The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.04 a.m. and read the prayer.

PETITION

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

Sodomy

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 act of anal intercourse or sodomy is:

- a serious health hazard, almost always involving anal and rectal damage;
- the means of transmission of disease in about 90 per cent of HIV/AIDS cases in Australia;
- associated with a number of other serious diseases, including hepatitis A, B and C, gonorrhoea and syphilis;
- described in the Bible as an 'abomination' to God.

Your petitioners therefore pray that the Legislative Assembly will pass a law to make the commission of sodomy (anal intercourse) a criminal offence, to prevent this serious health hazard from being promoted in the media and education institutions as a valid form of sexual intercourse.

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

By Mr Turner (34 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

- Film Victoria — Report for the year 1993-94
- Geelong Performing Arts Centre Trust — Report for the year 1993-94
- National Gallery of Victoria — Report for the year 1993-94
- State Film Centre of Victoria Council — Report for the year 1993-94
- Victorian Arts Centre Trust — Report for the year 1993-94

LOCAL GOVERNMENT REFORM

Mr COOPER (Mornington) — I move:

That this house congratulates the government on its initiatives to support and reform local government and contrasts this with the abject failure of the Labor government in Victoria between 1982 and 1992 to strengthen the state's local government system.

The period since 1992 in Victoria has shown that this government is prepared to get on with the job. This government has set out to reform the state and to repair the damage that was done to Victoria by the Labor government between 1982 and 1992. Whichever area you turn to — —

The DEPUTY SPEAKER — Order! There is far too much audible conversation in the chamber. I suggest honourable members lower their voices. If they have some difficulty with that, I suggest they leave the chamber.

Mr COOPER — Whether it be in the areas of health, transport or finance, the reforms this government has implemented are turning the state around from its appalling condition when we came to power in October 1992. There is no better example of that than in local government, the subject of this morning's motion. I believe evidence can be produced to the house — —

The DEPUTY SPEAKER — Order! The Chair has already asked honourable members to lower their voices. Within a matter of seconds the voices were back up to the same level. I again call on honourable members to lower their voices so that the honourable member for Mornington can be heard. If someone wants to interject, that is different from voices raised in conversation in the chamber. I will deal with individual interjectors. The level of voices is far too high. If members are unable to lower their voices I suggest they leave the chamber.

Mr COOPER — Evidence can be produced to show that the local government reforms of this government in the 24 months since it came to power
are unsurpassed in the history of this state. It is important to remember that the call for reform goes back a long, long way. Calls for local government reform arose during the lifetimes of many governments of all persuasions. It was only during the past two years that action was taken in response to those calls.

In setting the scene for this debate it is worth talking about some of the earlier inquiries and some of the other things that have happened in respect of local government reform. I can draw for that history on a document that was published by the Local Government Commission in February 1986, when the Labor Party was in power. *Principles and programme* detailed earlier inquiries into local government. It might be of some interest to the house to realise that the first commission to look into local government reform in this state was the Sturt commission, established in 1863. So we are not talking about something that has only happened recently; local government reform has been called for for a long time.

I quote from the document called *Principles and Programme* which says of earlier inquiries:

In 1863 the Sturt commission (sometimes incorrectly referred to as the Stuart commission) was highly critical of the inability of the then 54 municipal districts to effectively perform the functions of local government because of limitations to population, rateable property and resources.

Then 99 years went by and another inquiry was undertaken. The document refers to its findings:

In 1962 the Mohr commission emphasised the serious deficiencies inherent in the structure of the municipal system; drew attention to the lack of financial resources of many small municipalities to efficiently discharge their local government responsibilities; and recommended extensive restructuring.

Ten years later:

In 1972 the Voumard committee expressed serious doubts about the capacity of local government to cope with expected demands; stressed the unsuitability of existing boundaries and internal administration; and concluded that a strong prima facie case existed for the review of municipal boundaries.

The Local Government Advisory Board was set up and about that the following appears:

Between 1969 and 1974 the Local Government Advisory Board recommended mergers of the cities of Melbourne, Port Melbourne, South Melbourne and Fitzroy; the cities of Geelong, Geelong West and Newtown; the shires of Chiltern and Rutherglen; the Shire of Belfast and Borough of Koroi. In addition, the board reported that the amalgamation of the cities of Collingwood and Richmond would prove too small and proposed an overall inquiry into the inner metropolitan area. It also rejected the unification of the City of Bendigo and the Borough of Eaglehawk and proposed a wider inquiry into the five municipalities forming the Bendigo conurbation.

Shortly after this work was shelved by the government of the day, a member of the board and the then senior inspector of municipal administration, Mr D. M. Purdie, went to print in *Local Government in Australia* and set out a persuasive case for major structural reform.

The Bains committee in 1979 was even more critical of the structure and financial dependency of local government and recommended the establishment of a municipal commission to review the structure of local government in Victoria and make recommendations for a new pattern of local authorities for the state.

And, finally, the Victoria Grants Commission reported in 1985 that about three-quarters of Victoria’s 210 councils warranted some form of boundary review in order to address problems related to high costs of administration, better use of public funds, reliance on external revenue sources, fragmentation of provincial urban centres, and economies of scale.

Calls for the reform of municipal structure in Victoria go back to 1863. Until 1985 the calls were generally ignored by the governments of the day, regardless of their political persuasion.

In 1985, following the Bains report into local government in Victoria, the then Cain government created the Local Government Commission. The 1979 final report of the Bains board of review has a couple of interesting quotes in its preface. I add them to the debate:

Local government in Victoria emerged as the first comprehensive municipal system in Australia in the middle of the 19th century. Since then local government in Victoria has changed less than the other state systems and become ossified. It displays a number of 19th century characteristics which impair municipal performance in relation to each of the role dimensions outlined below.
In order to clarify the need for and purpose of local institutions three principal dimensions of the role of local government have been identified:

- community representation and participation;
- development of community resources;
- ensuring effectiveness in service delivery.

These dimensions are developed in the five other parts of the report on the role, structure, administration, resources and relationships of local government in Victoria.

The preface goes on to say:

The present structure has failed to adjust to social change in the 20th century, as has been manifested in the durability of municipal boundaries which no longer reflect either communities of interest or viable administrative units. Many services cannot readily be provided by small municipalities which have relatively high cost and often an undue dependence on grants.

For more than a century, official inquiries in Victoria have observed that many local authorities lack the resources to respond positively to the challenges of change. The lack of success of these inquiries in producing significant structural change suggests that a new strategy of reform is needed. The most important principles and guidelines involved in restructuring are viability, accessibility, community of interest, interdependence of town and country and economies of scale.

Those words, written in 1979, are as true today as they were then.

As I said, in June 1985 the Victoria Grants Commission published a report on the prospective financial advantages of restructure of local government in Victoria. It states on pages (ii) and (iii) of its summary:

- There is clear evidence of economies of scale in expenditure on administration and overheads throughout the whole population range; the more populous municipalities expend only about one-quarter the amount per head on administration and overheads compared with municipalities with populations below 25,000...

- There is clear evidence of economies of scale in the provision of economic and other services; levels of expenditure ranged from about $33 per head to nearly $900 per head; most commonly the range was from about $50 per head for metropolitan municipalities to about $270 per head for rural shires...

Economies of scale are evident for metropolitan municipalities for street lighting, traffic control, community amenities, street cleaning, community and recreational development, recreation and culture (and its components) and debt service expenditure.

There is evidence of economies of scale in outlays on capital assets, particularly plant and equipment and land and buildings...

The larger or more populous the municipality, the greater the likelihood of a normal distribution of rate burdens and, hence, of a more equitable sharing of rates between owners and occupiers of property in different areas.

The enormous body of opinion and the fact that it was published more than 100 years shows that something needed to be done. Against that background, in 1985 the Cain government set up the Local Government Commission. It did so after appointing Jim Simmonds as the new Minister for Local Government following the March 1985 election. Headed the commission was Mr Stuart Morris, a man of undoubted skill and talent. He was a barrister who had had extensive experience of planning matters and was a former councillor of the Shire of Sherbrooke, so he had considerable experience in local government.

One would have thought with the unequivocal commitment that Labor had something would be seen to be done. The fact of the matter is that although the Cain government set up the Local Government Commission under the charge of a minister who was prepared to ride home the changes without brooking any criticism, the Labor government failed miserably.

Mr MacElhan interjected.

Mr COOPER — The minister says they wimped it.

Labor failed miserably, and it is certainly germane to the debate to examine the reasons why it failed. The folklore put out by the Labor Party in recent times says it failed because of the blind opposition it ran into from the Liberal and National parties when they were in opposition and entrenched conservative interests in local government. This is the folklore Labor would like us all to believe: it really was not its fault and members of the Labor government were just good players out of luck. Here they were with a terrific policy, a great minister, a super guy running the former Local Government Commission and a
wonderful Premier, John Cain, who, of course, never walked away from a hard decision in his life.

I remember John Cain standing up in this place and telling us time after time how tough he was and how his government never walked away from a tough decision. Given that we had a Premier who never walked away from a tough decision, a minister who had a head that looked like a tough decision and a fellow of undoubted skill and talent heading up the Local Government Commission, what the heck went wrong? How could the Labor government have got it so wrong?

There are three headlines I would like to — —

Mr Bracks interjected.

Mr COOPER — No, don’t come that one. The fledgling honourable member for Williamstown, the man who is the founding member of the snout-in-the-trough faction of the Labor Party, tries to tell us by interjection that Labor faced a hostile upper house. Even though he proudly proclaims the fact that he was an adviser to John Cain and Joan Kirner — he puts that on his CV — he needs to revisit history. He needs to take the blinkers off and have a look at what actually happened. The headlines outlining why Labor failed fall into three categories: it was a hopeless and weak government; it had a hopeless and incompetent minister; and it had no idea of the right way to go about it.

Let me give you some examples, Mr Deputy Speaker. Back in 1985, when I entered this Parliament — —

Honourable members interjecting.

Mr COOPER — I can wait until they have all finished. I have until 1 o’clock, so I am prepared to wait and let all their shouting die down. Back in 1985, when I entered this house, for my sins I was appointed shadow Minister for Local Government. I had never met the Minister for Local Government, so I set about establishing contact with him. I made a telephone call and found him to be, on a personal level, a very nice fellow. I still maintain he is a very nice fellow. I got along well with Jim Simmonds.

Opposition members interjecting.

Mr COOPER — I know you would not, but I did! We know all about the factional fights that go on in the Labor Party. I understand the reason why Mr Simmonds is no longer a member of this house is that he had a knife plunged into his back by the honourable member for Preston. That is the sort of thing that goes on in the Labor Party — but that is not part of the debate this morning. I remember in 1985 going to the Northern District Municipal Association’s annual general meeting at Kangaroo Flat — by separate car, I might add. Although Mr Simmonds was friendly, he was not friendly enough to offer me a lift! Mr Simmonds was a new boy in the local government arena, too. The councillors who attended the association’s annual general meeting were very interested to meet the minister and hear what he had to say. The meeting was held in the middle of 1985.

The minister stood up and read from a prepared speech. During his speech the minister mentioned that the government was about to pursue its policy, a long-held policy in the Labor Party, of reforming and restructuring local government. When question time arrived a few of the councillors were interested in asking Mr Simmonds about the reform and restructure. I was sitting — —

Mr Jenkins — I was there.

Mr COOPER — Were you? You were there? There you are, I have a witness. I did not know that my good colleague was there. I was sitting side-on to the audience; I had the Minister here and the audience there. As I recall, a councillor asked the minister the following question: ‘Do you anticipate that there will be any difficulties in implementing your policy of amalgamating councils?’.

Mr Simmonds said ‘No, no, no. This is a very simple matter’. He said, ‘I am a member of the Amalgamated Metal Workers Union. I was involved in the amalgamation of all the small metal working unions into one large union’. He said, ‘That went off without a hitch. I do not see there is any difference between amalgamating a group of metal working unions and amalgamating a group of councils’.

I swivelled around to look at what was going on to my left. In the audience I saw all these councillors with frozen faces. I did not want to intervene in the minister’s question and answer session, but I thought to myself, ‘This guy has a lot of big problems coming up!’.

I was not wrong, was I? Jim become known fondly around Victoria as Jackboot Jim. That was the title councillors gave him because he decided that the amalgamation process could be just rammed through. He believed he did not need to consult because it was just like joining unions together.
What a tremendous success that has been for Australia and Victoria! Of course, the Labor government, urged on by the then Premier and the minister, decided that was what it would do.

That was backed up by the appointment of Mr Morris. He decided that the right way to go about things was to put out a reform timetable. I have a copy of that here; it is headed 'Timetable for Review of Municipal Boundaries'. It shows that the Local Government Commission and the minister were determined to achieve the restructuring and the amalgamation of the entire local government system in 11 months — 11 months, from go to whoa! Of course, that tended to get a few people around the state a little excited. They said things like, 'Hold on, we would like to talk about this'. But no, there was none of that.

The government simply handed them their timetable and told them it was not interested in whether they could come up with other suggestions. Labor was not interested in talking to them and asking for their input. It allowed only 11 months for a process that involved putting 210 municipalities through the ringer. That is another example of Labor not doing things the right way, and it can be contrasted with what has gone on during the past 24 months under this government.

The need for reform was outlined by Mr Morris in his options paper — and I have a bag full of those. They were produced in an interesting colour — talk about being like a red rag to a bull! Labor published a document to be sent out to conservative rural Victoria about council amalgamations in a style akin to Chairman Mao's *Little Red Book* — in this case, Stuart Morris's big red book! The options paper set everything out. As I have told the house before, some of the suggested names for the municipalities were interesting.

I recall with some pleasure that Stuart Morris suggested that the new municipality to be created around Casterton in the Western District be called Fraser. That was a nice touch!

Another recommendation, which the honourable member for Footscray would have liked, although he was probably not out of nappies at the time, was the proposal to re-christen Footscray as Whitten. I presume it would have been named after Ted, although given the performance of the honourable member during his time as a Footscray city councillor, it might have been better to rename it Witless!

Under the title, 'The need for reform', Mr Morris set out some very interesting arguments. I will read those into *Hansard* because they are important.

Mr Mildenhall interjected.

Mr COOPER — I will get round to it, sonny, you just wait! I will get round to you, too.

The options paper states:

*The existing structure is obsolete. Many councils lack the resources to meet the challenges of the future, whilst other councils are being held back by excessive regulation and inadequate powers. In many parts of the state local communities are divided by municipal boundaries. Problems of coordination and fragmentation abound.*

Consider these points:

> The structure of local government has changed little since 1880.

> There have been dramatic changes to our society over the same period — changes in population distribution, communications, technology and urbanisation.

> Equally there has been a substantial change in the role of a local council, with greater emphasis on providing human services, environmental planning and recreation.

> Despite all efforts the structure of local government has failed to adapt to meet changed circumstances and new challenges …

> … many local councils are financially weak. These councils spend a large proportion of rate revenue on administration and have few funds left to spend on services for their ratepayers and residents. Many councils are also heavily reliant on government grants; in some cases councils are really agents of state government …

> … existing municipal boundaries divide communities with identical needs and interests. This is most obvious in the myriad of cases where a municipal boundary actually divides a country town. There is also an artificial distinction between town and country, often with two or more sets of municipal offices in the same town or city. The separation of areas that really form a coherent social and economic whole, judged by the pattern of human activities, runs contrary to one of the
basic concepts that local government is designed to embody ...

The consolidation of smaller councils will enable local government to perform a wider range of functions ...

Restructure will also lead to significant savings in administration costs ...

Local government should represent local people, and this is best done when municipal boundaries do not divide country towns and small communities ...

There will be a more equitable distribution of the costs of providing services ...

Restructure will improve the quality of both services and administration ...

The restructuring of boundaries will also improve coordination in physical, land use and social planning ...

Larger municipalities will have greater flexibility to meet changing needs and new priorities ...

The restructure of municipal boundaries will bring about a fairer sharing of the burden of rates ...

Restructure will also increase the financial and political independence of local government.

One cannot argue with those words. I pay tribute to Mr Morris, who was handed a poison chalice by the then Premier, John Cain. He failed to receive the Premier's support when he needed it most. The fact remains that in 1982 the Labor Party came into government with a firm, long-running and unequivocal commitment to pursue municipal reform. But when the going got tough, it got weak and walked away.

There is nothing wrong with the arguments. The facts prepared by myriad commissions before 1982 and the facts later published by Labor during its first few years in government, between 1982 and 1986, are certainly not incorrect about the need for reform.

Reform is as necessary today as it was 20, 30 or 40 years ago. Certainly it is as necessary now as it was when Labor came to power in 1982, particularly when Jim Simmonds was appointed Minister for Local Government with the express task of carrying out Labor's policy in 1985.

How did Labor so badly mess up the task? It tried to do too much too quickly. It published other documents which did not help its cause — namely, the red book, or the options papers. It alienated councils around the state by not seeking to work with them, so the government was seen as working against local government rather than with it. That is the main reason why Labor failed to implement its policies.

It is important to contrast what occurred in 1985 and 1986 with what is occurring today. For example, one can look at south-west Victoria, an area not unknown to you, Mr Deputy Speaker. In 1985-86 municipalities in that area were totally opposed to any restructuring. Yet today, the reform structure adopted down there was decided by the local councils. They came to the government and to the Local Government Board and put up their propositions, which in virtually every instance were accepted by the board and by the minister. The government sought their input. What a difference between the way those councils were approached and the way their views were sought, and the approach adopted by the Labor government.

That was not the way Jim Simmonds wanted to go about it. The honourable member for Tullamarine may be interested in this.

In May 1985 in the Labor Star, the Labor Party's own newspaper, minister Simmonds announced his intention to restructure the Keilor and Essendon councils even though no review of either had been undertaken by the then Local Government Commission.

Mr Finn — Only 10 years ago!

Mr COOPER — Imagine the shock both councils felt on hearing, probably second-hand, that in the Labor Star the minister had announced he would restructure them. It did not appear in the Age, the then Sun, the then Herald, or anywhere else. Jim Simmonds obviously thought the Labor Star was the most widely read newspaper in Victoria or Australia!

Mr Leighton — You guys read it.

Mr COOPER — We love it! We like the cartoon section; you like the colouring-in section. You can make John Halfpenny's shirt red! That's good for you. When I rang them up and asked them to put me on the subscription list, they said, 'The only reason we put in the colour-in section is because of Michael Leighton. When we wanted to cancel it, we got a telephone call of protest. We expected a letter, but because it was Michael Leighton, we got a
telephone call. He rang up to say we must continue it.

In May 1985 Minister Simmonds announced his intention to restructure the councils without any reference to the then Local Government Commission, or to anybody else for that matter. It probably occurred to him under the shower that morning. 'Here's a good idea. I will restructure the Keilor and Essendon councils'. That is the sort of thing that really irritated local government.

The subsequent appointments to the Local Government Commission had the same effect as waving a red rag in front of a bull. Although at the top of the commission you had a person of some intellect and courage in Stuart Morris, the talent dropped away rapidly as you went through the ranks. The commission was another rest home for Labor Party hacks.

A few people were put on because they had good connections. In the Geelong area, as honourable members and particularly the honourable members for Geelong and Barwon South will recall, a Mrs Joan Creati — —

The DEPUTY SPEAKER — Order! Or is it South Barwon?

Mr COOPER — It is one or the other. I stand to be corrected. We will accept whichever one it is. He is a fine member doing an excellent job down there. I am particularly gratified to be in the same party and on the government benches with him.

The appointment of Mrs Creati to the Local Government Commission was not regarded well in Geelong. This lady undoubtedly had excellent connections in the Labor Party. I doubt whether she could have had closer and more excellent connections. This person was appointed to the Local Government Commission to review the local government structure in Geelong after she had publicly stated that she was in favour of amalgamating all Geelong regional councils. Of course, that got people upset. They wanted to have a fair and impartial inquiry. They did not resist an inquiry, but said, 'We don't want this to be some kind of Star Chamber with people sitting in judgment on this issue who have already made up their minds. We want people to listen to the evidence, the evidence to be weighed up and a decision to be made'.

I must say that it was refreshing some years later to see the Honourable Caroline Hogg in the other place, who was then in charge of the local government portfolio under a name which I cannot remember because it was like a grab bag of everything that nobody else wanted, setting up an audit into the local government structure in Geelong. Because the audit continued on after the election of 1992, it was out of that that the present new structure in Geelong arose. We on this side of the house are not dogs in the manger. We are prepared to acknowledge the good work done by some people in the Labor Party.

I know that when I spoke to Labor Party ministers and backbenchers during their term in government many of them were absolutely dismayed that John Cain had run away from this issue. They were people of goodwill. They were people who understood. I do not think that one of them would mind having his name mentioned: the Honourable Frank Wilkes, a man who really believed in local government, a man who has shown that commitment since he left the Parliament and a man who continues to show that commitment. He was dismayed over the whole process that went on under John Cain.

Basically Labor had a good idea that went badly wrong. Jim Simmonds, nice fellow that he was, still ignored sensible advice from the many people who were prepared to give him sensible advice. Many in the government like Frank Wilkes and many on the opposition side attempted to give Mr Simmonds sensible advice.

As shadow Minister for Local Government at the time I talked to Jim Simmonds on many occasions about getting the program going, saying, 'The reason you are running into opposition all over the place is the way you are going about it. Stop trying to broadbrush your way around the state and change things overnight. Start looking at particular areas and concentrating on those. Ignore the rest of the state'. I suggested that he look at Geelong, but no, I am afraid that Jim was motivated by something I could not break through. He decided he would achieve his objectives with maximum rather than minimum fuss, and he succeeded. He got the maximum fuss that he sought.

The other side of the coin was that it was quite clear, as 1985 rolled into 1986 and as 1986 continued month after month, that this minister of John Cain was not in favour with the Premier. In fact, it is reasonable to say that John Cain had no faith in Jim
Simmonds. He was a minister imposed on Mr Cain against his wishes after the 1985 election. This has been documented on many occasions. I do not want to go into the ins and outs of why that is so, but clearly John Cain attempted to influence the voting caucus to remove Jim Simmonds from the cabinet. The Socialist Left jacked up on the Premier and he was put back into the ministry. John Cain then appointed Jim Simmonds to the local government portfolio but without any faith whatsoever that he could do the job properly.

It was then, after the setting up of the Local Government Commission, that Stuart Morris, a member of the Labor Party and a person of considerable talent, was put in charge of the Local Government Commission. More importantly, he was not put in charge of just the commission. John Cain’s appointment of Stuart Morris as Chairman of the Local Government Commission was in fact an appointment of a quasi Minister for Local Government. Nobody in a ministerial role could possibly sustain or support that situation. The minister had alongside him somebody supposedly working for him but in fact reporting directly back to the Premier and acting as a quasi Minister for Local Government against the incumbent minister.

In retrospect one can see now that the appointment of Stuart Morris was a bad choice but that the role he was given by John Cain was certainly a bad role. It was a mean-minded, mean-spirited role that was forced upon Morris by Cain. That was clear, and it was clearly recognised by Jim Simmonds at the time. So the Minister for Local Government and the Chairman of the Local Government Commission both detested and distrusted each other. That is no way to get reform of local government going.

As one of my colleagues said to me at the time, it was one hell of a mess, and the words ‘municipal restructure’ became dirty words around Victoria. I said at the time, after John Cain had pulled the plug on the reform program in mid-1986, that it would be a long time before the words ‘municipal restructure’ would be accepted by any councillor or council officer around the state because they would all be suspicious.

The ongoing activities of Stuart Morris led to his removing himself from the position of Chairman of the Local Government Commission, and then we saw one of the boys get the job and replace him. That was Russell Badham, a former councillor of the City of Northcote and leading light in the Socialist Left. He got the job and spent the rest of his time between then and the election in 1992 oinking his way through the trough; dearly beloved, I am sure, by the honourable member for Williamstown — a soul mate, obviously — doing nothing but causing continual disharmony in local government circles. That was the situation. The Local Government Commission, municipal restructure, all these became dirty words to local government people, whether elected or appointed, right around the state.

In Labor’s 10 years of government between 1982 and 1992, with the policy of restructuring local government on its agenda since the late 1970s, Labor achieved nothing: not a single solitary sausage. When it came to power in 1982 there were 211 councils in Victoria, and when it left power in 1992 there were 210.

There was one reduction, and that reduction, Mr Deputy Speaker, was close to your home-town: the amalgamation of the Borough of Koroit with the Shire of Warrnambool. And guess how that occurred? The two municipalities got together and said, ‘We think we have a better structure and we would like to amalgamate’. It was like a life raft to the government at the time. It went out as though World War III had started and ended. This was a great victory. After all those years, all that commitment, Labor had reduced the number of municipalities by one, and it claimed the credit for it; but the credit actually went to the dedicated and intelligent councillors of the Borough of Koroit and to the councillors and officers of the Shire of Warrnambool, who understood that there needed to be a better structure. The two municipalities got together without any recourse to the government. The only thing the government had to do was to prepare an order in council. However, as I recall, the government mucked that up as well, and it had to be redone. It was a pretty appalling effort!

In 1986 the going got tough simply because of the Cain government’s incompetence. It did what every Labor government has done before and since: when the going gets tough you walk away from your policy! Don’t worry about the fact that it is policy and you have stood up and said, ‘This is great and this is what we are going to do!’ When the going gets tough you just walk away! Don’t worry about it!

Mr Turner — They wimped it!

Mr COOPER — Yes, as the honourable member for Bendigo West said, John Cain wimped it. John Cain was a master at that. When the going got tough he always walked away. The Labor government
walked away not only from its policy but also from ALP philosophy and ALP supporters. That did not mean a thing to them. So far as John Cain was concerned, this was pretty tough stuff and it was going to cost us votes at the next election. I'm going to walk away. Even though the election was more than two years away, he abandoned the boat and jettisoned the policy and everything else. If he could have jettisoned the minister he would have. He certainly jettisoned the Chairman of the Local Government Commission, which was a pretty poor state of affairs. His action reflects the 10 years of Labor government in this state: those governments stood for nothing other than their own survival!

The Labor Party became a party, and still is a party, of political opportunists. They do not stand for anything. They have no policies. The opposition carps and whines every day in this house, but it does not have any policies. The Labor Party's only published policy after two years of opposition is the legalisation of marijuana. That is its only policy. It was put forward by the Leader of the Opposition and was backed up by the honourable member for Springvale, who also wants all the other illegal drugs legalised. He was quoted in his local newspaper as saying he supports his leader's call for the legalisation of illicit drugs. That is the Labor Party's only policy. The rest of the time it hangs around here whingeing and whining, trying to dig up dirt on anything that is going — and never producing any evidence, of course. It just continues to cast slurs.

This is the party of political opportunists who governed Victoria from 1982 to 1992. Now that it is in opposition it has not changed its ways. It is a blatant failure as a political party. It will never be any good until it begins to address the real issues with some kind of spine rather than being gutless opportunists both when in government and now in opposition. Honourable members should recall the words of John Cain on local government. They should recall the words and weep! On 4 September 1985 he said:

My government is committed to the restructuring of local government in Victoria.

That is an unequivocal statement. Not content with that, in December 1985, he said:

We are no longer prepared in discussing whether restructuring will occur. We are now only interested in hearing from councils how the process will take place.

Here was strength! This man of steel, this leader, this Labor Premier was setting down rules, 'Don't brook me. I'm going to take you on. I'm going to do what is right regardless of the political pressures and political pain'. On 9 March 1986, obviously buoyed by the tremendous strength of earlier statements, he said:

The whole state will have council elections based on new boundaries at the end of 1987.

That was the call by the then Premier. John Cain said — and I paraphrase — 'I believe I have a vision'.

Mr Finn — He had a dream!

Mr COOPER — The Martin Luther King of Victoria had a vision and a dream that his government was not going to walk away from this tough issue. His government was going to charge through and restructure local government. They were the words of that tough Premier, John Cain. But they were big words from a big failure! John Cain will go down in history as a big failure! His record in local government encapsulates everything that was bad about his government and about his premiership. Certainly the Labor Party was not assisted when John Cain was neatly removed by a political surgical operation in the Labor caucus room and replaced by Joan Kirner. We did not get any strength from her, either. All we got was the abandonment of the State Bank and a few other things. She was a disaster, too!

I am leading up to the contrast, because it is certainly enormous! The coalition government has been in power since October 1992 when it was elected with a clear commitment to local government reform. Its policy document, which I am sure has been read widely by the opposition, sets out its objectives. The coalition said that, in conjunction with the community, it would pursue structural reform generally throughout Victoria. It said it would tackle the restructure of the City of Melbourne and reform the Geelong region's municipal structure.

The coalition committed itself to the introduction of compulsory competitive tendering for municipalities throughout Victoria. It promised to introduce freedom of information legislation for local government and said it would ensure that councils reported to their ratepayers under a system of enhanced and standardised performance criteria that would allow ratepayers to properly appraise
Mr Leighton interjected.

Mr COOPER — Why would you want me to read to you?

Mr Leighton interjected.

Mr COOPER — Just a minute and I will get one of my colleagues to rush out and get a big print, coloured version for you. I don’t see that I have any obligation to read the coalition policy to you. You should be able to read it yourself. If that is beyond you, well okay!

The government delivered its promises. It committed itself to pursuing structural reform. It has achieved it. If the honourable member for Preston has any difficulty understanding words longer than a couple of syllables that is his responsibility. Certainly, experience and evidence shows that local government throughout Victoria knew it wanted to be part of the reform process. Local government is playing its part in local government reform and restructure. The coalition delivered and it will continue to deliver!

Although boundary changes and reform have certainly been the major focus for the community, which is understandable, other achievements in local government deserve equal billing because of their significance. Some might argue that the reforms in compulsory competitive tendering are more significant than restructure or boundary reform. Nevertheless they at least deserve equal billing. I intend to address those matters briefly during the remaining minutes of my speech.

Compulsory competitive tendering was introduced following legislation passed last May. As all honourable members will recall, after three years all councils are required to put out 50 per cent of their services to competitive tender. The staged process begins this financial year with a requirement that 20 per cent of local government services are put out for competitive tender. Next year the requirement will increase to 30 per cent and the following year it will increase to 50 per cent. It will stay at that figure unless a future government decides to increase the figure. Although this government has no intention of doing so, it could well be that experience leads a government to seek an increase in the percentage. That is something for the future.

No doubt the initiative will see savings being achieved by councils, and that is good news for ratepayers. It also means more efficient councils, and that is also good news for ratepayers.

Mr Leighton — Fewer services!

Mr COOPER — Here we go; I was just getting around to that. Thanks for the interjection.

An honourable member interjected.

Mr COOPER — The big spender over here. Yes, that’s right, we know where he comes from. He can’t help himself. We should pity him rather than be nasty about it. The fact is it will mean better services and increased services for ratepayers, not fewer services. The sad part is that the honourable member for Preston, who is at the table, does not or cannot understand. It is one or the other — maybe it is both — but it is very sad that we get this blind opposition. The Labor Party opposes the introduction of competitive tendering, but that flies in the face of the fact that it will bring significant benefits to ratepayers and municipalities around the state. I do not disagree at all with the statement by the Minister for Local Government when he said:

Competitive tendering heralds a new era for local government with the prospect of very tangible benefits —

- the promotion of cost efficiency and accountability;
- an obligation on councils to define service benefits;
- an aid to help councils answer challenges to their decisions and ensure that both the processes and the outcomes of their decision making enjoy greater confidence.

I will reread the last one:

- an aid to help councils answer challenges to their decisions and ensure that both the processes and the outcomes of their decision making enjoy greater confidence.

This is what compulsory tendering will bring to local government around the state, yet the opposition objects to it and opposes it — one can only assume for the sake of opposing it. If you look at the record you will see that local government right around the state supported the introduction of competitive tendering. Individual councils as well as the peak bodies supported it. The Municipal Association of Victoria, the MMA and the IMM all support the introduction of competitive tendering. Who opposes it? The Labor Party.
Honourable members interjecting.

Mr COOPER — Every credible local government organisation and local government commentator sees it as a significant major reform for local government, yet the Labor Party opposes it. Why does it oppose it? Of course we all know the reason. It is not about the services; it is all about the unions, because the local government unions know that competitive tendering will mean that the businesses that win the tenders will not be staffed by local government union members. That will mean fewer bickies in the bin for the union; therefore they say they don't like it! They don't have the best interests of ratepayers at heart, they don't have the best interests of municipalities at heart, the best interests of local government generally at heart or the best interests of the state at heart: they just have their own best interests at heart! That is what they have got. They believe if a bigger and better union is receiving money in increasing lots from local government employees the whole world has to be wonderful! I suppose from the point of view of the union it probably is.

The reality is that this government is on about improving the lot of ratepayers, the people who pay the bills. It is not on about tugging its forelock to the union movement, as the Labor Party does. If opposition members wanted to have some credibility, some spine, to tell the truth for once in their lives, it would be worthwhile for them to stand up and say, 'We oppose this because we support the continuation of a bigger and better local government union'. That is the reality of their opposition, and they should say that.

The government is not frightened to stand up and say that it is on the side of the ratepayers because it believes the ratepayers should get the best deal and should be the beneficiaries of the savings and reforms that compulsory competitive tendering will bring in. The government is not frightened to say that. All the time it is the subject of carping criticism, but never does the truth come out — the real story. The same story was given a few moments ago by interjection from the honourable member for Preston. That was, 'Oh, compulsory competitive tendering will mean worse services for the community'.

That is not so and the experience elsewhere shows it not to be so, yet the opposition cannot help itself. It will oppose it regardless, because it is still a creature of the union movement and is determined that it will uphold the right for bigger and better unions, regardless of whether it will cost the taxpayers and ratepayers of the state heaps and heaps of money. That is a pretty sad reflection on the Labor Party, but I have to tell you that I am not really all that surprised.

This government also introduced freedom of information legislation to cover local government. Freedom of information applicable to local government has been a community demand for many years, a demand that was totally ignored by the Labor Party when in government. I cannot guess why it would have wanted to ignore it: after all, John Cain was the person who introduced freedom of information legislation into Victoria. At the time I do not know whether there was a demand for FOI to be extended to local government — there may well not have been. But certainly as the years went by ratepayers said they should have the right under some kind of legislation to seek documents from their local council. That demand came well before the coalition government came to power in 1992, yet when in government the Labor Party put it into a pigeonhole, left it there and ignored it totally.

One can beg the question of why it would have opposed it and come up with all kinds of interesting solutions or answers. You could probably reflect upon some of the goings-on in Labor-controlled councils around the state. Maybe that is a reason; I do not know, but I am surprised that in a political party that had a significant commitment to FOI, which was reflected by the fact that the Cain government introduced the Freedom of Information Act into Victoria, when the demand came — and a very rightful demand, I would suggest — for freedom of information to be extended to local councils, the Labor Party just walked away from it. Maybe it was frightened by the horrible mess it made of municipal restructuring. Maybe it was frightened by anything to do with councils. Maybe it just decided that this would be another thing that might cause a lot of aggro in councils around the state and it would be best to shelve it. By the time 1989-90 came along the then government was obviously in its death throes, pretty tired and incompetent, and it said, 'Here is another tough decision that can be handed over to our successors'. We have dealt with it, as we have dealt with other things. We have gone ahead and done it.

We have the system of the reporting to ratepayers of the doings of the council over the previous 12 months. You would have to say that that is one of the most basic moves anyone could put into operation. Companies do it for their shareholders
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each year: they put out annual reports about what has been going on and the various schemes operating within the companies. Yet the ratepayers of municipalities, who are major shareholders — and my goodness they are; every time I get my rate notice from the Shire of Mornington I know I am a major shareholder — are basically in most instances, but not all, being ignored by their councils. I must say that the council of the municipality in which I live, the Shire of Mornington, has always had excellent communications with its ratepayers and the community. I know many other councils are in a similar situation. However, those councils that did not want to do anything and preferred to treat their ratepayers like mushrooms were able to do that.

There was no requirement on them. It is a sad but probably reasonable reflection that a government is forced to legislate to require this sort of thing to happen, to force the minority to comply with the way the majority have been doing it voluntarily for many years. But that is the way of the law. All laws seem to be about controlling the affairs of the minority by persecuting the majority, but that is our way of life. I thought it was sad that what one could regard only as a sensible and reasonable initiative has to be forced upon those recalcitrant councils. That is a bit of a shame.

Mr Maclean — Did the Labor Party oppose it?

Mr COOPER — I don’t know whether the Labor Party opposed it, but it ignored the requirement for years. Again one wonders why the former government ignored something that is as eminently sensible as asking ratepayers to receive from their councils each year annual reports based on solid, standardised performance criteria. Every ratepayer is entitled to ask how his or her council is performing compared with councils in regions nearby or throughout the rest of the state. It is a question all ratepayers are entitled to ask and they should receive answers.

On the question of restructure, which is another major plank in our policy, we have succeeded where Labor failed. There is no argument about that. It is again worth asking why? How have we done it? What have we done that is so different around the state?

Mr Maclean — We consulted.

Mr COOPER — The answer is that we tackled the issue properly. We ensured that the Local Government Board carefully looks at specific areas.

There is none of this 11 months for the whole of the state business; none of this ‘Wham, bam, thank you ma’am’ approach; and none of the jackboot approach that was so obvious in the way Jim Simmonds and John Cain went about it.

We ensured that the Local Government Board does its job with extensive local input, and that extensive local input is certainly not rhetoric or simply paying lip-service. The proof of our approach is that we have gone about it in the right way. There is widespread approval for what has gone on. That is the difference. If one compares what occurred in 1985-86 with what is happening now, one realise it is like chalk and cheese.

In 1986 I attended a local government protest meeting in Bendigo which was to be addressed by the Chairman of the Local Government Commission, Stuart Morris. There was a huge crowd inside the hall and an even bigger one outside. Some of the people who were there had flour bombs. One of them had a hangman’s noose to greet the Chairman of the Local Government Commission. Stuart Morris turned up to the most barbaric reception one could ever see. He was pelted with flour bombs and abused both inside and outside the meeting.

Mr Maclean — Shocking!

Mr COOPER — As the minister interjects, it was shocking and it should not have occurred. Unfortunately, that was not an isolated incident. It happened all around the state. It happened in metropolitan Melbourne. I can recall attending the Board of Works theatrette and watching and listening to the outdoor workers of the City of Port Melbourne abusing the Local Government Commission and Stuart Morris. The outdoor workers were incensed about what they saw as an attempt to railroad them and they were very unhappy.

But that is not happening today. You do not hear about Local Government Board members being pelted with flour bombs or attacked. You hear about them getting some pretty hard questioning from community groups and you hear good straight answers from them, but you do not have the same kind of aggression and hostility in the community that occurred in 1985-86. One has only to visit local communities to find out what is going on. One can ask the people in Geelong what they think of the restructure of municipalities in their region.
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Mr Maclellan — Ask the Geelong members!

Mr COOPER — Yes, there is one Geelong representative on the opposition side and several on this side of the house. They will all tell you it has been a great success. One can ask the communities in Ballarat, Bendigo and the Surf Coast. In south-west Victoria the reform proposal was brought forward by the councils themselves. They did not put forward any proposal in 1985-86 except absolute blind opposition to and hatred for the proposals of the government of the day. Only eight years later we are getting widespread involvement, input and cooperation from local government around the state. The proof of the pudding is in the results that are now evident. Not only is the restructure a good thing, not only are the results that are being achieved by the people who are guiding these restructured municipalities back to an elected council working well, but major financial savings are also being achieved — and I will address that issue later in my contribution.

There has certainly been a significant change between what happened in 1985-86 and the past 24 months in this state. The same problems existed around the state when the Labor Party was attempting to do the job. The community now understands something that is evident to members of the government but obviously not evident to the Labor Party. Labor MPs seem incapable of understanding what is happening. The government is not only doing the right thing, it is doing it the right way. That is the difference: it is doing the right thing and doing it the right way. That is the very important difference between what is happening now and what happened when Jim Simmonds and Stuart Morris set out to restructure local government in 11 months. From go to whoa in 11 months was their intention. Start and finish in 11 months! They wanted to completely amalgamate municipalities around the state in 11 months.

Some Labor MPs understand and support the government. We get the private comment and the behind-the-hand comment of ‘Yes, it’s going well. Keep it up. You’re doing what we couldn’t achieve’. Although we understand that that is so, the reality is that in public statements it is still the blind, unthinking opposition. Some Labor Party members are not frightened to come out and say a few words of congratulation for what we are doing to encourage us onwards, not the least of whom is the Deputy Prime Minister, Mr Brian Howe. In an extensive press release issued on 19 April this year he said that it made sense to merge Melbourne’s inner city councils. He also said the recommendation of the Local Government Board that 9 super councils replace 21 Melbourne inner city councils should be supported.

The Deputy Prime Minister, a federal member of Parliament representing a Victorian electorate, is saying that the Victorian government’s restructure of local government is the right thing. He calls upon the community — and I assume he is calling upon his state parliamentary colleagues in the Labor Party — to support the proposal. Again we have the blind opposition saying, ‘Well, we don’t care what they are going to do. We don’t care whether it makes any sense. We will oppose it’. The Labor Party says that because it has no policies. It does not know what it is doing from one day to the next, quite often from 1 hour to the next. We get conflicting statements all the time. We have the Leader of the Opposition in this house making a statement and the Leader of the Opposition in the upper house making another statement that is diametrically opposed to the first statement. We have people in the Labor Party making statements in this house while their colleagues are out on the front steps of Parliament holding press conferences and saying exactly the opposite. Labor Party members do not know what their colleagues are doing, let alone having a policy for the whole party. It is no wonder the Labor Party is in trouble. It is no wonder its members do not have a consistent line. It is no wonder they are seen by the community as carping whingers who will oppose something just for the sake of it.

The sad part is that over the years people of some significance in the Labor Party, like John Cain, understood and supported the need for local government restructure. They understood it and made statements about it. Even though John Cain failed miserably, at least he tried to start the process, though the whole thing collapsed around him later. Even Jim Simmonds, the Minister for Local Government between 1985 and 1988, understood the need for reform. He may have gone about it like a blundering bull in a china shop, but he understood the need for reform. He understood that something had to happen.

What sort of an opposition do we have nowadays? We have a dispirited rump of a political party that is in an absolute shambles. Its members just blindly oppose whatever the government is doing, without regard for the fact that only two years ago when they were in government this was their policy. Just over two years ago, this lot over here, this Labor lot,
would have been happy to accept the credit for what is being done now!

Now that it is being done, now that the government is achieving what those opposite failed so miserably to achieve, what is their response? It is to forget about a policy commitment that goes back to the 1970s and to forget about 10 years of power. Labor Party members forget about all those things. They have decided to throw all that out, opposing whatever the government is doing. That is their policy now: to oppose anything the government does. It is an easy policy to prepare. You could put it out on half a piece of A4 paper! This is an opposition whose members oppose for the sake of opposing.

All the commitments made by the Labor Party in opposition and later in government appear to have gone right over the head of the current Leader of the Opposition. He is not interested in any of that. He has jettisoned it all. He has decided he will come up with his own policy on local government. We are really looking forward to reading the local government policy of the Leader of the Opposition!

The local government spokesman for the Labor Party in the other place, the Honourable Pat Power, has already given us a foretaste of the kind of local government policy the Labor Party is going to produce. But in the meantime, the Leader of the Opposition just mouths off on important issues. He does not use his own words; we know his words are written for him in his bunker somewhere in this building. He is the mouth of the Labor Party, the Gerry Gee of Victorian politics. Other people are pulling the strings. Whenever they say, 'Go in there and say that, John,' he says, 'What a good idea. I will'. That is why, when he is asked a question to clarify one of his statements, he does not have an answer. It is a pretty sad spectacle.

We look forward with some anticipation to the release by the Leader of the Opposition of the Labor Party's local government policy. The Leader of the Opposition might finally get around to doing so between now and the turn of the century — if he remains in his position until then. We know the honourable member for Albert Park, the honourable member for Sunshine and a few others do not think he should remain, and they are out collecting numbers now. However, given that the Leader of the Opposition remains in his job, we look forward with some anticipation to the release of Labor's local government policy.

In the meantime we have to rely on statements by people such as the Honourable Pat Power, the shadow Minister for Local Government in the upper house. Last Monday, 17 October, Mr Power was quoted extensively in the Age. I imagine that by now he might be a bit concerned about some of the things he is reported as having said. In an article written by Leon Gettler the following appears:

The ALP is planning to exploit the state government's council amalgamation agenda by backing a record number of candidates...

The changes mean that municipal elections will be increasingly party political.

That is, the changes that have been put in place by the government mean that, according to the ALP:

... municipal elections will be increasingly party political.

This is fascinating stuff. The article goes on:

Mr Power said all candidates would have to comply with ALP policy on 'core issues' such as home and community care, or spending of state and federal grants. However, they would have autonomy on matters of immediate concern to the municipality such as the building of speed humps or use of a sports pavilion.

