiavaroli. The Treasurer might indicate to the House whether he has been involved with Mr Chiavaroli in any way at all and he might indicate whether it is a fact that advertisements are going round for some sort of fundraiser where presumably the money will go to the Liberal Party. Those advertisements have the
Mr Brumby interjected.

Mr THWAITES — West Homes! That is how you do it. The real reason you become successful in the building business is not because you are a family company, as the Premier has been quoted as saying; it is because you are prepared to run those functions for the Treasurer and for the Liberal Party. That is how you become successful.

The whole issue of conflict of interest is what this is all about, and it is a serious issue. The Premier tried to pass off the legal advice on this issue. He tried to throw it away and said, "They didn't really refer to it and there was something about appearance". I shall read to the House the advice of Mr Castan, QC, one of Australia's leading Queen's Counsels:

Mr Kennett has wilfully contravened the Act. The consequences of that contravention are a matter to be dealt with by Parliament...

As to the appearance that is referred to, the advice is:

In this instance it manifestly appears that he has allowed his office as Premier to be used to benefit clients of his own private firm.

That sums it up. In the half hour or so of the Premier's personal abuse and attacks, the Premier never addressed that issue. What the QC said is quite clear:

In this instance it manifestly appears that he has allowed his office as Premier to be used to benefit clients of his own private firm.

This issue needs to be looked at because we have concentrated on how the Premier benefits from money going into his pocket from KNF. What about the unfair way in which a particular builder benefits because he is the one who is getting the endorsement of the Premier? That is what is unfair. That is why other builders out there in the western suburbs might be a bit upset about this builder getting the endorsement of the Premier and appearing in the Premier's company ads. One simply adds two and two together and sees the basis on which that endorsement is received. That is how one gets the endorsement.

An honourable member interjected.
function as Premier, such as attending a launch, as Premier he will pick up something on the side.

**Mr Cole — A kickback!**

**Mr THWAITES — Not a kickback; it is money that is picked up on the side for having the ad placed. That is the sort of thing that leads to a complete lack of respect for the system of government because people cannot be sure that their Premier or their Ministers are acting in the interests of the public rather than their own private interests.

The Minister for Planning referred to Western Australia, and of course exactly the same problems occurred with the Royal Commission into commercial activities in Western Australia. It raised the same problem of Ministers having conflicts of interest as a result of their outside business interests. That is what the Premier simply does not understand and that is why it is so extraordinary that he never referred directly to that in his speech.

The issue was examined in 1974 by the Joint Qualifications Committee and today's code arises from that examination. The committee's progress report refers to the basic principles that:

A Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests.

and:

A Minister of the Crown is expected to devote his time and his talents to the carrying out of his public duties.

That is an interesting point in this case. The report continues:

A Minister should, on assuming office, resign any directorship in a public or private company, where either of the basic principles apply.

That was the recommendation of the joint committee and that is the point the Premier could not see was important. He could not see that he ought to resign as a director, and that raises a question that goes beyond the matters raised today to the Premier's judgment and his ability to determine whether he has breached the code of conduct that is expected of Parliamentarians. If he could not behave properly until he was caught before, how do we know he will behave properly in the future? In applying an appropriate punishment for the Premier on this contempt charge Parliament needs to set a figure that will be a deterrent because the Premier needs to be deterred from behaving in a way that is contrary not only to the code but also to the recommendations of the joint committee.

The joint committee referred to shareholdings and said in respect of directorships that while a Minister is entitled to retain shares, he should "dispose of shares in any company where the basic conflict of interest applies". Again, this case is different from the case of a member who has shares in BHP or the Commonwealth Bank. This person — the Premier — was holding shares and running a company while dealing with matters of government. The Premier is endorsing products at places like Taylors Lakes, and government authorities are involved. The potential for a conflict of interest is so obvious that anybody with any sense of decency or propriety would be aware of it.

That is why the *Herald Sun*, which is not known for being antigovernment or pro-Labor, said the Premier should have resigned from KNF Advertising. It worries me that the Premier has demonstrated that the only time he is prepared to take proper action is when he is caught. This point relates to the question of what the punishment ought to be and his past character and performance. He was quick to say he was honest about selling wine, but only when he was caught. Then he argued that he was being honest because he was telling us everything, but even then he did not tell us everything. He did not mention the fact that he did not have a licence. He admitted to selling wine, but it was only when he was caught for not having a licence that he said, "I do not have a licence".

Having said he was honest, what did the Premier do? He went to court and pleaded not guilty! He was not honest and open: he pleaded not guilty. However, he was found guilty.

*Honourable members interjecting.*

**The DEPUTY SPEAKER — Order! The honourable member for Mordialloc is out of order! If the Chamber cannot behave itself perhaps we should close it down. That sort of behaviour is totally unacceptable.**

**Mr THWAITES — Apart from pleading that he is honest — although it is only when he is caught — the Premier also pleads ignorance. He said he knew nothing about and had nothing to do with his wife's business. Of course that is contrary to the facts and to his sworn affidavits given in evidence in court. He**
swore in the Supreme Court that he visited KNF Advertising on a regular basis and gave the manager basic administrative instructions that were not followed. Someone who has nothing to do with the business but who gives administrative instructions to the manager is not ignorant of the business. The Premier is very much aware of it, as he has admitted in other forums and articles.

His next defence, although he has not raised it today, is that it is his wife's business. He has used his wife as a defence. That argument seems to have disappeared, but I have to say it is an improper way of dealing with a matter when you are a director and have a director's responsibilities.

By way of interjection during the speech of the Leader of the Opposition the Premier said in his defence that there was no contract. The fact is that unless West Homes put money into the advertising KNF would not have been paid. West Homes is Mr Chiavaroli, and Mr Chiavaroli knows it. That is the fact of the matter.

The Premier may still be a beneficiary under some trust involving the company, and at the time of the advertisements he was a director and shareholder and knew he was benefiting by the advertisements. One has only to peruse the annual accounts of JGK Nominees to see that the Premier benefits whenever money comes in to KNF Advertising because the shareholders' equity goes up. It is now around $220 000 and it is increasing as KNF Advertising gets more work. The Premier is benefiting directly from those payments.

These specific issues have not been addressed. I do not recall the Premier making one statement about what happened to the money from the advertisement. I do not recall his denying that he knew about it. He did not deny it. That is a glaring omission. If he were as innocent as he claims to be he would have denied it, but he has not because he cannot.

My next point is the attitude I hope the government has to the motion. I hope it will deal with the Premier for contempt and treat the matter seriously, but it has not done so to date. Perhaps the most outrageous and disgraceful example of the government's attitude to the issue is the Treasurer. What did he say about these issues? He said:

If the Leader of the Opposition read the newspapers or went out into the community and talked to people — —

I am not sure which people he means — —

he would find that no-one gives a damn about his accusations, even if they are true. No-one cares, because we live in the real world and people have an understanding of what is important to the State ...

That is a very depressing statement. I assure the House that I care about whether the allegations are true and whether the Premier is brought to heel. Parliament ought to do that. The people I talk to care. They do not want to see Victoria go down the path of getting paid for doing deals for mates. Yet the government chose to be morally anorexic; it had no morals whatsoever. It said, "It doesn't really matter and it's perfectly okay because it does not fit into our agenda".

That is what went wrong in Queensland and Western Australia. I hope the government will look at the reports from the Royal Commissions in those States. It was not only the conduct of the government that was the problem, it was the fact that people in power, including elements of the press, averted their eyes from the wrongdoing of others; they condoned it. It is interesting that the Premier has attacked members of the press, presumably to scare them off. That is what Joh Bjelke-Petersen was famous for. For many years he got away with it.

Even the legal advice and the people who gave it have been attacked. Mr Castan would have to be one of the most senior Queen's Counsel in Australia. He has been a Queen's Counsel since 1980 and is a commissioner of the Human Rights Commission.

I also have a copy of a statement made by Geoffrey Ewing of the Mining Industry Council, who is hardly likely to be a friend of Mr Castan, made on ABC radio which states, in effect, that the legal advice is signed by Ron Castan, who Mr Ewing said was a reputable QC who would not have signed it unless he thought there was an arguable case.