Doesn't that tell you something about the Labor Party and its attitude to local government! Here we have significant reforms, a reform agenda that Labor would have liked to put into operation but failed to, being initiated and implemented by the government. Yet the shadow Minister for Local Government says Labor is going to get itself involved in local government elections — right throughout the state, I assume. It will endorse candidates, and those candidates will be bound by Labor Party instructions on everything other than unimportant local issues such as the building of speed humps and the use of sports pavilions! They will be great people. They will make decisions on all sorts of interesting issues, such as where you have a speed hump or who is going to use the pavilion down at the local oval. However, on all the important issues, the provision of services and so on, Labor Party policy will apply.

That statement by Mr Power will come back to haunt him and his party because it shows a complete contempt for local government. More importantly, it shows a complete contempt for the
people the ALP is going to endorse as candidates. Clearly members of the Labor Party do not believe endorsed candidates can be trusted as community representatives. They will be given their riding instructions and monitored continually to ensure that those riding instructions are carried out.

Here is Labor's response to local government. It wants to turn the clock back 25 years, to take hold of the reform structure and manipulate it and twist it so that it works for the benefit of the Labor Party. Forget the community, because these people on the opposition benches work on the principle that if it is good for the Labor Party it is good for the world. We have all seen how that principle worked during the 10 years of Labor government. It nearly bankrupted this state!

Last Monday its spokesman on local government issues said Labor would insert the party political process back into local government, a process that has been gradually removed in recent years. Labor will give its councillors their riding instructions and will monitor them to ensure those riding instructions are carried out.

I note with some interest that Labor intends to apply the famous Hobart 35 per cent rule to the endorsement of local government candidates. If 35 per cent of the candidates are not female, they will scrap the process and go back to the selection committees. Candidates will not have to be ALP members to gain endorsement. According to Mr Power, anybody will be able to walk in and become Labor Party-endorsed for a local government election. Labor cannot have much faith in the women already in the party if it is already considering going outside the party structure to find candidates!

What a poor reflection on a political party in this state! When the opposition looks at a reform agenda of such significance and breadth, a local government reform that it had as its policy but failed to put into operation, all its members can say is: forget all about that; we are going to wreck the system by putting party hacks back into councils! That is what the opposition is going to do — put party hacks back into councils, ride roughshod over them and demand that they do what they are told.

I do not believe Mr Power has been misquoted in the Age. If it were the Herald Sun, perhaps he could claim that, because most ALP members seem to. But he was quoted in what is basically the Labor Party's newspaper, saying a Labor government would do all those things. The only things ALP-endorsed candidates will be able to do of their own volition will be mickey mouse jobs that do not matter a hoot. The important issues that face every councillor at every council meeting will be decided in the back room by the caucus beforehand. That is what will happen according to Mr Power.

Consider the mathematics of it all. Imagine a 12-member council, 7 of whom are endorsed ALP councillors. Imagine the other five are independents or of some other persuasion, but certainly not ALP-endorsed candidates. Imagine those seven ALP-endorsed candidates meet out in the back room to decide the important issues, the big financial and service issues, and that four of them are like minded and therefore in the majority. In other words, 4 members of a 12-member council could dominate and run that council.

That is the sort of stuff that led to the inquiry into the Richmond council. That is the sort of stuff that was exposed in years gone by out in the rotten boroughs of Sunshine. They are the sorts of things that I thought had been consigned to the past, the sorts of things that even the ALP jettisoned a few years ago. I thought it had given up getting into the business of endorsing candidates for local councils, accepting that local government should generally be free of party politics. That does not mean some councillors will not have political affiliations or leanings, but it does mean political parties will not tell councillors what to do. It does not matter whether they are Liberal, National, Labor or Callithumpian. I do not care about their political leanings; I care about their independence when they sit around the council table. But the man who speaks on behalf of the opposition on local government matters has been quoted as saying that that is all over, that Labor is bringing back the big fist and that it will endorse its own candidates, who will have to comply with state and federal policy. That is what Mr Power, who represents Jika Jika Province in the other place, has said.

What an appalling signal to send to the community. Perhaps the Leader of the Opposition, if he ever gets around to considering the issues in this state that are of some importance to the general community, such as what does go on with local councils, might address that issue and reflect on what his spokesman has said. He would be well advised to back away from and repudiate that statement, because Mr Power has sent a shocking and horrible signal to local government communities throughout Victoria.
At present we have 169 councils, 41 fewer than when this government came to power in October 1992. As all honourable members will be aware — the whole community is aware of it — over the next few months further restructuring proposals will be put on the table. We all know that because the Local Government Board has announced that the interim report of the outer metropolitan review of local government will be tabled this coming Friday. I am sure that document will be of considerable interest to many members in this house, not the least of whom is you, Mr Acting Speaker. The report will comment on Melton and Werribee as well as the other parts of the arc around the outer metropolitan area that stretches right around to the Mornington Peninsula, which will have an impact on my electorate. Given the population involved, it will certainly be a report of considerable significance.

I have been particularly gratified by the reaction of the two municipalities in my electorate, the shires of Hastings and Mornington, to the investigation by the Local Government Board of the outer metropolitan restructure. If ever there were an example of an intelligent and adult approach to this significant issue — I know there are many others — it would be the approach adopted by the Shire of Mornington and the Shire of Hastings. I want to put on the record that I believe those two councils led from the front. Not only that, we saw statesman-like performances by the 24 councillors involved, which is a great credit to them and to the officers of those two municipalities. At no time did they give any consideration to what was best for them as councillors or officers. They took the stance that in looking at the structure of local government on the Mornington Peninsula they and the board should do what was best for the ratepayers, the people who pay the bills.

That process started just over 12 months ago, when I wrote to the two shires suggesting that because the Local Government Board would be getting around to looking at the structure of local government on the Mornington Peninsula at some stage or other, it would be worthwhile their setting the thing in motion themselves. The two councils met and appointed their own consultants, who went out and did extensive community survey work and extensive community interviews. They came up with a number of propositions, which the two councils considered. They then said they believed the right answer involved the whole of the peninsula being under one municipality. They sent their proposal to the Local Government Board. On Friday we will see whether the proposition they have put forward has been accepted by the board.

Whether the proposition is accepted or not, the same sort of situation has occurred in many places around Victoria, which shows the maturity of local government. As I said earlier, the councils down in south-west Victoria have shown that maturity, as have the municipalities on the Mornington Peninsula. Councils in other parts of the outer metropolitan ring have shown that maturity. I am particularly buoyed by that.

I spent a long time as a councillor before coming to this place, as you did, Mr Acting Speaker. I am sure you will join me, Sir, in saying it is particularly relevant to comment on the maturity of the councils, themselves. They have not taken a dog-in-the-manger approach. They have not decided they will do only what is best for them. They have looked at what is best for the people who elect them, which I think is great. I am sure — I certainly hope — that the interim report of the Local Government Board will endorse the positions they have advanced and that the board will not head off on a tangent. I think the board will take great heed of the views that have been expressed by the councils.

I have run through a number of the areas this government has involved itself in in local government reform, such as freedom of information, compulsory competitive tendering, municipal restructuring and so on. All the areas I have already covered have been significant — but it does not end there. As the ad says, 'There's more'. This government is not about resting on its laurels. We are not saying we have gone as far as we need to. As the ad says, 'There's more'. This government is not about resting on its laurels. We are not saying we have gone as far as we need to. We are not about to do what John Cain did and start thinking about the next election. We will not decide that we had better go quietly and not do anything for the next two years because we might upset some people in the community. This government is about reform. It is unequivocal in its approach to its reform agenda and will not walk away from the other issues that are of significance.

Those issues have been put on the table for comment and significant community input; they are indeed big issues. Perhaps the biggest is council rates. We all know that if between 1982 and 1992 you had suggested examining the rating structure, you would not have found a Labor Party member anywhere. They would have suddenly found rocks to crawl under. They would have said, 'That's a tough issue. We will get away from this'. They
would have walked away in a hurry! The Labor government never confronted the need to examine council rates, which in their present form could only be described as totally inequitable.

This government has decided to look at the structure of council rates. Early this year the government published a municipal rating system review paper, which remains in the public arena awaiting community comment on whether there is a better way of doing things. The present structure is appalling.

As I reflect on the years between 1982 and 1992 I am continually amazed by the failure of the Cain and Kirner governments to even raise the issue. They were confronted with the rewriting of the Local Government Act. Jim Simmonds, the responsible minister, published the first draft of the new act, stating that all rating systems would change to capital improved value with the ability to apply differential rates. That was his answer.

Immediately the flak started to fly, which was only to be expected. Many people passionately believe in site value as the best rating system, and they have a good story to tell. 'No', said Mr Simmonds, 'We will grab the bull by the horns. We will not talk to any of these people or find out their views to see whether there is a better way'. Of course he met with a reaction! But the response of the Labor government was to jettison that as well.

The Labor government could have responded to the need to examine the rate structure. The rewriting of the act gave it the opportunity, because some councils rate on site value, some on capital improved value, some on net annual value and some on a shandy system. The inequities remain. But even worse, you cannot even compare like with like.

For example, in my part of the world you cannot easily do a proper and intelligent comparison of the rating structures of the City of Frankston and the Shire of Mornington. Why? The City of Frankston rates on site value and the shire rates on net annual value. Any comparison is difficult and complicated; it is not easy to compare the efficiency and effectiveness of those councils. You cannot study a book to see how the Mornington and Frankston structures compare, nor can you compare them with other councils around the state. You cannot get a line on them.

That need was recognised by the Labor Party. That is why Jim Simmonds introduced that clause into the proposed act requiring all councils to rate properties based on capital improved value. He got the reaction he deserved because he did not consult. He may have talked to a few peak organisations, but he did not seek the views of ordinary councillors and, more importantly, those people in the community who have an interest in the matter. It is arrogance of the worst kind to believe the general community knows nothing about rates or does not care about them. Many in the community know a damn sight more about them than do people in this house — and certainly more than many of the people who sit around council tables.

Our municipal rating system has become so complicated that it is a boon to shifty and crafty council bureaucrats. They love it. They can confuse their councillors and do pretty good snow jobs on their local communities as well. If you go into council chambers around the state and cross-examine the councillors sitting around those tables about the rating system, you rarely find that the majority understand it. That is a sad reflection on the system, but it also shows why we have significant inequities.

Rating reform is not easy; it is probably the toughest local government job. It was a great disappointment to me to have to sit on the opposition benches watching the Labor government walk away from the process without even a backward glance. It walked away because it copped a bit of flak. The sad part is that the flak flew because the party did not go about the job properly.

That will not deter this government. It has published a reform paper, and there will be reforms made to rating systems throughout Victoria. The opposition may ask when. My answer is that I do not know, but it will not be too far away. We are determined to address the issue and return equity to the rating system. We want to introduce a transparent system that everybody can understand.

Who around Victoria understands the net annual value system? How do you explain it to somebody who has no idea of valuations and ratings? If you tell people the net annual value system is based on 5 per cent of the capital improved value of their residential properties, which is an arbitrary figure set to show its return on rental minus things such as rates and insurances, they say, 'What?' — and so they should!
When you say that net annual value is a reflection of the valuation of commercial and industrial properties according to whatever percentage the council determines is proper for such properties, the shutters come down. Most councillors sitting around council tables would have no idea either.

When you ask some councillors whose councils rate on the NAV system whether they know the NAV they put on commercial properties in their municipalities amounts to 30 per cent of the capital improved value, they say they believe it is 5 per cent. They do not have a clue what their officers have done. Then they wonder why people bowl in and complain to them about the high rates on businesses. They wonder why firms go out of business and shops close down. They do not believe it is because they are charging high rates. 'We increased our rate last year by only 3 per cent. That is on the front page of the local newspaper. We keep our rating increases below the inflation rate'. They ignore the fact that sections of the community, particularly the business section, are being belted around by a rating system that is hopelessly inequitable.

Inequities also occur with farm ratings, particularly in the outer region of Melbourne. Mr Acting Speaker, your electorate is probably a prime example of unfair practices and inequities, as is mine. A lady in my electorate sits on about 80 acres of land in an area that some years ago was rezoned residential. This lady is in her 70s; if she reads Hansard she may get excited, but I will not reveal her true age!

She lives on her own and grazes cattle. There are new housing subdivisions within sight. She sits on her prime parcel of land, grazing her cattle and with no intention whatsoever of subdividing her property. She has told me many times, 'They will carry me out of here only to bury me, hopefully on the property'.

That lady has been grazing cows for years, and she will continue to graze them until she dies. That is how she sees her lot in life. She gets an annual bill from the Shire of Mornington, the size of which makes it look as though she is supporting some kind of overseas aid program for Rwanda! It is a huge bill. She gets a huge bill because she has been charged on the development potential of her land. She is being charged residential rates. How unfair! She has been to the council, as have I. There is nothing the council can do about it other than change to capital improved value rating and then bring in a differential rating for her area, but the Mornington council is apparently not convinced that CIV is the right rating system for it.

Rating reform is desperately needed in this state. As I said before, it is a very difficult issue. It needs not to be argued in terms of bipartisan politics but thrashed through and decided upon by a Parliament that will have at heart the best interests of ratepayers, not the best interests of a political party. I hope when the matter comes up for debate in this house we will see bipartisan support.

That is not to say that whatever the government brings forward should not be questioned and perhaps amended, because I do not pretend — and no person with any intelligence would pretend — that all intelligence resides on this side of the house. There is a part for the opposition to play in this, but it should not be blind opposition. Let the opposition act like a true opposition should, looking at the issue fairly and squarely without bias, coming forward with its ideas and talking to the minister. Out of that I hope we will get a new rating system for ratepayers throughout this state that will be to their long-lasting benefit. I hope we will not see the ongoing shallow, opportunistic approach to the issue that has been demonstrated by the Labor Party on so many other local government issues in Victoria.

The other issues that need to be addressed are legion. As I said before, we certainly will be dealing with them. In the lexicon of priorities, rating reform will be the biggest priority, for sure.

The coalition's support for local government has seen reforms in many important areas. We are delighted at the support we are getting on local government issues around the state. Whilst I cannot comment on the Local Government (Amendment) Bill 1994 because it is about to come up for debate in the house in the next few weeks — it is on the notice paper — I certainly urge every honourable member to give serious consideration to that bill because its provisions deal with important reforms for local government in this state.

Also in other areas we have supported local government strongly: for example, in regard to libraries. Library funding and support for the public library system throughout Victoria has improved dramatically under this government. It was pretty hard to swallow when earlier this year one saw press releases from the opposition with the usual misrepresentations and half-truths about library
funding. The Labor Party put out the story that the government was going to introduce fees for borrowing from municipal libraries. Nothing could have been more untrue than that story, but that did not stop the opposition. It does not care about the truth.

On 25 May the Minister for Local Government had to issue a press release denying that fees would be introduced. The press release states:

[Mr Hallam] said the government had demonstrated its commitment to enhancing the state’s library services by increasing funding for municipal libraries by 3 per cent this financial year as well as $39 million refurbishment program for one of Victoria’s key cultural assets, the State Library.

Mr Hallam said it was important to note that government funding for all municipal libraries was conditional on them not charging for their core services including borrowing books.

The government is not about restricting access to this fundamental service but rather guaranteeing it remains free to everyone in the community.

I raise that in this debate as an example of the kind of stupidity we get from the opposition on issues like that. Rather than looking at something squarely and fairly, rather than saying, ‘Here is an example of where the government has increased funding to libraries’, the opposition prefers to dig around and put out untruths.

As with all of the untruths that feature on the front pages of newspapers at present regarding the casino, the grand prix and everything else, there is no evidence behind them, just the bald statement, ‘This is corrupt. This is crook. Somebody has their hand in the till’, or whatever. When challenged to bring evidence forward in the Parliament or elsewhere, the opposition has no evidence at all — not a skerrick — just rumour, supported by the whingeing of the loser consortium with regard to the casino.

The opposition spreads alarm and concern through the community, through the 50 per cent of the state’s population who are regular users of libraries, telling blatant lies that are not supported by any documentation, by any statement of any government member or minister, by anybody in the public library industry or anybody in local government. There is not a skerrick of truth or evidence, but why not throw this one out there and cause a bit of concern to the community? What kind of approach by an opposition is that? It is a derelict and irresponsible approach.

The government’s support for libraries was demonstrated in a press release put out by the Minister for the Arts, Haddon Storey, on 23 September. He announced a $10 million boost for Victoria’s libraries in 1994-95. The press release states:

The money fulfils a longstanding government commitment to reverse a system where grants were deferred to the end of each financial year. The reversal required the up-front, $10 million top-up of the libraries grant scheme.

Libraries will now be paid grants twice annually, to improve cash flow.

The Minister for the Arts is reported as stating:

In its dying days, the previous Labor government tried to hide massive debts by deferring payments to vital community services. One of the victims was Victoria’s library system, which had its cash flow strangled.

Here we have the complete exposure of an opposition that makes false claims that the government will force councils to charge for the borrowing of books from libraries. That same party, the Labor Party, when it had its time in government, as the minister said, had a policy of strangling the cash flow of Victoria’s library system. The coalition government had to reverse that with an up-front $10 million top-up to get libraries back on track. What kind of appalling hypocrisy is that from the Labor Party?

It is the sort of hypocrisy that allows Labor to tell a lie when it is the guilty party. That is a disgrace. The Labor Party needs to be brought to account, and today it has been.

Also there is the current situation of Fitzroy swimming pool. I hear the voices opposite, including that of the Deputy Leader of the Opposition. There will be a big meeting tonight, I believe, to protest about that matter. I am not going to get into the issue of the Fitzroy swimming pool, I hear the voices opposite, including that of the Deputy Leader of the Opposition. There will be a big meeting tonight, I believe, to protest about that matter. I am not going to get into the issue of the Fitzroy swimming pool, but what I will say is that there is a good deal of hypocrisy in the bleating of the Deputy Leader of the Opposition and Mr Pullen about this issue. They, and I might say also the Deputy Prime Minister, Mr Howe, demand the return of federal grants and all sorts of things. That may well be so, but let us look at who the commissioners of the City of Yarra are.
Mr Julian Warmsley is the chief commissioner. I do not know his political background. He might be a member of the Liberal Party for all I know. However, I know the political background of the other two commissioners.

Mr Micallef interjected.

Mr COOPER — You’d know all about that! One of the commissioners of the City of Yarra is Mr Frank Thompson, a member of the Labor Party. He is a former member of the Waterside Workers Federation, a guru of the Labor Party on the Mornington Peninsula, the former president — appointed by the Labor Party — of the Mornington Peninsula hospital, the Chairman of the Peninsula Community Health Service and certainly a person with active and continued links with the Labor Party.

The third commissioner is Mrs Barbara Champion. You do not have to go too far to find out about her close connections with the Labor Party. Perhaps you could take a trip across to the Legislative Council where you might ask one or two of the opposition members about Mrs Champion’s connections. Members in this place and the other place as well as the Deputy Prime Minister have been complaining about what is going on at the Fitzroy swimming pool. They may be justified; I do not know the details. However, the decision by the commissioners of the City of Yarra would have been a majority decision and two of the commissioners are Labor Party people, who were appointed by the government to the City of Yarra. Why don’t you raise it with your own party people who are commissioners? They complain as though the government were to blame when two of their own kind made the decision to close the Fitzroy swimming pool. They should bear that in mind before they leap into the press next time.

I shall talk about roads. The Labor Party does not like talking about roads. It does not like talking about this government’s achievements, results that in its 10 years of government it failed to achieve. This government, together with local government, is making improvements to Victorian roads that never got a start under the Labor government. All we have are embittered and envious words from the opposition. They are encouraged in those comments by the endorsed Labor candidates throughout the state who are saying that everything is wrong. However, one has only to look at what has happened with road construction and road repair to know that things are not wrong and that everything is right!

The motorists of this state are the beneficiaries of the wonderful cooperation between local government and state government on roads. It is something on which the opposition should be congratulating the government. After all, we have repaired the half-built or no-start road construction projects that lollled around Victoria for the past 8 to 10 years when the former Labor government ran out of money because it had bankrupted the state. As a result, all the essential road projects lapsed. In my area, there was the so-called Southern Peninsula Freeway, which went from nowhere to nowhere. It needed a connection between the northern end to the Moorooduc arterial road but it did not get a start! The former government put a bulldozer over it, scarred the landscape, built a couple of bridges that went nowhere and then the project lapsed. During the last three years of the Labor government the Minister for Transport, Mr Spyker, was continually asked by me when the project would start. He said, ‘I don’t know. I’ll get around to it’. The project was always on the capital works projects list each year, until the final year when it did not appear. They thought if they took it off the capital works project list it might go away, but it did not go away. Within six months of this government coming to office, the first section of the road was completed and, inside 12 months, the road was duplicated. All of that was done by the coalition government after eight years of dithering by the former Labor government.

The councils that comprise the Mornington arterial roads group are overjoyed at the way in which they are now getting some commonsense out of the state government after years of being mucked around and seeing no action. Finally things are starting to happen. That is one little instance of what is going on around the state. The cooperation between the state government and local government has brought enormous benefits to the state and the people who use the roads, who pay the bills and who want some improvements made. In conclusion —

Mr Leighton interjected.

Mr COOPER — No, I didn’t. Go back to the Hansard report.

Mr Leighton interjected.

Mr COOPER — Of course you will. I will get it in big-print version for you.
The ACTING SPEAKER (Mr Cunningham) —
Order! The honourable member for Mornington will address the Chair.

Mr Richardson — The colouring-in version!

Mr COOPER — The honourable member is already on the mailing list for that! The Age editorial of 17 September, which has the headline 'The town hall reborn', states:

The transformation of the Melbourne City Council — from buffoon status to corporate showpiece — shows just what can be done with local government. Five years ago, the council was disorganised, inefficient and debt ridden. When it made news, it was more often than not because of yet another squabble between councillors. All that has changed. The council's debt has been cut from $102 million in 1990 to $49 million, staff numbers have fallen from 2300 to 1500 (with further departures projected as council enterprises are corporatised), and productivity levels for council departments and services have soared — when the council's chief executive officer, Ms Elizabeth Proust, released the 1994-95 budget projections, they made for reassuring reading. Ms Proust foreshadowed a 62 per cent increase in capital spending despite an overall 10 per cent decrease in rate revenue ... the council yesterday announced a $19 million, or 13 per cent, cut in operating expenditure for 1994-95. It expects this figure to grow to $25 million, or 17 per cent, over the period to 1995-96. This is a commendable outcome in itself, but what is more important is that it has allowed funds to be diverted from operating expenditure into the sort of capital spending that is necessary if Melbourne is to boost the life and look of its central business and entertainment districts. This is, quite rightly, what the state government wants the Melbourne City Council to do, and is in line with the government's equally admirable longer term aim of returning Melbourne to the ranks of national and international capitals.

That success story has been reflected elsewhere throughout the state. It is being achieved because the government had a commitment to municipal reform that was similar to the commitment the Labor Party had when it was in government. However, unlike the Labor government, our commitment actually means something. It was not jettisoned when the going got tough. We did not walk away from our philosophy and our policies. We have done what the Labor Party set out to do in 1985-86, but it failed, and failed miserably.

The government deserves commendation by the community and Parliament because it is making reforms that will be reflected in better services and lower rates for ratepayers in municipalities right around Victoria. On that score, there is no argument — the government has been a major success.

Mr LEIGHTON (Preston) — It is probably worth recording that for just over 2 hours the honourable member for Mornington has been saying very little indeed! Although it is now 12.10 p.m., I recall that at 10.50 a.m. the honourable member said he was in the last few minutes of his speech. I took that to mean 'the remaining few minutes'. I guess there is one thing we should be grateful for, and that is that the honourable member has given the opposition another motion to debate during general business. Since the proroguing of Parliament, the government and the opposition have the opportunity to move motions alternatively under general business. The opposition can therefore expect to move a motion only every second week. But, if we replace the word 'congratulates' with the word 'condemns' at the start of the honourable member's motion, it becomes a motion the opposition would seek to move.

All I can assume is that the honourable member for Mornington must be so bitter and must hate his own leader so much for removing him as a shadow minister that he has deliberately framed his motion in such a way that it invites contrast. By referring back to the 1980s and comparing the government's current position with the way it behaved during the 1980s the honourable member invites contrast and in so doing sets up his own leader. I will come to that in a moment.

The opposition is delighted to have the opportunity to debate this motion and to talk about the undemocratic way the amalgamation process and the changes are being managed, the sackings of democratically elected councils and the savings that have been made through cuts to services; to highlight the fact that compulsory competitive tendering is being implemented by commissioners in the absence of elected councils, and in particular to highlight the absolute lies about local government told by members of the coalition parties over the past 10 years and their sheer hypocrisy. I can only assume that the honourable member for Mornington was so bitter with his sacking from the front bench by the Premier — the then Leader of the Opposition — that he wanted to set the Premier up.
Talking about lies and hypocrisy, one has only to go back to the same period in the 1980s about which the honourable member for Mornington waxed lyrical. I refer to a letter by the then state opposition leader, Mr Kermett, who is now Premier. It was widely circulated to local papers, particularly throughout country Victoria. The Kowree Advocate of Wednesday 14 September 1994 reprints Mr Kennett’s letter in full under the headline ‘Kermett’s credibility in tatters’. The letter, which was circulated in 1986, is an example of what I mean by the hypocrisy of and the lies that were told by members of the coalition, who were then in opposition. The letter reads as follows:

I thank and congratulate those of your readers who actively worked against Mr Cain’s plans to council amalgamation.

But be warned. The Labor Party has not lost the war, but has merely withdrawn, to regroup and start battle again.

Next time the battle will be fought through the power of the purse.

Mr Cain and his minders will try to force council amalgamations by reducing or further tying the financial grants made by the state government to local government.

Mr Cain backed down from his frontal assault on councils and their committees because of public pressure and the promise by the Liberal Party to use the safeguard it was given at the Nunawading re-election to curb Labor’s excesses and hold it to its promises.

The Liberal Party will continue to give rural Victoria tough leadership on all issues — now, and when we are returned to office.

In the meantime I caution all municipalities and communities not to be complacent.

Labor, and John Cain in particular, are still out to force council amalgamations.

The Liberal Party, on your behalf, will continue to defend your right to live where you wish, and be administered by the local government system of your choice.

And pigs might fly!

Honourable members interjecting.

Mr LEIGHTON — The letter continues:

May I again take this opportunity to thank all those Victorians who gave their time to fight against stage one of the government’s plans to bring about forced council amalgamations.

So much for the ordinary Victorian’s right to choose the community in which he or she lives!

Honourable members interjecting.

The ACTING SPEAKER — Order! The last speaker was listened to in silence; show the same respect to this speaker.

Mr LEIGHTON — The editorial comments under the letter state:

That was a press release issued by Jeff Kennett in 1986; not all that long ago.

He received the support of Victorians, in particular rural Victorians who believed they had a defender of their most basic of democratic rights, and was swept into office in 1992 with a vast majority.

More fool us.

Because of the outstanding support and blind faith given to Mr Kennett and his colleagues by rural people, we have created a monolith that refuses to be shifted on policy, and refuses to recognise its own shortcomings or listen to the people who helped him achieve his victory.

Later the editorial says:

You’ve stuck the knife in, Mr Kennett. All you need do now is give it a twist. Or you can make good your promise to the people of Victoria in 1986 when you were desperately trying to win government.

That is typical of what is coming from conservative country newspapers. Another example is an editorial from the same newspaper headed ‘Democracy or hypocrisy?’.

The Diamond Valley News of 29 March 1994 under the headline ‘About-face for Kennett’, states:

Smaller municipalities are more efficient, and amalgamation results in higher rates for most property owners.
So said Premier Jeff Kennett — four years ago when he was in opposition.

In a series of articles in the *Bendigo Advertiser* in 1986, the leader of the government, now pushing mergers, outlined the disadvantages of council amalgamation.

The then opposition leader also reported, on July 29, 1986, that the Liberal Party had passed an upper house amendment to ensure that mergers could take place only after 'binding referendums'.

'And that is the major difference between the Labor and Liberal philosophy at the moment,' Mr Kennett was quoted as saying.

'They're trying to force amalgamations; we're saying if there are going to be amalgamations then the community should have the right of a referendum.'

So it goes on. In my opinion the coalition parties learned very clearly from the way they exploited the issue during the mid-1980s that whatever they did when they won government they had to do it quickly and without any community involvement. The last thing they could allow was a drawn-out process in which communities had a real say. The danger for the coalition parties was that as they shamelessly exploited the proposal during the 1980s they did not want to be on the receiving end of community protests in the 1990s.

An Honourable Member — Where are the protests?

Honourable members interjecting.

Mr LEIGHTON — As for lies and hypocrisy, one need go no further than the coalition's own policy on local government. The front page of the policy states that the coalition government will:

abolish the Local Government Commission and ensure that examinations of boundary issues are driven by the local community.

It has not been driven by the local community. The few times that local communities have even bothered going through the absurdity of holding a local poll the results have been clearly ignored.

Also on the front page of the coalition's policy document is the statement:

The coalition recognises the importance of local government as the arm of representative government closest to the people.

That is why we no longer have democratically elected councils, and by the end of the year there will be only one elected council in the state.

The final page of the coalition’s policy under the heading 'Boundary Changes' says:

The Labor government's pursuit of municipal amalgamations in the mid-1980s has been extremely costly to local government. It engendered antagonism and mistrust and was counterproductive.

The major lesson to be learnt from this experience is that if a boundary change is to work it must be driven by the community.

The major lesson learnt by the coalition parties was that it had to be done quickly and without any real community say. That is not surprising. Clearly this has been a political process from start to finish. The Local Government Board is chaired by a failed Liberal Party preselection candidate for the federal seat of Kooyong, Leonie Burke. Her brief absence, while she fronted that preselection panel, indicates — —

Mr Baker — She got slaughtered!

Mr LEIGHTON — Not only did she get slaughtered, it also indicates how the government and the Minister for Local Government really view the board. They do not see it as an independent board. During her absence they appointed the Director of the Office of Local Government, Mr Yehudi Blacher, as acting chair of the board. So the very person who was giving the minister his direct advice is also appointed to chair this supposedly independent board.

I refer to other people like Russell Broadbent, the failed former Liberal member for Corinella, who is a member of the board. It is clearly not an independent process. It is part of a political process.

Mr Baker — Dare we say cronies!

Mr LEIGHTON — Yes, dare we say cronies. Just look at the people who have benefited from that: people like Peter Ross-Edwards, the former Leader of the National Party.

Mr Finn — Frank Wilkes!
Mr LEIGHTON — At least Frank Wilkes did not retire on grounds of ill health.

Mr Finn — So you are holding it against a bloke because he was crook?

Mr LEIGHTON — Yes, when he goes on to be a local government commissioner. I also refer to Gordon McKern, a member of the Liberal Party, who in late 1993 was appointed chairperson of the local water authority in Bendigo and then, together with Peter Ross-Edwards, was appointed a commissioner of the Greater City of Bendigo. Given the decisions the council has to make about purchasing water from the authority that clearly places him in a position of conflict. It is yet another example of the government’s cronynism policy.

By and large the representation provided by government backbenchers, particularly the new ones who will not be here after 1996 — —

Mr Finn — Would you like a little money on that?

Mr LEIGHTON — Let’s have a look at the Bulletin poll. Geelong will not be here. I doubt whether Tullamarine will be here, either. One of the reasons is that you are too frightened to stick up for your local areas. The opposition spokesman on local government, the Honourable Pat Power, says that the first thing virtually every local council he visits raises with him is the gutlessness of their local members. They say, ‘Our local members are missing in action. They won’t put a view. All we get out of them is an opinion after they have read the report of the Local Government Board’. Look at the sort of pressure that exists in local newspapers. An article ‘MP defends neutral stance on amalgamations’ states:

The member for Berwick, Dr Robert Dean, has developed his neutral stance on local government restructuring ...

His failure to declare himself on the amalgamation issue has drawn criticism from certain quarters, but Dr Dean insists that remaining neutral has not stopped him from putting his constituents’ views on the subject as strongly as he could ...

‘I hope I’ve done my constituents justice,’ he says.

Pigs! What a gutless response! How can he do his constituents justice when he will not even put a view or represent them? That is typical of the gutless wimpish oncers on the government back benches.

Mr S. J. Plowman — You are saying it is not a political process, but now you want members to get stuck into it. You can’t have it both ways!

Mr LEIGHTON — I would respect government members if they were prepared to represent their local communities. The only ones who are prepared to do that are a couple of senior government ministers because they are the ones really running the show. The attitude of the government and the board to the amalgamation of Brighton is clear and they wimped out. Just look at an article headed ‘A numbers game with little appeal’ that appeared in your revered Herald Sun of 16 July:

Alan Stockdale might grimace privately at the thought, but it is only three weeks until local government submissions close on the future of the bayside precinct at Brighton.

Mr Stockdale recently told his local paper, the Sandringham-Brighton Advertiser, he favoured resource pooling with Sandringham and Mordialloc without merging. ‘I am not a great believer in size for its own sake,’ he said.

That is okay for the Treasurer of Victoria, but if you are the member for Berwick you hide. Another example of it being okay for a senior minister to make a comment appeared in the Pakenham-Berwick Gazette of 6 July:

There will be a Pakenham shire when the dust settles on the local government restructuring issue.

That’s the confident prediction of planning minister and member for Pakenham Mr Rob Maclellan and one that Local Government Board member Mr Russell Broadbent, who was present when he made it, significantly did not attempt to contradict ...

Speaking at the Pakenham Civic Dinner on Friday night, Mr Maclellan said: ‘There is going to be a Pakenham shire in the future, even if the boundaries will be slightly altered’.

That just shows what a political farce this whole exercise is. It is no wonder the coalition parties are particularly taking a bagging from their constituencies in the bush as they trample on people’s rights.

Mr Finn — I suppose you think Pakenham is the bush!
Mr LEIGHTON — I am coming to the bush now. As the government sacks democratically elected council after democratically elected council it takes a bagging from its constituency in the bush. If the Labor Party said this, it would be accused of going over the top. I shall quote the Wimmera Mail-Times of 12 August which has an article headed ‘Restructure like Hitler action — shire leader’. That is not us saying it; it is the government’s own constituency in the bush. It states:

Wimmera shire council’s retiring president Kevin Dunn has linked the Kennett government’s stance on local government restructure with actions of the world’s notorious regimes including Hitler’s Germany.

Mrs Henderson — That is disgraceful.

Mr LEIGHTON — It is not me saying it. It is your own constituency — and I will tell you the context in which it was said:

Speaking with quiet conviction at the shire’s last statutory meeting after 132 years, Cr Dunn said it was worth remembering the lessons of history, even if they were at a somewhat different level in different places and times.

Another Wimmera Mail-Times article ‘Returned soldiers slap McGrath over mergers’ in its 19 September edition states:

Agriculture minister and member for Wimmera Bill McGrath believes a general vote or referendum on municipal restructure will lead to division in the community.

So much for your own policy that people can decide which communities they wish to live in. You are now saying that people cannot be trusted to make decisions for themselves.

Mrs Henderson interjected.

Mr LEIGHTON — You are saying, ‘Oh no, we can’t have democracy. We can’t have any votes. It might prove to be divisive’.

Mr S. J. Plowman interjected.

Mr LEIGHTON — I think that is a more honest view than the lies that were told in your coalition policy and the lies that were told in Mr Kennett’s 1986 letter that was circulated around Victoria. But it is not just restricted to the National Party. I refer to the Warrnambool Standard headline, ‘Libs angry’.

The article contains the following report of a meeting:

The state government has come under fire from Western District Liberals who claim that rural communities are being brought to their knees by ‘inflexible’ government bureaucrats.

About 100 party members converged on Cobden for the 20th Liberal Wannon-Corangamite area conference to air concerns about a lack of consultation, loss of health and education services and the attitude of state leaders to rural communities ... Mover of the motion, Wally Allen, told the conference that Liberal Party branch officials were resigning and small country communities were being destroyed by a government which made decisions from the ‘top down’.

‘No consultation leads to communities losing respect for politicians,’ Mr Allen said.

That is your own party membership. The mistake they made is that they swallowed the lies told in your coalition policy.

It goes on. In the Colac Herald under the headline ‘Mayor warns about future of local democracy’ the following appears:

The City of Colac’s last mayor, Cr Jim Ryan, sounded a warning about the future of local government at the city’s commemorative meeting on Wednesday night.

An article in the Wangaratta Chronicle has the headline ‘Coalition MP says: It’s even harder now’ and contains the following:

The task of fighting for the interests of country people has become even harder under the coalition government, according to one of its own members.

The reference is to one of the few members on your side who is honest enough to get up and represent his area and to put his real view. It will not surprise anyone to be told that the article refers to ‘Ken Jasper (MLA, Murray Valley)’. He is one of the few people on your side with any real integrity; one of the few people on your side prepared to stick up for country Victoria.

Again it goes on. In the Cohuna Farmers Weekly, under the headline: ‘LG reforms defended’ the report is:

Cohuna shire secretary, Mr Barry Martin, was applauded when he criticised the government’s lack of
action on country petrol prices and asked why a reformed State Electricity Commission had not delivered cheaper electricity.

As recently as last Sunday two of your own ministers had to face an extremely angry response at a local public meeting in the Mansfield area. Some 350 to 400 people were present at a meeting attended by the Minister for Health, Mrs Tehan, the Minister for Police and Emergency Services, Mr McNamara, and Mr Stoney, an honourable member in the other place. The Chairman of the Shire of Mansfield attacked the Minister for Police and Emergency Services about how the government was going about the local government amalgamations and the minister threatened to walk out. The response to the meeting is recorded in the Mansfield Courier under the heading 'Meeting turns the heat on ministers'. It says:

The Deputy Premier and the health minister faced a barrage of questions from 350 to 400 people who crammed into the drama room of the sporting complex for the meeting.

The ministers went away promising to take up concerns raised about the amalgamation with local government minister Roger Hallam.

But they gave no assurance that Mansfield’s case would be supported in cabinet. In fact, they spent much of the time defending the Local Government Board’s decision.

And at one stage Mr McNamara threatened to ‘go home’, after he found it hard to be heard over persistent interjections.

That is the reception you and your ministers are getting in the bush. It is really not a surprise that the people of Mansfield are incensed at the way the amalgamation has been forced upon them.

Mansfield will be absorbed into a new Shire of Delatite which will include the city and shire of Benalla. There are big differences between Benalla and Mansfield, including differences between their industry and tourism. There is not even a bus link between the two municipalities. The taxi fare to travel from one municipality to the other is $65. The new municipality will be 250 kilometres wide. Some 10 or 12 jobs will be lost to the Mansfield community.

What was the response from the Local Government Board to the concerns of the people of Mansfield? It called Mansfield an economic backwater. No wonder the people of Mansfield were incensed. No wonder they heckled the Minister for Police and Emergency Services. It is not satisfactory for the minister just to threaten to go home and for him to say he will not represent the interests of the area in cabinet.

It is not restricted just to the bush. As has been remarked upon earlier in the debate, tonight a public protest meeting will be held over the future of the Fitzroy swimming pool. It is not appropriate that commissioners make the sort of decision they have about the Fitzroy swimming pool, particularly when funding has already been received to provide a service. If over the coming months the actions of the commissioners are repeated across other municipalities, hundreds of small swimming pools could close. Commissioners are supposedly required to undertake some sort of administrative caretaker role while the local government amalgamations are effected. It is absolutely not appropriate for them to be making major decisions about the future of important services. Such decisions are properly the province of democratically elected councils.

One has only to look at how the decision-making is occurring to understand why the bad decision about the Fitzroy swimming pool has been made. The Port Phillip supercouncil’s first meeting took just 8 minutes. In the case of my municipality of Darebin, one major council meeting took 13 minutes and one item of business containing some 20 issues took only a few seconds to be resolved. So much for local communities deciding their future; so much for democracy!

Many of the people appointed as commissioners have no understanding of local government and no commitment to the process. One need only look at the advertisement in the Herald Sun in September of this year calling for applications for positions of local government commissioners to understand why that is so. The advertisement states in part:

A knowledge of the operations of local government is desirable but not essential.

The people appointed as local government commissioners come from a range of backgrounds. Most of them have no understanding that they are actually working at a level of government.

Mrs Henderson — Frank Wilkes in Geelong?

Mr LEIGHTON — There are some exceptions. Many of the people appointed might have expertise in bureaucracy.
Mrs Henderson interjected.

Mr LEIGHTON — They might have expertise in industry or business but they have no understanding that they are actually occupying a level of government with two-way responsibilities. They have responsibilities not just to make decisions but also to involve the community in the process and to try to meet the needs and aspirations of the community. That is not happening.

It is not surprising that that is not happening. For example, I quote again from the Herald Sun which describes the manual that has been provided to the commissioners:

A set of guidelines for the commissioners of Melbourne's new supercouncils has been described as an instruction manual for the inexperienced by two former mayors ... Each of the 21 commissioners will be given a copy of the Local Government Administration Guide released yesterday by the state government.

The 96-page guide sets out the requirements of duties including public meetings, preparing for elections, establishing new internal wards, local laws and putting services up for tender.

It also includes checklists to ensure the most important requirements do not get overlooked.

However, there is one thing missing from that guide, which is a chapter on local democracy. There is no mention of democracy, and there is no mention of how you involve the local community in the decision-making processes. By leaving that out, the government is trampling all over the rights and freedoms of individuals and the needs and aspirations of their local communities. You have only to see what the Victorian Council for Civil Liberties is saying:

The Victorian Council for Civil Liberties has urged the state government to set firm election dates for the new super councils.

The council has also demanded that transitional boards, comprising a commissioner and former councillors, be appointed to oversee the amalgamations.

That is a very important point. When they started entering into amalgamations local councils understood there was some prospect of either retaining elected councillors or having the former councillors of outgoing councils serve in some sort of transition role. The various people I have spoken to in local government were given those sorts of indications by the Minister for Local Government in the other place, Mr Hallam. The problem is that Mr Hallam is a member of the National Party, one of the four National Party ministers who has decided he would rather have the smell of ministerial leather, his car and his salary than stand up to the Premier.

He was very quickly overruled by the Premier. Just because amalgamations are occurring does not mean that either elected councils or some other form of democratic process cannot continue. It also does not mean that appointed councils should remain in office for a couple of years.

I will look at some of the views put by other members of the coalition.

Mrs Henderson — What about your views, what about talking about your policies? We want to hear your policy on reform in local government.

Mr LEIGHTON — As I said the coalition has told a pack of lies on the issue. You will not be here in 1996, just go out and have a look at today's — —

The DEPUTY SPEAKER — Order! The honourable member for Preston should not conduct a discussion across the chamber. It is disorderly and encourages interjections, which are also disorderly.

Mr LEIGHTON — What did the current Minister for Public Transport have to say in March 1989 when speaking on the Local Government Bill? He is reported as having said:

I realise that the bill is a basic although not total rewrite. The community should be aware that although the government claims it will be giving local government autonomy as a result of the bill, nothing could be farther from the truth. The government has a well-documented history of a jackboot approach to local government.

He could be describing the way his own government is operating. The current Speaker, the honourable member for Narracan, is reported as saying:

If the government had used a different tack — if it had used a carrot instead of a big stick — local government would have been far more receptive to amalgamation. In fact, since then, two municipalities, of their own volition, have agreed to amalgamate. If that method had been used rather than the one originally
undertaken by the government, the number of municipalities may have been reduced.

That is not the approach that has been used throughout this process. By and large local council submissions to the Local Government Board have been ignored. Under close instructions from the Liberal government, the board has gone down its own path. The honourable member for Lowan, the current Minister for Agriculture, is reported as saying:

Local government has and always will be judged by local people ...

Local people elect their representatives because they have confidence in them to carry out the tasks of local government.

By Christmas of this year local people will not have elected representatives. Only one council in this state will have any elected representation. There is absolutely no reason why democratically elected councillors have had to be sacked. The Labor Party has always supported the reform of local government and has always accepted the need for amalgamations. But the so-called mistake we made was that throughout the 1980s we allowed a lengthy process of consultation, which local communities could participate in. The then opposition exploited the natural concerns of local communities.

But the moment the coalition got into government it said, 'Thank God we have the numbers in the upper house. We will not expose ourselves to that. We will make all the decisions, and they will be made quickly'. Councillors have been sacked and their submissions have been ignored. The government set up the Local Government Board, the members of which are political puppets who have been told how things should be done.

The government has decided to delay the return of elected local councils for as long as it can, ensuring that local communities are not democratically represented by holders of public office at another level. The coalition has been badly bitten by the dissent and criticism coming from its constituencies in rural Victoria. The coalition will make absolutely certain that for a long time people will not have any form of local government that is capable of acting on behalf of its own communities.

Supposedly these reforms will deliver massive savings, particularly the amalgamations and the compulsory competitive tendering provisions. The savings will come in two ways: the sacking of staff and cuts in services. I absolutely reject the argument that compulsory competitive tendering should be undertaken by appointed commissioners. Those sorts of changes should be undertaken only by democratically elected councils. It is absolutely wrong for appointed commissioners to be deciding which services will stay, which services will be axed, which ones will continue to be run in-house and which ones will be put out to tender. I do not believe appointed commissioners should be in the position of deciding whether to keep refuse services in-house while putting maternal and child health services out to tender.

A Government Member — Give me a reason why.

Mr LEIGHTON — Those are the sorts of decisions that should be made by local communities through their elected representatives. This government has been wrong to embark on compulsory competitive tendering at the same time as it has sacked democratically elected councils.

Mr Jenkins interjected.

Mr LEIGHTON — Don't take my word for it. One needs only to look at what the experts are saying. For instance Mr Halsall, a principal of Coopers and Lybrand and a local government consultant in the UK, had this to say when visiting Victoria in August:

One of the concerns I have about rolling out CCT at a time when you have got commissioners in is that the commissioners could actually set service standards for a very long period. They could decide what goes out to tender and what service levels are to be required. For this to be done properly there should be community consultation. If you don't do that elected councillors may come in and find they are tied to a whole series of initiatives which does not reflect what the community wants.

That is the very point I am making. It is also the view of the Municipal Association of Victoria. The Progress Press of 19 April 1994 carried an article which states:

Savings touted in the Local Government Board review of municipal boundaries could only be achieved with massive cuts to council services, according to the Municipal Association of Victoria.
MAV senior economist Tony Pensabene questioned the board's financial analysis, and said it had not considered the cost of redundancies or included state and federal grants other than those from the State Grants Commission. (The commission allocates federal government funding to councils.)

Mr Pensabene said the board had determined savings on the basis of the lowest level of service using population as a measure, instead of measuring what it cost councils to provide it.

He said projected savings in the board's interim report of between $75 and $100 million throughout the review area could only be achieved if services were dramatically cut.

In a *Mail-Times* article of 29 August 1994, headed 'Doubts raised on savings from council restructure', the President of the Municipal Association of Victoria states:

Chief of Victoria’s local government councils, Cr George Bennett of Nhill, has raised serious doubts about the cost-saving impact of restructure in the Wimmera-Mallee.

In a shock revelation last night, Cr Bennett said a Local Government Board member had already told some councillors, 'There certainly won't be big savings for municipalities in the north-west'.

Cr Bennett, the president of Lowan shire, is also President of the Municipal Association of Victoria, which represented more than 200 councils before the state's big carve-up of municipalities.

Mrs Henderson interjected.

Mr LEIGHTON — I do not know whether it was a reflection of how seriously they were taking doorstep comment from the Premier or whether it was an excuse for stopping work. However, it indicates no early commitment.

An Honourable Member — When were you last in Geelong?

Mr LEIGHTON — Two or three weeks ago.

Mrs Henderson — On the front page?

Mr LEIGHTON — Yes, it was.

The DEPUTY SPEAKER — Order! The Chair would appreciate comments through the Chair, not rambling around the chamber.

Mr LEIGHTON — I was in Geelong recently. It is important that honourable members, including shadow ministers, visit that city, because the people of Geelong have no representation other than that given by the honourable member for Geelong North. Government backbenchers will not represent them. The honourable member for Geelong locks her office door and will not —

Mrs Henderson interjected.

Mr LEIGHTON — I couldn't quite hear that.

Mrs Henderson — What an absolute — —

Mr LEIGHTON — She hides in her little bunker and will not see people.

Mrs HENDERSON (Geelong) — On a point of order, Mr Deputy Speaker, I take great offence at the comments the honourable member for Preston is making. They are untrue and I would like him to withdraw them.

Mr LEIGHTON (Preston) — On the point of order, Mr Deputy Speaker, I should have thought the statement was in the nature of vigorous debate rather than accusing the honourable member of something improper or offensive.

The DEPUTY SPEAKER — Order! The Chair finds itself in a difficult position. The honourable member for Geelong has requested that comments be withdrawn. For what seems like one of almost countless times, I reiterate that if members continue to request the withdrawal of things said in debate that can be refuted at another time or corrected by
personal explanation, we will end up with a narrow vocabulary. Because the Chair is now in the position of having to ask the honourable member for Preston to comply with the request of the honourable member for Geelong, to expedite the remaining minutes of debate will the honourable member for Preston accommodate my request?

Mr LEIGHTON — I am terribly sorry, Mr Deputy Speaker, I regret what I said and I withdraw.

An Honourable Member — Very nice of you.

Mr LEIGHTON — From what I have seen in Geelong, Mr Deputy Speaker, it is clear that the government members are not representing their areas. Councils have been sacked, and apart from one or two voices crying in the wilderness — for example, the honourable member for Geelong North on this side of the chamber — the Geelong people have no other representation. Instead of hiding, the honourable member for Geelong has a responsibility to come out and argue for the early restoration of democracy in her area.

In an article headed ‘MAV President: Victoria must live with a monster’, the President of the Municipal Association of Victoria is reported as having said:

Cr Bennett, 58, in his second year as MAV president and a Lowan shire councillor for 25 years, said his misgivings over the appointment of government commissioners to run municipalities, pending the election of new councils, persisted strongly.

‘Here we have commissioners being appointed without accountability to the important job of running local government’, he said.

How true, when he says a monster has been created. Despite the coalition parties saying in opposition that they would ensure their constituents could determine which communities they wished to live in, including the shape and nature of the amalgamations, the commitment has not been met.

Most communities have not even bothered to conduct local polls because they know that when they do the government will not acknowledge the results. There has been nothing democratic about the government’s process. Furthermore, the government has used it as an opportunity to sack elected councils, to the extent that it has forced amalgamations on communities rather than letting those communities drive the process. There was no need to remove democratically elected councils. Elections under fresh boundaries could have been conducted within months. But the government does not want another level of democratically elected government advocating the views of its constituents.

At the same time, the government has forced through its compulsory competitive tendering legislation to ensure that those decisions are made not by local communities through their democratically elected representatives but by appointed commissioners.

The DEPUTY SPEAKER — Order! The time has come for me to interrupt business. The honourable member for Preston will have the call when the motion is next before the Chair.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

PHOTOGRAPHING OF PROCEEDINGS

The SPEAKER — Order! I advise the house that I have given permission for still photographs to be taken during question time today. No additional lighting or flashlights will be used.

QUESTIONS WITHOUT NOTICE

Hudson Conway: converting preference shares

Mr BRUMBY (Leader of the Opposition) — I refer the Attorney-General to the report by SBC Dominguez Barry which states that Hudson Conway subscribed for $41 million in converting preference shares in Mulawa Casinos (Vic.) Pty Ltd, a subsidiary of Federal Hotels Ltd. I also refer her to the notification of allotment of shares by Mulawa Casinos (Vic.) Pty Ltd, which states that only $35 million worth of converting preference shares were issued to Hudson Conway.

In view of this $6 million discrepancy, this $6 million black hole, will the Attorney-General request the Australian Securities Commission to investigate any possible breaches of Corporations Law?

Mrs WADE (Attorney-General) — The Leader of the Opposition has raised with me a very detailed question. I am not aware of the background to the question. I ask that the Leader of the Opposition put
the question on notice and I will ensure that he receives an answer.

Multimedia industry

Mr FINN (Tullamarine) — In light of the federal government's Creative Nation statement and its commitment to the multimedia industry, will the Premier inform the house what steps the state government had taken prior to yesterday's announcement by the Prime Minister to capitalise on this emerging sector, and what the government intends to do to attract more of the industry to Victoria?

Mr KENNETT (Premier) — I thank the honourable member for his question and congratulate him on his dress! The government of Victoria welcomes the Creative Nation statement released yesterday by the Prime Minister. It contains several initiatives that will be of benefit to Melbourne and that have already been welcomed individually and separately by my colleague Mr Haddon Storey, the Minister for the Arts, in another place. It also follows discussions I have had with the Prime Minister in the past three weeks at length in my office over the establishment in Melbourne of — —

Mr Micallef — Are you talking to him?

Mr KENNETT — You should hear what he thinks about you!

The SPEAKER — Order! The honourable member for Springvale will remain silent.

Honourable members interjecting.

The SPEAKER — Order! Would the Premier please resume his seat. Interjections are disorderly, as the Deputy Leader of the Opposition full well knows. I ask the house to listen to the answer in silence.

Mr KENNETT — One of the areas that will benefit Melbourne, Victoria, ultimately Australia and, we hope, the world will be the establishment in Melbourne of the Australian school of music. By comparison I can refer the house only to the Australian Ballet School, which is situated in Melbourne. It is the school from which most Australian ballet personnel are drawn and from which people are placed right around the world. It has an international reputation for excellence. I hope that with close cooperation between the federal government and the state we will develop the school of music in the same way.

The other area referred to yesterday in the Creative Nation statement is the importance of the emerging multimedia industry. This is also an area in which we in Victoria have a natural critical mass because we are the home of multimedia per se. I place on record that through the government's work with industry, business, the arts community and tertiary institutions we are at the leading edge of multimedia initiatives.

Yesterday the Minister for Industry and Employment met with one of the major players in this important area of multimedia, Telecom Australia, which clearly described Victoria as ahead of all the other states in its support of multimedia. The minister has also set up a number of committees that are working towards the development of this industry, which is without a doubt a new generational industry that will take us not only into but through the 21st century.

In arts, the government will provide access for all Victorians to the new Melbourne museum, which will be built as part of the Agenda 21 program behind the current Exhibition Building site. The multimedia superhighway will, most importantly, provide access to the museum and its contents. Therefore, not only will we be able to provide the basic infrastructure but also we will be able to use the displays and the art form, which can be communicated to Victorians right throughout the state because of the multimedia strength.

Although yesterday the federal government failed to honour its commitment to build a national museum, the Melbourne museum will go a long way towards satisfying not only our local needs but also our national needs, particularly with some of the large collections under our control such as natural science, Aboriginal displays and history, and technological and historical objects.

Through the superhighway that Victoria is developing and through the new initiatives that were put in place yesterday we will have an opportunity for both the commonwealth and the state to work together positively in developing long-term opportunities for the community. The government is already providing critical mass in a whole range of areas, not just for the arts community but also for the creative community. The Melbourne International Festival of the Arts is being held
currently and those who attend any of the programs will recognise what a wonderful activity it is.

Mr Batchelor interjected.

The SPEAKER — Order! Will the Premier ignore interjections. I ask the honourable member for Thomastown to remain silent.

Mr KENNETT — It was typical of the honourable member for Thomastown, who happens to be an arts and cultural illiterate. The international festival of the arts, which has been put together by Leo Schofield and his staff, is recognised — —

Mr Micallef interjected.

The SPEAKER — Order! I have had to speak to the honourable member for Springvale on several occasions during the sitting this week. I will not speak to him again. He will remain silent.

Mr KENNETT — The international festival of the arts that is currently being staged in Melbourne is another example of how Victorians can not only produce and bring together some of the world’s best but also how it will continue to support the world’s best wherever it is displayed. I congratulate Leo Schofield and his committee on what they are doing and, more importantly, in terms of the announcement yesterday, the Victorian government will continue to work with the federal government to deliver to the community not only the infrastructure for actually displaying and performing art but also it will work closely with them and with industry to develop the superhighway to ensure that Victoria, and eventually Australia, will have access to the finest whether it be in display or theatrical form.

Crown Casino: bid

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to an article in today’s Australian by Bryan Frith regarding the awarding of the casino licence. In view of concerns that the Crown consortium may have misled the Casino Control Authority about the role of Federal Hotels in the Crown bid for the casino licence, will the Premier investigate whether there have been any breaches of the Casino Control Act, particularly relating to sections 9 and 20?

Mr Dollis — Take your time!

Mr KENNETT (Premier) — I thank the Deputy Leader of the Opposition for his interjection. I thank the Leader of the Opposition for the question he was able to glean from today’s publications. Without it there probably would not have been any questions. If this is meant to be new evidence it is hardly earth shattering and it will certainly not produce the results that the honourable member seeks. As I have said consistently throughout the whole affair: the awarding of the casino contract — —

Mr Brumby — You are responsible for the act; will you investigate it?

The SPEAKER — Order! The Leader of the Opposition has already asked his question.

Mr KENNETT — As I have said consistently: the awarding of the contract was the responsibility of the authority, which was set up by the former ALP government. The personnel were selected by the former ALP government and the government’s role was simply to take on board the recommendation and then ensure that the product was developed in accordance with our planning and other rules. I am happy to say that that has been done.

If the honourable member has any complaints based on consultants’ reports or any of the deep research he has obviously been doing he should refer them to the appropriate authority. I saw in a transcript that was put on my desk yesterday that when he was at a radio station he thought, ‘Well, if the ALP says this, the Prime Minister says this and we have the support of two major newspapers, being the Sunday Age and the Age, obviously it is worthy of action’. I feel sorry for you, because you have a great deal to learn. Given that you are only too ready to run off to write letters to people, if you have any complaints or concerns I suggest that you raise them with the appropriate authority anywhere in Australia.

By-elections

Mr LEIGH (Mordialloc) — Will the Premier inform the house whether he has investigated the true cost to the Victorian taxpayers of all the by-elections held since October 1992? If so, what has that investigation revealed?

Mr KENNETT (Premier) — I thank the honourable member for his question.
Mr KENNETT — The Leader of the Opposition says that I am desperate. You can imagine how surprised I was when I went through my research, which I do deeply, and recognised that to date the cost of by-elections caused by the ALP has been more than $300,000. Honourable members may remember that I put up a proposal that we could save the Victorian taxpayers the additional cost of by-elections if Parliament — —

Mr Brumby interjected.

The SPEAKER — Order! If the Leader of the Opposition seeks the call for the next question I will accommodate him, but in the meantime I ask him to remain silent.

Mr KENNETT — I put up a proposal to try to save taxpayers’ money. I suggested that when a member retires from Parliament that person’s seat should be filled with a person nominated by the political party concerned. We believed that was responsible. That is the position in the Senate, and it seemed to us to make a lot of commonsense. Of course, at the time the opposition absolutely opposed the suggestion as being completely undemocratic. However, a proposal was put before the ALP state conference last weekend that whenever an upper house vacancy occurs it should be automatically filled, not by a by-election but by the party in which the vacancy occurs nominating a representative.

Mr McNamara — It can’t be right! You didn’t say that, did you?

The SPEAKER — Order! Members on the government benches are disorderly and I ask them to come to order.

Mr KENNETT — I do not mind for a moment if the opposition wishes to steal some of our policies. We welcome that, because it would be the most constructive thing it has done in the two years since it lost the election. I put it to you that if the suggestion is good enough to now be put to the ALP conference for consideration as a policy, surely it is good enough for Parliament to decide — let’s leave it with the upper house at the moment; let’s not worry about the Assembly — and now agree that if a vacancy occurs in the upper house it will be filled by a person nominated by the respective party rather than putting the community through the expense of another by-election.

Honourable members interjecting.

Monash Medical Centre: funding

Mr THWAITES (Albert Park) — I refer the Minister for Health to her statement last week that the management of the Monash Medical Centre had embarked on a high-risk strategy and was to blame for the funding crisis that is confronting the hospital. Given that the chairman of the hospital’s board, Mr Ian Ferres, is also the Chairman of the Treasury Corporation of Victoria, the body managing public sector debt for the government, does the minister still claim that the management of the hospital is to blame for its funding shortfall and the closure of 80 to 100 beds announced yesterday?

Mrs TEHAN (Minister for Health) — The Monash Medical Centre is one of the main hospitals providing services in this state. Like the other major hospitals, it has proved most effectively that under the new system of funding we are able to reduce both the costs of operating on individual patients and the costs to hospital budgets at the same time as having dramatic increases in the number of patients treated.

In 1992-93 Monash Medical Centre treated approximately 39,000 patient equivalents, weighted for complexity. In 1993-94 it treated 41,000 patients. This year it will treat approximately 42,000 patients — a dramatic increase of over 5 per cent in two years. That shows very good management.

Monash Medical Centre wanted to treat up to 49,000 patients. However, there was insufficient funding within the system to enable that hospital or any hospital to have open opportunities to treat as many patients as they wanted, despite the very effective cost per patient that has now been established in the public hospital system.

We are treating more patients than ever before, we are treating them far more cost-effectively than ever before and we now have a basis where more than 150,000 additional patients will have been treated over this two-year period.
The other great advantage of our public hospital system is the contribution made by hospital boards that act in an honorary capacity and include people of integrity like Mr Ian Ferres, who provides outstanding leadership. While I am on my feet I would like to pay tribute to the contribution made to our public hospital system by the boards of management and especially the new appointees, who have concentrated on a far more cost-effective and efficient way of running the hospital system. As I said, now 150 000 more Victorians are able to get into the hospital system. The waiting lists are reflecting that and there is no doubt that hospitals are running far more effectively now than ever before.

**Victoria: credit rating**

Mr HYAMS (Dromana) — Will the Treasurer inform the house of the importance of restoring Victoria's AAA credit rating?

The SPEAKER — Order! The question is very wide. I ask the Treasurer to be brief.

Mr STOCKDALE (Treasurer) — I know that with his own distinguished career in international banking, not only does the honourable member for Dromana understand — —

Honourable members interjecting.

Mr STOCKDALE — The honourable member for Dromana is not only aware of the importance of credit ratings but clearly supports the government's policies, because he said so in this house, directed in the medium term at restoring the state's AAA credit rating.

The house will recall the sorry history of the state's credit rating during the last two years of the previous Labor government. Not only were we incurring very large increases in costs as month after month, review after review our credit rating tumbled, but there was an enormously adverse impact on public confidence because the rest of the world was sending us a signal that our finances were being mismanaged.

Under Labor, as a result of simple financial management incompetence, we lost the AAA rating that we had held for many years. The successive decline in our credit ratings meant additional interest bills in the hundreds of millions of dollars.

As the Leader of the Opposition said in one of the few things he has got right recently, the more of our earning capacity that was diverted to pay interest on debt, the less that was available for health, education, transport and other services. Had the present government not reversed the trend of Labor's mismanagement we would be facing now, just two years later, even greater pressure to spend on those important services.

The present government has set about lowering our debt to GSP ratio from around 30 per cent in 1991-92 to under 24 per cent by 1997-98. Nonetheless it is important to remark that that cannot be the end of the story, because in Queensland there is a zero rating and in New South Wales there is a rating of around 15 per cent of GSP.

The progress to date has been reflected in an improvement in Victoria's standing. Since the present government came to office Standard and Poor's has removed its negative outlook and Moody's has upgraded Victoria to AA3. Indeed our credit rating is also appreciating in terms of the attitude of capital markets as our spread over commonwealth bonds has declined from 136 points shortly after the downgrading that Moody's imposed as a result of Labor's incompetence to under 50 points now, representing a saving over the life of the bonds we have issued of hundreds of millions of dollars. The government is committed to maintaining that strategy, which is already reflected in its forward estimates by the improved debt outlook.

However, as is often the case, the position of the opposition is more than equivocal. The Leader of the Opposition tells us he is committed to the Liberal/National Party government's debt strategy. But just yesterday the honourable member for Williamstown expressed the opposition's position:

The government's budget strategy has a single objective —

That is not true, and the rest was not true either:

that is, to achieve a AAA credit rating, which is unachievable ... If the government achieves a AAA credit rating, which no other state is likely to achieve, it will do so at an enormous cost.

No doubt that will come as bad news to the Treasurer of Queensland, because he seems to have lost his AAA credit rating and his domestic debt
rating overnight and in common with the New South Wales government he is currently rated AA.

The honourable member at the back of the hall has set about undermining not only Victoria's standing in the international community but Australia's standing generally by seeking to discredit the financial management of even the Queensland government, another Labor government.

I challenge the Leader of the Opposition to tell us: does the honourable member for Williamstown speak for the opposition? Is the Leader of the Opposition here now abandoning any effort on the part of Labor to obtain a AAA rating in contradistinction —

Mr Brumby interjected.

Mr STOCKDALE — Don't bother sending me a copy; I already have a copy. I want to know whether it is for real.

Mr Brumby interjected.

Mr STOCKDALE — You are committed to it, are you? So he is wrong. We have today the Leader of the Opposition telling us that the honourable member for Williamstown is wrong. On debt management the Leader of the Opposition is with the government and against his own backbench. We will see how long he lasts with that.

We look forward to his supporting it not just at the level of rhetoric but also explaining to the honourable member for Williamstown the importance of this objective and that he will actually honour it in deed as well as in word, and when the government is implementing the steps necessary to lay the ground for recovering our AAA rating the Leader of the Opposition will actually support those measures.

Hospital patient throughput

Mr THWAITES (Albert Park) — I refer the Minister for Health to her previous answer on increased patient throughput in hospitals. Will she confirm that at a meeting with presidents of major public hospitals this week she accused hospitals of exaggerating patient throughput figures to get more case-mix funding and told hospital presidents not to discuss details of the meeting with hospital chief executives? Is this another example of the minister intimidating hospital boards and health professionals?

Mrs TEHAN (Minister for Health) — I think there were two parts to the question. The first is: did I meet with presidents of the boards of hospitals? I met with some presidents of some hospital boards on Tuesday morning. No, I did not tell them not to discuss the matters I had discussed with them with their CEOs. I had previously met with many of those CEOs.

The SPEAKER — Order! I call the honourable member for Thomastown.

Honourable members interjecting.

The SPEAKER — Order! The Chair is not infallible. On all occasions I have to call from one side of the house to the other. I call the honourable member for Knox.

Mr Micallef interjected.

The SPEAKER — Order! If the honourable member for Springvale or any other member wants to take on the Chair, they are permitted to do so by way of substantive motion.

Bus services: Croydon-Knox City

Mr LUPTON (Knox) — Will the Minister for Public Transport inform the house the steps that are being taken to improve bus services in the Croydon-Knox City region?

Mr BROWN (Minister for Public Transport) — I am tempted to try to address this matter within 2 minutes, but the news is too good to cut back! I am pleased to see my colleague from Knox standing on his own two feet and not hobbling, and I thank him for his question.

Honourable members are well aware of the improvements recently introduced by the National Bus Company, particularly its cheap short-trip fares and increased service frequencies. Two weeks ago I informed the house of the improvements in those services. Today I am pleased to announce that this is not an isolated circumstance. I am further pleased to announce that the Croydon Bus Service operated by Mr John Usher is currently introducing a new innovative proposal that will provide additional services, new buses and cheap short-trip fares for customers and, importantly, at no additional cost to the government.

Mr Gude — None at all?
Mr BROWN — No extra cost to the government. But there’s more!

Mr Gude — There’s more?

Mr BROWN — The good news in transport continues. Yesterday the new services commenced with eight new Dennis Dart low-floor, 34-seat midi-buses operating on route 664 between Croydon and Knox City. The cost for six of those new buses is covered by the existing contract payments. The two other vehicles and all additional crew and distance costs will be met by the Croydon Bus Service.

Mr Gude — Well done!

Mr BROWN — Very well done. However, that is still not all.

Mr McNamara — There’s more?

Mr BROWN — There is even more. In addition to the new rolling stock, the company has increased both its hours of operation and its frequency of services on route 664. On weekdays, hours of operation will be expanded by 15 minutes and service frequency will increase from the current 20 to 30 minutes to every 15 minutes, all day. Clearly that is a vast improvement — but there is more.

Honourable members interjecting.

The SPEAKER — Order! I hate to interrupt the minister in the middle of one of his episodes, but I ask the house to come to order. It is impossible for the Chair to hear the answer.

Mr BROWN — The vast service improvements will occur during the week, but we also have the weekend. The improvements on Saturdays are no less dramatic. The span of operation will increase by 3 hours with frequency increasing from the present hourly service to every 20 minutes. In other words — —

Mr Heffeman — Twenty minutes?

Mr BROWN — Yes, there will be a threefold increase in services on a Saturday. But there is even more. Not only will the buses be new, not only will they operate over more of the day and not only will they operate more frequently but, quite unbelievably, the service will be cheaper. The Croydon Bus Service will be offering short-trip bus-only tickets from 75 cents, which represents a saving compared to a 2-hour Met ticket of 46 per cent. As with my recent announcements of the massive increase in services of the National Bus Company, there will be no extra cost to the taxpayer. There will be new, more frequent services at less cost to the user. Now that is the kind of win, win, win situation that has been all too rare in this Parliament.

I look forward to announcing further service improvements in the months ahead. I commend the Victorian bus industry which now recognises and accepts that there are better ways of running services, unlike when the rabble opposite were in government. This government enters contracts that are in the community interest. We do not believe in paying for buses to run empty. We believe in paying to have customers’ backsides on seats and to transport them around Victoria at the lowest possible cost to the taxpayer.

BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — By leave, I move:

That I have leave to bring in a bill to make further provision for borrowing and investment powers of the Public Transport Corporation, to amend the Borrowing and Investment Powers Act 1987 and the Transport Act 1983 and for other purposes.

Mr BACHelor (Thomas town) — I would like a brief description of the bill.

Mr STOCKDALE (Treasurer) — This bill recognises the fact that the Public Transport Corporation is moving towards a more fully corporatised position and extends certain powers under the Borrowing and Investment Powers Act to recognise the more commercially based operation of the PTC within an overall accountability framework consistent with government as a whole which returns in some cases for the approval of the Treasurer the exercise of powers a number of corporatised entities already have and regularises certain power in relation to the assumption of liabilities under various contracts across the Victorian public sector.

Motion agreed to.

Read first time.
CRIMES (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Crimes Act 1958, the Bail Act 1977 and the Crimes (Family Violence) Act 1987 and for other purposes.

Mr DOLLISS (Richmond) — Could we have an explanation of the changes in the bill?

Mrs WADE (Attorney-General) — The bill creates a new offence of stalking, which recognises that many women have found there has been no appropriate remedy in circumstances where they have been harassed or followed over a period of months or, in some cases, years. It remedies an inadequacy in the criminal law which has been there for a long time.

The bill also creates new offences in relation to contaminating food and hoax bomb threats. It also increases the penalties for arson.

It changes the penalties imposed for breaches of intervention orders and provides for intervention orders to continue over a longer period than is now the case, when they lapse after of 12 months.

The bill also makes amendments to the Bail Act concerning the proof required before somebody is released on bail.

Motion agreed to.

Read first time.

CROWN LANDS ACTS (AMENDMENT) BILL

Introduction and first reading

Mr COLEMAN (Minister for Natural Resources) — The proposals embodied in the amendments deal in part with the normal transactions that occur under the Crown Land (Reserves) Act, by which the Minister for Conservation and Environment has jurisdiction over a range of crown leases. One of the principal issues addressed in the bill is the long-term arrangements for the management of unused reserves beside roads and waterways. The bill will introduce significant advantages in the administration of those areas.

Motion agreed to.

Read first time.

VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL

Introduction and first reading

Mr COLEMAN (Minister for Natural Resources) — I move:

That I have leave to bring in a bill to amend the Victorian Plantations Corporation Act 1993 and for other purposes.

Mr THOMSON (Pascoe Vale) — I ask the minister for a brief description of the contents of the bill.

Mr COLEMAN (Minister for Natural Resources) Honourable members will recall that last year during the spring sessional period the government put in place legislation to reform the Victorian Plantations Corporation. In doing so we relied on 180 maps that delineated the areas of the state in which plantations had been established. The bill makes some amendments to some of the boundaries of those areas. Subsequent surveys have revealed discrepancies in the way the 180 maps were put together. The bill corrects some of the alignments in the maps presented to the house at that time.

Motion agreed to.

Read first time.
LOTTERIES GAMING AND BETTING (BETTING) BILL

Second reading

Debate resumed from 8 September; motion of Mr REYNOLDS (Minister for Sport, Recreation and Racing).

Mrs WILSON (Dandenong North) — The opposition will be supporting the Lotteries Gaming and Betting (Betting) Bill. It will ensure that the existing provisions of the primary act, which are there mainly to safeguard legal betting in Victoria, are strengthened.

The bill builds on a number of measures already taken over the past decade to maintain public confidence in all aspects of legal betting; and of course, it will further assist members of the Victoria Police Force to convict people found to be promoting illegal betting practices.

Honourable members will be aware that revenue from legal betting accounts for a very large part of Victoria's economy and that that revenue has increased significantly since the introduction into this state of poker machines. The most recent figures I have available to me show that the turnover from all categories of legal gambling over the past financial year rose by an astounding $7 billion, from $4 billion to $11 billion. That does not include the revenue from the new temporary casino, which was not in operation at the end of the last financial year, so we can probably expect a more dramatic increase in turnover in the next financial year.

It is feasible to assume on past comparisons that illegal betting involves the annual turnover of large sums of money. It provides great temptation and potentially high rewards to the criminal elements in our society. Therefore illegal gambling needs to be closely and constantly monitored.

In view of the privatisation of the TAB earlier this year it is appropriate that the government is introducing the additional provisions. Not only is it essential to eliminate illegal gambling, it is also essential that legalised gambling through Tabcorp continues to maintain the high standards set by its predecessor, the TAB. It would be unfortunate for the government if, after forcing the privatisation of the TAB, those high standards of probity and integrity were not able to be maintained. The privatisation of the TAB has seen the investment of many millions of dollars by shareholders who naturally expect adequate returns on their money.

The racing industry has also been promised great things by the Premier and the Treasurer. It has certainly been told that it will receive a larger return from Tabcorp than it has previously received from the TAB. In some ways it is difficult to be confident that that will happen, given the high costs of the Tabcorp float and the overly generous salary packages to people such as the chief executive and, presumably, a range of other senior staff members. At the same time shareholders will expect appropriate dividends, and the racing industry and the government will also require their shares of the cake.

The point I wish to make is that with the introduction of poker machines and the casino the gambling dollar is being diverted away from horse and greyhound racing. Of course, we still have not been advised why the TAB withdrew from the Crown Casino consortium at the last minute when, as part of that consortium, it would have been well placed to ensure the racing industry was not financially disadvantaged as a result of the casino's activities.

As we know pressure was put on the TAB to relinquish its share options in the Crown Casino consortium. As a consequence, the racing industry could, I believe, be disadvantaged in the future. It is therefore of the utmost importance that money being wagered on horse and greyhound races be channelled through legal sources such as Tabcorp and licensed bookmakers rather than through illegal SP bookmakers. In this way the people of Victoria will continue to benefit through the government's share of revenue; and of course, the racing industry will also continue to benefit.

The opposition believes that in addition to the measures taken at the individual state level the public must also feel confident that the federal aspect of our criminal jurisdictions will not be used by a minority of unscrupulous illegal bookmakers to gain lower penalties for what would otherwise be second or subsequent offences in another state or territory. We are all aware of the mobility of illegal bookmakers and how these days they readily move from state to state. Certainly this aspect of the bill will counteract that to some extent.

From the minister's comments I understand that racing ministers from all the other states and territories have addressed this matter collectively,
and I further understand that it was the Victorian minister’s initiative. This bill will now bring Victoria into line with other states in a nationwide attempt to combat illegal gambling activities.

I shall return to the bill. Firstly, it provides for the recognition of prior convictions for illegal betting in other states and territories. As I said, we understand that an agreement has been reached with other ministers that will see complementary legislation introduced throughout Australia to provide for the uniform recognition of prior convictions. Secondly, the bill extends the restrictions on the dissemination of betting information to include current communication technologies. Thirdly, it removes the legislative prescription of specific races in respect of feature doubles betting and provides for their approval by way of notice published in the Victorian Government Gazette. Fourthly, the bill retrospectively imposes turnover tax assessments for offences involving the possession of instruments of betting by amendment to the Stamps Act 1958.

Before discussing the bill in more detail I should like to bring to the attention of the house the forced commencement provision in clause 2. The house will recall that the Scrutiny of Acts and Regulations Committee recommended this procedure in its Alert Digest dated 13 September this year. Earlier, in its April 1993 report on commencement by proclamation, the committee expressed concern about clauses in the bill that empower the executive, through the Governor in Council, to proclaim the day or days in which acts come into operation. The commencement of legislation is obviously a fundamental element of legislative power. The Scrutiny of Acts and Regulations Committee considered whether this power ought to be delegated by Parliament to the executive through such clauses. Of course, they strongly opposed it in practice.

The committee recommended that fixed commencement dates for bills should be given except in a number of specific instances. It also recommended that in the absence of a fixed commencement date forced repeals be utilised. I am sure the minister and other honourable members will be pleased to note that the bill gives effect to the committee’s recommendations. I hope we can see this provision reflected in other pieces of legislation that come before this house.

Clause 4 provides for the recognition of prior convictions in other states and territories for the purposes of imposing penalties for second and subsequent offences. This ensures that relevant prior criminal behaviour with respect to illegal betting can be taken into account when sentencing in any state or territory of the commonwealth. It means that, with respect to the offence of possession of an instrument of betting, under sections 18(1A), 23(2) and 66B(4) of the Lotteries Gaming and Betting Act owners or occupiers of betting houses and people betting in the street will all now incur sentences that recognise prior convictions, regardless of the state or territory in which the offences or prior convictions were committed. Each state and territory has agreed with the minister to prescribe those offences, which are to be defined as relevant in their own legislation.

It is recognised that through a number of measures Victorian police have already managed to reduce the level of SP betting which, as we know from various reports, had reached quite enormous proportions in the late 1970s and early 1980s. Members will recall the casino inquiry conducted for the government by Mr Xavier Connor, QC. In the report he is quoted as saying that SP bookmaking represented a huge source of untapped revenue for government.

Mr Connor also noted in his report that the TAB’s turnover in 1978-79 was $658 million and in 1979-80, $740 million. He said that based on the statistics available to him at the time he believed SP betting represented a turnover of at least $1 billion annually. That is an enormous sum of money. He also observed that based on that figure, the bookmakers licence fees and betting taxes would, if collected, represent an amount larger than that collected from TAB betting.

Of course, in the intervening years the number of TABs throughout the state have increased. We have seen the introduction of Pubtab, which operates in clubs and hotels throughout Victoria, as well as the added advantage of Sky channel. During this time it has certainly become much easier for members of the public to bet legally; and given the more effective measures taken by the Victoria Police Force, SP betting is thought to have been reduced by at least half, compared with the level at the time Xavier Connor wrote his report.

Nevertheless, there is little doubt that, over a very long period of time, the state of Victoria has lost many millions of dollars through the illegal activities of SP bookmakers. Today we are still losing money as these practices continue, although to a much lesser extent than was previously the case.
People who believe in the laws of this state find it somewhat strange that SP bookmakers appear to many to be lovable rogues and colourful characters. Stories of their activities have almost reached folklore proportions. One can almost sense a begrudging admiration for their close encounters with the law, for their ability to cheat the taxation authorities and for avoiding payment of Victorian state taxes.

These people, however, have been robbing the Victorian public of large amounts of money that could have been used for wide social benefits. They have also failed to pay income tax to the commonwealth government on their illegal incomes. Who knows how many schools or hospitals could have been built, how many better roads constructed, or how many more police we could have had in Victoria had illegal bookmakers not been operating during those years?

Many older people in our community grew up with SP bookmakers as a part of their everyday lives. They often have a large collection of anecdotes on the subject. A few weeks ago I spoke to Jim Hardy, brother of the late Frank Hardy. He had many stories to tell. Jim happens to be the President of the Dandenong RSL and is a colourful and well-known character.

He told me of the very innovative and effective accounting system of a Dandenong baker, who doubled as an SP bookmaker while delivering bread each day. This activity occurred in the Dandenong area just after the Second World War. His wares were delivered from a horse-drawn cart. As one would expect, most of the baker's customers were women. They used to put their threepences, sixpences and shillings on a particular horse with their friendly baker-cum-SP bookmaker. To avoid detection by the police, the bets were camouflaged among his weekly bread orders.

As Mr Hardy recounts it, a typical bet of sixpence was shown as 3 loaves, 6 scones and 6 cakes. The loaves designated the number of the race, the scones the number of the horse, and the cakes the amount of the wager. Although the police in that area knew the baker was involved in illegal bookmaking activities, they could never prove it. Despite raiding his cart on a number of occasions, they could not find sufficient evidence to convict him. As Mr Hardy said, this man became very wealthy. He purchased many properties in and around Dandenong and obviously had a profitable business.

Jim Hardy also told me of the involvement of several policemen he knew in the Warrnambool and Bacchus Marsh areas, where he spent a large part of his earlier life before moving to Dandenong. The policemen there always had a £1 ticket on the winner of the last race. Apparently their winnings were slipped under the door after dark on a Saturday night. This ensured that the SP bookmaker was free from harassment for the next week, and the process was repeated on the following Saturday. One suspects the bookmakers would have hoped the winner of the last race was a short-priced favourite rather than a long shot!

Before and after the Second World War, SP bookmakers were very much part of their local communities, as were the 'cockatoos' who kept watch and warned of the approach of the law. At this time, prior to the introduction of the TAB, legal betting was allowed only on racecourses. Many of those people were very small fish. Their activities facilitated the needs of their communities. They were often found at the back of the local hotels or at other well-known pre-arranged spots.

Jim Hardy recalls a number of SP bookmakers who used to use public telephones to ring through their clients' bets, presumably to larger bookmakers and particularly to lay off very significant bets. He remembers the absolute panic that occurred when the public telephones were out of order.

Another colourful character was Terry Norris, the former honourable member for Dandenong, who often talked in this house about the large number of SP bookmakers who operated in Richmond, where he grew up. He says these people operated quite openly at the corner of Burnley and Palmer streets. Their price sheets were pinned to the trees in that area, and on a Saturday many hundreds flocked to that spot to lay their bets with the SP bookmakers. It was a common occurrence for the men of Richmond to visit the SP bookmaker before going to the local hotel to spend a pleasant Saturday afternoon.

As we know from Frank Hardy's book Power Without Glory, at that time the police turned a blind eye to many of those practices and in the process were paid accordingly.

The Costigan Royal Commission on the Activities of the Federated Ship Painters and Dockers Union describes a different side of SP bookmakers. It describes the mythology of SP bookmakers as a myth of innocence. In his report Mr Costigan says 'the truth is that SP bookmaking has for many
LOTTERIES GAMING AND BETTING (BETTING) BILL

Wednesday, 19 October 1994

We are all aware of the various other forms of gambling that have emerged in Victoria over the past few years. Not only do we now have a temporary casino; we also have poker machines, club keno, more Tatts lottery games every week, and Sportsbook betting on almost any form of sport one can imagine. These activities all divert money away from the traditional betting areas of horse and greyhound racing. The government owes it to the racing industry to ensure that illegal betting, which returns nothing to the government and nothing to the racing industry, is stamped out as far as possible.

There has never been a time in Victoria when we have had so many enticements to gamble. Many groups are becoming quite vocal about this matter, with many individuals saying that we have gone too far. Like the Anglican Archbishop of Melbourne, I personally have no problems with people enjoying a bet occasionally. I have been known to have an occasional bet myself, as has the Minister for Sport, Recreation and Racing, who is at the table.

I do not object to people playing poker machines from time to time or buying Tattersalls tickets, but unfortunately, whether it is legal or illegal gambling, the fact is that a large number of people have become addicted to gambling, and their lives and the lives of their families are being ruined as a consequence. The stories of children being left in cars and men urinating under the tables at the casino are the tip of the iceberg, because welfare groups and other organisations are reporting a significant increase in the number of people who are unable to buy food or pay their gas or electricity bills as a result of their addiction to some form of gambling.

We know that legal gambling outlets like the TAB do not extend credit to their customers, and neither should they. This is when people addicted to gambling turn to illegal sources and bet with SP bookmakers, who do allow credit. We all know of the violence that often results when the account is not paid.

I would like to comment briefly on the community fund established partly to offer support programs for people addicted to gambling as well as to conduct research into the social effects of gaming machines. It seems to me that very little research has been undertaken into addiction to gambling, although the social costs are becoming more apparent every day. I urge the minister, together with his colleague in another place, to consider allocating sufficient funds to allow for serious research into this important matter. As a community

decades been an insidious, corrupt influence in many of our sporting activities, and it has certainly had very strong links with organised crime. For instance, it is claimed that SP bookmakers have been responsible for fixing the odds on many sporting events, and certainly fixing the results, and they have been found to promote the use of drugs to enhance or detract from the performance of animals and individuals.

Even in the very early part of this century, bicycle races such as the 1901 Austral Wheelrace were fixed so the right competitors won for the SP bookmakers. Prize fights were another notorious area in which SP bookmakers influenced the results to their own benefit.

I am sure honourable members will be aware of reports of the attempt to shoot Phar Lap before the 1930 Melbourne Cup and the doping of Big Philou before the 1969 Melbourne Cup. Both events were attributed to the involvement of SP bookmakers. Of course, with regular swabbing of horses and greyhounds that does not happen so frequently today. Everyone in the racing industry is well aware of the penalties if they are caught.

Throughout the years there have been many wins with substitutes, successful horses and dogs being replaced by those of moderate and poor ability, and vice versa. The Fine Cotton substitution was a notorious affair that demonstrated how it can happen. From time to time there are ring-ins in horse and dog races.

In the past month we have had allegations relating to a New South Wales rugby match. If these allegations can be proved, we will very likely find that SP bookmakers were involved.

These incidents are a very small fraction of what could be told of unlawful elements in the gambling industry. Fortunately for Victorians and, indeed, Australians, most of those involved in the gambling industry are honest, hardworking and law-abiding citizens who probably enjoy their jobs.

The government owes it to the people who operate legally to ensure that the highest standards of probity are maintained and that illegal operators are apprehended and prosecuted. This is more relevant now, with the privatisation of the TAB and the need for the racing industry to be assured of financial security in the future.

The stories of children being left in cars and men urinating under the tables at the casino are the tip of the iceberg, because welfare groups and other organisations are reporting a significant increase in the number of people who are unable to buy food or pay their gas or electricity bills as a result of their addiction to some form of gambling.

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we need to know the social impact of all types of legal and illegal gambling.

Clause 5 of the bill amends section 40 of the principal act. It identifies modern communication technologies and outlaws their use for the purpose of illegal betting activities. It achieves this by the extension of the act’s traditional phraseology of radio broadcasts, television transmission or cinematography to include the words ‘or by any electronic, mechanical or telephonic means of communication’. This means that devices such as mobile telephones, faxes and computers will be included in the act.

This clause now ensures that no betting activity that is illegal in substance but not in form will escape prosecution through outdated legislation. The opposition certainly agrees that legislation must account for rapidly evolving communications technology so that practices that have a criminal intent and effect but escape the technical net of the current criminal legislative framework can be outlawed. I suspect that this is just one of a great many pieces of legislation that need to be brought up to date and into modern-day language.

Clause 5(2) of the bill deletes references to the specific groups of races in respect of which odds may be advertised for feature doubles betting and provides for their approval by way of notice published in the Victoria Government Gazette. Obviously the opposition supports this minor amendment that will remove the need for legislative alteration when, for instance, race names are changed. We believe the Victoria Government Gazette is an appropriate publication for such notices.

The bill also extends the stamp duty liability in the form of a retrospective turnover tax to offences involving illegal possession of an instrument of betting. The bill amends section 128A of the Stamps Act 1958 so that the definition of illegal bookmaking includes not only the owner or occupier of a betting house and betting in the street, which is covered under sections 18 and 23 of the Lotteries Gaming and Betting Act 1966, but also illegal possession of an instrument of betting, referred to in section 66B of the Lotteries Gaming and Betting Act 1966. This means that evidence like betting records found in the possession of an individual can also be included in the definition of illegal bookmaking and instruments of betting.

The stamp duty liability amounts to 2.25 per cent of the aggregate of the bets received in the year preceding the date of the offence. If such an aggregate cannot be established to the satisfaction of the Comptroller of Stamps, under section 128A(4)(b) of the Stamps Act 1958 a liability of 2.25 per cent of the average aggregate of Flemington racecourse bookmakers would be imposed.

I am advised by the Office of Racing that the average Flemington rails bookmaker pays around $50,000 a year in stamp duty. It is thought this will therefore represent a significant incentive for illegal bookmakers to keep records that would enable them to establish and substantiate their potential section 128A turnover tax liability in the event of detection and conviction by the police.

My understanding is that a section 128A assessment is conducted in accordance with the provisions contained within section 33(1) of the Stamps Act: that is, the Comptroller of Stamps, upon receipt of prescribed information of the appropriate form from a court officer, makes an assessment of the amount of tax that ought to be levied in accordance with the act. The opposition certainly supports the extension of section 128A to include offences committed under this section of the Lotteries Gaming and Betting Act.

The previous Labor government introduced the stamp duty liability on illegal bookmaking in 1986 when the then minister, Neil Trezise, introduced the Lotteries Gaming and Betting (Amendment) Bill to this house. The reasons for imposing a stamp duty liability on illegal betting activities were quite compelling and arose out of the Costigan Royal Commission on the Activities of the Federated Ship Painters and Dockers Union of Australia.

The royal commission exposed the problems and extent of illegal betting and, most alarmingly, exposed its connection with organised crime. The rationale for the imposition of stamp duty and the manner in which the bill attempted to achieve this was, firstly, that by imposing the same taxes that apply to legitimate city bookmakers the competitive edge of SP bookmakers would be reduced, and, secondly, that by providing for an average in the absence of clear evidence of turnover, an incentive would be provided for SP bookmakers to keep records which in turn could help facilitate the detection and conviction of SP bookmakers.

The opposition fully supports the extension of stamp duty liability to illegal bookmaking offences and it applauds that aspect of the bill, which constitutes an extension of the reforms introduced in 1986.
In conclusion, I will raise a couple of matters with the minister. Firstly, if further inroads are to be made in illegal gambling, the gaming and vice squad must be adequately resourced for this purpose. At present, the squad is a very small unit. It has not grown in comparison with the number of new gambling opportunities we have seen in Victoria over the past few years. Of course, all those activities need to be closely monitored.