What had Mr Castan said? What was this reputable QC's opinion? He said that Mr Kennett had wilfully contravened the Act and that the Premier's private interests included his interest in KNF Advertising business, and added that profits made by KNF Advertising will presumably benefit the Premier or members of his family. It was also his opinion that the Premier had allowed his office as Premier to be used to benefit the clients of his own private firm.
Mr McNAMARA (Minister for Police and Emergency Services) — I must draw attention to the lack of an opposition front bench to support the Leader of the Opposition. That reinforces clearly the lack of confidence the Leader of the Opposition has in his front bench. He continually relies on the support of others whom he would like to put on his front bench. It is obvious that he is not allowed to do so or does not have the authority of his party to put them on the front bench because the names he has rolled forward to the party room in an attempt to change the composition of the front bench are quickly rejected and rolled back out again. Earlier in the week we heard a sad story about the honourable member for Geelong North, whom the Leader of the Opposition attempted to bring to the front bench.

The accusation of the opposition is serious and the government will respond to it seriously. However, honourable members should understand, as the Premier outlined earlier, that great division exists within the opposition ranks. This motion does not have the wholehearted support of all opposition members, and that is clearly demonstrated by the lack of opposition members rising to support their Leader. A couple of opposition members are now leaving the Chamber, showing their disgust and lack of confidence in the direction the Leader of the Opposition is taking. The honourable member for Williamstown has already badmouthed the Leader of the Opposition in several quarters and made it clear to some of her confidants that she does not believe the honourable member for Broadmeadows is quite up to the task. If ever that dissension needed reinforcing, it was clearly reinforced in the contributions to the motion moved by the Leader of the Opposition today.

All honourable members know that this matter was raised by the Leader of the Opposition in another place, the Honourable David White. Unfortunately, it has not been generally supported by opposition members. In fact there is concern in Labor Party circles about the judgment of the Leader of the Opposition in another place and his attempts to move to this House. Of course that places a great threat on the present Deputy Leader of the Opposition, who has been told clearly by the Leader of the Opposition in this place that his job is up for the high jump as soon as David White moves into this Chamber.

In considering the judgment of the Leader of the Opposition in another place I will briefly refer to a document entitled A message from rank and file members for Parliamentary democracy regarding the Tullamarine preselection. That document expresses real concern about the judgment of David White. It says he:

would be the worst possible candidate to contest a marginal seat.

This document has been sent out throughout the Tullamarine electorate by the rank and file members of the Labor Party. It refers to David White's high profile membership of a Cabinet that dealt with the State Bank, the Victorian Economic Development Corporation, Tricontinental and Pyramid. It refers to his behaviour during the 1985 nurses dispute, which had a crippling effect on the Labor Party. They are the sorts of things that the public of Victoria is concerned about. They are the sorts of issues that led to a majority of 61 to 27 at the last election. The public wants the opposition to get on with tackling the major issues rather than the flim-flam that the opposition has addressed in recent weeks.

The document also refers to some of the colossal blunders of David White when he was Minister for Minerals and Energy and says that he:

was responsible for the subsidy deal for the sale of electricity to Portland aluminium smelter. This was recently criticised by the Auditor-General. Earlier in June 1993 the Australian editorialised about the Portland smelter saying that Victoria's taxpayers:

"are struggling under the yoke of an exceedingly generous subsidy arrangement brokered with the previous Cain Labor government almost 10 years ago."

The editorial goes on to point out that it has already cost the Victorian taxpayers approximately $700 million and will continue to cost taxpayers $200 million a year. The person who is responsible for that is David White.

The SPEAKER — Order! The honourable member will relate his remarks to the motion before the Chair.

Mr McNAMARA — I am drawing attention to the shocking arrangements that were established by the former Labor government and why the Labor Party should be getting on with more serious issues to build up its credibility rather than talking about the alleged misuse of a government car by the Premier. They are major issues in comparison with what the Premier has allegedly done. On major issues the opposition has nothing to fly with because