It is obvious that the government has ignored the increase in gambling venues and the opportunities that have arisen over the past couple of years, except to welcome the additional revenue from those sources. I understand that two members of the squad are always present at the casino during the hours that it is open. Eight members of the squad work rotating shifts so that two members are present at any given point. I understand the casino should be paying the wages of the police and I ask the minister whether, in his closing remarks, he will substantiate whether that is the case. The new policy is: the user pays for police presence, whether it be a sporting facility or any other public event. I would be interested to hear the minister's comments in that regard because it would be something of an anomaly if the casino was not making a similar contribution to the wages and overheads of the police concerned.

If as a community we are really serious about stopping illegal gambling and cutting its known ties with organised crime, the gaming and vice squad must be a well-trained and well-resourced unit. It is alleged that the laundering of money occurs through poker machines at racecourses and the casino. Much of that money comes from the sale of illegal drugs. It is essential that police are available to follow every possible lead in that regard.

Secondly, I urge the minister to ensure that all other states and territories either have or are in the process of introducing similar legislation. I mention this because when I spoke to one of my colleagues, the shadow minister for racing in New South Wales, he indicated that similar legislation had not been introduced in the New South Wales Parliament. When he sought advice from the Chief Secretary's Department in that state he was advised that the department believed the New South Wales Evidence Act provided for prior interstate gaming and betting convictions for the purposes of assessing appropriate penalties against their gaming and betting laws. Following the inquiries of the New South Wales shadow minister, advice has been sought from the Crown Solicitor in that state on the matter to ensure its existing laws are adequate.

Queensland has not introduced similar legislation either and I suggest that the minister may have to prod his counterparts in other states to ensure that similar legislation to that contained in the Victorian bill is introduced in their respective parliaments. The opposition supports the additional provisions contained in the bill. I sincerely hope they will assist the Victoria Police Force to further eliminate illegal betting practices in this state.

Dr DEAN (Berwick) — The honourable member for Dandenong has delivered a comprehensive and positive contribution to the debate. I suspect she has a broader knowledge of the racing industry than I do.

This is a small but important bill, not simply because of its content, but because it sends a signal to the racing industry that there is a constant need for vigilance against the means and capacity for illegal activities in the racing industry which are constantly increasing. There is no doubt that the racing industry in Victoria is developing and expanding. The recent announcement of a $12 million boost to the industry demonstrates that expansion.

The ability to make a wager in any civilised community is indeed an example of the freedom and confidence in any nation. If the capacity to wager is an example of freedom of confidence in a nation, surely Australia must be the most free and confident nation on earth, because Australians have always exhibited a desire to wager, which goes back into their history.

It is interesting to note that at a time when we are developing relationships with our Asian neighbours they, too, have a sophisticated desire to engage in wagers.

It is not possible to eradicate by legislation the ability of people to abuse the system. No matter what bills may be introduced, we will never absolutely prevent crime. No matter what bills are introduced to limit SP bookmaking and other illegal activities, those activities will never be eradicated. However, we must keep pace with the rapidly developing technology to ensure that the legislation is keeping pace with the ingenuity of those who wish to avoid the system.

Controls are necessary because of the huge amount of money involved. In a complex betting system
there is an opportunity for fraud and deceit and, because the government collects taxes on the industry, it must do everything it can to ensure that the system is as fair as possible.

We in this country have a good reputation for ensuring that the system is as fair as it can be. As I have said already, although it is not possible to completely stop illegal betting, there are a number of ways we can approach the situation to ensure that those who are trying to abuse the system are brought to heel. Firstly, we can bring betting into view, as much as possible, for the various government bodies to watch and control. One particular way this is already being done is to allow oncourse bookmakers to take telephone bets from those who cannot attend the racecourse. This allows the activities that would otherwise occur in a secretive fashion to come under the view of those watching the course and the activities of the oncourse bookmakers.

Secondly, we must ensure that we keep pace with technology. As technology becomes more sophisticated so does the means and capacity of those who wish to abuse the system. In other words, the ability to engage in all sorts of offcourse illegal activities increases because they have access to the same technology.

I listened with interest to the example given by the honourable member for Dandenong North when she spoke about her friend Mr Hardy and how he related the story that in the early days a certain party used to go about spreading the various bets for the illegal betting operation that he was engaged in. He did it by means of loaves of bread and various other things that he had on his cart. I thought to myself, ‘Think what Mr Hardy could do if he had access to a mobile telephone and perhaps a few computer links. His imagination would allow him to engage in all sorts of sophisticated ways of subverting the system’.

That is what the bill does, and it must be done. Firstly it ensures that the means of carrying out the crime come within the purview of the act. As a consequence, the electronic and telephonic communications which transport illegal information are now within the jurisdiction of the act. To say that we will use the same technology that you are using to subvert the act to bring you into line is an important start.

Another thing that can be done, as we develop a national industry, is to ensure that we undertake a national perspective. That is one of the important aspects of the legislation. When people who commit offences in one state, move to another, commit offences there and continue around the various jurisdictions committing offences finally get caught they find that their penalties are applicable only to their last offences because the previous offences in other states cannot be brought to bear. Clearly they are making a mockery of the system.

The legislation will enable penalties for previous offences in various states to be added to the level of the penalty. That is a step in taking a national perspective on what is quite clearly becoming a national industry. The more cooperation there is between states in this way, the better the illegal activities will be able to be controlled.

The clauses are put together in a very enterprising way. I will go to the heart of how the legislation seeks to bring in other states and obtain access to the various ways of communicating information. It does it in a very simple way by simply broadening what is known as a relevant offence to include, first of all, instruments of betting. Instruments of betting are defined as various instruments that are part of the betting process.

I will diverge for a moment to say that that is another way in which you can catch the person who is operating outside the act. You may not be able to find the person because by the time you get there he or she may be interstate, but you can find the evidence of the means that he or she used to carry out the offence. If the possession or use of those means can be part of the offence, you have suddenly broadened your capacity to catch these people.

Firstly, the expression ‘relevant offence’ will be broadened to include section 66B of the principal act to include instruments of betting. Secondly, it will simply include similar offences that are carried out in other states and territories. The substitution of the ‘relevant offence’ for the ‘offence’ in each of the relevant penalty sections, 18, 23 and 66B, will enable all aspects of the offence to be brought to bear when penalties are decided.

Although important in itself, this bill is important in a broader and more fundamental way: that is, it sends a message to those who wish to abuse the system that this government will continue to broaden its net as the industry develops and as the means and capacity of those who are avoiding their duties broadens as well. As time goes by we must continue that vigilance.
Mr BRUMBY (Leader of the Opposition) — As the shadow minister for racing, the honourable member for Dandenong North, has indicated, the opposition supports the bill. I endorse the sentiments that were expressed by that honourable member and by the honourable member for Berwick, who has just spoken.

The bill will tighten enforcement and penalty provisions of the Lotteries, Gaming and Betting Act in relation to illegal SP betting by providing for the recognition of prior convictions for illegal betting in other states and territories.

For penalty purposes upon conviction in Victoria it will extend the restrictions on the dissemination of betting information to include current communication technologies like mobile phones and fax machines; provide for the approval of specific groups of races in respect of which odds may be advertised for feature doubles betting, and provide for the assessment of turnover tax payable in respect of offences involving the possession of instruments of betting.

Therefore the opposition supports the bill’s aims to eliminate illegal SP betting and protect the continued viability of licensed racecourse bookmakers.

It is important to make some points more broadly about the lotteries, gaming and betting industry in Victoria. I endorse the comments made by the honourable member for Berwick when he broadened the debate by indicating that whether you are talking about racing or other forms of gambling in this state, the government receives licence fees, for example from the casino, Tattersalls and racing, and therefore gets a clear benefit from lotteries, gaming and betting.

Today in question time I raised a matter about the Melbourne casino. I stress that it is very relevant to the bill before the house, the Lotteries, Gaming and Betting Bill, because it relates to the casino licence fees which are payable and therefore to the requirement that betting be conducted in a fair way.

According to the report prepared by SBC Dominguez Barry, the financial controllers to the former Victorian Casino Control Authority, in its final bid Hudson Conway provided Federal Hotels with sufficient funding to purchase — —

The ACTING SPEAKER (Mr Perrin) — Order! I am having some difficulty relating the comments by the Leader of the Opposition to the bill before the house. My understanding of the bill is that it is very narrow. My further understanding is that the comments of the other members who have spoken in the debate have been aligned to the bill. I do not believe the matters of the casino are covered by the bill and I cannot allow a debate on the casino in this bill. I ask the Leader of the Opposition to keep his remarks to the bill and he will be in order.

Mr BRUMBY — On a point of order, Mr Acting Speaker, this bill is entitled the Lotteries, Gaming and Betting Bill. A casino is about lotteries, gaming and betting. The bill is broad in title, but more importantly — as I have just paraphrased the honourable member for Berwick — because the government receives fees in the form of licence fees and taxes from gambling establishments it has an obligation to make sure that the way licences are awarded and taxes are received is fair and above board, and that any illegal activities of a betting or other nature are not permitted. That is what the honourable member for Berwick said.

On your ruling and on the point of order, Mr Acting Speaker, I think it is beyond comprehension to say that the operations of the casino which are involved with lotteries, gaming and betting are not covered by a bill which is called Lotteries Gaming and Betting (Betting) Bill, which has to do with making the arrangements of the state fairer for all concerned: for those who pay licence fees and for those who bet, gamble or otherwise involve themselves with lottery arrangements. The government has a clear interest through the payment of licence fees, which is what part of this bill is about. The casino pays licence fees. It is clearly relevant to lotteries, gaming and betting.

Mr REYNOLDS (Minister for Sport, Recreation and Racing) — On the point of order, Mr Acting Speaker, as you correctly pointed out to the Leader of the Opposition, the bill is fairly narrow. It proposes to amend sections 18, 23, 40 and 66B of the Lotteries Gaming and Betting Act and section 128A of the Stamps Act, and that is where it starts and stops. It talks about SP betting and those sorts of things, but it does not go into what the licence fee for a casino would be or anything to that end. I believe a passing reference may well be relevant but to go on at length, which appears to be the case, is just not appropriate at all.

Mr LONEY (Geelong North) — On the point of order, Mr Acting Speaker, there are aspects of the bill which clearly relate to the casino in a number of ways.
Mr Reynolds — Where?

Mr LONEY — This bill alters in a number of ways the situation for betting on a number of events, including sports events. The casino has within its compass the Sportsbook facility, which is very much related to the provisions that will be applied in this bill.

Further, clause 6 of the bill proposes to amend section 128A of the Stamps Act to extend the liability for assessment of turnover tax and so on. Turnover tax is applicable in relation to the casino because specific deals were done on turnover tax in negotiations for the casino in this state. So the provisions relating to turnover tax are also applicable to the casino.

The provisions of the bill cannot in some miraculous way be exempted from anything to do with the casino. One cannot argue that a bill which refers to lotteries, gaming and betting proposes changes that are specific to events outside the casino when part of the casino through its Sportsbook operation bets on the same events.

Mr Reynolds interjected.

Mr LONEY — We may go further into this if the minister likes. The proposed change to the ability of operators to take telephone bets applies to sports bookmakers and the impact of that on the casino Sportsbook and the way it operates are essential elements of the bill. If you are to deny the right of speakers to draw those parallels you are unnecessarily restricting this debate. I suggest there are issues applicable to the casino which can be spoken about in debating this bill.

Mr CLARK (Box Hill) — On the point of order, Mr Acting Speaker, the arguments put by the Leader of the Opposition and the honourable member for Geelong North seem to amount to saying that because the bill is about gambling and the casino is a venue in which gambling takes place therefore their remarks on anything they like to raise about the casino are in order. I submit to you, Sir, if they are intending to refer to the casino in their remarks they should refer to it in a way that is relevant to the bill. Otherwise you might just as well say the casino is in Victoria, the bill is about regulating gaming in Victoria and therefore their remarks are in order.

The purpose clause of the bill refers to illegal betting. Apart from the commencement clause and the clause defining the principal act there is one clause relating to penalties for illegal betting, one for the dissemination of illegal betting information and one clause applying to the Stamps Act, which extends the operation of that act to relate to turnover tax with respect to illegal betting offences.

If the Leader of the Opposition wants to talk about illegal betting which infringes the provisions of this bill and wants to argue that illegal betting is taking place in the casino, that would be in order; but other remarks relating to the casino that do not have a nexus to the casino are out of order.

Mrs WILSON (Dandenong North) — On the point of order, Mr Acting Speaker, the Leader of the Opposition had only started to develop his theme. I do not believe he had gone far enough into his speech for this judgment to be exercised. I do not believe the Chair is saying if there is illegal betting in the casino for instance one could not mention it under this bill. I believe in the context of this bill the government has a strong obligation not only to the casino but also Tattersalls, to the racing industry and to the Sportsbook operators to make sure that illegal gambling is outlawed. These people are operating legally. They are generating revenue in which the government shares and in that context I believe they are required to be protected by the government.

Mr WELLS (Wantirna) — On the point of order, Mr Acting Speaker, this legislation is clearly aimed at strengthening the enforcement provisions of the act with respect to illegal SP betting. I have no problems if the Leader of the Opposition speaks about the effect of SP betting when it relates to the casino but this should not be an opportunity for him to get involved in his usual muckraking on the Crown Casino and Hudson Conway. He should be drawn back to the SP betting issue and its effect on the casino. That is where the debate should be limited. It is as narrow as that.

The ACTING SPEAKER — Order! I have heard enough on the point of order. The bill is very narrow. It is specifically related to betting. It has no relationship whatsoever to casinos. I therefore rule that any debate on the matter of casinos is not in accordance with the bill.

Mr BRACKS (Williamstown) — On a further point of order, Mr Acting Speaker, yesterday in debate on the Financial Management (Amendment) Bill I raised a point of order against the honourable member for Mornington who was using debate on that bill to raise questions about the propriety of the Cain-Kirner governments and the financial
management of the state and some broad questions about the administration of the state on a bill which was quite specific about amending the State Tender Board and certain other provisions.

You were also in the chair yesterday when I raised that point of order. You ruled that the debate was wide ranging and that any matters relating to the Financial Management (Amendment) Bill could also relate to financial matters generally. I suggest that your ruling yesterday should apply to debate on this bill: that any matter relating to lotteries, gaming and betting — to which casinos obviously relate — should also accord with the ruling you made only 24 hours ago.

Mr CLARK (Box Hill) — On the further point of order, Mr Acting Speaker, if I recall correctly, in your ruling on that matter you were following the precedent that had been set by, I think, the Deputy Speaker, if not the Speaker. The Leader of the Opposition, in opening that debate, indicated that the bill was wide ranging. He referred to clause 7 as dealing with the whole-of-government reporting and used that to justify his wide-ranging remarks on that bill.

Points of order were taken questioning the breadth of his remarks on the bill and they were not accepted in the early stage. Your ruling then was perfectly consistent with the point that had been made by the Leader of the Opposition at the commencement of the debate on that bill and with previous rulings.

The ACTING SPEAKER — Order! I do not uphold the point of order. As the honourable member for Box Hill has clearly reminded me, I was relying on the rulings of the Deputy Speaker and other Acting Speakers. Because they had previously ruled that the debate was wide in that bill I stuck with the previous rulings.

In this case I believe the bill is very narrow. It relates to betting. The Leader of the Opposition may debate the bill with regard to betting in the casino. However, as it does not refer to the control of licences or any aspect of licensing I do not believe any debate on licensing would be in order.

Mr BRUMBY (Leader of the Opposition) — Mr Acting Speaker, thank you for your guidance. As I said, the opposition supports the bill's aims to eliminate illegal SP betting and to protect the viability of licensed SP bookmakers.

The bill is supported also by the racing industry. Now that the TAB has been privatised it is more important than ever that we maintain and build on the high standard of probity in the racing industry. The minister, who is present during the debate, noted in the house on 19 April that:

... people involved in the racing industry should have spotless records. I do not believe people with illegal gambling records have a place in the Australian racing industry.

Those assurances and utterances were made by the minister when he was responding to a question about whether he deliberately leaked documents relating to the criminal records of people associated with Vtab after he had given approval to the Chung Corporation to operate a TAB agency out of Vanuatu.

On 17 May it was revealed in the Australian Financial Review that Mr Christophe Chung, the head of the Chung Corporation, had a conviction for pimping in 1981, and four convictions in Brisbane in 1991 in relation to the export of condemned seafood. At the time Mr Chung advised the Australian Financial Review that he believed the Victorian government was aware of his criminal record. On 17 May the minister advised the house that the first he knew of Mr Chung’s criminal record was when it appeared in the Australian Financial Review that morning. Since then the minister has consistently denied that prior to that date he had any idea of Mr Chung’s convictions.

Nonetheless, in a letter dated 26 March 1993 from the chief general manager of the TAB to the Director of the Office of Racing it is noted that final approval of the Vanuatu deal with the Chung Corporation will be:

subject to the minister's satisfaction that the security and integrity of operations in Vanuatu and communications between Vanuatu and Australia can be assured.

That letter came after a letter of 14 January 1993 from the TAB to Mr Chung advising that in-principle approval had been given to the Chung Corporation to establish an agency in Vanuatu, but again further noted that:

final approval will be subject to the minister's satisfaction that the security and integrity of the operations in Vanuatu and communications between Vanuatu and Australia can be assured.
Probably most important of all is the letter dated 25 October 1992 from Paul Curran, general manager, retails sales network for the TAB, to Mr Chung, in which he says:

As a matter of course, prior to the establishment of any new offcourse outlet, the TAB requires the completion of a consent to check and release criminal records form.

The letter states also that a number of forms are attached and requests that Mr Chung, Milton Walters and Peter Boylan complete and sign the forms and return the same to him.

The conclusion to be drawn is that either the Minister for Sport, Recreation and Racing has deliberately misled the house or was aware of Mr Chung’s conviction at the time he told the house on 17 May that he was not aware, or, alternatively, the minister has been derelict in his duty in not ascertaining whether Mr Chung was an appropriate person to be running the Vanuatu TAB agency. By terminating Mr Chung’s contract with the TAB the minister is now admitting that the Chung Corporation is not an appropriate organisation to be running a TAB agency in Vanuatu. That being the case, the minister should have ascertained this fact much earlier.

Of course the other question that arises in relation to this matter is the fact that the minister stated on 27 May 1994 and confirmed on 7 September 1994 that there would be no liability to taxpayers arising out of the suspension of the contract with the Chung Corporation. The minister has consistently stated in this house that there will be no liability to taxpayers as a result of the termination of the contract with Chung Corporation.

This flies directly in the face of what the Treasurer advised the house on 7 September when he said that it was:

the intention [of the government] to preserve those liabilities in the vestige of the old statutory authority [the TAB] ... So, the net benefit to the taxpayer is achieved by retaining them in the shell and dealing with them in the normal course of events.

We are left with the situation where either the Minister for Sport, Recreation and Racing has misled the house or the Treasurer has misled the house. They cannot both be right because there is a legal claim by way of a letter of claim.

Mr Chung maintains that at all times before granting him the Vanuatu TAB licence the minister and the government were aware of his convictions. We have the minister saying there will be no liability to taxpayers. We have the Treasurer saying quite the opposite. Alternatively, he has been misleading in the Tabcorp prospectus. If any potential liability whatsoever arising out of the action by the Chung Corporation in relation to the termination of its arrangements with the TAB rests with the old TAB, Victorian taxpayers will be liable, and that would make a lie of the minister’s statements.

If, however, the liability from any Chung action rests with the new privatised Tabcorp, the prospectus would be misleading, as it says on page 14 that:

any known material litigation, current or pending, in relation to the TAB at the appointed day will be specified in writing by the Treasurer to remain with the TAB.

The minister says: no liability to the TAB; the Treasurer says: any liability from Chung will be met by the TAB. One of them is wrong. Since they have both made those statements in the house, one of them is misleading the house.

It is cold comfort for Victorians that the bill actually builds upon the efforts of the former Labor government to limit illegal activity in the racing industry when the Kennett government is belligerently ignoring questionable activities in other aspects of the gambling industry in the state. When I began my contribution to the debate I wanted to make comments about the questionable activities in the racing industry and in the casino, and there was a barrage of interjections about my wanting to raise those matters.

This is a bill about questionable activities in the gambling industry. This is a bill about illegal betting. This is a bill about breaking the law; but when the opposition tries to raise matters about the gambling industry and the casino and other matters about questionable activities it is stopped.

Today during question time the Premier said, ‘Come on, bring out the evidence’. He invited us to make our claims, to make our statements. Here I am. When I stand up to take part in the debate and try to get the material on the public record, this minister and this government gag the debate because the government does not want to hear the facts of the questionable activities in the gambling industry. This is the fact of the matter.
Isn't it amazing? Today questions were asked about the casino prospectus, about the $41 million, about the $35 million and about the $6 million. Where did the $6 million go? Into a $6 million black hole! Who was it paid to? What was the money for? Who discovered the money? Where did it go? Was it into a black hole? Was it a bribe? Where did the $6 million go? We did not get a debate about it! This is a government that does not want to know about questionable activities. I thought the ruling earlier on those points of order was extraordinarily narrow.

I have a letter from a licensed bookmaker, who has written to the honourable member for Geelong North in his capacity as the opposition spokesman about the legislation and about sports bookmakers. The bookmaker wants to know about the casino and wants to discuss betting arrangements. But if I want to get up during a debate on lotteries, gaming and betting bill to talk about $6 million that has gone missing and about discrepancies between the prospectus and what happened with the Federal Hotels money, I cannot! I will have to get a member of the opposition in the other place to do it.

So much for the Premier's saying bring on any new information and open up the debate. If you dare try to bring out the facts, this government ducks for cover. It cannot tolerate facts coming out into the open: it will not have an inquiry and it will not let the public make its own judgment on issues of probity.

For goodness sake, this is a debate about betting, about gaming and about lotteries, yet you cannot speak about how someone got the casino licence. This is what Mr Nott, a licensed bookmaker, has to say about the casino. In his first paragraph — and I must say I agree with him about this — he thanks us for forwarding to him a copy of the debate in Parliament on Friday, 20 May, and he thanks us for making representations on behalf of sport bookmakers. He continues by saying — and I know he will get a lot of support from this side of the house:

I believe that Mr Stockdale is confused in two areas.

That is right, isn't it? We support what he says.

Firstly, TAB (Sportsbook), Crown Casino and sport bookmakers are all authorised to bet fixed-price odds in relation to sporting events. In this instance the TAB (Sportsbook) is not operating as a totalisator, but as a bookmaker. Secondly, Mr Stockdale states, 'I doubt whether it is practicable to move bookmakers who bet in fixed-price odds into some sort of drop arrangement'. If it can be done for both the TAB (Sportsbook) and the Crown Casino, why can it not be done for sport bookmakers?

There are a range of matters that we think we should be able to discuss during debate on this legislation. But as I have said previously about illegal betting and the activities of Chung Corporation Ltd — I see the Treasurer is in the house now — either the Minister for Gaming or the Treasurer has misled the house. They cannot both be right. If there is material — —

Mr Reynolds — Unless you are wrong.

Mr BRUMBY — The Minister for Sport, Recreation and Racing says I am wrong. Yesterday, when I asked the minister responsible for the TAB whether the Totalizator Agency Board was part of the Crown consortium bid on 16 August, he said, 'I do not know'. The TAB was a multibillion dollar industry and the largest part of the minister's portfolio. You would have had to approve its being part of the bid, wouldn't you, Minister? But you come in here suffering from selective amnesia and say, 'I can't remember'.

Does the minister think that answer fooled the gallery? The minister responsible for the TAB, a multibillion dollar industry and a great industry for Victoria, says he cannot remember whether on 16 August the Totalizator Agency Board was part of the Crown consortium bid for the Melbourne casino. It was part of the bid, but it withdrew the next day, the 17th. We will come to the reason why in due course, won't we, minister?

But you tell Parliament you cannot even remember whether it was part of the bid. What rubbish! Who do you think believes that?

The SPEAKER — Order! The honourable member may not address the minister directly across the table. I ask him to relate his remarks through the Chair.

Mr BRUMBY — What we need in this state is — —

Mr Reynolds — You are supporting the bill.

Mr BRUMBY — We are supporting the bill because it is about probity and proper practice. The point I make in this debate is that we support the bill...
because it outlaws illegal and questionable activities. But whenever we want to have a debate in here about questionable activities, the government gags it. You gag it because you do not want a debate about proper process in this state!

Mr Stockdale interjected.

Mr BRUMBY — I invite the Treasurer to make a full statement to the house about the Crown Casino prospectus, explaining what has happened to the $6 million — that is, the difference between the $41 million and $35 million in convertible preferences. The Treasurer does not understand it. It is a bit deep for the Treasurer, and it is a bit complicated for the Premier. It is like the letter from the licensed bookmaker, who says he believes Mr Stockdale is confused in two areas.

But there are more than two areas. I have provided quite a long list.

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

Mr WELLS (Wantirna) — It gives me a great deal of pleasure to speak on the Lotteries Gaming and Betting (Betting) Bill, on which I will make only a few comments. One of the main reasons I am speaking is that it is fast approaching the time when I put my annual couple of dollars on the Melbourne Cup. The legislation will clearly strengthen the enforcement provisions of the act concerning illegal SP betting.

These days SP bookies are wrongly seen as folklore heroes; but it is clear that they have been involved in race fixing, even though that has not been proved. As the honourable member for Dandenong North said, SP bookies sometimes extend credit to people who are desperately hooked on betting, which is a shame and a sad reflection on the industry. If they cannot pay up down the track or if they have a few losses in a row, things can turn violent.

The current act was seen by the Victoria Police Force as adequate, but the advent of modern technology has caused the police to ask that the legislation be tightened up. The police therefore put forward some recommendations. During the autumn sitting the government introduced legislation to enable racecourse bookmakers to accept bets by telephone from off-course clients who are unable to attend race meetings as a legal alternative to fixed-odds betting. That recognised the fact that bookmakers were finding it tough going; it was another way of spurring on their revenue. It must be recognised that that was done on the understanding that we would crack down on SP betting.

Legal bookmaking in Victoria is a major industry, and racing plays a significant role in the Victorian way of life. At this stage it is hard to judge how much money is bet illegally, but the 1991 Queensland Criminal Justice Commission report says that up to the equivalent of 63.8 per cent of legal turnover was actually placed with SP bookies. It appears that Victoria is better off. The police feel that with some of the larger SP bookies going off-shore, and given a bit of a crack down on SP bookies interstate, the figure for Victoria would probably be a lot lower.

I note with interest that the budget papers show we have made some significant concessions to bookmakers. Their turnover tax will be cut from 2.25 per cent to 2 per cent for metropolitan races and from 1.75 per cent to 1.5 per cent for country races. That is another indication of this government's support for the betting industry, which I hope will spur it along.

Table 5.2 in the budget papers shows the composition of taxes, fees and fines. It is estimated that the gambling taxes from the racing industry for this particular year will amount to $147.9 million, which will be a significant addition to our Treasury coffers. If we are able to crack down on SP booking per se, the additional $60 million or $70 million that will be collected from legal betting will go a long way towards paying back some of Labor's debt or providing some of the quality services that are so desperately needed.

At the moment an SP bookmaker who is fined once or twice in Victoria can move to New South Wales, where he can continue his operations. In other words, he can keep avoiding heavy penalties for a number of years simply by moving around.

This legislation complies with the agreement made by state and territory ministers to implement similar legislation. It emphasises the importance of recognising prior convictions. If the first and second offences are committed in Victoria and the bookie moves to New South Wales, a magistrate or judge in that state can take those convictions into account when sentencing him for a third offence. The fines will be transported from state to state.

Sections 18 and 25 of the principal act refer to offences relevant to penalties. Clause 6 concerns
section 128 of the Stamps Act and deals particularly with street and premises betting. However, the offences prescribed under section 66B of that act deal with the possession of instruments of betting and do not attract the same retrospective tax penalties. Possession of instruments of betting is becoming the offence on which police are most reliant for convictions, given the capabilities of current illegal betting operations. It is proposed to extend the provisions of section 128A of the Stamps Act accordingly.

The Fosters Melbourne Cup and other specific titles are applied to different horse races throughout the year. That means we will not need to return here to alter the legislation if, for example, the Fosters Melbourne Cup were to change its name — although I hope it does not change. The minister can effect a change of title through the Victorian Government Gazette. It is a positive move that will help the racing industry.

Although it is small, the bill is important. It is further evidence of the government’s commitment to the racing industry. The government acknowledges that vast sums of money pour into Treasury coffers from the racing industry, and it is aware of the large number of people employed in the industry. The legislation will provide Australia-wide consistency in the penalties imposed on people who try to continue operating illegally by moving from state to state.

Mr LONEY (Geelong North) — Today is a public holiday in Geelong; the Geelong Cup is being run. I guess I should be there instead of here!

Mr Reynolds — I should be there, too.

Mr LONEY — Yes! Although the bill is small it is important for a number of reasons, not the least of which is that over the years the probity and integrity of racing in Victoria has been of paramount importance to every government.

On the whole the Victorian racing industry enjoys a very high reputation both internationally and nationally, which we should seek to protect and to preserve. Restrictions on illegal betting on racing will always attract bipartisan support. However, I direct the minister’s attention to what I believe is a somewhat anomalous situation in licensed bookmaking in Victoria. The current provisions may act as an incentive rather than a disincentive to illegal gambling in the area of sports bookmaking.

There are a number of restrictions on licensed sports bookmakers in this state which militate against their being as effective as they could be and which act as an incentive to illegal bookmaking activities. Those restrictions can also encourage the transfer of money to licensed bookmakers outside the state, which means that that money is not used to bet on races within the state.

As the minister will be aware, betting on sports is a large Australian industry. It is primarily centred in Darwin, to which vast amounts of money flow from Victoria to be wagered on all sorts of sporting events. This happens particularly during the football season. Each week huge amounts of money are bet on the number of goals kicked in matches, on Brownlow Medal voting and on the weekly fixtures. That money could be retained in this state if we looked more closely at the operations of sports bookmaking.

I suggest legal sports bookmaking activities are not encouraged: whether they are discouraged is a moot point, but they are not encouraged. That is unfortunate because Victoria pioneered licensed sports bookmaking on racecourses. When the bookmakers were first introduced, they had to attend racecourses to take their bets. That has undergone only a slight variation in the meantime. I understand that about a month ago, a Magistrates Court ruling cast some doubt on whether those bookmakers must take their bets on course. It seems they may be able to take their bets away from the course so long as they write the bets at the course. That is probably playing around with the legislation, but it certainly raises the need to review the provisions affecting sports bookmakers to see whether something needs to be done.

From the time of the introduction of licensed sports bookmakers we have seen the growth of other bookmaking in the sports area, most notably — and originally — the Tabaret, with its Sportsbook, and, more recently, at the casino, which also runs a Sportsbook. I suggest the minister should examine whether sports bookmakers are now operating on a level playing field compared with other sports betting activities in Victoria, given that they can accept bets by telephone around the clock. Theoretically at least, even if the Magistrates Court ruling has changed things slightly, licensed sports bookmakers are required to attend the course to take and write their bets.
I wish to refer to a letter I received from a licensed sports bookmaker which relates to this set of circumstances. He points out in his letter:

We will shortly have a situation where TAB (Sportsbook) and Crown Casino will be betting identically to sport bookmakers but paying less than half the rate of tax.

This is in addition to the many advantages already allowed to the TAB (Sportsbook) over sport bookmakers, namely the ability to accept bets 24 hours per day, 7 days a week both at one central location and by telephone.

With competition from sport bookmakers now operating in other states and territories in Australia, without the restrictions applied to Victorian sport bookmakers it is going to be difficult to compete.

Moreover with the huge tax advantage which TAB (Sportsbook) and Crown Casino have received it will be unlikely that any sport bookmaker in this state will be able to survive unless concessions are made.

I am aware of two concessions recently announced to sport bookmakers:

Firstly, a reduction of turnover tax of 11 per cent from 2.25 per cent of turnover to 2 per cent of turnover. However, TAB (Sportsbook) have effectively received a 75 per cent reduction of their tax rate from 4 per cent of turnover to 20 per cent of gross profit.

Secondly, the introduction of oncourse telephone betting will be of some benefit to sport bookmakers. However, with some of our opposition now trading 24 hours per day and sporting events not coinciding with race meeting times, e.g. Sunday football, Wimbledon and world soccer, you can see that we are still operating at a huge disadvantage.

This is a regrettable situation as the Victorian bookmakers pioneered sports betting in this state in 1989.

It would be appropriate for the minister to look at the circumstances raised in the letter to see whether a review is required and whether Victorian sports bookmakers are operating at a disadvantage from other forms of sports bookmaking within Victoria and their competitors interstate so that they can at least be put on a level playing field with their competition across the border. I direct these matters to the attention of the minister in the context of this debate.
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graft and corruption and of throwing a game is high enough when bets on teams become large. In this instance it could be worse, when we are betting on one individual. Only a leak is needed. I am loath to do it. The AFL and before it the VFL were loath to allow it. What happened in New South Wales is a perfect example of why we do not need to go ahead with that method of betting at this stage. There are plenty of other things for us to bet on, as the honourable member for Dandenong North suggested.

The honourable member for Dandenong North made three suggestions. The first was that funds from the Community Support Fund be used for research into compulsive gambling. That is a suggestion worthy of serious consideration. Although it pertains little to this bill and is not under my jurisdiction, it is within the realms of the area we are talking about. There is little research on addictive or compulsive gambling anywhere in the world. The why, how and wherefore need to be looked at. It is interesting that recently the government announced a $4.1 million allocation towards dealing with compulsive and addictive gambling. Perhaps this will go some of the way, but I will pass on the suggestion of detailed research on the subject to my colleague in another place, the Honourable Haddon Storey, Minister for Gaming, and I hope we can get somewhere. The honourable member for Dandenong North, like me, sees compulsive gambling as a disease and an addiction, a problem that needs to be solved, rather than something to be swept under the carpet.

The honourable member suggested that resourcing of the gaming and vice squad was inadequate because it had not grown in similar proportion to the various forms of gambling that have been introduced. That point has concerned me. I have talked this over with my colleague the Minister for Police and Emergency Services. The honourable member for Dandenong North also mentioned the matter of other states and territories passing complementary legislation to allow the transportation of prior convictions over state boundaries.

I can assure her that I have been pushing this at the two racing ministers conferences I have attended since I became minister, and I will continue to do so. I cannot make them agree. We have done our bit. At least we in this jurisdiction can recognise the prior convictions of someone from another state coming to Victoria; we have our house in order. There is no doubt that the other states have to do that.

I thank the honourable members for Berwick and Wantirna for their contributions. Obviously they have an understanding of this industry. I will make a couple of points in the time left to me on the comments of the honourable member for Geelong North regarding licensed sports bookmakers. I would like to talk to him privately about this after the debate is finished.

One of the difficulties we have in this regard is that we did pioneer sports bookmaking on course. There may have been semi-legal turn-your-eye sports betting in Darwin and Alice Springs. I visited Alice Springs recently and had discussions with a bookmaker there. It is interesting that he believes that 70 per cent of his turnover in Alice Springs comes from New South Wales; 10 per cent from Victoria and the other 20 per cent from the rest of Australia and the world. The case in question against bookmaker Coster ended up in the Supreme Court. He is a feature doubles bookmaker but the decision can also apply to sports bookmaking. There is not a lot of difference. It was a test case by police on this matter.

I know what the honourable member is talking about. It is difficult to explain it. One of the things the honourable member ought to keep in mind is that his predecessor and my predecessor, who happens to be the same man, left us with a difficulty in that he allowed Sportsbook at the Tabaret at the Rialto to accept telephone betting six days a week and he did not allow that for sports bookmakers. He made flesh of one and foul of the other.

I know it is difficult and it is damned hard. I can assure the honourable member and the person who wrote him the letter that I am working hard at this. I have not forgotten the sports bookmakers, and I will not. It is a difficult problem to work through. I thank honourable members for their contributions to the debate.

However, the Leader of the Opposition stormed in to speak for 30 minutes, less a couple of points of order, on matters that had nothing to do with the bill. He made wild allegations, unsubstantiated claims and twisted the facts. Is it any wonder he has no credibility? This man has been coming in here throwing mud. He should look at his hands. They must be covered in dirt because he is throwing it all the time. He does not care who he maligns or denigrates. I need say no more about his contribution because it added absolutely nothing to the debate.
Motion agreed to.

Read second time.

Passed remaining stages.

INTELLECTUALLY DISABLED PERSONS' SERVICES (AMENDMENT) BILL

Government amendments circulated by Mr JOHN (Minister for Community Services) pursuant to sessional orders.

Second reading

Debate resumed from 15 September; motion of Mr JOHN (Minister for Community Services).

Ms GARBUTI (Bundoora) — Firstly, I protest that the government's amendments have just been circulated when the bill has been on the notice paper for some weeks. The minister delivered his second-reading speech some time ago and there has been ample opportunity for there to be some indication of the amendments to be provided to the opposition and to others. Although the amendments are short and predictable, it would still have been preferable for those amendments to have been available much earlier than this.

Mr John interjected.

Ms GARBUTI — I can see that now. I have only just seen them. It is an indication of the way in which the government treats everyone. The Intellectually Disabled Persons' Services Act was a landmark act. It was introduced by the former Labor government and it set up a framework for the delivery of services to those with intellectual disabilities. It established principles and practices that have been put in place. However, this has not been an area in which the government has distinguished itself. Its record on dealing with the intellectually disabled is miserable, uncaring and unflattering.

It is a feature of the government that it is prepared to provide a gravy train for its own supporters and for itself — such as the silver service in the parliamentary refreshment rooms — but ordinary people are left behind. This reveals the values held by the government because it looks after its mates but not those with disabilities. All Victorians are entitled to benefit from the state's resources. They are entitled to support from the government, from each other and from the community.

In contrast to the record of the government, I was impressed by the comments made by General Eva Burrows of the Salvation Army, when she launched the program: People together shaping Victoria's future. Her comments stand in stark contrast to the actions and attitudes of the government. She said:

It is a sign of a mature society that it cares for others in practical ways. Someone said, 'When I was young, I admired clever people. Now that I am older, I admire caring people because caring people do make a difference in the community. People matter whether they are poor and powerless, disappointed or disillusioned or just sick and tired. Much as it is uncomfortable to admit it, we are our brother's keeper.

She quoted from C.S. Lawrence in his book *Screwtape Letters* where the senior devil called Screwtape writes a letter to his nephew Wormwood, a junior devil, advising him how to corrupt the world. In one letter he writes:

Wormwood, it is not necessary to make people wicked, just make them indifferent. Don't worry about trying to make a man do bad things, just make him do nothing at all. Provide me with people who do not care.

The government is one that does not care and unfortunately those with intellectual disabilities are paying the price. During the life of the government we have seen cuts across all services for people with intellectual disabilities. By my estimation that is about $30 million worth of services a year, which has hit every level of service provision. However, costs have also risen for those people with intellectual disabilities. Many of them now pay the cost for their disabilities themselves.

The government has introduced the CAM system, which is also costing people dearly. The system is complicated; it has reduced their independence in respect of the handling of their money. Respite care has been affected by an increase in costs. Respite beds have been closed and are being turned over for...
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long-term accommodation. Respite care is increasingly difficult to find.

Case management has been wound back. In the day programs and adult training and support services areas there was a cut last year and a further cut this year, although it was not quite as much as proposed because of the strong campaign by those organisations, many of which have had to cut out various aspects of their services. I will come back to that a little later.

Recreation programs and many advocacy and information services have been cut out. Organisations such as STAR have been defunded. Recently I heard of two cases of information services that had been cut. Those sorts of things are continuing. It is very difficult for the information to come out because we have a climate of fear. Not only did the government refuse to release information, it tidied up FOI so that it is almost unworkable.

For example, last week I was at the Administrative Appeals Tribunal for its hearing of an application I had put in in June 1993 and which is still unresolved. That information has simply been withheld, and the opposition has to go through many hoops before anything comes out and is resolved.

I take up the recent comments of Brian Burdekin and Ben Bodna, the former public advocate, who commented in the media last night and today about the climate of fear and wanted to confirm that it certainly included the area of intellectual disability.

Yesterday Brian Burdekin said on the Ranald Macdonald radio show to the Minister for Health:

Minister, I am not sure whether she is being told by her advisers what's going on, but I've checked pretty carefully in the last couple of weeks and again choosing my words carefully, in Victoria there is a climate of fear not just among consumers, not just among clinicians, who've spoken out, and some of whom have been threatened, but among leading community advocates who've had it made very clear to them by people who are senior in the state system that if they speak out their funding will be cut or they will be otherwise disadvantaged.

I confirm that that has certainly taken place in the intellectual disability area. Just the other day I received a letter from Paul Buchan, the Secretary of the Ivanhoe-Diamond Valley Centre for

Intellectually Disabled Adults at Macleod, which is in my electorate. Paul's letter is a copy of a letter sent to the manager of disability services at the Northern Metropolitan Region, Mr R. Judd. It outlines how the committee of management had planned its annual general meeting on Tuesday 20 September and had put some effort into increasing interest in its services. More than 60 people attended the annual general meeting. The guest speaker lined up for the night was a manager in one of the local community residential units, who was asked to speak about what life was like in that house. I was told she was not going to talk about government policy or even regional policy; she was just going to give people an idea about what was happening and what life was like in that unit.

The Department of Health and Community Services phoned her and told her that she could not do it and, what is more, that she could not even tell the centre that she could not do it. She was not even allowed to ring them up and say, 'I have been told I cannot speak.' However, she told another workmate, who at least got in touch with the centre and told the organisers 2 hours before the general meeting was due to start.

The comment in the letter is:

Health and Community Services of Victoria action in cancelling (at short notice) your staff guest speaker did nothing to improve the image of H and CSV as a responsible organisation and certainly did nothing to allay fears of people attending the meeting that respite care is simply not readily available and not effectively funded.

I hope there is no retaliation against that centre for writing about its disquiet. However, I suppose we are fortunate in many ways that there are parents in the area who are willing to speak up and say what they see happening, even if staff are too afraid to do so.

I went back through my files — not very far back — and picked out a few case studies. I will not use names, because the point of the exercise is that staff have been ringing me up to tell me what is happening in the system.

I will call the first case A; it involves a woman employed by health and community services. The note I have says that I can contact her but that she did not want to be named. She went on to speak about some training that she was offered, at the completion of which she was put back into the
casual pool. In effect she said that the government had trained her but had put her on a scrap heap.

There was another case. A worker in a community residential unit told me that the manager was making life very hard for the staff if they tried to show compassion for the residents. Her politics are being questioned. Naturally I did not use her name anywhere.

Two more people who work in community residential units outlined problems of staffing, the main one being that so many staff have gone. There is lack of staff support, especially if something goes wrong.

There was another case involving a man who said he would not talk to the administrator above him because — no; I will not go into that one because it would incriminate a person.

There they are, in my own files, cases of people who want to speak out, who can see what is happening and who come to me saying, 'Don't use my name! Find someone parent who will speak out and say what is going on in this house. Find someone else. Go to the public advocate or go to the Ombudsman's report or go to the community visitor's report'.

The community visitors are another group that was under review. There was an interdepartmental review for which submissions were not encouraged. We have seen neither hide nor hair of that review and we do not know what it recommended. We do know that for six months or so no more appointments were made to the community visitors and that the whole program was at risk of falling apart because there were not enough people to cover the work that they had to do. This government's precedent with reviews is that they are usually the first step before elimination and restructure out of existence — and we have not yet seen it and do not know what it says. However, thankfully the community visitors are still active.

A climate of fear certainly exists among the staff working in institutions and in community residential units about the day programs run by the government. It is saying very clearly to the staff that they will not speak out about what is happening and they are afraid that if their names get out in public, or if I mention their names, they will be shifted and their employment will be under threat.

It is no coincidence that the government has moved to short-term contracts for about three-quarters of the staff of community residential units. If you are very lucky it will be a three-month contract, and the rest receive a one-month contract. I have heard that anything from 60 per cent to 85 per cent of staff are now on short-term contracts. That goes a long way to controlling what those staff will say, because once the ends of their contracts come their good behaviour will determine whether they are to be offered other contracts.

That climate of fear has extended right through the intellectual disability area. I support the comments of Brian Burdekin and Ben Bodna in the media that this is a very common climate which extends to far more than just help. I am sure that if the shadow Minister for Education were here he would be able to tell us similar stories about how teachers have been required to keep quiet and how principals are not allowed to speak out without risking the big black ministerial car arriving to take them into the Rialto to answer for their comments. We heard about that some time back.

An Honourable Member — They're coming to take me away! They're coming to take me away!

The SPEAKER — Order! The two government members on the front benches are disorderly and out of place. I ask them to remain silent: three government members are out of their places.

Ms GARBUUT — It would be nice if they were the three wise monkeys as well as three members.

I shall talk about some of the latest examples of what is happening in intellectual disability. I have spoken many times in the house about many areas of intellectual disability and have given examples of some dreadful incidents that have occurred over the past two years. Today I will confine myself to recent events. We would be here for many hours if I were to go over the government's record in this area.

One of the most damning reports was published in July by Star, which is also known as Victorian Action on Intellectual Disability. STAR is an advocacy group which was defunded within a few months of this government taking office. Nevertheless, the group obtained funding from a private source and undertook a housing survey around Victoria of the accommodation service for people with intellectual disabilities. The figures presented in the report are shocking. They leave you quite stunned at the depth of the crisis that people are facing and of the dreadful situation that some
people are in. I will refer to some of the main findings of the report.

STAR estimates that 2059 people receive long-term community-based residential services, most of which are government owned. That represents about 6 per cent of the total number of people with intellectual disabilities. Only 17 per cent of those registered with intellectual disability services receive such support. The report says that 1365 people are currently in institutions and only 6 institutions remain.

The report then talks about urgent need. ‘Urgent’ as defined by the Department of Health and Community Services is constant across the regions and is extremely narrow and limited. The report designates only those at the end of the line. The example given is:

Only where the crisis has reached an extreme or irretrievable stage such as the death of the carer/s, total family breakdown or ongoing and serious ill-health, evidence of abuse or neglect or involvement in the court system.

So this really is the ultimate crisis where there is nowhere left to go. How many people are in that situation? The report says up to 150 people have been identified by the department’s regional staff as being in that situation. Those are the estimates flowing from four metropolitan and two rural regions.

The report says the departmental figures indicate that 354 people over the age of 40 years, who are mostly living with aged parents 60 years of age and well beyond, are in need of urgent housing. There are 354 people in situations of urgent crisis. We are almost running out of words to describe how urgent that need is.

There is also a less urgent need, which represents an enormous group because it includes all the others. One of the most disturbing comments made in the report is that no system-wide planning could be identified to accommodate the housing and support needs of this group. So there is this enormous problem but absolutely no thinking about how to deal with it.

The four metropolitan regional staff alone estimate that 2082 people are in less urgent need, including 233 children identified in just three of those regions.

The report talks about the urgent need of people over 40 years of age because their parents are well over 60, some in their 80s or even 90s. It refers to the dreadful case of the man in his 90s who was told, ‘Just hang on a few more years and we will find somewhere for your son’.

Children between the age of 6 and 18 years of age are a particular problem. The department has identified 30 to 40 children as ‘urgent’ in the 4 metropolitan regions and 233 children in 3 regions alone were identified as ‘less urgent’. I will again quote the report to reveal the human factor at work:

Some families described being placed under intolerable pressure by H and CS to keep their child in the home under extreme circumstances and felt their problems were discounted.

They were trivialised:

Many such families had children with demanding, constant and difficult support needs and were exhausted.

The report found that in 1993, 13 people were placed in institutions despite the claim that no people were now being placed in institutions. There is simply nowhere else to go. The report states:

People in this situation are known to be deceptively recorded as ‘respite’ or ‘re-admission to respite’.

It is re-admission to re-admission to re-admission. Then you have a long-term admission, but it is not counted as that. The report is a damning indictment of the lack of action and lack of caring by the government. Unfortunately it is only one of the many problems that has to be faced — —

Mr Leigh — Was it leaked?

Ms GARBUTT — No, it was not leaked. It was announced to all the media, including your local paper.

The SPEAKER — Order! The honourable member for Mordialloc will cease interjecting across the table.

Ms GARBUTT — I want to put some human dimension into this and pick up some of the comments in local papers when the report was released. It is a pity the honourable member does not keep up with what is going on.
I refer to a Mrs Margaret Vaughan, who is 71 years of age, has Down syndrome and who will about the future of her last child, Amanda, who is 35 years of age, has Down syndrome and who will require support and care for the rest of her life. Mrs Vaughan says she feels for her daughter's future. A newspaper article states:

'Once I die there will be a terrible dislocation for her,' she said.

She will not only lose her mother, but her lifelong home as well.

While her brothers and sisters are only too willing to care for her, it is not right that they should have to take on the responsibility.

They have their own spouses and their own families.

I want a place where she can go now while I am still here to support her during the transition to a new home.

I want to be around to help her settle in and to reassure her while she makes the shift to new carers.

She needs a home rather than a house, and fellow residents with whom she is compatible.

I don't think that is too much to ask. It is probably what we all want for our children — but it is not available. I refer to the minister's announcement that 100 new places will be made available. Although it is referred to in the budget we have no detail about it. Will they be new places in community residential units for people currently living at home with older carers or family members; or will it be those people who are now clogging up the respite system because there is nowhere else for them to go? People who require long-term accommodation are not being accommodated anywhere. Will people who are on this merry-go-round of 2, 3 or 4 respite houses be the ones to go to the 100 new places? They certainly need long-term accommodation but that is not creating any new places for people in the community who are currently with elderly carers. There was some confusion that at first the minister was talking about people with elderly carers having access to those 100 new places. Now it does not quite seem to be that way at all.

I have other questions for the minister to answer. How will these places be managed? Will they have community-based committees of management such as the regional residential associations that were managing many homes before that work was taken over by the government in December 1992? The government has not yet handed back that work.

I know the minister is about to announce or just go ahead and undertake the downsizing of Janefield to perhaps 100 residents. The other residents will be deinstitutionalised and accommodated in community residential units. I ask the minister again: how will those places be managed? Will we have community-based committees of management managing those places sensitively and humanely, taking into account parents like Mrs Vaughan, who wants to be assured that her daughter will be placed with other residents she likes and is compatible with? Perhaps Mrs Vaughan can have a say in the management of the programs her daughter will take part in.

Questions about community involvement must also be answered, because this government's record on handling community residential units is contradictory, miserable and very poor indeed. I will not go back and spell out the whole history of the takeover of the community residential associations because I have spelt that out previously in this house. As was clearly stated in the letters from Mr Peter Allen, the deputy secretary of the department, to all those involved with the residential associations, including the residents, the staff and the parents, the aim of the exercise was to eventually contract out the management of the units. That has been indefinitely deferred because unfortunately the government could not cut wages savagely enough to package it all up cheaply and contract it out.

But the units can still be contracted out at approximately the current level and put back into the hands of community-based management or people who have an interest in managing the units sensitively and humanely and who have the interests of the residents as a management priority. At the moment people have been left in limbo and do not know whether contracting out will continue.

Once again the interests of people with intellectual disabilities have been put well below the government's own interests. The whole area has been mismanaged from the day the government decided it was going to take over the administration of the houses run by the regional residential associations. They were taken over and the government forgot about the 10 months' worth of money which it had already paid to the associations and which they were required to keep. That was a
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loss to the government. The government even forgot about all the goods and chattels, including the cutlery, crockery, furniture and so on, which was actually owned by the associations. The government had to make subsequent arrangements to be allowed to lease or use the goods and chattels.

Vehicles were used by the staff of the houses to take residents to appointments and on outings or wherever they needed to go. During the takeover in December 1992, the government assumed as part of its mismanaged scenario that the cars would be available to it, but they were not. We are still seeing that exercise being played out. Just a week or two ago one of the regional residential associations that had been messed around from December 1992 took its cars back from the government. The southern regional accommodation council decided it could no longer put up with the government's lack of accommodation in this regard. The association has been in contact with the Department of Health and Community Services about the use of the cars.

For nearly two years the government has paid a very small recurrent cost for the use of the cars, but that did not nearly meet the price the association had to pay for them. It has got to the stage where the cars need to be traded in or sold. They are nearly four years old, and the standard practice is to trade up. The association was getting nowhere in its negotiations with the Department of Health and Community Services and had to take the cars back. The people in the community residential units do not have access to cars. The government was hoping the southern regional accommodation council was bluffing, but it was not. I guess it is a case of how long and how often you can push people before they say enough is enough.

I mention another problem that has arisen quite recently — that is, the deinstitutionalisation program that resulted in the Aradale centre closing very rapidly. It was listed to be closed by the government within a fairly short time frame, but that was suddenly brought forward by six months. The centre was closed within a couple of weeks without any extra funding being allocated to it. People were moved out of there very smartly. No public accounting has ever been given of where all the people went or of what sort of accommodation they were put into. We just know that Aradale was to be closed quickly, and it was.

Now we know the closure was not handled at all well. The communities of Stawell and Ballarat have been complaining strongly that the government did it badly, leaving a number of problems for the community to face, on which it is demanding action from the government.

Recently the Age reported a number of concerns about the actions of the government. However, the concerns were expressed directly by the members of Stawell council, who wrote to the minister about it. They outlined a range of problems — public health risks and problems about the quality of staff training and supervision. The Age reported that concerns had been expressed by members of the community and that the council had said:

... the quality of care of the disabled had been substantially reduced because of a smaller staff and the resignation of those with experience...

Experienced staff were being replaced with young and inexperienced staff, placed on one month employment contracts, with little training.

The article went on to talk about the council's investigations revealing that some staff were undertaking duties for which they did not have qualifications or proper training, such as giving medication. Many of those problems are being repeated across the state. A number of other problems have been raised with the minister. Still other problems are detailed in the Age report of 14 October, which says:

Many reports of unsupervised clients touching and grabbing people in the town.

Unsupervised clients walking the streets or riding bikes without lights at all hours of the night.

Young, inexperienced female staff being placed alone overnight in a house with four male residents with severe behaviour problems. A staff member was molested in one case.

A whole range of problems is listed in the article. I suggest that part of the cause of those problems is that the government has acted very hastily, without adequate public scrutiny of and information about what is going on, without adequate prior planning, without adequate prior consultation with the communities into which the people are being placed and without adequate accountability to the public about what is being done.

I see that the minister has belatedly had to account to the community for what has happened and what has been done. He has had to put in place some
extra support so that community concerns and the needs of the people with intellectual disability are met.

It is a sorry story. Such episodes did not happen when the previous government closed the Caloola Training Centre. In his report in May this year the Auditor-General said that was done very well; but he then criticised the current government for failing to put into place long-term follow-up procedures. The government not only botched the short-term closure of Aradale Hospital, it also botched the longer term follow-up as well. Deinstitutionalisation, a policy that I support, still means that services and support must be made available to those people in the community. This government is a miserable failure.

I also want to talk about the community residential units because I am still hearing many stories about inappropriate placements, a lack of care and people's concern for the residents given the paper-thin staffing rosters that have been introduced. The latest example I have been told about, and I will not use names, concerns a community residential unit suitable for four people. Until recently the residents were all elderly, in their 70s and 80s. Now a man of 79 is being expected to share his room with a 29-year-old blind woman who plays loud music at night. Now, some of us play loud music at night —

Mr Hamilton — Not us.

Ms Marple — Not when you're stuck in here.

Ms GARBUTT — If you have teenagers you always live in a house in which loud music is played at night. However, that is not an appropriate placement for a 79-year-old man.

Mr Hamilton — Or a 59-year-old man.

Ms GARBUTT — Yes. It is an unsuitable placement. I will not comment on the honourable member's age, but the regional manager is demanding that totally inappropriate and insensitive placement be made.

I turn to the other major problem at the moment, which is respite care. As some honourable members may know, I have been going on about respite care for a long time, but only because the problems need to be aired. I have raised the issue in the house several times, and I have received responses from the minister. I refer to a response that goes back to 23 March. When I raised the issue of respite care at that time, I reminded the minister that the two discussion papers that had been released in August of last year — it is more than a year ago now — showed a lot of concern in the community. All members of the community who have an interest in intellectual disability are still waiting for a response to those discussion papers. On 23 March in this house the minister said:

I am awaiting final advice from my department on the two consultative reports and a decision will be made in the next few weeks.

How many weeks is it since 23 March? There are too many to count! That was seven months ago, yet we still do not have his response to that respite care paper. When I raised it in the house last week, the minister said the delay was caused by the government's consultation process. Minister, you have not done any consulting on that paper this year. It all happened last year. The report is just sitting on your desk. It needs to be released.

Ms Marple — It makes you wonder what it says.

Ms GARBUTT — It does make you wonder what it says. What is the minister hiding? Why doesn't he want it to come out?

Mr John interjected.

Ms GARBUTT — How many extra places? How many extra respite places?

Mr John — Wait.

Ms GARBUTT — Wait for what? We have already passed the first anniversary. I will tell you why people cannot wait. I quote from my electorate officer's report — my sole remaining electorate officer; before the government cuts each member had two electorate staff — of her telephone conversation with a woman constituent. Her comments are relevant to the bill:

It is all very fine to read what is suggested but that it is what happens in practice that matters. Especially the part where more responsibility/acknowledgment of the role of families is suggested.

She then talked about respite:

Her son was in a crisis situation two weeks ago. Health and community services worked with them, her case worker and two psychologists were involved. All
agreed that respite was needed and it was organised. When she, her son and the case worker arrived at the respite house they were told that they did not have sufficient staff to care for the needs of her high-needs son. This was when it all theoretically had been arranged.

There were two venerable [sic] children at the house and if David had become violent then they would have been at risk — there was one staff overnight with five — already there and there would have been —

(six if her son had stayed).

So she missed out. That was tragic for that family. I have had visits from other people in similar situations. I talked about those a week or so ago in four women in my area, all of whom had sons or daughters with intellectual disabilities and other serious problems. They are all saying they cannot get adequate respite care. The plea from one of them was:

Why should our children be treated as second class because they’re disabled?

A similar story to the one I just mentioned concerned Maree, which is not her real name. She has a teenage daughter with autism. I will not read through all the letters I have received from people saying that respite care is not available because it has been taken over by people with long-term accommodation needs which otherwise cannot be met. I have also had letters from people who occasionally manage to get respite care but who then find that the quality of care has dropped because of the constant turnover of staff, the lack of trained staff and the low numbers rostered on duty.

This woman wrote to me saying the residents were not washed or shaved properly — on this occasion the residents were young men. Sometimes they are not dressed and ready for the bus to take them to wherever they are supposed to go the next day because the person in charge does not know what they are doing the next day.

The respite discussion paper has caused enormous anxiety, especially the references to proposed limits and the shift in the balance from respite houses to in-home respite. People are saying to me, ‘We do not want to have to go out to get respite. We want to be able to have placements where we can be confident of the care and confident that the staff know our sons or daughters. We want to be able to relax at home with the rest of our families like other people do’. Others may be happy to have in-home respite care, so there should be a choice. The discussion paper proposal to shift the balance away from a respite house to in-home respite has caused anxiety. That has gone on and on because the minister will not release his final decision. Here is the minister’s chance. Tell us, make the grand announcement today. You will have the attention of the gallery. Do it.

I now turn to training and support services, which are vital services for people with intellectual disabilities. Over the past two years the services have suffered a 5 per cent funding cut, a shift to unit-cost funding and a total change in the formula by which they are funded. There have been some winners and some awful losers. The minister proposed to hit them with another 5 per cent cut, but he showed a little mercy and only hit them with a 2.5 per cent cut.

After he made that decision I received letters from people telling me there had been cuts to the Waverley Adult Training Centre for the Intellectually Handicapped (WATCH). They told me the centre had suffered an annual reduction of $132,000 — and that is not the biggest of the cuts I have heard about. Incidentally, the centre says its occupational and speech therapists have been retrenched. Community-based programs have been refused and two instructors have been replaced by people who are less experienced and less qualified — and, therefore, less expensive. We are really moving to the cheapest model we can find, minister. The director has had to increase her direct support role to maintain a safe and manageable staff-to-client ratio in some programs. Therefore she has less time to spend on program and service development.

The Cobram and District Intellectually Handicapped Persons Welfare Association has written about the impact of the change to unit-cost funding, under which each client for whom it provides a program is assessed as either a core-need client, attracting a certain funding, or a higher need client, with an appropriate higher level of funding. That is the basis of unit-cost funding. They counted up the number of core-need clients, who get a certain amount; then they counted the number of higher need clients, and more money was allocated to them.

The complaint of 27 September concerns three of the clients who attended the centre. The organisation
had written an earlier letter, but this is its latest complaint. I do not wish to recount the complete history, which is damning of the government. At present three clients have needs:

The clients in question were formerly assessed as having core support needs, but since the reassessment these clients are listed as requiring a high level of support.

The centre staff have conducted its assessments according to the process requirements and the changes to the high support category have been correctly communicated to H and CS regional officers.

In fact all steps in the unit cost funding procedures have been duly carried out. All, that is, except one.

The funding for the clients who have been re-assessed as needing a high level of support remains at the core level.

Would you please advise (a) why the appropriate level of funding is not being received by this centre; and/or (b) when the appropriate level of funding will be granted to it?

The government has committed itself to that new level of funding, which has caused concern for many centres, leading to a reduction in the number and quality of programs. Now the government is not even sticking by this system. The centre has found its clients are now classified at a higher level and with a higher level of needs — but it is not being funded accordingly.

There is a range of serious problems across the intellectually disabled area, particularly given the government’s lack of response. I remind the house that the government has cut about $30 million from this area every year. The minister has claimed that the budget puts back $6 million, but that is a pittance. Worse than that, $5 million of it is capital funding from the federal government, with only $1 million coming from the state.

Mr Maughan — Are you complaining about it?

Ms GARBUTT — Take out $30 million and put back $5 million! If you think that is fair, stand up and say so.

The bill will implement the framework the government is at present missing out on. Some of the measures being considered are acceptable modifications, but they do not go far enough. I had intended to move amendments — although we have not had a committee stage on any bill for a long time. As I make my contribution I will refer to the proposed amendments because, as I said, the government has wiped out committee stages, along with many other democratic processes.

The minister claims the most important change he has announced is the change to the principles in the act. The act has 14 principles. Another is to be added to recognise the role or the contribution of the family.

Everybody I have spoken to — every agency and every advocacy or client group — has been unanimous in saying that the role of the family is important and deserves recognition. I agree that it is vital. Families do amazing work in caring for those of their members with intellectual disabilities. But everybody has said, ‘We do not want the government to use that as an excuse to opt out, to cut funding, or to put all responsibility onto families’.

I will suggest an amendment to clause 5. The minister proposes to move an amendment, which goes a little way towards improving the principle. He has proposed the deletion of words ‘nurturing and’, which is not appropriate when talking about adults with intellectual disabilities and about the role of the family in supporting and encouraging the development of a family member with an intellectual disability. However, I would go further by adding words to the effect that that role should be respected when planning and providing services for the family member.

Too often I hear about families being ignored and disregarded when it comes to planning for what should happen to family members. They are the ones with experience who will care for them forever. Their experience is being minimised, trivialised or ignored altogether. We should add to this new principle. If my proposed amendment were accepted, proposed paragraph (o) of section 5 would read:

The families of intellectually disabled persons have an important role to play in supporting and encouraging a family member with an intellectually disability and that role should be respected when planning and providing services for the family member.

I place on record some of the comments from people who are most concerned about the family role and about those with intellectual disabilities — that is, the parents and support groups. They are absolutely unanimous in their belief that the government must
recognise their role while not shifting its responsibilities.

VICRAID, the Victorian Council of Residential Association for persons with Intellectual Disabilities, is a peak body that represents many thousands of people involved in managing services for people with intellectually disabilities. That organisation wrote to me saying:

The present wording allows scope for interpretation by the bureaucracy as a licence to shift responsibility for service provision from the state to the client's family.

Carers Association Victoria states:

Family care is important in the development period but when people with intellectual disabilities grow to adulthood they have the right to greater independence and their parents also a have right to be relieved of their caring responsibilities. The care and support of people with intellectual disabilities must be a community responsibility, not just a family responsibility. Families of people with intellectual disabilities do not shirk their responsibilities and their love and concern should not be exploited by placing undue responsibility on families.

That is a clear description of the various roles of the family and the responsibilities of government. That principle must never be used to shift government responsibility back onto the community.

CIPAID, the Community and Institutional Parents' Action on Intellectual Disability group, states:

What is required from this government is a commitment to a partnership between parents and government so that access to necessary social services is provided, and both the development of the disabled child and the interests of the community are fostered.

We all know that parents of an intellectually disabled child carry a very heavy burden which may be too much for them to carry alone and can only be sustained with the support of a wide range of social services.

The Action Group for Disabled Children states:

... as an organisation that supports families in their role of caring for their children we would have no objection to this direction as long as it was not interpreted as families having all the responsibility for the nurture and support roles.

The last comment I will read, a similar comment, is from the Australian Early Intervention Association (Victorian Chapter):

However, the terms in which parents are mentioned does not acknowledge their importance in the lives of their children particularly whilst they are very dependent. The impact of decisions on behalf of intellectually disabled persons frequently have profound effects on other family members.

It is basically the same comment — yes, we want recognition of the role of families, but it must never be used as an excuse or licence by the government to avoid its responsibilities and dump the whole lot back on families. Unfortunately, increasingly we have seen so much more responsibility dumped back on to families.

Clause 4 of the bill amends the definition of 'intellectual disability'. I am assured that it reflects current practice and is not meant to be a tightening of the definition, so excluding more people. However, it does tighten the definition. It adds the word 'significant' to the phrase 'deficits in adaptive behaviour'. I will move an amendment to remove that additional tightening up.

I will not go through every clause in the bill, but I want to pick out clause 7, which concerns the assessment of intellectual disability. The bill puts into law what currently takes place in practice. It says that a standard IQ test will be used. Where a person is assessed clearly below or above, there is no question about whether that person is eligible on the one hand or ineligible on the other. If a person is in between, a range of adaptive behaviour tests may be used. This apparently does not tighten up any further those tests.

However, subclause (4) states that the secretary does not have to apply the standardised measurements. I am quite happy for the secretary to decide, when he is satisfied that a person is eligible for services, not to apply the tests, but I will not accept that the secretary can simply say, 'You are clearly not eligible', and decide not to apply any tests, saying, 'Off you go, no services. You are not eligible'. I will move an amendment that ensures the secretary's discretion can be applied only where he accepts the person's application, but not where he will reject that application.

Clause 8A, on assessment of developmental delay, is a rewording of current practice. Groups such as the Action Group for Disabled Children are satisfied.
that it does not make any changes of concern to them. However, at this stage I take the opportunity to make a couple of points about services for children six years and under. The group wants a reassurance from the minister — and I invite him to give this assurance — that the budget allocation for services for children six years and under will be quarantined and not placed within the disabilities program budget, because it could currently be overtaken by the great need in the adult area.

The Australian Early Intervention Association (Victorian Chapter) also has a plea to make:

The committee would want children under the age of six to remain under the jurisdiction of the act, but would not like a return to the overly bureaucratic approach to determining services. General service plans have been offered by health and community services staff but only implemented when desired by parents or staff as appropriate. In the opinion of this committee this arrangement has been preferable to the compulsion required under the act.

Again I ask the minister to take the opportunity to assure the association of that.

Clause 8 refers to a review of general service plans. People with intellectual disability or their guardians can ask not to have the mandatory five-year review of their general service plan take place. They can, however, at a later stage decide that they want that review and ask for it. It is a worry that the secretary is required to do that only within a reasonable time. ‘Reasonable’ is not defined. Apparently it is not defined currently, but practice standard cover is reasonable. I have not heard to the contrary, but I hope that reasonable is reasonable to the client, the guardian and family and not just the department.

Clause 10 concerns reassessment of eligibility of a person entitled to receive services and a person not currently entitled to receive services but who wants to be reassessed. The bill proposes that the secretary decides on the reassessment of people currently entitled to receive services or the client or his or her guardian can ask for that reassessment. Several people have expressed to me concern that that should be at the request of the client only and not at the decision of the secretary, so I will move an amendment to make that happen.

The other concern is that if a person is currently eligible to receive services, is getting services and is reassessed, there be some safeguards to ensure that they still get those services or alternative ones.

VC OSS comments on the original discussion paper that the minister circulated regarding the proposed bill:

VC OSS would recommend that if in any situation a person’s status did change, that safeguards be established to ensure appropriate support still be provided. VC OSS also recommends that health and community services have the obligation, where requested or required, to link, refer and establish alternative and appropriate supports within generic and other services for and with the person who is now deemed ineligible.

I have drawn up an amendment to move regarding that.

The other contentious clause in the bill is clause 11, regarding confidential information. This clause does two things. First, it broadens the categories of workers to be bound by the confidentiality provisions. Currently only those employed under the Intellectually Disabled Persons’ Services Act are covered, yet many other workers are employed under some other act. That broadening is welcomed.

However, the clause goes on to allow disclosure under certain circumstances, as does the current act; but it adds one circumstance, which has caused a great deal of consternation — that is, under paragraph (k) the minister can decide to release information ‘to a person to whom in the opinion of the minister it is in the public interest that the disclosure be made’. ‘Public interest’ is not defined, so it is up to the minister to decide whether it is in the public interest for private confidential information about a person with intellectual disabilities to be disclosed. It is quite terrifying that the minister is given that power. That clause has caused much controversy, and many people have written to me about it.

STAR, or Victorian Action on Intellectual Disability, has sent me a copy of a letter that it has written to the Disability Discrimination Commissioner in Sydney, raising its concerns about that clause:

We request that the amendment be examined and a determination made as to whether:

(a) the proposed amendment is discriminatory in that clients of the Office of Intellectual Disability Services will be subjected to legislation which may treat them differently to other Victorians; and

(b) the proposal may result in others using discriminatory practices when treating or
providing services to clients of the Office of Intellectual Disability Services.

In addition, we request that the commission refer this matter to the Privacy Commissioner, Mr Kevin O'Conner.

Concern has been expressed about this particular clause. VCOSS also raised the issue. It said that the public interest could at least be defined. However, I shall move an amendment during the committee stage which will add that the disclosure should not contravene the Commonwealth Disability Discrimination Act 1992 or any law relating to privacy or confidentiality, other than this clause of the bill, and that is in the interest of the person to whom the information relates; that is, that it is not acting against the interests of the person with an intellectual disability, who should be the priority. If the release is against the person's interest it should not be made. Under the provision the minister could decide to release the information in his political interest but not in the interest of the person.

Mr Sercombe — Or his mates!

Ms GARBUTT — Yes, he might send the information interstate to be used in another political forum, in the interest of the minister's party, his political mates, his business associates or whatever. That is not acceptable and my amendment will overcome that real concern.

Clause 12 deals with former clients of the department. It provides that former clients who have not received services under the act for a continuous period of at least two years are entitled to receive services only if another assessment is made. Parents have picked up this clause and have been horrified. They said their sons or daughters were receiving services that were cut because the government pulled the rug because no more funding was available. If that situation continues for two years, suddenly the person is caught by that clause and it would be necessary for that client to be reassessed. One of the parents said that this is a great way of keeping workers in employment because they will be reassessing people continuously. It is a great way of reducing the waiting list numbers because people will put off being reassessed. A parent, Mrs Jean Tops said:

My daughter, 25 years old and profoundly disabled (deaf, blind, Rubella syndrome) was until February 1993, receiving regular routine respite in a CRU. The minister denies that respite care has been cut. Just listen to this:

Without so much as a 'we regret to inform you letter' that service was terminated by the department. Since that time my daughter has not been able to access a service —

the respite care was terminated —

and this means then, that if we accept the proposed amendment as above and given that there is no other offer of service, my daughter, by virtue of not having received a service for two years will cease to be eligible in February 1995 and presumably I, as her primary carer, will be required to apply and she be reassessed, over and over again, until a service is provided, or she or I should die, whichever is the sooner.

Jean Lawrence, the Chairperson of the Outer Eastern Region Parent Support Group — the honourable member for Mooroolbark would be familiar with it — comments on the particular clause:

It needs to be recognised that people may not have been receiving service, not through choice but through lack of services available. There are many families in the eastern region who fall in this category, and they should not have to be reassessed when their circumstances change, or when services become available.

The opposition will oppose that clause. I invite the minister to do so as well. Clause 13 provides the power to terminate a funding and services agreement under certain conditions. Every person I spoke to said, 'So what, that hasn't stopped them before. They just terminate services unilaterally'. In December 1992 the regional residential association said, 'Pack up your bags and out you go'. They had a funding and services agreement. They took the agreement to their legal people but they were told, 'It's too bad!'. This clause provides for what the government does anyway. I am surprised that it bothered to include the provision in the bill, because it just does it anyway.

Clauses 14, 15 and 16 provide for the Intellectual Disability Review Panel. These clauses — for a change — contain sensible amendments to the operation of the panel. Clause 14 provides for proceedings before the panel to be public and that brings it into line with corresponding review bodies. However, an application can be made to the panel to have a particular hearing closed. It is up to the
review panel to determine that matter. The opposition supports that clause.

Clause 15 provides for the panel to prepare an annual report to be tabled in Parliament. That is supported and welcomed. Clause 16 allows the panel to review certain decisions, which is also welcomed. Clause 17 inserts an extra step which allows an internal review of a decision by the department. I am sure it does not prevent a person from then going to the panel if he or she so wishes and I am pleased to support that clause.

The other matter I wish to mention is the deletion of the freedom of information provision. We should not be surprised that the reference to FOI has been omitted because of the government's opposition to FOI. The government has made FOI requests more expensive and, because it simply ignores FOI requests, we should not be surprised that it is now deleting the reference to FOI through the bill. I have made about 24 requests for FOI from the minister and I have not received one response. The 45-day requirement for a reply predictably runs out, without a reply. I do get an acknowledgment that my letter has been received, but not once has the minister's FOI officer written back to say that the documents have been identified and I can have them. Once we get to the door of the Administrative Appeals Tribunal I get a few documents — not all of them — and then we go through a long and protracted procedure in which the government argues that everything that is written down is basically protected forever. That is the gist of it. I have two or three requests still current, but the one that I dealt with at the AAT most recently dated back to June 1993. It is an absolute disgrace that the minister ignores FOI. He pretends it is not there and he hopes I will give up, forget about it, miss the date or anything else, to avoid giving out information. I shall move an amendment to insert that reference to FOI to try to make the minister recognise that it exists. I suppose it would be too much to hope that he will take any notice of my amendment because he does not bother about FOI. And so nothing happens.

The bill misses many opportunities to improve the existing act. The underlying theme of the correspondence I have had with every group involved in this area was, 'Why should we bother. The government's actions are what counts, but they are so bad and so dreadful we are absolutely desperate!'.

That is the message, Minister, from people with intellectual disabilities, from their carers, their families and from organisations that try to assist and provide services. You are not getting it right. An amount of $30 million being cut out of the service is simply grinding people down. Staffing levels are appalling, the quality of services is not acceptable, people are missing out on services, waiting lists are getting longer and people are getting desperate. Take this opportunity to get the messages that are being directed at the government that it is not up to scratch.

Mrs ELLIOTT (Mooroolbark) — In speaking to the Intellectually Disabled Persons' Services (Amendment) Bill I say that we are dealing with an area in which there is great emotion and great need. We need to look at the facts. Two per cent of the population are intellectually disabled; that is about 40 000 Victorians. If you multiply that by their families, their carers and the people closely associated with them you will see that we are talking about a fairly significant proportion of our population. It is an area of enormous need and no matter what resources were allocated they would probably never be enough to satisfy the needs of these people.

I grew up in a family with a parent with a significant physical disability which grew worse as he grew older. I can remember very clearly that as his condition worsened my mother was at times distraught about the lack of available care. That was during a previous government's term in office and during a federal Labor government's term in office. There was never enough respite care, never enough help in the home and never enough time for him at the day training centre he went to.

Nevertheless this government has put $380 million per year into disability services, which is 40 per cent of the total budget for community services and equal to the amount spent on child protection. The recently announced $12 million which was to be spent over two years for 100 new places will go largely towards meeting the immediate crisis needs, particularly of ageing parents.

During the Labor Party's time in government, in the decade between 1983 and 1993, the Caloola Training Centre was closed and $21 million was spent in providing places for people coming out of Caloola into the community. Nobody would disagree that the closing of Caloola was absolutely necessary and that the current thrust of this government is to integrate people with intellectual disabilities back into the community. During the decade 1983 to 1993 only 100 extra new residential places were provided
for people with needs who were not currently in institutions, apart from the people coming out of Caloola. They were really only a small proportion of the people in the community with great needs. Not a great deal was done under the previous government to meet the enormous need that was there.

The shadow Minister for Community Services referred to a letter from Mrs Jean Lawrence. I know Jean and I have great respect for her devotion to community causes. Nevertheless, she is a member of the ALP and was the campaign director for my opponent in the previous election in 1992. She probably has a vested interest in opposing what the current government is doing.

The Monkami Training Centre for intellectually disabled adults is situated in the Mooroolbark electorate. The government provides $401 000 for its adult training support services and $370 000 for the residential units. In Dorset Road, where there are six residents, they receive $79 500; in Vernon Street, where there are 18 residents, they receive $160 000 and in Jull Parade, where there are three residents, $98 000.

Monkami is significantly, but not totally, dependent on government money. It runs a very cost-effective and profitable plant business in which many of the residents are involved and which is supported by people in the community, many of whom turn to Monkami when they wish to buy plants, cuttings or seedlings. It is now renewing its gardens. Croydon is a garden suburb and its residents are very proud of their gardens. Monkami is the first choice for many of those people. In addition, Monkami has a sheltered workshop and many of the residents are involved in putting together component parts for some of the industries in the area.

Last year I went to Monkami's debutante ball. It was a wonderful night, but I think it is patronising to say it was wonderful because the ball was for intellectually disabled people; the ball was wonderful in itself. During the night when some of us were having a good laugh at some of the amusing things that happened, I realised that it is important with intellectually disabled people to be able to laugh, not at them, but with them. As they came out two by two and were meant to be making a bow to Dame Phyllis Frost some of them bowed to the TV cameraman from Channel 7 instead. That was generally humorous; we laughed and they laughed too and a good night was had by all.

Apart from places like Monkami in Croydon for which the government provides money, many other organisations in the community support what the government does. For instance, Interchange, which many of the local churches in Croydon and Mooroolbark are involved with, offers respite care for shorter or longer periods of time for families who have intellectually disabled members.

Many people in the community have a need to give back. They may have children who are intellectually normal or they may be older people who feel the need to give some love and care to others who are not as fortunate as they. Through Interchange, many families develop a very good and caring relationship over a long time with the children they look after. There are often stories in the local papers about families like this who invariably say, 'We get as much back as we give' in situations like these.

The Croydon Special Development School has a wonderful educational program for its children, including a hydrotherapy pool, partly built through government money, where children with severe physical as well as intellectual disabilities can receive the benefits of water therapy and swimming, which has a calming influence on them as well as being important for their physical development.

It is interesting, too, that of the 2 per cent of the population who have intellectual disabilities, 30 to 50 per cent will have some form of mental illness as well. The proposals in the bill will have an impact on that.

Parents with an intellectually disabled child go through a period of grief. Everybody expected them to have a perfect baby and it is hard for them to accept that their child is not perfect and will need extra support throughout its life. All of us can feel for adults in the community, particularly ageing parents, who fear for the future of their children when the parents are no longer there to care for them because they have died. They wonder what will happen to their children, who are often middle-aged themselves.

The provision of community residential places is obviously important. The government is doing its best to provide those places and to provide support services for families during the more trying periods of their lives.

The thrust of the bill is basically to tidy up the original act, which has been in existence since 1986, but the definition of an intellectual disability was
challenged by a decision of Mr Justice Harper in the Supreme Court. In his judgment he found that through an anomaly 50 per cent of the population could be considered to be intellectually disabled and therefore able to claim services under the act. Obviously that would mean a very sparse allocation of resources and would also have implications on the justice system because people who came up before the courts would be able to claim intellectual disability in a bid to get more lenient treatment.

The problem came about because although there were three essential preconditions for intellectual disability — first, developmental delay manifested during the developmental period; second, significant sub-average intellectual functioning; and third, deficits in adaptive behaviour — Mr Justice Harper found that the assessment could be based purely on intellectual functioning or on adaptive behaviour. The bill tightens up that procedure so that people must score at or below the second percentile of people of the same age and culture on a standardised test of adaptive behaviour. On intellectual functioning they can fall within a range: if it falls below a certain point they are eligible for services; and if it falls above a certain point they are not eligible for services. But where people fall across the dividing line the secretary of the department may use other measures to test whether they are eligible for services. A great amount of flexibility is brought into the provisions. They will ensure that people who are entitled to receive the services because of their low intellectual functioning will do so.

Earlier I referred to the fact that a proportion of people with intellectual disability also have some form of psychiatric disturbance. The deferment of assessment of eligibility for up to three months will allow for people having an episode of psychiatric disturbance or some other illness. Previously assessments of intellectual functioning had to be made in a much shorter time than this and the tests would often not be valid if those people were ill at the same time. A deferment of a period of up to three months allows for any illness at the time to be overcome and for a more definite prognosis to be made. But this does not preclude those people from receiving services during that period.

A person may be reassessed if he or she is found ineligible or if there are new facts or circumstances that make it likely a further assessment would result in a declaration of eligibility. As the shadow minister said, if a person has not been receiving services for a period of two years he or she must undergo reassessment. Far from being cruel or inconsiderate I believe it is good standard practice. If people with disabilities are to claim services or their guardians are to claim services on their behalf — and it is the taxpayers’ money which is being used to deliver those services — it is commonsense and good practice to ask them to undergo a test of eligibility. Whether or not they were receiving services prior to those two years circumstances may have changed during that time and the testing will be readily available. But to say they should simply be claiming intellectual disability and therefore able to receive the services without a further reassessment ignores the reality of the situation where we are dealing with scarce resources.

The shadow minister referred to the confidentiality provisions. Once again I believe the bill’s thrust is towards ensuring the confidentiality of clients, which is obviously important. We have come a long way in many years from a time when intellectually disabled people were regarded as being less dignified as human beings and less deserving of community regard than normally functioning people. They have as much right as anyone to privacy about their personal affairs and their state of health and to the detail of their cases remaining confidential. But to say the minister is liable to use those details for political purposes is totally wrong and, I think, quite disgusting. The minister must retain the power in the public interest to reveal certain details if he thinks it will protect the community. As some people with intellectual disability also have psychiatric illness they may, not through intention but as a result of their behaviour, put the community at risk. Because ultimately the responsibility rests with the minister he must have the power to put into place procedures that will alert the community. I find it totally reprehensible and a slur on the minister to assume that he would use that power in any other way.

The Intellectual Disability Review Panel will have its proceedings open to the public, as are other panels, unless clients or their guardians ask for them to be closed. The decision about that rests with the clients or their guardians, not with the panel. It is good and current practice to make the proceedings of such panels open to the public and to public scrutiny. The panel would then have to submit an annual report to the minister on the reasons for its proceedings and the reasons why it made the decision that it did. Once again it is commonsense and good procedure.

I reiterate that the house is dealing with a very difficult area. Nobody really knows the extent of
intellectual disability in our community. Some people with quite severe intellectual impairment exhibit good adaptive behaviour. I remember clearly an occasion in a bank in the city a girl, obviously a Down syndrome sufferer, who was so well groomed and so able to undertake an independent life, that she was doing her banking. At the time I thought someone loves you very much. She had a very stylish haircut, was beautifully dressed and was undertaking a simple but important banking operation. Someone like that can probably function at a high level in the community and not be a great user of community resources. Other people with a higher intellectual function but perhaps with lower adaptive behaviour because of their family circumstances, changes in their life’s patterns or the standard of care that they have received, may require more services from the community. Carers of someone with an intellectual disability, like some friends of mine who have an autistic child, through to people with children who have Down syndrome or some other form of intellectual disability as a result of accident or birth, have a very difficult time indeed. They deserve all the compassion and caring that we as a community can provide for them.

But a government is using taxpayers’ money to fund services for those people. It must decide who is the most deserving and the most needy and how those resources can be allocated in the most practical, effective and caring way. In order to do this it must introduce certain regulations. It must have a definition of what intellectual disability entails. It must in the end say to some people, 'Yes, you are eligible' and to others, 'No, you are not eligible'. It would be wonderful to have an open-ended system and say to anyone who felt they needed services, 'Yes, we can care for you'; but unfortunately life is not like that. There is not an unlimited bucket of money. Government is sometimes a clumsy instrument and does not always get it right, but no-one should doubt the goodwill, intentions, proficiency, efficiency or professionalism of this government in trying to allocate those resources where they are most needed.

I, too, receive letters from people who say, 'Not enough is being done for my son'; 'not enough is being done for my daughter'; or 'not enough is being done for my husband'. On an individual case-by-case basis any local member would do his or her best to help those people get their share of the resources that are available. But at the end of the day we must do what we can. I am not sure whether previous governments have done all that they could. Sometimes governments make mistakes and sometimes they get it right. I am convinced that the overall direction of the government’s policy on intellectual disability, and particularly the provisions in this bill which were referred to in some detail by the shadow minister, are right and that they will enhance the ability of people with needs, people with intellectual disability, to access those services with a minimum of bureaucratic interference, with a minimum of loss of dignity to their lives and, I hope, provide for them some hope that they can take their place in the community in so far as they have the capacity to do so in a way that the young men and young women I saw last year at the Monkami debutante ball were able to do. The young people at that ball had a good night. Once it would have been unthinkable for people with intellectual disability to make their debut. A lot of thought and planning went into that evening. I remember watching VCE students coming out to be presented. I have never enjoyed a dance as much as I enjoyed the Monkami ball. People with disabilities are quite often uninhibited about showing their pleasure or anger.

The Monkami ball was a chance for the whole community in the Croydon area to contribute by making donations, by giving raffle prizes and simply by being there, and to share something positive rather than considering the people as being a deficit model in our society.

I commend the bill to the house. The opposition is important because the people with whom the bill deals are people first and people with a disability second. It is important that all honourable members note that fact.

A long list of people have spoken on the bill. I am pleased that many speakers from both sides want to
take part in debate. It is a healthy sign, and I trust the debate will be conducted in the spirit that the bill warrants.

I have too much respect for the honourable member for Mooroolbark to say she was being apologetic about the bill. The point she was making was noted by all honourable members and that is that demands are very high and governments will always have additional demands put on them and they must be addressed. I hope none of the speakers on the government side make apologies for the bill.

I was extremely pleased with and proud of the contribution of the shadow Minister for Community Services. She presented a broad analysis of the bill and its effects. She was able to report on a number of consultations with people. As the honourable member for Mooroolbark said, that is our duty: our first and foremost duty is to ensure that the concerns of our constituents, the people we represent, are put forward in the house to be considered by the government in general and the particular minister. I know the Minister for Community Services will take those comments on board and that he will seriously consider the shortcomings that are apparent and have been pointed out in the debate. The comments have been made in a constructive manner. No-one wants to tear down a bill that deals with such an important issue.

In representing my constituency I make some comments because they are important to read into the record. Fundamentally they concern the accommodation sector.

The statistics show that at the moment out of a registered number of some 10,000 people with intellectual disabilities 3700 people receive accommodation support. Estimates indicate that approximately 1000 people are living independently. This means of course that 5300 people are still living with their families. Of those, 3000 have indicated a need for accommodation support. All the families need accommodation plans and respite options to sustain them into the future. If one thing is evident to all of us who are aware of, interested in and involved with people in the intellectual disability area it is the strain and stress of the families of people with intellectual disability.

The Latrobe Valley Residential Services Association responded in some detail to the bill and made some comments that should be recognised by the house. People should recognise the lifelong caring role embraced by families in this situation, whether their people are in supported accommodation or elsewhere or living with the family.

The association has listed a number of concerns it has with the bill. The first is in the statement of principles in clause 5. I quote from a letter sent to me by the association:

The inclusion of a principle that recognises the role families play in nurturing and supporting a family member with an intellectual disability is to be applauded —

and the opposition agrees that it is important that the bill recognises that role —

however, this proposed inclusion falls far short of what is required.

The state government of Victoria needs to recognise the fact that families who assume a lifelong caring role for an adult person with an intellectual disability do so at an enormous cost to themselves —

we all recognise that —

and in so doing provide billions of dollars of cost savings to the government.

I think it is generally recognised that a tremendous amount of unpaid loving care is given to people with intellectual disability. The association says further:

It is therefore necessary for the government to acknowledge this fact.

That is, that a significant contribution is made by families of people with intellectual disability.

The association has suggested an amendment for the government’s consideration. It is differently worded but certainly in keeping with the spirit of the amendment suggested by the shadow minister. The association suggests the following amendment to the statement of principles in clause 5:

The families of intellectually disabled persons have an important role to play in nurturing and supporting a family member with intellectual disability, it is the responsibility of the state of Victoria to plan, fund and ensure the provision of support to the family according to the principles stated herein.

Their comment on the proposed amendment is this. To do less than what is suggested in the
amendment — that is, that the state government take responsibility — would be to pay only lip service to the valuable role of families in encouraging them to provide what is the most cost effective, sustainable and caring role for people with intellectual disabilities, for whom personal care and support are fundamental to the sustenance of life.

The second comment in the submission concerns the review of general service plans in clause 8 of the bill. The association outlines two main issues of concern, the first being:

The removal (by request in writing by the eligible person or guardian) of the mandatory requirement for a general service plan review, every five years.

The second is:

The acceptance of such a request causes the general service plan to cease to be in force!

The Latrobe Valley association is concerned about that. In its letter it says:

Given the current state of affairs (in relation to the non provision of services to people with intellectual disabilities) —

it is referring to people on the waiting list, people who are not yet formally assessed —

and the failure of government to provide even the most basic of supports to people on waiting lists for services, I feel strongly, that either or both of the above are designed with a single purpose in mind ... to get people off the waiting list for services ...

I hope this is not true but that is the interpretation my association has placed on that particular clause. It continues:

There is a real danger that parents will be pushed to give up on the hope for a service. I consider this would lead to such a request (the cancellation of a GSP) being made out of disillusionment more than out of lack of need.

So parents will become frustrated by not being able to get into the system and may eventually give up, saying 'What the heck'. The association suggests:

There should be a way to roll over a general service plan, after five years, if needs are not met and a review would only restate more of the same, i.e. continues to require a service, remains on a waiting list.

But at least the plan would be rolled over and the person would not be lost.

The shadow minister has mentioned the next worrying clause, clause 12, which will insert section 16A into the principal act. The association believes:

this is the most reprehensible of all the proposed amendments and should be vigorously opposed!

It refers to the insertion into the principal act of section 16A, which states in part:

a person ... who has not received services under this act for a continuous period of at least two years ... is only entitled to receive or again receive services under this act if a declaration of eligibility is issued ... on the completion of an assessment undertaken in accordance with section 8.

As the shadow minister said, the principal author of this letter from the association clearly states her own case:

... presumably I, as her primary carer —

she is talking about her disabled daughter —

will be required to apply, and she —

the daughter —

be reassessed, over and over again until a service is provided or she or I should die, whichever is the sooner!!!!!

That is a pretty sad comment. It is certainly something the minister needs to take on board. If that interpretation is incorrect, let the minister put that on the record, so that when these provisions are tested the minister's response to the second-reading debate will show his recognition of those concerns. The comment made at the end of the letter is:

This can only be another ploy to cut waiting list numbers!

I trust and hope that is not the case.

The letter raises a couple of other points. It says that if the changes to the act in proposed section 16A, which is the amendment I have just quoted, are allowed to pass into law, it is clear that the majority of those on the waiting lists for accommodation services and day-program services will be required
to apply and reapply and be assessed and reassessed without just cause, which will cause continued and untold stress on already overstressed family units.

I think we should take cognisance of that argument. If assessment and reassessment occurs each and every time, additional stress will be placed on families that already suffer from the stresses associated with coping with the day-to-day demands of caring for intellectually disabled family members. That, in itself, is a very stressful situation. Families are already anxious about the future security of their loved ones. The letter continues:

One can see that the passing of such an amendment will do wonders for the need to have increased staffing for H and CS assessment teams, creating jobs for the bureaucrats and increasing the public service payroll. Thus again we would see decreasing possibility that 70, 80 and 90-year-old carers ...

There are a large number of such people out in the community. I know of at least three families whose carers are in that age bracket. They are terribly anxious about what will happen to their children when they die. Theirs is a genuine concern, one I certainly sympathise with. I believe every member of the house would sympathise with them. It is a terrible problem to have on your shoulders. The letter continues:

It is hard to imagine that any politician who has a consciousness of human rights or a moral conscience, would even consider supporting such an amendment to the principal act. That is a pretty stern comment, one that I certainly take note of. It continues:

It is unconscionable that a state government would invoke a clause in the IDPS act, that would seem to have no other purpose than to reduce the number of eligible persons with intellectual disabilities.

That, too, is a pretty stern comment. I publicly acknowledge that concern, and I trust the government notes the association's anxiety about proposed section 16A.

The association comments on the funding and service agreements proposed in clause 13, which will insert section 24(4)(l).

There are only one comment to be made about this clause; the actions of this current government in seizing control of residential services from 27 regional residential associations in December 1992, with three working days notice to the associations, made a mockery of funding and service agreements. Why bother to change the act!

That echoes the sentiments of the shadow minister. The Latrobe Valley Residential Services Association is clearly upset about the lack of community input into its particular role.

I have put on the record the concerns of my association, for which I make no apology. It is my duty because I support its comments and understand what it is saying. I understand the anxiety that exists in this area whenever changes are made that give people reason to think that those changes may not result in the improvements that are so necessary. People who look after family members with intellectually disabilities are engaged in lifelong caring roles. We need to recognise that, provide the support they so richly deserve and make this community a far better, more caring and more loving place.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Mr ASHLEY (Bayswater) — It is with great pleasure that I join the debate on the amendments to the Intellectually Disabled Persons' Services Act. I trust my contribution will join the core aspects of the bill to what is currently accepted as modern psychological practice and theory. If I am successful, I will banish most of the amendments which the honourable member for Bundoora has suggested are worthy.

Psychology has built a science on two basic characteristics of the human species, intelligence and behaviour. It has been able to construct that discipline as an acknowledged science because it has found ways of measuring both phenomena. In pioneering efforts to measure intelligence, psychology has, in fewer than 100 years, reached the point where more than 2600 psychological tests are in use around the world to differentiate people's intellectual abilities, aptitudes and interests, as well as the diverse range of personality traits that characterise humanity.
The base line is that a psychological test is a measure of a sample of a person's behaviour or intelligence; it does not measure total behaviour. The word 'sample' must be taken seriously. It is possible that a sample of somebody's intelligence is not representative. Test results can always be misinterpreted, and a single outcome must be treated with caution. Indeed, the underlying reason for the amendment to section 7 is to make it clear in legislation that an assessment of eligibility for services is to be based on a representative sample of a person's intelligence.

An unrepresentative sample may occur for all sorts of reasons, including trauma, disorientation, psychosis or drug abuse. The power to postpone the test and hence the assessment of eligibility for up to three months is being included to ensure that the test result — the sample — is representative and valid scientifically and in law.

Everyone knows that the term IQ has something to do with intelligence and intelligence testing. It is one of the 20th century's most common expressions. IQ means intelligence quotient, because the term is derived from the ratio that results from dividing a child's imputed intellectual age by his or her chronological age. In 1930, David Wechsler redesigned IQ testing to more fittingly measure the intelligence of adults by what has since become known as the Wechsler Adult Intelligence Scale (WAIS). That was revised in more recent years, and the revision has given rise to the term WAIS-R.

Then, just to make things more difficult, Wechsler dropped the whole notion of ratio scoring, or IQ, replacing it with an entirely new approach based on the notion of normal distribution. Many human characteristics are distributed or dispersed in predictable ways throughout a population — height, for instance. We can predict the height of adult males to within a few centimetres either side of the mean or average. As height moves away from the mean, so the characteristics of tallness on the one side or shortness on the other decline. When that is represented graphically, a run-down on both sides of the mean takes the form of a smooth, L-shaped curve — and the same is true for intelligence. The intellectual functioning capacity of 50 per cent of a population clusters around the mean or average intelligence.

Wechsler set the standardised measure of his intelligence test at 100. A sample score of 100 indicates that a person has produced an average performance on a particular intelligence test on a specific occasion. All those whose scores for intelligence are either greater or less than 100 clearly vary or deviate from the mean.

Wechsler set the standard unit or measure of deviation at 15. A test result of 115 indicates that a person scored one standard deviation above the mean intelligence. A score of 85 indicates that a person's score was one standard deviation below average intelligence. A score of 70 indicates a person's score was two standard deviations below average intelligence.

A score of 118 does not mean 118 units of intelligence; it simply means that that person's score comes in 18 points above average intelligence.

Standardised psychological tests have a 95 per cent probability of correctness, the margin of error being as much as 5 per cent.

Mr Baker — What you're saying is that the variance is important.

Mr ASHLEY — The variance is important. As far as intellectual disability is concerned, modern psychological testing recognises four levels. Mild intellectual disability is the term used for people who measure between 50 and 70 in the normal distribution range. The second is moderate intellectual disability, describing those who measure between 35 and 49 on the scale. The third level is termed severe intellectual disability, which refers to those whose measure of intelligence is in the range between 20 and 34. The fourth level is profound intellectual disability, which refers to those whose intelligence is measured as below 20.

There is no argument about those whose intellectual disability is described as either severe or profound, nor those described as moderate. However, there is considerable professional diversity of opinion regarding people whose intellectual disabilities are described as mild. Within this category, which constitutes 80 per cent of people with intellectual disabilities, a sizeable proportion are able to live and function in a community without much support, some without any support.

What became patently clear to psychologists was that there was a fuzzy border separating some people whose intelligence was up to two standard deviations below the mean yet who could cope with the business of living from others whose scores were not quite as low as two standard deviations below the mean but who seemed not to have the wherewithal to deal with life.
It was precisely this situation that led to the review of the Intellectually Disabled Persons' Services Act. That came about partly as a result of an appeal to the courts on a decision made by the Intellectual Disability Review Panel on a particular case. The panel in this case found that the subject scored between 79 and 89 on the Wechsler or WAIS-R intellectual functioning measure. Such a score located her well above two standard deviations below mean intelligence. In fact, she was just one standard deviation below normal intelligence, and thus not intellectually disabled.

In his judgment against Community Services Victoria, as it was then called, Mr Justice Harper indicated that the panel's decision did not meet the definition of section 3 of the act in that any deficits in adaptive behaviour — that is, personal independence and social responsibility — that are or were manifested during the development period of the child's life need to be assessed should they coexist with significant sub-average general intellectual functioning.

On the basis of the textual construction of section 8 of the act, Justice Harper concluded that the act provided that the measures of intellectual functioning and adaptive behaviour be used conjointly or separately as options. The effect was that a person may qualify for intellectual disability services either if found to be significantly intellectually sub-normal or if his or her adaptive behaviour is found to be significantly subnormal.

Justice Harper accepted the view that, in assessing the appellant's entitlement to services under the 1986 act, the review panel misconstrued the provision in the act that specifies the means by which eligibility of a person is to be assessed. It was his judgment that Community Services Victoria had been remiss in using general intelligence tests as the sole instrument for determining disability and neglecting the notion of deficits in adaptive behaviour.

In his judgment he drew on evidence from two psychologists. One, Dr Consuelo Barreda-Hanson, wrote in her report, amongst other things:

The sequential, facts-before-thinking models of learning as tested by tests of intelligence have been contradicted by ... [some] psychologists who insist they don't have good predictive value for what happens beyond school. Furthermore, researchers claim that they are no guarantee of social competence nor [do] they guarantee commonsense.

He also drew on another expert opinion from Dr Donald Thomson, who deposed that:

Although standardised tests have long been used in assessing intellectual functioning, it is recognised that tests like Wechsler or WAIS-R have been validated against scholastic achievement rather than the adaptive skills generally required for living in society. The essential element of intellectual functioning is the capacity to adapt.

That was an oversimplification. Justice Harper concluded on the basis that the Intellectually Disabled Persons' Services Act encapsulated the Parliament's will that the capacity to adapt was an essential aspect of determination of intellectual disability, and so it is. He said, though, that it was not good enough for the panel to exclude a person from eligibility solely on the grounds that that person measured above two standard deviations below the mean for intelligence because, in his words:

It does not follow that scores of less than two standard deviations below average [intelligence] are necessarily insignificant.

However, having put the spotlight on adaptive behaviours, Justice Harper zeroed in on one of the great quests in the history of psychology. It was not until the whole question of deficits in living skills, as revealed and displayed in non-coping behaviours, was tackled aggressively and systematically that a full operational model or definition of mild intellectual disorder could be achieved. The breakthroughs, when they came, were of immense importance because they identified the origins of many forms of intellectual disability in childhood years as unfolding, often progressively, during the time of childhood. That distinguishes intellectual disability completely from developmental delay. For that reason the amendments to the act quite properly set developmental delay apart from intellectual disability.

The following are two short descriptions that illustrate the fragments of this terrible unfolding of deficits in adaptive behaviour. The first reads:

She cried most of the time, the anguished wail of a colicky infant. She rarely slept ... She did not learn to sit or crawl, or play with toys, or reach towards sounds.
The second really describes an autistic child:

He seemed to prefer solitary play to interaction with our family. When we picked him up, his arms dangled at his sides as if they were disconnected from his body. Often he expressed dislike or discomfort with physical contact by pushing our arms away from his body when we tried to embrace or fondle him.

Both of those comments came from parents. Before I go on, I would like to say that, in recognising that families of intellectually disabled persons have an important role to play in the support of the disabled, the minister and the government are doing no more than recognising the obvious and bringing to the centre the fact that parents are involved with the child and that the intellectually disabled child is not alone in the world.

Not more than some months ago the minister accompanied me to Irabina, the autistic children's centre in my electorate. Together we saw profoundly intellectually disabled children and we heard from parents of the difficulties, trauma and anguish of raising those children — the fact that bedrooms had to be locked, everything had to be put away and bathrooms had to be locked and the fact that a child might cry all night and a parent, picking up a child from the centre, would often get no signal of recognition from the child.

These kinds of realities, particularly in terms of autism, are the common experience. I believe for the community and for the government the next frontier to be tackled in a holistic and systematic way, is the issue of autism.

The statements I read talked about behaviours. Their focus was not on intellectual disability as such but on behavioural disorder. What is witnessed and noticed in these statements is strange to our experience. The responses jar. They misfire. They do not follow the normal predictable pattern familiar to us in the development of a child. If the recognition and learning processes are impaired, behaviour and social adjustment may not develop. If you put your hand on a hot stove but you do not learn from it, you will go back and do it again and again. The evidence of learning failures is almost always reflected in downstream unadapted behaviours. Accordingly the bible for the diagnosis of psychological and psychiatric disorders The Diagnostic and Statistical Manual of Mental Disorders says that adaptive behaviour is to be described in the following terms:

the degree to which an individual meets the standards of interpersonal independence and social responsibility expected of his or her age and cultural group.

It has been similarly defined as:

the ability to perform daily activities required for personal and social sufficiency.

By describing adaptive behaviour in respect of both a child and an adolescent, Davidson and Neale comment in their reference Abnormal Psychology:

The adaptive skills a child is expected to learn are caring for the self; acquiring concepts of time and money; being able to use tools; to shop and travel on public transport; and, progressively, to become socially responsive and self directive. The adolescent is expected to be able to apply academic skills, reasoning and judgment to daily living and to participate in group activities.

That is where Mr Justice Harper was a little remiss. He talked only about adaptive behaviours as being the test. To be able to reason, to be able to judge, to be able to process thoughts, which are then reflected upon and impact upon follow-on behaviours, is the real core of adaptation. It took some decades for measures of adaptive behaviour to be developed and tested.

One that is now used quite extensively is the Vineland adaptive behaviour scale (VABS), which is used to assess the social competence of both handicapped and non-handicapped children up to 19 years of age. It seeks to measure adaptive behaviour across five fields. These include, firstly, measuring adaptive behaviour in terms of communication such as expressive and written communication skills. For example, does the child aged around two years use sentences of more than four words. Secondly, it measures daily living skills. This field samples personal living habits, domestic task performance and public behaviours. For example, can a youngster by the age of 12 to 15 years use a knife and fork to cut and eat his or her food.

Thirdly, it measures socialisation, including play, use of free time, responsibility and sensitivity towards others. Has a teenager aged 13 to 14 years a hobby? Can a child aged 7 or 8 years make a group of friends? Fourthly, it measures motor skills. This field samples macro and fine motor coordination.

For example, does a child aged two years run despite some falls? Can a child aged 5 to 6 years throw a ball? Fifthly, it measures maladaptive behaviour. This field samples undesirable
behaviours that impede or prevent the full development of social competence. Does the child or teenager suffer chronic temper tantrums? Does the child or teenager resort to behaviours that are self-injurious?

I indicated earlier that Wechsler had standardised the mean of his intelligence test at 100. The three versions of VABS have also set their mean scores at 100, with the same standard measure of deviation set at 15. In the case before Mr Justice Harper, a relative had contested the decision of the Community Services Intellectual Disability Review Panel to refuse her niece its services because, although her Wechsler intelligence test placed her scores considerably above two standard deviations below the mean, her score on the VABS was in the range of 41 to 53 — with a midpoint of 46, or three standard deviations below the mean. Allowing for results which show that Australian subjects appear to score up to one standard deviation below their American counterparts, the applicant seeking services was still two standard deviations below the mean. Mr Justice Harper equated this with significant sub-average general intelligence functioning.

Mr Justice Harper in his judgment against Community Services Victoria referred to the fact that the appellant had not only undertaken the Wechsler and the Stanford-Binet tests for general intellectual functioning, she had also undertaken the VABS as well. He considered that the panel imposed limitations upon itself by disregarding the very low score she gained on the Vineland test. He chided the panel for its unwillingness to consider evidence other than that provided by the general test of intelligence.

The problem is that adaptive behaviour tests are still very rudimentary. Although the Vineland test has much to commend it, it is by no means the last word on adaptive behaviours. Its norms are certainly not as well established as general intelligence tests, and one of its limitations is the fact that it relies on a non-subject, a person who knows and supports the person being tested, to provide the answers on the basis of perceived levels of social competence. In other words, there is ample scope for a subject's social competence to be either overstated or understated for all sorts of reasons, including ulterior motives.

There is also considerable uncertainty among Australian academic psychologists that Vineland is a valid measure of adaptive behaviour of Australian populations. The bottom line is this: that an adaptive behaviour test by itself cannot be used to determine intellectual disability. It is too uncertain and too hazardous a test.

I believe the judge got it wrong. The VABS was one of a battery of tests given to the applicant, and I suggest the review panel did not reject the test out of hand but, being confronted by scores that were poles apart, chose to put its faith in the general intelligence test and its doubts in the extremely low scores gained on the adaptive behaviour test.

I suggest that Mr Justice Harper has done the opposite. He has raised unnecessary doubts about the Wechsler score, while investing too much confidence in the doubtful Vineland measure.

Mr Justice Harper has served Parliament well by drawing to its attention the constructional uncertainty which lay at the heart of section 3 concerning those clauses by which intellectual disability is to be defined. The amendment to section 3 clarifies that by stating that it is to be defined — in relation to a person who is over the age of 5 years — as meaning the concurrent existence of significant deficits in both general intellectual functioning and adaptive living skills manifested prior to adulthood.

Again that separates it from developmental delay. The amendment secures the original intention of the act and dispels any suggestion that the two main clauses could be viewed as options. In reasserting the original intention of section 8 of the 1986 act, these amendments make it patently clear that the department should consider the use of standardised measures of intelligence necessary in the grey areas around the second standard deviation below the mean to determine qualification for intellectual disability status and the services related thereto. They make it clear that the test of adaptive behaviour may not be used by itself to determine that eligibility.

On the other hand the measure of general intellectual capacity may be used by itself to determine whether or not a person's measure of intellectual functioning is to be found at a position entirely above the second standard deviation below the mean. That is the 70th position on the distribution spectrum. Should the measure of intellectual functioning be at a position partly above and below the second standard deviation, then measures on an adaptive behaviour scale may be
used to help assist in determining whether or not intellectual disability exists.

To put it another way, deficiencies in reasoning and cognition validated by measures of intellectual functioning which have the broad support of orthodox, contemporary psychological theory and practice are, under this bill, central to the determination of intellectual disability.

If there is any uncertainty then information like adaptive behaviour, school records and employment history can all be used to properly assess, confirm or deny the presence of intellectual disability.

What is important is the fact that the definition and the determination of intellectual disability will be entirely consistent with psychological theory and the definition of intellectual disability as expressed in *The Diagnostic and Statistical Manual of Mental Disorders*. The definition of intellectual disability is:

1. **significantly sub-average general intellectual functioning,**
2. **resulting in, or associated with, deficits or impairments in adaptive behaviour,**
3. **with onset before the age of 18.**

It is worth noting that these are the kinds of tests which are done. There is no question of idiosyncratic or capricious whims dictating the kinds of tests that will be done to determine those who have intellectual disabilities from those who do not. Thus I have great pleasure in supporting the bill and wishing it a speedy process.

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

**Ms MARPLE** (Altona) — It is with pleasure that I rise to speak on the bill. It is very interesting to note that so many people from both sides of the house wish to speak. That shows the depth of understanding of intellectual disabilities and the concern shown by our society that it should, as a society, take care of people who have intellectual disabilities.

I congratulate the honourable member for Bayswater on his speech — I was going to say dissertation. I will have to read it, but I hope I have understood what he was saying to us about the background, the deviation in tests and that to draw a line when dealing with people and their intellect is a very difficult task indeed.

**Mr Baker** — Take the honourable member for Tullamarine, for example!

**Ms MARPLE** — It does need a lot of study. A great deal of study has gone into what is intellectual disability in the time that all of us have been aware of experiences within our society of people with intellectual disabilities.

Throughout my working life I have had a great deal of interest in the area of intellectual disabilities, and in that time I have seen an enormous change in community attitude. That involves all of us here. We have all gone through learning experiences to show us a broadening view of people with intellectual disabilities. As an example, I remember setting off on my training life and saying to my mother that this was the area that I wanted to specialise in. In those days we used the word 'handicapped' and she was rather shocked and horrified by that. But both she and myself, and others have learned a great deal since then. Our language has changed and our understanding has changed over that time.

It is important that we acknowledge the work that has gone on before the introduction of this bill and the act that it proposes to amend. It does not happen overnight and it is not just something that occurs.

After I had my family I was fortunate enough because of my training to be able to return to studies and to study children with learning difficulties. I acknowledge that that was under a conservative government that set up a special department for special education. There was a push for training a larger number of teachers and I was fortunate enough to be able to undertake my study under that program.

It is very important to acknowledge all the work that has gone on before. I was fortunate enough to be a supervisor of a centre for intellectually disabled adults during the previous government's term when it brought in the act that we are speaking of today.

I know the tortuous work that went on within the community. At the same time as that legislation was being introduced we were working to assist with changing the community's attitude and changing the language, which is the role of Parliament. In other words, we are not simply here to reflect the community's attitudes; we also have a role in assisting to see that there is change.

Whereas there was a confusion about mental illness alongside intellectual disability, we have seen that
the community is now much more aware of intellectual disabilities. It seems to be not so difficult to understand. However, at the time there was limited language about those areas and there were many, many misunderstandings.

Although I have acknowledged certain areas, our shadow minister has pointed out areas where we believe the present government is falling down in services to the intellectually disabled. Although I acknowledge the sincerity of the speakers on the other side of the house, I must say that I do not think it is good enough to say that we will never satisfy society's needs and demands for the intellectually disabled and that therefore we now work on a crisis basis and congratulate ourselves because we may have been able to work to a crisis. That is not good enough.

We really must have forward planning to enable us to work towards satisfying that community need. We should never say it is one thing that will not be satisfied. We must continue to work towards it.

You cannot beat around the bush, the fact is this government has actually cut services. The community has made pleas about those cuts. I will refer to some of the cuts and my colleagues will reinforce the point that was made quite strongly by the shadow minister in her contribution to the debate. Many members of the community have asked that services and support be provided to the families of people with intellectual disability. The government and the opposition must react to that request. Those people require long-term follow-up on their needs.

It is important that they are represented by organisations such as the advocacy group Star. It is disappointing to note that the government has taken away that group's funding. It has been proven that the most important element to people of late has been respite care. Although this is the area where most concern has been expressed, the government has not demonstrated a strong enough reaction to that concern.

I refer the house to an article in the Age of 23 March which acknowledges and reports the anger of parents concerned with disabled children and the government's response to them. It states:

Parents of disabled children yesterday released a 7000-signature petition as pressure increased on the state government to review fee increases and proposed service cuts to the respite care program ...

In a detailed submission responding to the community services department's paper on respite care released last year, the parents urged the government not to place any further pressure on already stressed families.

The minister has yet to reveal the response to that paper and the families have remained in stressful conditions all that time. They were strongly against moves to limit parents to 28 respite days a year and to move children from facility-based to shared-family and foster care. Families in those circumstances have not been given the support that is needed. The article also states:

'Having a break from caring for a child with a disability must be considered a moral right, not a privilege,' the submission says. 'Inalienable rights must be free of psychological and financial cost'.

That is just one of a list of reports that is available in the parliamentary library. There are other indications that the current act has made a great deal of difference for people with disability, both in the services provided to them and the understanding of the community. To anyone who would like to further their knowledge in this area I recommend an article in the Sunday Age of 29 May which describes a team of footballers. As football is often discussed in this building, I thought the article should be shared with people who consider themselves experts in that area. The article illustrates the joy young men with intellectual disability have in being able to play football in a similar manner to the heroes they watch on television. One of my constituents who died recently, Ricky Ballestrino, experienced great joy in being a member of a netball team which included intellectual and physically disabled people who competed against other teams in my electorate and neighbouring electorates. He was very happy to have been part of the community in that manner.

One of the most important provisions in the bill is the inclusion of the additional statement of principles into the objectives of the act — and that is the role of the family. As the shadow minister and others have pointed out, it is very important that we recognise the role of families. This means not only the mother and father but also the siblings. My young friend Ricky was cared for by his brother and his family, which is not uncommon in this area. Brothers and sisters often continue the caring role throughout the life of the person with disabilities.

Families have expressed concern that the government may use this provision to opt out of its most important role to support people, support that
is a reflection of what society believes must be done for people with intellectual disabilities. These people must be seen as first-class citizens the same as anyone else. They must not be relegated to second-class citizens. The government must not opt out of providing services by placing the burden back on families. Families are willing to support family members with disabilities but they do not want the government opting out of the social role society asks it to perform. The shadow minister provided many examples of families and their concerns. Their main concern was that the government is trying to provide the cheapest possible service by using families as carers.

There was agreement among members tonight that they would make their contributions shorter than they originally intended. Although I would have liked to have touched on other areas, I will not proceed so that more honourable members can contribute to the debate. I hope this time the government will stick to its agreement.

I conclude by saying that the government must not move away from its responsibility, a responsibility given to it by all Victorians. The bill must not be used as a vehicle to dump a government responsibility back on to families. The opposition will be watching the government to ensure that that does not happen.

Another point I wish to reinforce concerns the removal of any reference in the bill to freedom of information and the history of this government's not allowing the public easy access to FOI. It is most important for people with intellectual disabilities and their families to get the information they require and also that information given in good faith remains strictly confidential. All information given by families must remain confidential.

Bills are fine and important. Although bills are certainly the lifeblood of this place, government action is of the utmost importance. That is what counts. That is what the people are looking for. I hope the minister and the government will take note of the messages from families, many of which have been raised in this debate.

I conclude by referring to a letter that appeared in the Age of 29 July. It is a plea from a 39-year-old person with multiple disabilities who is not getting the support needed on a day-to-day basis. That person wrote to the Age in the following terms:

Every day I wake up and face another day without the support I need, even the support I need to get out of bed...

When people are seeking the services they need right now, they are told that their name can go on a waiting list. Most waiting lists are a mirage with our lives spent waiting...

People with disabilities in Victoria need homes to live in, support to make a house a home and activities to live a meaningful life. At the moment the lives of many people with disabilities are being wasted and people are withering away.

I am at a point where I feel no-one cares, especially the government. When are we going to be heard? When are we going to be treated like human beings?

I hope the minister and the government listen to that message.

Mrs HENDERSON (Geelong) — I am pleased to take part in the debate on the Intellectually Disabled Persons' Services (Amendment) Bill. When discussing the bill it is important to note that in Victoria 40 000 people, or 2 per cent of the population, have disabilities. It is also important when using the term intellectual disability to distinguish between an intellectual disability and a psychiatric illness. Each year this state spends $380 million on services for people with disabilities. I am certainly heartened by the fact that in the recent budget an additional $12 million was allocated for services for the disabled and, in particular, for families with older parents.

The 1986 act contains innovative, responsive and effective means for providing services for people with disabilities. The bill makes amendments that are essential to the effective operation of the act. This year has been declared the International Year of the Disabled, so the community has more opportunities to focus on families. We have an opportunity to look seriously at the challenges facing families now and into the future.

During 1981, which was declared the International Year of the Disabled, the community had the opportunity to focus on people’s abilities rather than their disabilities. The theme during that year was 'Breaking down the barriers'. It focused heavily on providing full equality and equity for people with intellectual disabilities. As a result of what happened in 1981 members of the community learnt the importance of language, which has been used to
foster more positive attitudes to people with intellectual disabilities. The terms used over time reflect changing attitudes to disabilities. No longer does the community accept the language of the past. People are not stereotyped and labels are not applied.

Australia has been at the forefront in developing non-discriminatory language. The community has not only accepted but also demanded that people with disabilities have the right to opportunities to work. They have a right to safe living environments, and they certainly have a right to lead ordinary lives. The International Year of the Disabled brought significant benefits to the whole community. For example, it changed our attitude to ensuring that people with disabilities have access to buildings. The community was able to make a real contribution to the lives of people with disabilities.

The provisions in the act relating to eligibility for services contain a number of problems. The act requires that assessment take place within 30 days of the request, but often that is not possible. People can be temporarily affected by illness, by alcohol or drug abuse, or by injury. The bill allows for assessment for eligibility to be deferred for three months. However, if assessment is deferred for any of the reasons I have outlined and if there is some reasonable likelihood that a person is suffering from an intellectual disability, the bill allows emergency services to be provided while that person is waiting for assessment.

The bill also contains a number of amendments to clarify how the assessment is to be undertaken. I acknowledge that part of the speech made by my colleague the honourable member for Bayswater in which he talked about the assessment of someone with an intellectual disability.

The changes introduced by the bill reflect the intention of the original act. Section 16 of the act deals with confidentiality. The bill deals with some technical difficulties with confidentiality and ensures that people who receive services under the act will be protected by the highest level of confidentiality, which is very important.

The principal act focuses on individuals with intellectual disabilities. The bill adds a new principle that recognises the role of the family, an important addition during the International Year of the Family. Families play an important role in supporting family members who have intellectual disabilities. Time and time again I have seen the total dedication of families who are caring for family members who are suffering from an intellectual disability. I am sure honourable members have seen similar instances. Some older parents have cared for their intellectually disabled child for 30, 40 and sometimes 50 years. They are utterly committed to looking after that person. Siblings also provide support. Volunteers are also among the many people who care for people suffering from disabilities.

There is general support in the community for people suffering from disabilities. Only last week a major fundraising event was held in my electorate for a group of young people from Geelong who had been selected to take part in the special olympics. It was very heartening to see the community come together to raise money to send those young people to compete in Perth in a month or so. People give generously, but it must be recognised that young people suffering from intellectual disabilities return enormous joy to those who give so much.

Karingal is one of a number of agencies in my electorate that provide considerable care for people with intellectual disabilities. It provides not only education and training but also three superb residential living units. The agency is innovative. It has established a commercial laundry where the young people attending Karingal have the opportunity of getting on-the-job training and becoming involved in a commercial enterprise. They have a plant farm at Leopold, which also provides education and training and an opportunity to become involved in a commercial venture. Of course, there are the usual education and training programs.

A number of young people from Karingal have been integrated into industry. I must acknowledge the significant work done by Alcoa of Australia Ltd with young people. They are given on-the-job training and have role models to support them in their work.

We also have another agency, Corilong, that does wonderful work for young people with intellectual disabilities.

I must acknowledge the programs that are available for older persons in our community. They also have the opportunity of being integrated into normal services. Only recently I had the pleasure of supporting the nomination of an older person with an intellectual disability for Senior Citizens Week. I was delighted to see that that person received an acknowledgment during seniors week.
Shannon Park does some magnificent work not only for physically disabled people but also for those with intellectual disabilities. Our special school, Nelson Park, offers not only education but also important respite care for families. We have a great number of community respite care units that provide respite for families. Again, only recently I saw a young mother in my office who has two severely disabled children who require enormous amounts of help. The government's new program, Making a Difference, is also making a difference to those families that require support and care for their children at home. It provides practical and useful items to assist those families caring for intellectually and physically disabled young people.

I believe the bill will do a great deal to bolster the principal act. I am disappointed to hear that the opposition does not support the bill in the whole because it will do great things to assist people with intellectual disabilities. I support the bill and commend the minister for introducing it.

Mr LEIGHTON (Preston) — I welcome the opportunity to make a brief contribution to the debate, having worked both professionally and industrially in the disabilities field. In the early 1980s I was a member of the voluntary committee of management of an intellectual disability organisation.

This bill amends the principal act, the Intellectually Disabled Persons' Services Act 1986. When that act was passed by this Parliament in 1986 it was considered landmark legislation. It was part of what was then known as mental health legislation, meaning a package of legislation that replaced the Mental Health Act 1959 with both the new Mental Health Act and the Guardianship and Administration Board Act. At the time they were considered major and innovative reforms. I believe that the 1986 act had a number of important features.

Firstly, it clearly separated intellectual disability services from mental health services. It was deemed no longer appropriate to put them in the same basket. Previously the two services had often been provided in the one institution, one alongside the other. In many cases even the professionals were not clear whether a person was psychiatrically ill or intellectually disabled. That is why it was seen as appropriate to separate them.

Also, although psychiatric services are based on a health model, in the case of intellectual disabilities the whole service should be based on a developmental model. It was also seen as being no longer appropriate to provide whole-of-life services in the one large institution — not only residential services, not only a roof over their heads, but health services, educational services and, to the extent that they were available, employment or vocational services. That was seen as no longer being appropriate. For that reason it was very important that a separate act be established for intellectual disability services.

The new act had a number of novel features such as the introduction of assessment for eligibility, the development of general service plans and individual program balance. Another important feature was the establishment of the Intellectual Disability Review Panel which, for the first time, gave some legislative protection to the rights of intellectually disabled persons. That was accompanied by a change in the role of official visitors. Their powers, functions and roles were beefed up and they were reappointed as community visitors.

I had a couple of concerns about the act at the time it was passed, which I think remain valid today. The first is that it is one thing to say that everybody who is assessed as eligible will be given a general service plan; it is another thing to be able to provide the resources identified in the GSP of the IPP. I believe that remains a battle to this day.

The second concern is that as legislation becomes more specialised, with separate mental health and intellectually disabled persons' services acts, you run the risk of defining people out of services. Indeed, a major inquiry undertaken by the Social Development Committee during the life of the previous Parliament resulted in five or six reports being presented to Parliament. One recurring theme was that people were being defined out of services as legislation became more specialised. We identified the risks in compartmentalising services to the extent that prospective clients that did not fit neatly into one or other could be defined out of the system. Hard cases can fall between the gaps in the services and between the various agencies. If somebody has a dual disability, you can have a continuing argument between agencies as to which is the disability requiring primary assistance and which agency should be responsible.

A moment ago the member for Geelong said she was disappointed that the opposition was not supporting the bill. That is not correct. The opposition has certainly made it clear that it does not oppose the legislation. After all, these
amendments finetune the principal act, which is clearly our act. I do not believe a conservative government would have been capable of introducing such an act.

The opposition has some concerns about a couple of specific clauses. One disappointment I have with a couple of clauses — this does not relate to all of the clauses because a number of them are sensible and appropriate — is that they go slightly in the wrong direction.

There are cases where people can been defined out of the system. I had hoped this bill would have started to widen people’s eligibility for services and increased their ability to be defined into services. One only needs to look at clause 4, which is headed ‘Definition of “intellectual disability”’. Although the wording is very similar to the section in the principal act it changes, it adds the word ‘significant’ to the words ‘deficits in adaptive behaviour’.

That may be a modest tightening of the definition, but I believe we should be going in the opposite direction from the intent of that amendment to the bill.

The honourable member for Bayswater spoke at length about IQ tests. From my previous professional involvement in mental health I remain a little sceptical about the value of IQ tests. I particularly put on record my concern that IQ tests can be too arbitrary in defining people in and out of services.

Part of the bill stipulates that the secretary of the department does not have to apply the tests. That may be fair enough when it is obvious that somebody may be included and is defined as being fit for eligibility for services. I have no difficulty if the test is not applied and somebody is to be included, but it is wrong that it does not have to be used if a person is to be excluded from services. It is not a two-way but a one-way position.

Clause 8 concerns a review of the general service plan. People with intellectual disabilities or their guardians can ask not to have a mandatory five-year review of their general service plan. They can ask for one later but they may have to be reassessed. The secretary must act in a ‘reasonable time’, but that is not actually defined, nor is the expression ‘for others’. The opposition, however, supports that clause.

I refer briefly to the intellectual disabilities review panel; several clauses bear upon the operations of that panel. The first, clause 14, is welcomed in that it opens proceedings of the panel to the public, although applications can be made to close proceedings. That is a desirable procedure in this day and age, as is the provision for an annual report of the panel to be provided to Parliament.

However, the opposition is concerned that the secretary of the department, Dr John Paterson, does not have to accept the decisions of the panel. Dr Paterson has a reputation for being something of a maverick when it comes to other areas of the public service or indeed, to his own minister. I have personal experience of Dr Paterson refusing to accept reasonable decisions of independent panels.

Ms Marple — They have to be real.

Mr LEIGHTON — Yes. We will have to watch that one closely.

May I give the house one example: during the closure of the Willsmere Hospital between 1986 and 1988 I actually had experience of working in a ward of residence at the Willsmere Mental Hospital. Along with my colleagues in psychiatric services I understood that the patients of that ward were intellectually disabled, that by some accident they had ended up in a ward at Willsmere Hospital rather than next door, at the former Kew Children’s Cottages for the intellectually disabled. We assumed that had happened a few decades earlier, perhaps because of overcrowding.

With the closure of Willsmere Hospital alternative residential accommodation and other services had to be found for those patients. We thought it would be easy, that we would hand them back to the then Office of Intellectual Disability Services (OIDS). When the psychologists came from OIDS they assessed them as not meeting the criteria for eligibility for services. We felt they were trying to pull a swiftie. We further assessed them in conjunction with the professional staff. It was found that within the terms of the Intellectual Disability Services Act they did not meet the criteria for services.

However, at the same time they were clearly not mentally ill. They had some disabilities and after a few decades in an institution they were no longer capable of living independently in the community. The solution, finally, was to place them in a halfway
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house which was managed jointly by OIDS and psychiatric services.

That example illustrates how people sometimes do not fit neatly under either one act or another. Unless some flexibility is demonstrated, they run the risk of being defined as out of services.

In the coming years further amendments will need to be made to the principal act. I urge the government to show some flexibility, despite constraints on expenditure, to ensure that people who need services — whether they meet the narrow criteria or otherwise — get those services rather than being otherwise defined.

Mr MAUGHAN (Rodney) — I am pleased to contribute to debate on this bill and to offer it my support. The bill is a relatively simple piece of legislation. It essentially puts into law what currently takes place in practice and it does that by a number of amendments to the act.

Those amendments relate primarily to the eligibility provisions. I suppose that results from a discussion paper published by the department in June 1994 as a result of a court decision, when Justice Harper ruled that anyone who has an IQ of less than the average of 100 is below average and therefore, potentially eligible for services.

As other honourable members have said, that would probably include about half the community.

Mr Weideman — Including some politicians.

Mr MAUGHAN — Including some politicians. Clearly, amendments are necessary and this bill will bring into effect amendments to eligibility provisions. The bill provides a capacity to defer assessment for a period of up to three months and the capacity to reassess when that is deemed to be necessary.

The recommendations flowing from the review of the act carried out last year, and presented in the discussion paper, essentially are implemented in the bill. The 1986 legislation was landmark legislation. It has been widely applauded by the community and certainly by other states and authorities in other parts of the world.

The legislation was significant but with the passage of time — it is now eight years since that act was passed — now there is a need to tighten up some of the provisions of the act. Hence the house is debating the necessary amendments contained in the bill.

Section 5 recognises the rights of the intellectually disabled. That sets out the statement of principles numbering 14; the bill adds another one which refers to the important role the family plays in supporting people with intellectual disabilities. I will pick out some of the statements of principles in the act that I think we all agree on. I am interested in the bipartisan support that the majority of this legislation has received tonight. Section 5(a) states:

Intellectually disabled persons have the same right as other members of the community to services which support a reasonable quality of life.

All members of the house would subscribe to that statement. Section 5(d) states:

The needs of intellectually disabled persons are best met when the conditions of their everyday life are the same as, or as close as possible to, norms and patterns which are valued in the general community.

That is another motherhood statement, but an important one to which we all subscribe. Subsection (e) states:

Services should promote maximum physical and social integration through the participation of intellectually disabled persons in the life of the community.

All members have related some personal incident where this section of the act has been applied. Barriers have broken down dramatically over the past 10 to 20 years. I know of a number of people with intellectual disabilities who are holding down steady jobs and earning their way in the world. They are proud to do so and are excellent employees.

I heard the honourable member for Mooroolbark describing her pleasure at receiving some debutantes who were intellectually disabled at a debutante ball. I had the same pleasure in Echuca last year, when among a group of 60-odd debutantes presented there were probably eight or nine intellectually disabled debutantes. They were treated the same as everybody else. They had a wonderful night. It is commendable that people with intellectual disabilities are being accepted for what they are in the community and at social functions and sporting events. That is to be commended and is something to which we all aspire and support.
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Section 5(g) of the Intellectually Disabled Persons' Services Act states:

Services to intellectually disabled persons should be provided in such a manner that an individual need not move out of his or her local community or travel inordinately long distances to receive the services needed.

I feel strongly about that principle. In my home town of Echuca there is an excellent service called Tehan Enterprises that runs a series of buses out into the community up to 40 or 50 kilometres away to bring people into that centre. I know what it is like for people to have access to a centre.

I want to make the point in passing that, if it were not for the voluntary contribution of some generous supporters within the community, Tehan Enterprises would not be able to provide the excellent service it does in making it possible for people who live in relatively remote parts of the state to gain access to that service. Running buses is a costly exercise, and that should be taken account of when funding for services in the country is determined.

Section 5 of the principal act sets out the principles, and section 6 sets out the aim and objectives of the department. We all subscribe to those, and I commend the spirit of the original legislation.

Unfortunately, it is a fact of life that a number of people in the normal population are born with an intellectual disability. It is estimated that 1 to 2 per cent of the normal population have an intellectual disability of some sort. In the state of Victoria that would mean that about 40 000 Victorians have an intellectual disability; 14 000 of those people are registered as eligible for services and some 7000 to 8000 are receiving services.

I point out that the Kennett government is providing $380 million per year for disability services generally, of which intellectual disabilities are an important part. Disability services shares equal first place with child protection in funding provided from the minister's department. That is a significant contribution.

As previous members have said, it would be nice to have more but we have to draw the line somewhere. It is a difficult job to do but, in order to provide our resources to those who need them most, there need to be some standards. This legislation essentially tightens up that definition and puts into law what currently takes place in practice. As a result of the passage of this legislation there will essentially be three preconditions for a person to be assessed as eligible for services: first, developmental delay manifested during the developmental period; second, significant sub-average general intellectual functioning; and, third, deficits in adaptive behaviour. In general terms, that means that anyone with an IQ of about 70 or below will, provided those other two conditions are met, be eligible for services provided by the department.

The bill before the house also acknowledges the role of family in supporting and encouraging the development of a family member with an intellectual disability. Acknowledgment of that is well overdue. Members on both sides of the house have acknowledged in their contributions the very important role that family members play in supporting those with an intellectual disability. We have all acknowledged that the state also has a significant role in supporting people with an intellectual disability.

I congratulate the government on the recent budget announcement that $12 million is to be allocated for providing 100 new places for urgently needed respite care. The $12 million to be provided over a two-year period will provide over 100 additional beds. We need more beds, but we need to put this into perspective. The previous government provided only 100 beds over a 10-year period; this government will be providing 100 beds this year and next year. While I acknowledge that there is a need for more beds, I emphasise that this is a significant step in the right direction.

I note that there is general bipartisan support for the spirit of the legislation, as there was for the original legislation. I compliment the minister on bringing this bill into the house and am pleased to support it.

Mr MICALLEF (Springvale) — I rise to comment on the bill, following the honourable member for Rodney. It is often noted that his speeches on this issue are well thought of across the political spectrum. We know that he has a genuine concern about such issues. I commend him on his contribution. If we had a little more of that instead of the nonsense we had from the honourable member for Mornington, this Parliament would be a much better place.

In taking up some of the issues that he raised, I point out that the 1986 landmark legislation was important for the Parliament and for the state. I
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happened to be in the Parliament at that time. People like Margaret Ray played an important role in getting that legislation through. It will be acknowledged as time goes by as one of the most important contributions by the Labor government. It has been maligned in many ways, but it was one of the social issues we took up strongly and supported and history will record its status in a very kind way.

It is important that the rights of those with disabilities are recognised. From 1986 onwards people with disabilities were not seen as people only to be tolerated but as human beings with rights and with the ability to contribute in meaningful ways. That is important. If we continue with that philosophy, we will not go wrong. The attitudes of the Labor government were supplemented by social justice policies and a whole range of other support systems such as equal opportunity and other supplementary-type legislation. The work of the Labor government should be acknowledged and the nonsense about the 10 years of Labor government should be put aside as some of its contributions to progressive change are recognised.

I listened to most of the shadow minister’s speech. I commend her because obviously she was well prepared. It was a detailed contribution on the issue. She spoke about the cuts to services and the increasing costs, which have created a conflict that must be dealt with. When we have cuts to services and continuing cost increases it is necessary that the government considers the way in which it delivers services.

That puts us in a difficult situation with priorities. We must be assessed on the way we treat those in the community who are not so well off. During Carers week we must acknowledge the role of those who care for those who are unable to look after themselves. The state has a role to play. We have to keep moving away from the Marlboro man mentality that exists in a lot of conservative parties throughout the world. We have a responsibility to look after those who are unable to look after themselves. We need to get back to basics. We need to revisit the issues of social justice: a fair go for everybody in society, each according to his ability and each according to his needs. That is a little bit of Marxism philosophy. It is something I have grown up with and it is something I am proud to support. If we take the best aspects of each of the political philosophies we cannot go wrong.

We have moved away from institutionalisation and associated care. I had a little to do with the closure of Caloola because I was on the industrial relations task force. The concerns of the health unions and the government had to be dealt with. In retrospect we did the right thing by closing Caloola. However, we must have the resources to pick up those who are deinstitutionalised. I visited the United States of America in the early 1980s. In Chicago they deinstitutionalised people — they called it decanting — by pushing them out onto the streets and letting them freeze to death on the cold winter nights. It is inhumane to treat people in that way. I hope the government does not push people out from institutions and leave them to fend for themselves.

The community has infrastructure such as community health centres and a number of other agencies that can help and support those who leave institutions to make the transition into the community. We also have community residential units and so forth. It is important that those with intellectual disabilities and other disabilities are able to live in the most normal environment possible, if possible funding for themselves, with support mechanisms from community organisations. It is almost impossible for aging parents with adult children with intellectual disabilities to cope without respite care and other support mechanisms. It is ridiculous to expect them to cope totally on their own.

I note what the shadow minister said about the recognition of the family role. It should not be seen as a way of moving the responsibility away from the state so that the family must pick up the pieces without support mechanisms. It is important that the family be acknowledged and it is also important that the state plays a support role on issues such as respite care. Respite care needs to be fully funded and fully maintained.

Recreation is needed for people with disabilities. I have not heard anybody talking about Arthur Tunstall’s famous comments, even though they were about people with physical disabilities. Those people did not fit the model of the supreme human being who is able to compete at his or her best. Society needs to acknowledge that those willing to compete, regardless of whether their disabilities are physical or mental, should be acknowledged as having a role to play in the community. They should be acknowledged for their contributions and they should be supported.

Urimbirra special development school and adult training unit is in my electorate. I noticed that the adult training unit had its annual general meeting.
which I usually attend. I will not be as ungracious as
the honourable member for Monbulk and say that
because members of the Liberal Party are involved
in the training centre they have a vested interest.
During the time of the Labor government, its
members played a provocative role supporting the
needs of the centre. The people involved include
Terri Marley, who was a candidate standing against
me back in 1985. His daughter works on the staff of
the Minister for Industry and Employment. I will
not say those people do not play a positive role.
They make a significant contribution. Although
other Liberal Party members are involved with the
organisation, I will not name them all. One is a
prominent former Springvale councillor, who was
also a Liberal Party candidate. Those people have
made a significant contribution. I will not say
because they are members of the Liberal Party and
the political pendulum has swung and because of
the advocacy they took up back in the years of the
Labor government that they were mischievous and
had a vested interest in the centre. They had a
commitment which is still there. I will continue to
work with those people and I look forward to their
making further contributions.

The adult training centre makes an enormous
contribution. Although it is more in the mould of an
institution, there are those who will not make the
transition from institution to the community, so they
still need facilities where they can be looked after
and where they can make a contribution.

I have seen them working on refilling laser
cartridges and making lattice fencing and so on with
Birra Industries. That contribution is very
productive and helps them to develop physically,
emotionally and in every other way; it makes them
feel as though they are making a useful contribution
to the community, and that is important. Both the
state and federal governments must acknowledge
the important role that those types of institutions
play.

I move to an issue that I have written to the minister
about: the disability liaison project in Springvale that
was defunded by this government. Back in August I
wrote a letter on behalf of the City of Springvale to
the minister and I received a response from him. The
liaison project was important because it had a lot to
do with supporting, encouraging and developing
people with disabilities and making them feel as
though they were a real part of the community. A lot
of its funding, around $62,000, came from the
Department of Health and Community Services, and
council contributions — the City of Springvale put
in more than $8000 — and it had a total budget of
around $70,000. It was an important project because
in an advocacy way it promoted the role of people
with disabilities within the community. The City of
Springvale is well known for its human services, and
in this case it provided an information service for
people with disabilities, their families and carers,
along with workers in the field. The service collects,
stores and updates information on all aspects of
people with disabilities. It responds to inquiries by
telephone, by mail and in person.

Often people would come into my office in their
little mechanical jeeps presenting letters in a way
that I think was very humane. It was a very sincere
gesture and shows that they made representations
on their own behalf. Whether it be in the transport
system, bus services, council services, government
services or housing, it is important that they are able
do that in their own way. Funding for this project
has been extended until December, as I understand
it, when it will become part of a regional pool. I
think that will probably make it lose its local focus.
What is being felt by the local groups and what the
disability advisory committee that meets in
Springvale has suggested is that this is just an
attempt by the government to service more people
with fewer funds. That is a real concern.

The project has been extended for a few months, and
while it is still alive and we are going through the
process of council amalgamations it is an issue that
needs to be looked at very closely. Where we have
local councils with structures that are sympathetic to
people with disabilities, people in a human service
capacity, it is important that those types of services
remain.

The last issue I raise is that during my years as a
union official I negotiated in the workplace where
I suppose was appropriate to their contribution, given
the award situation. We were able to introduce
flexible working arrangements well before their
time; I think that was a trailblazer to enterprise
bargaining, where that sort of philosophy has been
further developed. There are parts of the bill that we
fully support. However, we have some reservations
and they will be raised if we have a committee stage.

Dr DEAN (Berwick) — In the short time left to
me I make the point that this is a very courageous
bill and it continues a series of courageous steps
which, I am quite happy to acknowledge, were
begun by the previous government. I say it was
courageous because it seeks to address one of the most complex issues imaginable: that is, by its major amendment it attempts to define what is and is not an intellectual handicap. Among all those things that mankind tries to define for itself, that must be one of the most important and most difficult decisions. I believe it ought not be used as a political football, but ought to be seen in a very narrow way and analysed to see how it grapples with the notion of what is an intellectual disability.

As we have heard, the previous legislation was based on the three principles: sub-average intelligence, a deficit in adaptive behaviour, and those two things occurring in the developmental stages of growth.

Those three factors are simple and general statements. The courageous step that was taken in 1986 was to attempt to help those who had to make the decision whether a person was intellectually handicapped and to try to define that in the legislation. That was defined in section 8(1)(b) of the act:

in the case of persons over the age of five, by the use of one or more standardised measurements of intelligence or an assessment of the effectiveness with which the person meets standards of person independence and social responsibility expected of persons of that age and cultural group or both measurements and assessments.

That was the way it attempted to define a test to assist those who had to grapple with and make this very difficult decision. Of course the questions that will always be there and will always be most difficult are: what is sub-average intelligence? What is a deficit in adaptive behaviour?

The importance of the decision cannot be underestimated. The person who may be asking for it to be made is most probably not a person suffering from an intellectual handicap; it is most probably a guardian or a person who has taken responsibility for that particular person.

Once that decision has been made, that is a characteristic — a tag if you like — with respect to that person forever and it also opens up a whole course of behaviour as to how that person is treated as far as the government is concerned.

When referring to the difficulties associated with making this decision, I indicate that we all know of examples of the genius whose conduct in society is, one could say, certainly not socially congenial or in any way understandable. That is the genius who acts and behaves in a most unexpected fashion. Are we to say that that person should fall into the category of someone who is not intellectually normal? Are we to say that the person who appears to be socially congenial and socially happy in every way but finds it impossible to make a responsible decision that will enable him or her to run for life is intellectually handicapped?

In the short time I have available to me I want to demonstrate how this legislation is yet a further step in the progression that began in a most unfortunate way when one considers the way such people were treated in early times when absolutely no distinction was made between a person who suffered from an intellectual disorder and a person who suffered from an intellectual disability. They were both regarded as being the same and lumped together. If you did not fit into society’s norm or if you behaved oddly, you were lumped into that group. If you follow history through you find that the ancient Greeks saw this as a perfectly natural part of life and they treated it in a medical way.

Mr Dollis interjected.

Dr DEAN — As the honourable member for Richmond would be pleased to hear, they understood the process. It was only when religion came to medieval Europe that religious explanations were given for that behaviour. Suddenly we had witches and personal demons and all sorts of exotic explanations why people should be treated differently and put aside. It was not until the 19th century that people again realised it was a clinical condition that should be treated as such.

I will quickly refer to Australia’s history in respect of people who were either intellectually handicapped or had intellectual disorders. Dr Eric Cunningham outlines the history in an article entitled ‘The Mental Health Status of the Nation’:

Mental health was not recognised or even considered in the early days of settlement and indeed the term did not come into use until over 150 years later. When the World Health Organisation, the World Federation for Mental Health and the World Psychiatric Association were founded after the end of the 1939-45 war...

In fact from settlement up to the beginning of the 20th century the concentration was almost exclusively upon the lunatics confined to the asylums.
Governor Macquarie started the first asylum at Castle Hill in 1811.

Previously those people were put into asylums along with alcoholics and criminals. They were all lumped together as people who should be put aside from society and neglected. It was not until the early 1900s that Mr J. W. Springthorpe realised there was more to this than simply out of sight, out of mind. The author continues:

There has been a move since the 1850s to separate the mentally ill and the intellectually handicapped, even 100 years later this was still incomplete although further legislation had been written to this end.

The point I am trying to make is that from very meagre beginnings our attitudes were clearly fashioned by the fact that these people were not drawn to our attention for assistance and help. Why was that? Was it because the mental condition is much more complex than the physical condition? Was it because it was not life threatening and did not attract our attention or require us to have the same level of urgency? It was mainly because people suffering either disorders or intellectual handicap did not complain. They did not ask for help. It is not like someone, for example, who has a physical injury who, quite clearly, will ask for assistance.

So from those very poor beginnings the 1986 act tried to meet the definition of intellectually handicapped head on. That was a first attempt and, quite clearly, because it was so general, it was not entirely successful. When Mr Justice Harper looked at that definition in the case that has been mentioned in the house on a number of occasions he said, 'We will have to define an intellectual handicap according to that legislation'. Although I will not quote from his judgment, I will attempt to paraphrase him. He said, 'Yes, look at behavioural dysfunction and intellectual intelligence tests together. But if the act refers to sub-average or below-average intelligence anything that is less than a score of 100 would be regarded as sub-average, and of course 50 per cent of the population would fall into that particular behavioural test'.

That was the stimulus for this government to attempt to come up with a way of defining which people would or would not fall into this area. The international standard was adopted. For those of us who are not entirely familiar with mathematical calculations, I will go through it fairly quickly. If a person falls below two standard deviations from normal intelligence, that person is considered, after other tests, as being intellectually disabled. When taking that test you can make errors. Mathematics has helped us again in an extraordinary way. There is a way of working out a standard error calculation so that you can be sure there is a range in the test. If that entire range falls below the two standard deviations you can say with 95 per cent certainty that that person ought to receive assistance.

Although that sounds clinical and mathematical, it has finally given those people who have to make these difficult decisions some basis and some fundamental facts to work with so that their decisions are equitable.

In the 3 minutes left to me I would like to make one more point about the modern approach to the intellectually handicapped. If you look at the sections that define the principles to be applied by the amending bill, you can see that this really is modern legislation. It is very rare that you get legislation with such a provision. Section 6 of the act provides the aims and objectives of the department. It states:

(1) The primary aim of the department under this act is to advance the dignity, worth, human rights and full potential of intellectually disabled persons.

That is an absolutely beautiful provision to find in a piece of legislation — and there should be more of it. It enables us to get a grip on where this legislation should be heading. I want to make one point: when added to the various objectives of this act, which are set out in a previous section — and if I can paraphrase — they refer to the ability of the intellectually handicapped to integrate with others; to have physical access to the service others have; to have flexibility in their treatment; to have freedom from control by others; to have non-government help where possible — but where that help is there — accountability; to have independence and input into the process; to have general freedom; and now — added to that — to have family support.

Why would you want to add family support to those objectives? It is quite easy. If you consider the person who is being looked after by the family, you realise that each of those objectives is likely to be attained. In the family, he or she will maintain maximum security, maximum independence and maximum individual attention. So all the factors that are built into the act will most likely already be there if people obtain assistance from their families.

My last point is this: it has become clear that by placing intellectually handicapped people in their
families another aspect we have now come to understand in our modern approach to this situation is able to be implemented. That point was made by Jenny Bright in an article she wrote about intellectual disability:

As a result of changing philosophies ... a growing number of intellectually disabled people are moving out of institutions and other restrictive environments to live in the community. They are increasingly seeking legal advice to take advantage of their right to enter into contracts, make wills, purchase property ... and, in some instances, to receive assistance as a result of contact with the criminal justice system.

Statistics indicate that intellectually disabled people are no more likely to commit criminal offences than non-intellectually disabled people. They are, however, more likely to be arrested, refused bail, convicted, sentenced to imprisonment, receive a longer term of imprisonment ...

And so on. What the bill does through its objectives and its concentration on the family is to assist us in understanding that the best possible way in which people in our community who we have deemed require assistance as a consequence of an intellectual disability — —

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! Under sessional orders, I have to give consideration to the adjournment of the house.

Government Employee Housing Authority: house sales

Mr LEIGHTON (Preston) — I raise with the Minister for Industry and Employment a matter for the attention of the Minister for Housing in another place relating to the selling of houses owned by the Government Employee Housing Authority. I am asking the minister to raise with the Minister for Finance the possible transfer of some of those houses to the Office of Housing in the Department of Planning and Development so they can be made available for public housing.

I believe there is an opportunity to provide some assistance for families that are currently on extremely lengthy if not indefinite waiting lists by making those houses available. The Government Employee Housing Authority is moving rapidly to get rid of the houses it owns. As at 30 June 1993 the authority owned 2624 houses. During the past 11 months it has sold 830 houses and it intends to dispose of another 993 over the next 12 months, so in 12 months' time it will have 805 houses available. The authority also points out in its annual report that there are 179 houses surplus to requirements in Melbourne.

Of course, not all the houses owned by GEHA will be appropriate for public housing. Some are in remote areas and others will be in poor condition. However, I believe some could be made available to alleviate the current long waiting lists. For example, one needs only to look at the Heidelberg area, where the waiting period for a three-bedroom house is indefinite — that is, more than five years. In the Reservoir area it is also indefinite; in Dandenong it is 5 years; in Noble Park it is 6 years; in Springvale it is 6 years; and in Dingley it is indefinite.

I believe the Minister for Housing, who has so far failed to take up this opportunity, should raise with the Minister for Finance the possibility of transferring available houses to his own department so they can be offered to families not only in need but in many cases in crisis, instead of the state simply moving with indecent haste to dispose of the houses as part of its asset sales. After all, the assets will not be forgone. The government will still have the assets on which it will receive income in the form of rental.

Here is a golden opportunity for the government to maintain ownership of the houses, receive an income stream and at the same time assist families in need. We really have a crisis in public housing. The waiting period has blown out from four to five years to an indefinite period.

Gippsland Basin-Sydney gas pipeline

Mr TREASURE (Gippsland East) — The matter I raise with the Minister for Energy and Minerals concerns the proposed construction by BHP of a gas pipeline through East Gippsland to Sydney. I ask the minister for his assistance, particularly during the transition and planning period, so this pipeline may go ahead.

BHP is currently looking at about six proposed routes. Five of them are through East Gippsland and the other is westward to Melbourne and then up the Hume corridor. Of course the Hume corridor would probably be a last resort for BHP because it involves by far the longest distance, but there are many
features to take into account. At present BHP is doing a study to ascertain the most practical and best route to pipe the gas to Sydney.

When the pipeline is completed it will make an eastern states hook-up connecting gas facilities from Queensland, New South Wales, South Australia and Victoria into the one big grid. Of course, the Gippsland Basin, being one of the biggest reserves of gas in Australia with the exception of the North West Shelf, is a very important field. It is also important to the producers of that gas to have access to the Sydney market.

I support BHP in its plan to put this pipeline through. Of course there is resistance, which I suppose is inevitable. I note the Wilderness Society has made some protests, and Ms Barry has been saying the pipeline should not go through East Gippsland forests. I also note that the Concerned Residents of East Gippsland — the whole four or five of them, I think — are saying via Ms Redwood that this pipeline should not go ahead.

I say to the minister that it is very important not only for East Gippsland but for the development of Australia as a whole that this pipeline be allowed to proceed. It is a benign use and it will not in any way affect the environment. Once the pipeline is underground and buried no-one will even know it is there. I ask the minister for his support and that of his department in seeing that the pipeline goes ahead.

**Public transport: train safety**

**Mr THOMSON (Pascoe Vale)** — I ask the Minister for Industry and Employment, who is at the table, to pass on my request to the Minister for Public Transport to investigate and take appropriate action concerning a very serious incident which occurred on the Broadmeadows train line last Wednesday. It involved a woman by the name of Mrs Jane Sneddon and her two children aged four and two years. She decided to take them on a train to the city, which was a rare experience. She now says she will never do it again.

As Mrs Sneddon was coming back she went to get off the train at Glenbervie station. Noticing that there was what she regarded as a dangerous gap between the train and the platform, she asked another passenger who was also getting off the train to help with the pram in which her two-year-old son was sitting. While doing this the doors began closing with the pram wedged between them. The train began to move, leaving her son stranded on the platform. He panicked and, fortunately, the other person acted quickly, grabbing him by the arm and pulling him away from the train. Nevertheless, she pulled the pram back inside the train and they were calling out, 'Stop the train!', with no response.

So her four-year-old son was left at Glenbervie station without her. That station is not manned by a Met employee. The person who had saved the other son then took further action to reunite him with Mrs Sneddon. A tragedy was averted as a result of his quick thinking. However, Mrs Sneddon is most concerned that the action was not taken by the people employed at the station and that the train system puts people's lives at risk.

This is the second time this year that I have come across such a case. In June this year, Joy Cashin, a Pascoe Vale mother, had a similar experience, although in her case she was left on the platform and the son was left on the train heading north on the Broadmeadows line. At that time the PTC counselled a guard and said it would take action to ensure it never happened again. The statement it made at the time was:

> The PTC is keen to ensure that problems of this nature do not occur again.

Obviously it has occurred again. We need to ensure that mothers alighting from trains with prams are not caught in the terrifying situation of the doors closing, as happened to Mrs Sneddon.

I ask the minister to investigate the matter and make sure appropriate action is taken to guarantee train safety.

**Country rail services**

**Mr RYAN (Gippsland South)** — I raise for the consideration of the Minister for Public Transport the important issue of the continuity of the existing train service to the city of Sale in my electorate. As the house will be aware, after the current government came to power in 1992 the minister instituted various changes to the operation of the transport system in country Victoria.

A basic principle was the maintenance of service provision to all centres that were then served by the transport system of which the minister assumed the administration. The train service on some lines was stopped and replaced in part at least by a coach service. In my electorate the change took the form
that initially the train service was stopped at the city of Traralgon. The proposal was that buses would commute along the rest of the previous route of the train line to the city of Bairnsdale.

After further consideration of matters put before him, the Minister for Public Transport reinstated the train service to the city of Sale. It now operates on the basis that buses commute from Sale to Bairnsdale.

Another initiative of the minister that has been of considerable assistance was to facilitate the development of a transport interchange at Traralgon within the electorate of the honourable member for Morwell. That very laudable project is at present under way. It will result in the construction of a variety of facilities which will be to the benefit of not only the citizens of Traralgon and the Latrobe Valley but of all users of the rail service.

As seems to be the wont of some people when brilliant initiatives are pursued by the government, recently scurrilous rumours have surfaced to the effect that upon completion of the interchange system at Traralgon the train service to Sale will cease. I say scurrilous because as I understand it there is no basis for the rumours. Nevertheless, Mr Speaker, you will understand that when these things are spoken about in the community people have a tendency to become concerned.

I seek a statement from the minister about the service that will be provided to the city of Sale, particularly the maintenance of the train service.

Unionism: building professionals

Mr DOLLIS (Richmond) — I raise a matter with the Minister for Planning and in his absence the minister at the table, the Minister for Industry and Employment. I refer to the warning given by Mr Croxford, director of the building control division of the Office of Planning and Building Control, to engineers, quantity surveyors and draftspersons to register or risk introduction of legislation to make it illegal to work.

As both the minister who is absent and the minister at the table know, the new rules that are part of the Building Act 1993 require all people involved in industrial and commercial design and building to be registered.

Recently Mr Croxford has said that further tightening of Victoria's new building laws could be introduced within the next few months to outlaw unregistered professionals because of a slow response for volunteer registration. This rather inflexible approach seems to contradict the position of the government as it was expressed by the Minister for Industry and Employment when he made the second-reading speech on the Tertiary Education (Amendment) Bill and said:

The fundamental principle underlying this decision is freedom of association. The government seeks to remove any compulsory requirement for students at our tertiary institutions to be members of a student union or association. No person should be required to join an association against his or her will.

That principle is supported by the right of freedom of association as laid down by the United Nations. The present situation in Victoria's universities and some technical and further education colleges does not accord with this principle.

Mr Croxford's comments seem to totally contradict that position taken by the government. Recently a number of people in industry have said in letters to the government that they consider the position to constitute compulsory unionism.

I ask the minister: what is the role of the Building Practitioners Board? Does it include assessing a building practitioner's qualifications? What is the purpose of a person obtaining a certificate of proficiency issued by an approved association —

Mr GUDGE (Minister for Industry and Employment) — On a point of order, Mr Speaker, I draw your attention to the fact that the adjournment debate is a debate in which honourable members may draw to the attention of a minister or ministers matters with respect to government business and request that ministers take action on them. It is not question time. The Deputy Leader of the Opposition has now embarked upon a question and answer session that I think about six questions in a row. I suggest if the honourable gentleman wishes to raise matters in the form of a question, he should, rather than wasting the forms of the house at this hour, perhaps consider asking them during question time tomorrow.

Mr DOLLIS (Richmond) — I ask the Speaker to consider allowing me the time to complete my case. The very simple reason is that the question to the minister at the table is whether this case constitutes a form of compulsory unionism, a complaint which has been sent to the government.
The SPEAKER — Order! The honourable member’s time has expired.

Mr DOLLIS — Mr Speaker — —

Mr RICHARDSON (Forest Hill) — On the point of order which has been raised by the Leader of the House — —

The SPEAKER — Order! Is this a fresh point of order?

Mr RICHARDSON — No, it is on the same point of order, Mr Speaker. I would add to the remarks of the honourable gentleman that the debate also is traditionally intended to enable honourable members to raise matters which are of direct concern to their electorates. The Deputy Leader of the Opposition has made no reference to anything which relates to his electorate or the concerns of his constituents. He is misusing the forms of the house by raising this matter in the way in which he has done at this hour.

I would further point out to you, Mr Speaker, that it is part of the tradition of this place that honourable members do not read their speeches. I was observing the Deputy Leader of the Opposition and he was quite clearly reading the speech that he was making. I am not referring, Sir, to the matters where he was quoting from something; I am referring particularly to the speech that he was making which he then interspersed with quotations from documents which he was reading.

So the honourable gentleman is out of order on many counts. He is abusing the forms of this house. He either does not understand the meaning of the adjournment debate, or if he does he is deliberately misusing this traditional and highly valued part of the parliamentary day.

I support completely the remarks of the Leader of the House and I ask you, Sir, to rebuke the Deputy Leader of the Opposition.

The SPEAKER — Order! I am answering the point of order raised by the honourable member for Forest Hill. I believe that at the time the honourable member’s time had expired.

The Ashes: commemorative cricket match

Mr FINN (Tullamarine) — I direct to the attention of the Minister for Public Transport a project that the Rotary Club of Sunbury is currently attempting to put together. It is planning a commemorative cricket match on 18 January next year.

As the house would be aware, Sunbury is in fact the birthplace of the Ashes, where Lady Janet Clarke burnt the bails — —

Honourable members interjecting.

The SPEAKER — Order! Would the honourable member pause while the house comes to order. I might put in a plea: would the honourable member please not inflame the passions of the house?

Mr FINN — I would never consider doing that.

On 18 January next year, to commemorate this great occasion in Victoria’s and indeed Australia’s history, Australia and England will be playing a commemorative cricket match on the Rupertswood oval where the bails were burnt. The Rotary Club has approached me through its president, Mr Albert Achterberg.

Honourable members interjecting.

Mr FINN — The club members are putting together a project. They would like to take the cricket players and some of the officials, as well as a good number of spectators, by steam train from the city to the Rupertswood station on that day.

The Minister and the house would be aware that earlier this year the classic carriages were launched by V/Line, which has been a very successful project. They are the very things the Rotary Club of Sunbury wishes to take advantage of. The problem is that the club has had some difficulty getting a permit from V/Line to run the trains on that day, particularly the steam trains. Although the club has assured me that if the day happened to be a day of total fire ban it would be more than happy to have the steam engine replaced with a diesel engine, on approaching V/Line at my suggestion the club was told that it would need to make another approach much closer to the time of the event.
As I am sure the minister would be aware, such events take a great deal of organisation. The club, which does an enormous amount of good work in the community, is getting a bit worried about the time it will take to get the project organised and under way. I ask the minister whether it is possible to fast track, if I can use that term, this particular project. I ask the minister whether he can give the same sort of satisfaction to the rotary club that he has already given to so many people in my electorate of Tullamarine.

Women's health services

Ms GARBUTT (Bundoora) — In the absence of the Minister responsible for Women's Affairs I ask the Minister for Industry and Employment to direct a matter to her attention. I hope the minister is listening and will come up and answer my question herself.

I ask the minister to take on an important issue on behalf of the women of Victoria concerning the integration or absorption of women's health services into mainstream health services. I have received a letter from the North East Women's Health Service which states:

Recently we were informed by the Department of Health and Community Services that we are expected to become 'structurally integrated' with a community health centre. We were informed that there will be no independent community women's health services, services which currently constitute the Victorian Women's Health Services Program.

I have heard similar complaints from the Loddon-Campaspe Women's Health Service at Bendigo and from the Gippsland Women's Health Service, who are concerned that they are being absorbed into mainstream health services.

It is important that the women's health services stand alone. Women have different health needs and experiences and feel that existing services do not always meet those needs. Women's health services are crucial to the reform process in mainstream health services. They were set up as a joint state-federal program to examine the health issues of women, to set up models of best practice and to then attempt to advocate and educate the mainstream health providers to improve health services for women. They also try to improve access to health services for women who suffer disadvantages such as disability, age and ethnicity.

If the push to absorb women's health centres into mainstream health services is successful, women's health services will lose their current focus on women's needs and risk being swamped by the huge problems faced by a health system that is in crisis, and may risk losing their funding. The letter from the North East Women's Health Service also states:

Our funding stipulates that we must provide services specifically for women.

I ask the Minister responsible for Women's Affairs to take up the issue with the Minister for Health and to stand up for the women of Victoria, which she has not been doing. So far she has been silent. This is a chance for her to speak up for the women of Victoria.

Moorabbin railway station

Mrs PEULICH (Bentleigh) — I refer the Minister for Public Transport to private sector involvement in the redevelopment of the Moorabbin railway station. Prior to the 1992 election the minister, in his capacity as the shadow minister for transport, indicated that commercial involvement in railway station redevelopments would be on the agenda. I believe the minister has already had some success in pursuit of that policy.

I wish to explore the possibility of constituents and train travellers in my electorate sharing in the success of what I believe is a wonderful opportunity. I have asked Mr Peter Soding, who is the manager of city development at the City of Moorabbin, to consider private sector involvement in the redevelopment of the local railway station as part of the development of a Moorabbin central shopping district strategy.

Unfortunately Moorabbin shopping centre was severed by several major roads in the 1960s. A consultant's report commissioned by the Moorabbin council states that the lowering of the railway in the early 1960s, although easing the traffic environment, further reinforced the divisive effect of the railway line. The report stated that the railway cutting had proved a major travel barrier and had contributed to the effect of the isolation of the precinct.

The council is concerned about the matter. The consultant's report has come up with some ideas that are worthy of exploring. An article in the Moorabbin Standard of 19 October states:
Mr Soding said the consultant's report provided a framework for long and short-term improvements in the area.

Roofing of the railway line was a long-term proposal. In the short term $100 000 had been set aside for street furniture, paving, flagpoles and beautification works.

A member of the steering committee in charge of the project, Station Street estate agent Colin Beech, said this work should start before Christmas but the roof over the railway station could be 'over 20 years away'.

I believe it is an exciting project that could lead to the rejuvenation of the area. Residential or commercial developments could be incorporated in building over the railway space. I ask the minister to consider what support and advice his department could offer to facilitate the process so that we do not have to wait 20 years before achieving a better outcome not only for local residents and traders but also for travellers on the public transport system.

Legalities Victoria booklets

Mr SEITZ (Keilor) — In the absence of the Treasurer I ask the Minister for Industry and Employment to bring to his attention the Legalities Victoria booklets launched by the Victorian Council of Social Service. The Treasurer launched the publications and the government has partly funded the updating of the booklets.

I ask the Treasurer whether he will use his good offices to ensure that the booklets are made available to all honourable members in their electorate offices. The Victorian Council of Social Service booklets provide information on things such as the incorporation of community organisations, freedom of information and other things on which members are asked to assist individuals and groups in the community. I am sure it would be invaluable for honourable members to have the booklets in their electorate offices.

I urge the Treasurer to use his good offices to see whether the brochures can be provided to members for use in their electorate offices.

Water services in north-eastern Victoria

Mr JASPER (Murray Valley) — I raise for the attention of the Minister for Natural Resources a matter I raised with him some weeks ago concerning the restructuring of water services in north-eastern Victoria. I indicate to the house my concern about the restructuring and particularly about what will happen to the water supply provided to the township of Rutherglen under that restructuring.

I ask the minister to indicate whether any action has been taken on the restructuring of water resources in north-eastern Victoria and the Goulburn Valley.

Honourable members interjecting.

The SPEAKER — Order! I am very pleased that there is no-one in the public gallery because the past 10 minutes have been a disgrace.

Responses

Mr BROWN (Minister for Public Transport) — The first matter addressed to me was raised by the honourable member for Pascoe Vale. The same issue was earlier raised with me by the honourable member for Essendon. It involves a very serious matter indeed. A young woman with two children was alighting from a train at Glenbervie station on the Broadmeadows line. I am informed that the young woman's pusher was to be taken off board after her young son had alighted from the train. Although her son was standing on the platform while she was in the process of getting her second child, who was in the pusher, out of the train — she had returned to the train to do so — the doors closed and the train moved off while she was still on board.

As my colleague the honourable member for Essendon explained to me earlier, having spoken to a member of the lady's family — —

The SPEAKER — Order! There seems to be some sort of conversation between the honourable members for Richmond and Warmambool and the honourable member for Shepparton, who is part of the trio. I ask them to remain silent while the minister gives his answer.

Mr BROWN — The honourable member for Essendon informed me that a member of the lady's
family, either her grandfather or father, told him that
it had been a terrifying experience for the lady. I
completely understand that it would have been.

The honourable member for Pascoe Vale referred to
the frightening gap between the platform and the
train. I point out that the gap is identical to the gap
that was there for the 10 years the Labor Party ran
the system.

Mr Thomson interjected.

Mr BROWN — No, I am making the point that
we have not narrowed or widened the gap; it is the
same gap. As soon as I became aware of the matter I
requested an immediate investigation. I state again
that it is a matter of the utmost seriousness. I would
expect any member of our staff, and clearly that
means guards as well, to carry out his or her duties
diligently. Guards on trains have an absolute
responsibility, so far as they possibly can, to ensure
that the travelling public is safe and protected.

I would say that the most important duty a guard on
a train has is to ensure that it is safe for the train to
move off from a platform when he signals the driver
to start. I am not in a position to prejudge what
happened. However, I make it very clear that there
is a direct and onerous responsibility on the guard to
ensure that it is safe for the train to move off when
he signals the driver. Clearly, in this circumstance,
one would have thought it was not a time to move
off when, as is being claimed is the case, a pusher
was trapped in the doors.

The government and I, as minister, treat this matter
with the utmost seriousness. After a previous
incident the Public Transport Corporation said that
it would not want it to occur again. I am told that
similar events have taken place on other occasions
over the years, no matter who was in government,
and my suspicion is that on past occasions — and I
cannot prejudge this matter, as it is under
investigation — human error and, in fact, neglect by
some staff have put people in perilous positions. I
will not talk about this case until I learn the final
outcome.

This government's policy is to change over to the
driver-only operation of suburban trains. It is quite
remarkable that on the Sunday following this
unfortunate event that line was converted to
driver-only operation. Driver-only operation
involves video monitors, which are now operating
on that station. It also involves very large mirrors,
which have been installed on that station. The trains
that are converted to driver-only operation have
fitments such as safety warning lights that are
turned off only when the doors actually close. To
deactivate the light on the driver's dash the doors
have to touch each other, which connects a circuit
that turns off the warning light. In other words, that
train no longer carries a guard. Had that been the
case on the day of the incident I suggest it is highly
unlikely that it would have happened. That might
seem remarkable, but the incident occurred when a
guard was on board, and I doubt that it would have
happened on the Sunday or since. The changes that
have been made would have made it safer.

There is now only one person responsible for
ensuring that a train is safe to move off, the driver of
the train. He has monitors and mirrors that enable
him to see the entire length of the train, and there are
visual aids in his cabin to ensure that the doors are
actually closed. Even if a person's arm is caught in a
doors the train cannot move off because the warning
light on the dash shows that the doors are not closed.

I will inform the honourable member for Pascoe
Vale, as I will my colleague the local member, the
honourable member for Essendon, of the outcome of
the investigation, which I have asked to be
concluded as soon as possible.

The honourable member for Gippsland South raised
what he called a scurrilous rumour concerning the
future of the train service from Melbourne to Sale.
This is currently a seven-day-a-week service. I think
we run three trains a day on weekdays and we also
run services on Saturday and Sunday. I can give the
honourable member for Gippsland South an
absolute and categorical assurance that the train to
Sale will remain as an excellent service, not just for
the foreseeable future but for the full term of this
government, and not only in the current term but in
terms beyond.

We certainly looked at the future of the line and we
made the change to which the honourable member
referred: a modern road coach replaced the train
from Sale to Bairnsdale. But that is the total extent of
the changes along that line. I make it very clear that
we are upgrading the facilities at Traralgon and
putting in a modal interchange. We have facilitated
that project, and I can only assume that that is where
the rumours started. People have seen that a modal
interchange is to go into Traralgon in the near future
and they may have assumed, wrongly, that it was a
precursor to the train service to Sale being removed,
with Traralgon being made the final point for the
train out of Melbourne.
As a result of the honourable member for Gippsland South's raising it in Parliament tonight, he has put his community and the communities along that line in a position of certainty. And he has put himself in a position, as a local member, to be able to give an absolute and categorical undertaking to the locals that the train to Sale is there to stay.

Ms Marple interjected.

Mr BROWN — I am not John Cain. The honourable member for Tullamarine raised a matter — —

Mr Leighton — The temporary member for Tullamarine.

Mr BROWN — My colleague for Tullamarine, the most active member of Parliament in that area for decades.

Mr Leighton interjected.

Mr BROWN — The one who represents that area better than it has been represented for decades.

Mr Leighton interjected.

The SPEAKER — Order! I ask the honourable member for Preston to sit back in his seat and relax.

Mr BROWN — The man who has taken over and stands up and fights for his electorate, raised with me the desire of the Sunbury Rotary Club to run a steam train for the commemorative Ashes match to be held on 18 January next year.

He tells me they propose to use the train to take approximately 270 passengers, including 70 places allocated to cricket teams and dignitaries, to Rupertswood to celebrate a very important historic event in this nation's history. The reticence, if I can use that term, of V/Line is that as this is the height of the fire season they want the Ashes to refer only to the cricket match on the day and not neighbouring farmland. I have had discussions in the past with V/Line because there have been occasions when this issue has arisen as Steamrail Victoria has a number of magnificent trains it wishes to run around the state.

I will give an assurance to my colleague that V/Line will agree that the train can run on that day, but the judgement as to whether it can be hauled by a steam locomotive would not be allowed to pull the train. At the least, the train itself will be identical to the classic, heritage vehicles that this government has brought out of mothballs and now allows people to use.

The only question for determination is whether the train will be hauled on that day by the steam locomotive. I can assure my colleague that the train will run, and I shall have discussions with V/Line tomorrow to ensure that that occurs. Yet another win to Finn!

The honourable member for Bentleigh raised with me the desire of one of her municipalities to redevelop the Moorabbin shopping centre. This government encourages the development of railway stations and precincts. It is something the former Labor government crowed about, talked about and looked at for the full 10-year period it governed. Crash-through Kennan went public and announced he would achieve the development of a number of railway stations. He issued press releases and asked for expressions of interest, but, as was typical of the Labor Party in office, nothing happened. Not one commercial redevelopment of a railway station along the lines announced by the former honourable member for Thomastown, when Minister for Transport, occurred during the period the Labor Party was in government.

I have informed the house in the past of a number of developments now proposed, including the one referred to a moment ago by the honourable member for Gippsland South, the redevelopment of Traralgon railway station, and the great development at Frankston railway station, but there are more to come.

I shall take up the idea and expressions of interest that my colleague puts forward and ask the Public Transport Corporation to consult with the local council with a view to seeing what can be achieved, including the roofing over of this area of land with a redevelopment as part of the proposal. The more commercial activity there is at railway stations, the more hustle and bustle there is, particularly with extended shopping hours. In fact, the ideal outcome at railway stations is 24-hour trading activity — 24-hour convenience stores, medical surgeries and so on. The Public Transport Corporation views 24-hour activity at railway stations as free security.

I shall talk to the corporation to see what it can do to work with the municipality and address again an issue raised by this particularly active, forceful and
worthwhile member. She is one of the best members that area has had for a long period.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I thank the honourable member for Gippsland East for raising the proposed gas pipeline being considered by BHP, to be built between the Gippsland basin and the developing markets of southern New South Wales, Canberra and Sydney.

This is a major project and is estimated to cost $350 million. It will create approximately 1000 jobs during its construction phase. The honourable member, along with his colleague from Gippsland South, have talked to me about this project, which they clearly support. It will be of considerable value to their electorates and to Victoria.

As the honourable member said, BHP is examining six different corridors and will decide on the most appropriate corridor after conducting feasibility studies of the cost and environmental effects of the project. I understand five of those corridors run through the member's electorate to the east, with one running parallel to the present line near Wodonga and Albury and thence on to Wagga.

The government strongly supports this proposition. It will be good for Victoria for a number of reasons. Although we have benefited for many years from the gas and oil from the Gippsland basin, that gas and oil will not last for ever and at some future time we will need to look for gas elsewhere. One of the means by which the infrastructure to bring gas from the North West Shelf or the Timor Sea can be afforded is by the building up of mature markets in the eastern states. The connection to Sydney and Canberra will build the maturity of that market and will eventually justify the cost of building that infrastructure so gas can be brought from the North West Shelf or the Timor Sea, or other new finds in Central Australia.

Various impediments have been raised. Although the government strongly supports free and fair trade in gas interstate, legislation and contracts have discouraged an interstate pipeline being built in the past, which has restricted competition between utilities.

It has also been a disincentive to exploration in Victoria. The government is very keen to encourage exploration for more hydrocarbons — oil, gas or both — being found in that basin.

A number of issues must be resolved before the pipeline can be begun. One impediment at the moment is the resources rent tax (RRT) issue, which was applied by the federal government in 1990 to Bass Strait. This was after clear commitments that the tax would not extend to Bass Strait, and that if there were an RRT imposed around Australia, it would be a tax on profit by the corporations concerned, wherever they happened to be, and would not be passed on to consumers.

However, Esso-BHP is in dispute and has been in dispute for some time with Generation Victoria and the Gas and Fuel Corporation because it wished to pass on this tax. The government implacably opposes this because what was intended to be a tax on profit by the producers would simply become a consumer tax and would clearly add to the cost of gas, which would have to be either absorbed by the public authorities contribution (PAC) in Victoria or possibly passed on to consumers in this state.

Were it to be taken up by the PAC as a state tax and passed on to Canberra, it would be taking a tax base away from Victoria, which nobody in this place would want to see.

This is a discriminatory tax against Victoria. Although it supposedly applies to all offshore operations around Australia, it would apply to only one other basin — namely, the North West Shelf, which has been declared exempt. This tax applies only to Victoria. It is a vexed issue. I am sorry to tell the honourable member for Gippsland East that this issue must be determined before the pipeline and the very valuable project can proceed.

The government has been working closely with the other members of the Council of Australian Governments to resolve a number of other issues such as regulations, third-party access, transparency of conditions and the use and misuse of power. These issues must be consistent throughout the states to ensure Victoria is in no way disadvantaged by the proposal. We wish any necessary regulations to be light-handed and not to affect the commercial viability of the project.

Finally, as to the sensitivity of the environment in the areas being considered, this is a major issue that must be determined to the satisfaction of the Victorian government and the commonwealth.
government, and it may take a little time to finally determine.

Having said all that, the government is very supportive of the commonwealth government's determination to have free and fair trade between the states and the development of natural gas fields, but I stress that is what the situation must be.

If Victoria is discriminated against, we will certainly strongly oppose that discrimination. We are determined that neither the government nor its consumers will be put at a disadvantage.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Murray Valley raised the issue of the progress made in the base plan for the restructure of the non-metropolitan urban water authorities. Today, in response to further consultation, the issues in north-east Victoria have been addressed and are in complete harmony with what I think the honourable member has been seeking since early September.

Rutherglen has been included in the proposed Upper Murray-Kiewa authority, where it was originally placed some two years ago. That will enable the Upper Murray-Kiewa authority to be a structure with financial viability within the parameters of the criteria set.

Also announced today was the inclusion of Benalla in the proposed Ovens authority, together with parts of Tungamah in the member's electorate. It has been decided to have the channel system provide consumers in the Tungamah shire. The system will be put in the hands of the Murray-Goulburn corporation, and when the rating base is corrected, it will be returned to a customer body of the people, who will be the beneficiaries of the system.

Now there are four major authorities in the Goulburn Valley and north-east Victoria, where there were about 15 previously. That will lead to a substantial outcome in the management of that area. There will be a strong capacity to undertake their own capital works program, given that each will have at least $10 million worth of revenue on which to structure those businesses. The outcome will be satisfactory, and one that I am sure in the long term will be of benefit to the consumers in the area.

Mr GUDE (Minister for Industry and Employment) — The honourable member for Preston raised a matter for the attention of the Minister for Housing in another place about properties sold by the Government Employee Housing Authority. His contribution was mainly based on ideological viewpoints. But I will take up the matter with the minister.

The Deputy Leader of the Opposition raised a matter for the Minister for Planning about a warning, I take it, from a Mr Croxford about quantity surveyors. He requested action under the Building Control Act. He made a particular play about freedom of association.

I cannot help but feel a smidgin bemused by that particular issue, given the fact that his party supports preference clauses in federal awards, which ensure there is compulsion.

Mr Dollis interjected.

Mr GUDE — The honourable member interjects; that is interesting because he is one of only three opposition members prepared to be part of the parliamentary proceedings at this time of the day, which gives a clear indication of its interest! The whip has now turned up. We now have four members of the Labor Party showing some interest. Of course, the Leader of the Opposition is one of those who is not here, but that is not unusual at this hour of the night, because we rarely see the Leader of the Opposition after question time.

Notwithstanding that, I will raise for the attention of the Minister for Planning the matter raised by the Deputy Leader of the Opposition. I am glad the honourable member for Keilor is back because as whip at least he demonstrates leadership, which the Leader of the Opposition never shows. At least he is here! The honourable member raised a matter for the Treasurer about the Victorian Council of Social Service. He inquired whether a booklet could be made available to all members of this house. I will direct that request to the Treasurer.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.59 p.m.
The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.04 a.m. and read the prayer.

PARLIAMENTARY REPORTS

Mr J. F. McGrath (Warrnambool) presented reports for the year 1993-94 of:
- Department of the Legislative Assembly;
- Department of the Parliamentary Library; and
- Department of Parliamentary Debates.

Laid on table.

AUDITOR-GENERAL

Consolidated fund

The SPEAKER presented statement of receipts and payments of consolidated fund and trust fund for year ended 30 June 1994, accompanied by report of Auditor-General and documents specified in section 47 of Audit Act.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:
- Docklands Authority — Report for the year 1993-94
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, September 1994 — Ordered to be printed.

ADJOURNMENT

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

That the house, at its rising, adjourn until tomorrow at 10.00 a.m.

Motion agreed to.

BUSINESS FRANCHISE ACTS

(AMENDMENT) BILL

Introduction and first reading

Mr Stockdale (Treasurer) introduced a bill to amend the business franchise acts and for other purposes.

Read first time.

PROPERTY LAW (AMENDMENT) BILL

Second reading

Debate resumed from 5 October; motion of Mrs Wade (Attorney-General).

Mr Brumby (Leader of the Opposition) — This is a significant bill to have come before the house, and I contemplate a long debate! The bill, which has been transmitted to the house from the Legislative Council, makes amendments to the Property Law Act 1958. It is worth noting that despite Parliament's busy schedule it can accommodate bills of this type. As the Attorney-General pointed out, this is a privilege bill by which Parliament asserts its authority over the executive.

The bill makes a number of changes to tidy up legislation. Although they may seem minor changes, they will improve the quality of the legislation. We do not intend to take up too much of the time of the house debating the bill. As I said, the bill is important in that it asserts Parliament's authority over the executive. I only wish there were more occasions when bills put Parliament's stamp of authority over the powers of the executive.

The bill, which the opposition supports, will come into operation on the day it receives royal assent. The other day the opposition analysed the number of bills it has opposed and supported. Despite the rhetoric about the opposition opposing and being negative, it revealed that well over half the bills introduced into the house are either supported or not opposed by the opposition, which tries to support good legislation.

I remind honourable members that more than 66 per cent of bills either receive support or are not opposed. We support the legislation and wish it a speedy passage.

Mrs Wade (Attorney-General) — I thank the Leader of the Opposition for his excellent
Mr THWAITES (Albert Park) — The opposition does not oppose the bill. The purpose of the Dentists (Amendment) Bill is to further protect public health, and that is achieved in two ways. Firstly, the bill allows incorporation into the regulation-making power under the Dentists Act national guidelines on the prevention of infection in dentistry.

Dentistry is an area of activity that involves some risk of transmission of infectious diseases and, in particular, HIV. The dental profession has taken a great deal of care over the years to ensure that HIV is not transmitted through dentistry. Indeed, while at times there is publicity about overseas cases of the transmission of HIV through dentistry, there does not appear to have been any such case in Victoria or Australia. The purpose of the bill is to ensure that does not occur, and it reflects the maxim that prevention is better than cure.

The guidelines that will be incorporated into the legislation are those of the National Health and Medical Research Council entitled Guidelines for the Prevention of Viral Infection in Dentistry. They cover such things as: universal precautions that need to be adopted; limiting surface contamination; the use of disposable equipment; personal hygiene in dental practices; personal practice and protection mechanisms that dentists and their staff can adopt such as wearing gloves; waste disposal — another important area; and needle disposal, which of course is important to avoid needle-stick accidents. That gives an indication of the range of issues covered in the guidelines, which will be incorporated under the widened powers provided in the bill.

The bill also includes a provision that gives the Dental Board of Victoria powers of entry into premises on the issue of a search warrant by a magistrate. The board will be given that power if it believes on reasonable grounds there has been a contravention of the Dentists Act or regulations on any premises. That power is appropriate; an adequate safeguard provides that the power must be exercised only on a warrant issued by a magistrate. There are situations where people have practised or purported to practise dentistry without being properly qualified. As I see it, that is the main purpose of the warrant power, but there will be other ways the power can be used to ensure that what occurs in dental practices is in accordance with all the regulations and guidelines that protect public health.

A concern was raised with me by certain dental technicians that the widened power could be used in a way that would in effect extend the regulation role of the dental board to cover dental technicians. However, I have been assured by the department and, indeed, by the Parliamentary Secretary to the Minister for Health, that that will not occur. On 30 September the parliamentary secretary wrote to me answering a number of questions I raised. I will read the answers to assuage any concerns that dental technicians may have. The first question was:

Does the amendment give the dental board authority or jurisdiction over the Dental Technicians Licensing Committee or the Advanced Dental Technicians Qualification Board?

The answer was:

The jurisdiction of the Dental Board is not altered. The jurisdiction of the Dental Technicians Licensing Committee and the Advanced Dental Technicians Qualification Board also remains the same.

The second question was:

Do the extra investigative tools and powers enable the dental board to make investigations into matters covered by the Advanced Dental Technicians Licensing Committee?

The answer was:

The extra powers do not change powers of inquiry under the Dental Technicians Act. The extra powers are to allow the dental board to investigate fully complaints about illegal or unsafe dental practices or to obtain necessary evidence to establish that an offence had been committed.
The third question was:

Do practitioners licensed under the Dental Practitioners Act 1972 remain under the authority of the board?

The answer was:

The authority of the Dental Technicians Licensing Committee and the Advanced Dental Technicians Qualifications Board remains the same.

The final question was:

Do the new powers to investigate under the Dentists (Amendment) Bill 1994 override the powers under the Advanced Dental Technicians Qualification Board?

The answer was:

The powers to investigate under the Dental Technicians Act 1972 remain the same.

From that response the opposition is satisfied that the powers of entry contained in the bill are only there to be properly used by the Dental Board to ensure that the act and regulations are being complied with. That additional power will not be used by the Dental Board to in some way extend its jurisdiction or authority over advanced dental technicians.

In conclusion, the opposition does not oppose the bill and believes it will make a small but nevertheless important contribution in the continued program to prevent the spread of infectious diseases in Victoria.

Mrs TEHAN (Minister for Health) — I thank the honourable member for Albert Park for his agreement not to oppose the bill. He did not actually support it, but from his remarks he obviously endorses its purpose, which is twofold: to give the Dental Board of Victoria additional powers to incorporate into regulations current national guidelines or other recognised standards relating to infection control at dental surgeries; and to give the board powers to enter and inspect dental premises when it has applied to a magistrate who has ordered a search warrant because there are reasonable grounds for believing that a breach of the act or the regulations has occurred. The Dental Board has sought these powers for some time.

As the honourable member for Albert Park indicated, it is important that the Dental Board, dental practitioners and dental practices keep in mind the ongoing need for raising standards, and the powers inherent in the legislation will give an opportunity to the Dental Board and dental practitioners to ensure very high standards of infection control, especially infection relating to HIV and its implications, both for the practitioners themselves and for the members of the public who attend private or public dental practices.

I thank the opposition for its support of the bill. I also recognise the work of the departmental officers who have worked hard to prepare this legislation and to ensure its passage through the house, and importantly, I thank the Dental Board of Victoria. It is an excellent group; its main purpose is to maintain ongoing standards of the profession in its dealing with dental practitioners, and through them members of the public. I have always found the Dental Board particularly good to work with. It is innovative, willing to self-regulate and willing to ensure that it is out in front seeking to maintain the very high standards that I have referred to.

I also recognise the assistance given by members of the Australian Dental Association, Victorian division, who worked very cooperatively with members of the dental health unit in the Department of Health and Community Services, who in turn worked with the bureaucrats in the department to ensure that the legislation is precise, meets the needs of the dental profession and ensures that through the board and its associations the high standards of dental services in this state are maintained.

Motion agreed to.

Read second time.

Passed remaining stages.
complements the commonwealth regulation of therapeutic goods. Much of the bill mirrors the commonwealth legislation. One has only to look at the way many of the commonwealth provisions are drafted to see that plain English is certainly foreign to some of the drafters in Canberra. To understand which goods the legislation covers one has to follow through a complicated trail of sections and somewhat obtuse drafting.

Nevertheless, as I understand from the helpful briefing I received from a departmental officer, in broad terms therapeutic goods are pharmaceuticals and medical equipment. Since the late 1980s therapeutic goods have been regulated under a commonwealth scheme. Therapeutic goods and manufacturers of therapeutic goods are required to be registered under a commonwealth registration system.

The commonwealth legislation covers all manufacturers that are incorporated or involved in interstate trade. However, as a result of constitutional limitations, the commonwealth legislation may not cover manufacturers that are unincorporated and trade intrastate — that is, within Victoria. Accordingly this bill has been introduced to mirror the commonwealth legislation and to cover any constitutional gaps in that legislation. The effect of the bill in that regard will be to ensure that any manufacturers of therapeutic goods that are unincorporated and that trade intrastate and the goods they manufacture have to be registered under the commonwealth system.

The bill has some additional provisions that do not simply mirror the commonwealth legislation. It provides that wholesalers of therapeutic goods are required to be licensed under a Victorian scheme. I understand that would not apply to wholesalers who are already licensed under the Drugs, Poisons and Controlled Substances Act, but if they are not licensed under that act they would need to be licensed in Victoria. That provision follows a similar provision in the New South Wales legislation that has been in existence for some 20 years. It also reflects the type of provision found overseas and indeed the European Community has a similar provision for the licensing of wholesalers.

The licensing provisions ensure safer storage conditions of the therapeutic goods. They also assist in the facilitation of recalls of therapeutic goods that may be defective in some way. Again, it is essentially part of the means of protecting the public.

The legislation contains two additional provisions which concern the opposition: clauses 16 and 17. Clause 16 relates to the hawking of therapeutic goods. Clause 16(1) states:

A person must not, without the written consent of the Chief General Manager, supply therapeutic goods in a street or from house to house.

The definition of 'therapeutic goods' in the bill is somewhat obtuse — —

Dr Naphine — Because your Canberra colleagues wrote it!

Mr THWAITES — That definition covers, among other things, condoms. The opposition would be very concerned if this clause required the written consent of the chief general manager for the supply of condoms either in a street or from house to house. I note that the clause refers to the supply not the sale of therapeutic goods. The concern I have is that this could well cover the supply of condoms by the Salvation Army, the Prostitutes Collective of Victoria or other organisations to sex workers in the streets of Melbourne. That would be inconsistent with the National HIV/AIDS Strategy which has a clear statement in support of the easy availability of condoms. The Legal Working Party of the Intergovernmental Committee on AIDS produced a strategy, to which I understand the Victorian health department and the minister are signatories. It states:

High-quality, low-cost condoms should be widely advertised and made available for sale in Australia in as many sites as possible, including supermarkets, service stations, restaurants, hotels, clubs, shops other than pharmacies, by mail order and vending machines. To help achieve this, existing legislative barriers at a state and territory level which restrict the distribution, promotion, advertising or sale of condoms should be repealed.

Clause 16 appears to do exactly what the strategy recommends against. It appears to restrict the distribution of condoms. As the local member for Albert Park, I recognise the important role that outreach workers from the Prostitutes Collective and other organisations play in providing condoms to sex workers and the important part that plays in reducing the spread of sexually transmitted diseases.

On the face of it this clause appears to limit that distribution. As I understand it, the proposed legislation is designed to control the distribution and use of non-prescription medical goods. It would be
unfortunate if some unforeseen consequences of the legislation made it inconsistent with the National HIV/AIDS Strategy. It could also lead to uncertainty as to the legality of actions that have been taken by the Prostitutes Collective and others, and that would be a disincentive to them to continue their very good work. The bill would make it an offence to breach the provision and a penalty of $1000 would apply. Those people working in the field would clearly be discouraged from continuing their work.

These are not just empty statements. There have been instances in America where the illegality of the distribution of needles has led to a reduction in the distribution of those needles which is contrary to proper AIDS strategies. I seek from the minister some assurance that this clause will not be used in any way to hamper the distribution of condoms via the Prostitutes Collective or other organisations. Perhaps some amendment is required.

Although I understand clause 9 gives the minister power to exempt classes or persons or goods from any of the provisions in the legislation, that is always subject to the decision of the minister of the day and political pressures that arise at that time. The opposition believes the important National HIV/AIDS Strategy should be supported in legislation and should not be the subject of ministerial order.

The other clause that the opposition is most concerned about is clause 17 which provides that:

(1) A person must not, without the written consent of the Chief General Manager ... supply therapeutic goods by means of a vending machine.

Exactly the same problems arise with this clause as arose with the previous clause because on its face it would appear to limit the supply of condoms by means of vending machines.

I have referred to the Intergovernmental Committee on AIDS. I refer also to the National HIV/AIDS Strategy, a policy information paper published by the federal Department of Community Services and Health. On page 42, under the heading 'Condoms', the following appears:

The proper use of condoms greatly reduces the risks involved in sexual activity. However, condoms vary widely in quality and, in some states, there are limitations on condom availability. Legislation exists in some states which prohibits the unsolicited distribution of condoms. Appropriate standards will be maintained and applied to all condoms in order to ensure that condoms are a barrier to HIV infection. As part of the process of encouraging the use of condoms as an HIV prevention strategy, state authorities should remove limitations on the sale, distribution and advertising of condoms. If condoms are to play a major role in prevention of HIV infection it is essential they be available in a wide range of settings. The government will take action to ensure that condoms are available in public places over which it has jurisdiction (e.g. airports).

That government is, of course, the federal government. I emphasise the statement in the National HIV/AIDS Strategy that:

State authorities should remove limitations on the sale, distribution and advertising of condoms.

Unfortunately, the bill does exactly the opposite. It imposes a restriction that was not otherwise there. It imposes a restriction and provides that vending machine operators must obtain the written consent of the Chief General Manager of the Department of Health and Community Services before supplying condoms via vending machines.

The minister’s second-reading speech made reference to the issue:

By ministerial order made under clause 9 of the bill, condom-vending machines which comply with specified storage conditions and location requirements will be permitted.

The opposition’s view is that it is quite reasonable for such an order to specify storage conditions because the storage conditions of condoms relate directly to therapeutic goods — that is, to ensure the safety of those goods and the protection of public health. However, the opposition does not believe it is a appropriate that the location of condom-vending machines should be in effect limited by either the proposed legislation or the ministerial order. Indeed, to do so would be in direct contravention of what appears in the National HIV/AIDS Strategy, which states in part:

... state authorities should remove limitations on the sale, distribution and advertising of condoms. If condoms are to play a major role in the prevention of HIV infection it is essential they be available in a wide range of settings.

The problem with the location requirement is that pressure will be brought to bear on any minister not to place condom-vending machines in certain
locations. That political pressure will be applied and that decision will be made on the basis of moral or political views — —

Mrs Tehan interjected.

Mr THWAITES — Or, as the minister says, community views, rather than on the basis of the health needs of the community. In recent days we have seen evidence of the pressure this government can come under on similar issues. The Scrutiny of Acts and Regulations Committee recommended in a bipartisan decision that the Equal Opportunity Act be amended to outlaw discrimination on the basis of sexuality. That recommendation was made after many months of hard work by all members of the committee, including many hours of public hearings at which evidence was heard from experts. However, it now appears that political pressure is being brought to bear to persuade the government to reject the clear recommendations of the committee.

Dr Naphthine interjected.

Mr THWAITES — Indeed, that august journal, the Herald Sun, which I do not think has yet been called 'the Labor Star in drag', refers to this issue under its front-page headline, 'Gay law row':

New anti-discrimination laws have been stalled by a fierce campaign by state government MPs who say homosexuals could win access to IVF technology and adoption.

The Liberal and National Party MPs want major changes to a planned rewriting of the Equal Opportunity Act.

Dr Naphthine interjected.

Mr THWAITES — The honourable member for Portland says this is a case of imaginatis. The recommendation to amend the Equal Opportunity Act was made last November, I believe. Yet almost 12 months later the government has done nothing. Honourable members know the reason why that is so. Pressure has been brought to bear on the minister not to implement the recommendations of the committee.

The SPEAKER — Order! It is probably the Chair's fault, but it is having difficulty relating the honourable’s remarks to the bill. Perhaps the honourable member would be kind enough to explain to the Chair how his remarks relate to the bill before us.

Mr THWAITES — The basis of my remarks is that it is inappropriate for the bill to require condom-vending machine operators to obtain the chief general manager's permission to dispense condoms. It is inappropriate for the minister to impose location requirements on condom-vending machines such as those because that requirement is inconsistent with the National HIV/AIDS Strategy.

The point I am making is that a minister in such a position will come under political pressure to not allow condom-vending machines to be located in certain places, just as the government is being put under political pressure to not accept the clear recommendations of the Scrutiny of Acts and Regulations Committee. That committee has made clear recommendations which have now been ignored for 11 months. As I understand it, that is a breach of the Parliamentary Committees Act. By not giving her response to the committee’s recommendations to Parliament, the minister has not complied with the act. We know the reason why. It is because gay rights is an issue that many honourable members opposite have trouble coming to grips with. They are imposing their morality on the health of people. That is a very dangerous thing — —

Mrs TEHAN (Minister for Health) — On a point of order, Mr Speaker, the parallel the honourable member was drawing — —

The SPEAKER — Order! If she refers to the standing orders, the minister will be aware there is no point of order. If she wishes to refute what the honourable member is saying, she may do so in her summing up of the second-reading debate.

Dr Naphthine interjected.

Mr THWAITES (Albert Park) — I hope honourable members opposite will get up and say there has not been any political disputation about the issue in the party room.

Dr Naphthine — It hasn’t even been discussed.

Mr THWAITES — No, the issue of equal opportunity — —

Dr Naphthine interjected.

The SPEAKER — Order! I believe the honourable member for Albert Park is straying from the bill. It is permissible for him to make a passing reference, but he should come back to the bill.
Mr THWAITES — Let us make it quite clear what the issue is. This is a health bill, not a morality bill. The opposition is concerned that the government will be forced by some of its more redneck backbenchers to turn the Therapeutic Goods (Victoria) Bill into a morality bill.

The minister has resisted pressures to back away from a national approach to AIDS, for which I compliment her. Recently the Premier seemed to be supporting the naming of people who are on the HIV register. He now appears to have dropped that proposal, which is very sensible. If his proposal had gone ahead, it would have been absolutely disastrous for the health of the community.

When issues that relate to sexuality are raised, a lot of ignorant people seek to bring pressure to bear on ministers which, if acted on, could seriously damage the health of the community. At the very minimum I seek a statement from the minister about the ways in which the location of condom-vending machines will be limited. Will condom-vending machines not be allowed, for example, in places where young people congregate? Once again that would be inconsistent with the AIDS strategy. Are you, Minister, saying that condom-vending machines can never be placed in schools? Are you saying there will be no condom-vending machines in clubs and discotheques? You can close your eyes to the problem; but if you do, the result will be that AIDS and HIV infection will rise.

Australia has such a good record in preventing the spread of HIV because it has been prepared to put aside moral views and look only at the health issues. Unfortunately this bill — clauses 16 and 17 in particular — seems to open the door to bigots and others who are ignorant of proper health practices, allowing them to pressure the minister into introducing a strategy that is clearly inconsistent with the health needs of the community. Once again, the intergovernmental committee on AIDS, to which I made reference in talking on the hawking clause, is very relevant to clause 17:

... existing legislative barriers at a state ... level which restrict the ... advertising ... of condoms should be repealed.

It appears the clause does quite the opposite; in fact, it imposes a restriction.

The second-reading speech says there had been consultation on the bill, but there has been no consultation with affected groups about that provision. I contacted the Victorian AIDS Council, which said it had never heard of the provision. I contacted the Prostitutes Collective of Victoria, which said the same thing. I would have thought that a bill that imposes a penalty and makes an offence of activities that are currently being undertaken with the support of the Prostitutes Collective and the Victorian AIDS Council would have warranted consultation, but no such consultation has occurred. I can only hope the government does not intend to in any way limit the supply of condoms through condom-vending machines or street programs.

Unfortunately, the legislation offers no confirmation of that. What we are left with is merely a statement about a ministerial order that can be made under the bill — but it contains no details whatsoever. We know nothing about the storage conditions or what the location requirements will be. All that has been left up in the air, and the community can only assume that the government is intent on proceeding down a path that is contrary to the National HIV/AIDS Strategy.

The Scrutiny of Acts and Regulations Committee commented on clause 9, to which I will refer in conclusion. The committee is concerned that the clause is too wide in that it does not — —

Dr Napthine — It is ironic.

Mr THWAITES — It is, I agree.

Dr Napthine interjected.

Mr THWAITES — As a matter of legislative drafting practice it is ironic that that clause allows the minister to exempt any class of persons and any goods from any provision in the legislation. It was the view of the committee that the terms of the clause were too wide and that it would be more appropriate to limit the power to clauses 16 and 17, which raise the problem. Otherwise a minister could, without reference to Parliament, simply repeal the act.

That is contrary to paragraphs (ii), (iii) and (iv) of section 4D of the Parliamentary Committees Act which state that clauses should not make rights, freedoms or obligations dependent upon non-reviewable administrative decisions, or insufficiently subject the exercise of legislative power to parliamentary scrutiny.
Mrs Tehan — That would be an even more difficult definition, if you are exempting certain goods. Imagine how obtuse the definition would then become.

Dr NAPTHINE (Portland) — I thank the honourable member for Albert Park for his support of this bill. I wish to speak firstly about the overall context of the bill and then address some of the particular issues the honourable member for Albert Park raised about the relationship between clauses 9, 16 and 17.

It is important to put in context the purpose of the bill, why it is before the house and how it will benefit the Victorian public. The context is that Australia has a system of registering and licensing therapeutic goods. Therapeutic goods cover a wide range of things. Given your background as a pharmacist, Mr Speaker, you would be aware of the extent of that coverage.

Therapeutic goods cover band-aids, walking sticks and physical aids for people who have disabilities or who require some assistance in their mobility. They also cover medicines, natural medicines and a whole range of other things at the other end of the spectrum. They also cover a whole range of things in between including, as the honourable member for Albert Park has focused on, condoms.

A few years ago the sensible decision was made to control therapeutic goods at the commonwealth level. Prior to that, each state had its own individual registration system for therapeutic goods, which caused huge costs and dislocation for manufacturers who had to meet different registration, labelling and distribution requirements in each state.

It was agreed between the states and commonwealth that such registration schemes should be brought together under the one commonwealth system, which would be more efficient and effective and therefore provide greater protection for the public.

In all our legislation on therapeutic goods we must remember that the bottom line is to protect the public of Victoria and Australia so they can confidently buy registered or licensed therapeutic goods which will at least do them no harm and which, they hope, should be effective in doing what the manufacturers proclaim the goods are able to do in providing relief or treatment for illness or disability.

The public is concerned about protection. We have agreed to this at the commonwealth level in the interests of not only manufacturers but all Australians.

A fundamental gap in that approach was discovered — namely, that the commonwealth has limited jurisdictional power in two minor but significant areas. One is minor in that the relevant goods constitute only a small percentage of the therapeutic goods industry; but it is significant, because if the gaps are left open there is an opportunity for people to produce therapeutic goods that are not in the public interest and not able to be controlled.
Those gaps occur because, under its constitution, the commonwealth cannot have any control over individual persons who are not incorporated or in partnerships. So unless those persons are incorporated or are in partnerships the commonwealth has limited power.

The second component is that the commonwealth has no jurisdiction over a person who trades within only one state — for example, Victoria — sells products within only one state, and is not incorporated. In other words, if a small number of individuals make therapeutic goods and trade only within one state, the commonwealth legislation, to which all states and territories have agreed, has no application. That applies to only a small component of the therapeutic goods industry, suggested to be between 2 and 5 per cent; nevertheless, it is important that Victoria and every other state and territory have legislation that covers that gap.

That is why the bill is before the house. The legislation complements and mirrors the commonwealth legislation by covering those who are unincorporated and trade in therapeutic goods only within Victoria and ensures they are subject to the commonwealth requirements that apply to every other company or person who makes therapeutic goods. That is a logical and sensible move, which is supported by the broader community and the opposition. The legislation deliberately mirrors the commonwealth legislation.

The honourable member for Albert Park raised concerns about the convoluted nature of the measure. I agree; it is probably the most tortuous reading of legislation I have had the displeasure of experiencing. Commonwealth parliamentary counsel should examine a more simplified way of writing of legislation, which should be easy for Australians to read and understand. Unfortunately, we have had to copy the commonwealth's legislation to ensure it is complemented in Victoria.

We also received comments from a number of different groups, each of which indicated its support. I refer to a few of those to give the house an indication of the support for the legislation and the extent of the consultation process.

Raymond Khoury, the secretary of the Federation of Natural and Traditional Therapists, wrote to us on behalf of the federation. His letter of 21 September 1994 says:

As the Victorian legislation has the same exemption as the commonwealth legislation for natural therapy practitioners, I do not expect that you will be inundated with submissions.

He goes on to indicate the federation's support for the measure.

The Australian Pharmaceutical Manufacturers Association expressed support. In her letter, Ms Janice Hirshorn, director, scientific and technical affairs, said:

APMA appreciates the comprehensive thought that has gone into the development of this ground-breaking legislation.

The letter includes comments that we examined and took on board where appropriate. The association said it looked forward to the implementation of the legislation as an important part of the national system.

The Australian Natural Therapists Association Ltd, writing through Ms Marni Morrow, national president, says:

The Australian Natural Therapists Association supports the Therapeutic Goods (Victoria) Bill in principle. It is important that our practitioners can be assured of the quality of their natural therapy products. This bill will ensure that our patients are also protected.

The National Pharmaceutical Distributors Association, through the executive director, Mr Doug Ferguson, says:

Thank you for the above draft. We have no suggestions for either deletions/additions or alterations to the draft.

The Medical Industry Association of Australia, writing through the chief executive officer, Mr Vallance, says:
Generally we have no problems with the draft document.

The Australian Alliance of Traditional Chinese Medical Health Practitioners Associations (Vic), writing through Mrs Glenys Savage, says:

In the main we understand that practitioners can continue to prescribe therapeutic substances for use for their clients and this situation is not affected by the new regulations.

She says the association welcomes the legislation.

The Australian Medical Association (Victorian Branch) Ltd, through Dr Mason, executive director, writes:

We have noted the complementary nature of the bill and the additional provisions in line with those operating in New South Wales.

Generally speaking, there has been widespread support for the legislation as it fits into the overall scheme of things. A number of groups, particularly those involved in natural therapy and the traditional Chinese medicine industries, sought clarification about a number of issues. We are able to assist them. Neither this legislation nor the commonwealth legislation affects the rights of an individual practitioner to prescribe medicines directly to individual clients. This legislation pertains only to products available on the market in a general form, but there is an exemption for general practitioners to prescribe for individual clients. That is an important component of the industry.

The honourable member for Albert Park raised issues particularly about clauses 16 and 17 relating to the hawking of therapeutic goods supplied by vending machines. It is important again to put the comments of the honourable member for Albert Park in context. While condoms are an important therapeutic good and have a significant and important role to play, not just in issues of family planning but also in the more important area of public health, they are a small component of the wide variety of goods available as therapeutic goods. Therefore the legislation has to cover that broad variety of therapeutic goods rather than being written specifically for one out of thousands of therapeutic goods.

Mr Micallef — Why don’t you exempt condoms?

Dr NAPTHINE — The honourable member for Springvale asks why we don’t exempt them. The minister made it clear in the second-reading speech that under clause 9 there are powers to exempt condoms and that there will be a different approach to vending machines and condoms. If the honourable member for Springvale would like to participate in the debate he is most welcome, but we should have a cooperative rather than an antagonistic approach.

The issues raised by the honourable member for Albert Park such as hawking and distribution of condoms via groups such as the Prostitutes Collective can be taken on board and considered. It is important that they be considered in that context.

It is also important when talking about condoms, hawking and vending machines to note that condoms are a somewhat fragile therapeutic good. People have been educated over a number of years that it is not appropriate to carry condoms in the glove box of their car or in their wallet for months on end; it is not appropriate to place them out in the sun or in the open. It is important that condoms be effective in what they do because we would hate to give people a false sense of security and safety. Therefore an important role to play is ensuring that any groups involved in the distribution of condoms are acutely aware of the need for proper storage and handling of those products to ensure that they are effective.

It is also important to ensure that the location of vending machines is appropriate. For example, it would be totally and utterly inappropriate for somebody to suggest putting a condom-vending machine on Albert Park beach out in the full sun because the products in the vending machine would quickly become damaged. People would have a false sense of security. Similarly, in controlling vending machines it is important that people supervising them replenish supplies continually, remove products that have passed their use-by date and ensure that products dispensed by the machines, whether condoms or other therapeutic goods, are able to do the task for which they are intended.

The honourable member for Albert has raised the location of vending machines and suggested that this will become a morality point. That is stretching the bow absolutely to the limit. I think someone made the comment that that was like going bungee jumping on Robert Ray’s elastics! It is stretching a long bow to suggest this would become a morality bill because of clauses 16 and 17. It is important that
the opposition and the community recognise that the minister has already clearly indicated in the second-reading speech a commitment to ensuring that condoms are readily available and accessible to people who need them, ensuring public health.

Mr Thwaites interjected.

Dr NAPTHINE — The indication in the second-reading speech is that powers under clause 9 will be used in respect of condom-vending machines. There are concerns within the community about the location of condom-vending machines, as there are concerns about the location of brothels and other things. Community concerns about the location of condom-vending machines perhaps close to kindergartens, primary schools or churches are legitimate and must be considered by the minister. It is absolutely appropriate that the minister have such power under the order to control not only the storage conditions of condoms in vending machines but also the location of vending machines.

It is interesting to note that this power parallels a power introduced in New South Wales in 1985, I believe by the Wran Labor government, for a similar purpose regarding condom-vending machines. It is also of note that what is being sought in November is a national approach to this matter, which is the right and sensible path to take.

It is ironic that the honourable member for Albert Park expressed concern about the need for flexibility in the public interest with regard to the implementation of clauses 16 and 17. He went further in his speech to express concern about clause 9, which gives the minister the flexibility that the honourable member is complaining is lacking in clauses 16 and 17. I referred to the matter to the Scrutiny of Acts and Regulations Committee, which wrote to the minister on 18 October expressing concern about the extent of the flexibility under clause 9.

In response to that the honourable member for Albert Park later complained about and, through the Scrutiny of Acts and Regulations Committee, raised concerns about.

There is an absolute need in this area of public health to have flexibility and quick responsiveness. Going through legislative or other regulatory procedures cannot provide a quick response on public health issues; the issue might be something quite different from condoms in six months time. Clause 9 provides the Victorian minister the flexibility to implement the necessary public health measures in regard to therapeutic goods in the interests of the people of Victoria.

The other very sensible reason that clause 9 is in the bill is that it is a prudent insurance policy for the people and the government of Victoria now that the responsibility for the provisions of therapeutic goods legislation, as I outlined earlier, has been handed over to the federal government. Clause 9 gives the Victorian minister the flexibility and power to have some say on how that is administered in this state.

If there were any need — I cannot see it at this stage — to adjust the national scheme for Victoria, clause 9 provides that flexibility. It is a sensible and logical addition to the legislation.

The issues raised by the honourable member for Albert Park on clauses 16 and 17 are sound. It is important that the minister and the government do not jeopardise in any way, shape or form the very effective work that has been done in Victoria and Australia over many years to prevent the spread of AIDS. Victoria and Australia have an extremely proud record on a world basis in reducing the incidence, spread and prevalence of AIDS in our society. Many people can take credit for that. There is no intention that the bill should be a morality bill to try to reduce the effectiveness of the campaign against the spread of AIDS. The honourable member for Albert Park legitimately raised those concerns and he can be assured that the bill will not be used in any of those ways.

The purpose of the bill is essential to fill a gap in commonwealth legislation caused by the limitation in the commonwealth constitution to cover a small component of the therapeutic goods industry. The bill will protect members of the Victorian public by including them in an Australian scheme in respect of therapeutic goods, and that will be in the public interest. The bill deserves our support.
Mrs TEHAN (Minister for Health) — I thank the honourable member for Albert Park for his contribution to this important bill. Although therapeutic goods are a component of health service provision, they do not get a great deal of recognition. They play an important role in the provision of medicinal and other goods used to treat people and either restore their health or maintain their health and wellbeing at the best possible level.

The honourable member for Albert Park was concerned about two matters relating to the impact of clauses 16 and 17, but not about therapeutic goods in general. I presume, by implication, he saw the need for a restriction on the hawking of vending machines for most therapeutic goods, but he referred only to those concerning condoms. He was right in saying that condoms were not singled out in commonwealth legislation, nor were those provisions. The provisions were included in the bill as a result of the recommendations of the National Coordinating Committee on Therapeutic Goods, which was convened for the purpose of examining the legislation. It recommended that the complementary state legislation contain appropriate provisions to address the problems of vending machines and door-to-door sales.

The honourable member for Albert Park argued about the need for the availability of condoms as part of the national and state action to reduce the incidence of HIV infection and AIDS in this country. He indicated that part of that national strategy was to ensure the availability, where appropriate, of a sufficient standard and quality of condoms, as a part of the overall strategy to minimise the spread of that infectious disease.

The honourable member for Portland gave a clear outline of the purpose of the legislation and of the ways in which clauses 16 and 17 provide for the use of ministerial powers or the powers of the chief general manager of the health department to apply exemptions. As the honourable member pointed out, the matter was addressed in my second-reading speech, which states:

 Controls over the supply of therapeutic goods via vending machines and by hawkers, which were previously controlled only in relation to poisons and controlled substances, are now also provided. By ministerial order made under clause 9 of the bill, condom-vending machines which comply with specified storage conditions and location requirements will be permitted.

The honourable member for Portland spelt out clearly the need for the optimum specified storage conditions and for legitimate community debate on the appropriateness of location requirements. It is important when an order for goods is provided that both those requirements are taken into account.

The National Coordinating Committee on Therapeutic Goods indicated a need for a uniform approach in the way in which exemptions for hawking and vending machine requirements will be provided. It referred to the general exemption given by ministerial order referred to in clause 9, which follows the New South Wales orders, and which the honourable member indicated were introduced in about 1985.

At its meeting next month the coordinating committee will consider how to promote a uniform approach for the exemptions. In other words, commonwealth legislation generally covers the whole of therapeutic goods: their quality; their requirements; and their need for supply and distribution. The states are examining a very small component of their need to be involved in the legislation to control therapeutic goods — that is, how it is to relate to individual suppliers within a given state and filling the gaps that are not covered by the powers in the commonwealth jurisdiction. The committee is also addressing uniform coverage of exempted areas.

As the honourable member for Portland said ongoing discussions have taken place with other states to obtain uniform complementary legislation. The final component is the necessary exemptions via ministerial orders or exemptions under the powers of the Chief General Manager of the Department of Health and Community Services relating to condoms as public health products, especially in relation to the transmission of HIV and AIDS. Again we will seek uniform exemptions. That is why the order referred to in the second-reading speech specifies precisely the storage conditions and location requirements. Once those two requirements have been satisfied the exemption will be made.

I look forward to the outcome of the discussions at the next meeting of the coordinating committee to be held next month where I will receive advice on how we should frame the order. I endorse the remarks made by both previous speakers that Victoria and Australia have a proud record in educating the community and controlling and reducing the spread of HIV and AIDS. I do not doubt that Australia and, to a large degree Victoria, are world leaders in their
efforts to significantly reduce the anticipated high growth of the disease, causing it to plateau at almost acceptable levels. I qualify that by saying that any disease — and certainly one as rapacious and with the outcomes of HIV — should not be accepted, even at an extremely low growth level.

However, compared to the levels of infection in other areas, and the comparisons perhaps should be predominantly with western or OECD countries, Australia has a very good record. It is certainly not my intention that it be in any way jeopardised by a curious quirk arising from this otherwise very broad and widely supported legislation.

To confirm Australia's excellent reputation in the efforts it has made to reduce the incidence of HIV and AIDS, earlier this year I had the privilege of spending some time with the Surgeon General, who is the head of public health in the United States. She was very forthcoming in her recommendation and her acknowledgment of what Australia had been able to achieve. She was certainly interested in the cooperative arrangements that our public health authorities had undertaken in dealing with members of the gay community by seeking to find ways the people most at risk could be part of the educative and community-based strategy that has been predominant in the successful strategy to keep the Australian levels of the disease at — certainly by comparison with other countries — acceptable levels.

As the honourable member for Portland indicated, there has been widespread consultation with a whole range of people interested and involved in therapeutic goods, including groups and organisations involved in natural therapy. The use of natural therapy products is becoming more prevalent not only within the group of newcomers to the Australian population but even among the Anglo-Saxon people of this country.

Recent indications have shown that more and more people are looking to alternative medicines and ways of providing traditional medicinal remedies as an alternative to the more restricted or predominantly medically based remedies that have been the tradition of the Australian therapeutic goods and medicinal producers.

I think there will be many more debates, discussions and perhaps changes to legislation as the community begins to ask for recognition of the more natural and alternative styles of medication and products.

In conclusion, I acknowledge the contribution made to the debate by the two speakers, who spelt out the main purpose of the legislation. I know the officers in the department — especially Heather Holt in the legal department and David Newgreen in our policy department — have spent a lot of time on the legislation. It is difficult to get legislation that will complement commonwealth legislation and meet the needs of commonwealth officers, and it is the first of a series of complementary measures across the states. In terms of our plain English drafting we are light years ahead of the commonwealth, which has been part of the difficulty in dealing with this legislation.

However, the bill has now come to this place and it will have the approval of both parties. It will now become part of the coverage by and have the protection of our overall health and medical system in terms of how it relates to therapeutic goods. I am pleased that this outcome has at last been decided upon.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr MICALLEF (Springvale) — I will make a few brief comments on the purposes of clause 1. After listening to the debate I think it is very good that we are moving towards a national system. We are benefiting by shrugging off the remnants of colonialism, and the way we used to act as individual states is fading into oblivion. The benefits of having a national scheme in relation to issues like therapeutic goods can be seen. I was a member of the Social Development Committee's inquiry into alternative medicine and therapeutic goods, which was interesting and showed that there needs to be control of the registration of the various devices that come on to the market from time to time, because people try to exploit the vulnerability of others by presenting something that they say will give them a whizzbang recovery from a whole range of ailments. That inquiry spelt out very strongly the need for a national system and for control of therapeutic goods.

I was also pleased to hear the minister talk very positively about natural therapies. In the old days we used to call them alternative therapies, but I
THERAPEUTIC GOODS (VICTORIA) BILL

THW AITES (Albert Park) - This amendment relates to clause 9, which gives the minister power to exempt certain goods. The clause was discussed in the second-reading debate and, when closing the debate, the minister said it would be appropriate when the orders proposed in clause 9 are made that legitimate community debate on location requirements will be taken into account. I express concern about the definition of 'legitimate' community view. There is not a single community view; there is a range of views out there. I can go to certain sections of the community that will say condom-vending machines should be very widely spread with no limit at all on their location. However, other sections of the community would have contrary views. I would be interested in the minister's definition of the community view of the location of condom-vending machines and, in addition, the viewpoint she will take to the National Coordinating Committee on Therapeutic Goods about the appropriate location of condom-vending machines.

The minister said the national committee would be meeting next month to determine how to meet the location and storage requirements. I ask the minister
to advise the viewpoint she will put to the committee on the appropriate location requirements for condom-vending machines.

Mrs TEHAN (Minister for Health) — The honourable member for Albert Park has asked for my view on implementing the order when recommendations come back from the National Coordinating Committee on Therapeutic Goods. The committee seeks a uniform approach. I certainly see that as a matter upon which I will give serious consideration. The whole purpose of the legislation is to have consistency and uniformity, so we will seek to comply with that.

I have in mind ensuring that the requirements associated with storage conditions and the geographical placement of vending machines that are currently in place continue, and that any further applications for additional machines use the same criteria that have been used to date in the placement of the existing vending machines.

Amendment agreed to; amended clause agreed to; clauses 4 to 45 agreed to.

Clause 46

Mrs TEHAN (Minister for Health) — I move:

2. Clause 46, page 44, lines 6 and 7, omit “in relation to therapeutic goods that are a poison or controlled substance,”.

3. Clause 46, page 44, lines 10 and 11, omit “in respect of that poison or controlled substance”.

Mr THWAITES (Albert Park) — The concern I have about the amendments relates to a situation where a company that may have a licence under the Drugs, Poisons and Controlled Substances Act also wholesales a therapeutic good which has nothing to do with the licence under that act. It appears that in that circumstance the company would not require any licence.

Although that appears to be the purpose of the amendments, it seems to be inconsistent with the thrust of licensing the wholesaling of therapeutic goods. Due to the size of companies these days I should have thought a large company could have one arm dealing with a particular drug which requires some licensing under that provision and another arm in a different geographical location with different management wholesaling therapeutic goods.

The legislation imposes a number of requirements for those wholesalers, including storage requirements. One of the proposed amendments will control the storage, handling and supply of goods and the stock control measures that are to be employed. The arm of the large company I have posited may not have proper measures for the storage, handling and supply of goods even though it is licensed for a completely different product under the Drugs, Poisons and Controlled Substances Act.

Although I am not seeking to add unnecessary regulation it seems to me that the original provision in the bill which covered this point was preferable because under the bill that was originally introduced such a large company would have separate licensing if the therapeutic goods area had nothing to do with its licensing under the Drugs, Poisons and Controlled Substances Act.

Mrs TEHAN (Minister for Health) — As the honourable member said, the purpose of the amendments is predominantly to ensure that there is no dual registration, as such, by wholesalers who hold one of the specified licences under the Drugs, Poisons and Controlled Substances Act but supply therapeutic goods unrelated to drugs, poisons or controlled substances to which the licence relates. The matter the honourable members raises is legitimate, and I propose that we discuss it with parliamentary counsel while the bill is between here and the other place.

Amendments agreed to; amended clause agreed to.

Clause 47

Mrs TEHAN (Minister for Health) — I move:

4. Clause 47, lines 12 to 16, omit paragraph (d) and insert —

“() identify the measures proposed for the control of the storage, handling and supply of the goods and the stock control measures that are to be employed; and”.

Amendment agreed to; amended clause agreed to; clauses 48 to 63 agreed to.

Clause 64

Mrs TEHAN (Minister for Health) — I move:

5. Clause 64, lines 13 and 14, omit “in relation to therapeutic goods that are a poison or controlled substance,”.
6. Clause 64, lines 17 and 18, omit “in respect of that poison or controlled substance”. Amendments agreed to; amended clause agreed to; clauses 65 to 75 agreed to.

Clause 76

Mrs TEHAN (Minister for Health) — I move:

7. Clause 76, line 19, omit “sale” and insert “supply”. Amendment agreed to; amended clause agreed to.

Clause 77

Mrs TEHAN (Minister for Health) — I move:

8. Clause 77, line 32, after “the person was” insert “a sponsor”. Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Passed remaining stages.

ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL

The SPEAKER — Order! I have examined the Royal Agricultural Show-grounds (Amendment) Bill and am of the opinion that it is a private bill.

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

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Second reading

Debate resumed from 5 October; motion of Mr Gude (Minister for Industry and Employment).

Ms Marple (Altona) — When members speak on bills in the house most of us feel the bill is important and place stress on that. The Royal Agricultural Show-grounds (Amendment) Bill is important to all Victorians, both rural and city. The show is a major event in Victoria in general and in Melbourne in particular because it brings rural and city people together. I will explore that point in my contribution to the debate.

The minister said in his second-reading speech:

This bill will assist the Royal Agricultural Society of Victoria in its corporate restructure to be better placed to successfully undertake its business responsibilities.

The show has a long history and is still part of our community activities. It has just taken place in Melbourne as it has traditionally at the beginning of the spring. I doubt if there is anyone in the house who has not been to a Royal Agricultural Show, but if any honourable member has not been to the show we would encourage them to do so. It is an important part of our culture to show off the agricultural industry, and has done so for more than 100 years. It shows off the considerable changes in agriculture not only to people involved in agriculture but also to those who watch from the side. For example, over the past 100 years horses have gone from having an important role in the agricultural industry to being a showpiece.

I am pleased to be able to say that over many years I have had various roles at the Royal Agricultural Show. I was once a member of the Royal Agricultural Society and I have been an exhibitor and spectator there.

Those who go to the show know that not only is it a very important family day but also until recently it has been an important day for schools. Now that the school holidays coincide with the holding of the Royal Agricultural Show we do not see the crocodiles of children wearing name tags moving through the show, usually holding onto a rope, with teachers and parents looking after the crocodile. That was one of the special sights at the show. Now that school holidays coincide with the show, every day children of all ages are at the show.

As an exhibitor I was involved with small sheep studs. During the time of the first farm apprentices at Benalla Technical School we developed shearing shed yards. I was involved in an exhibition in the inventors section. We were also winners. It was at a time when yards were changing after people started to realise that animals have certain behaviour patterns. It was realised also that if you wanted to have the most efficient use of yards at shearing, sale or drenching time the yards had to be designed to take animal behaviour into account. I have spoken before about the study of animal behaviour, not only about how interesting it is but also how the study of it can make such a difference to the use of animals in agricultural and other industries.
I am fortunate, as I have mentioned before, in being a member of a family whose members have a great interest in the wool industry. Over a number of years family members have taken part in judging fleeces at the Royal Agricultural Show.

It is of considerable interest to observe the changes that are being made in the agricultural industry. The bill is concerned with business responsibilities for the Royal Agricultural Society. In our family there is a lot of discussion about how the exhibiting of fleeces can be improved. People believe the education role should be a major consideration for anyone involved in an exhibition at the show. So changes are being brought about. No longer is it enough for the committee involved in judging the fleece to say, 'Well, here are the fleeces, we have judged them', plonk them on a table with a ribbon over them and say, 'There you are, aren't you lucky to see the best fleece in Victoria'? There has to be some good, hard soul-searching to determine what is the best way to involve people who may never have seen fleeces before.

Ms MARPLE — I will continue with what I want to say about the show, but I must express my disappointment that those people who have given a lifetime of work to agricultural shows both in rural areas and the city will not have their opinions voiced here today.

A confidential report commissioned by the Agricultural Society of Victoria (RASV) set out the problems facing the society, including lower show attendances and why that is an important issue. I draw that confidential report to the attention of the house. I must say that it was disappointing that that report remained confidential. I would have liked it to have been available to those people who have, as I just pointed out, given a lifetime of work not only to the agricultural industry but also that side of the industry involved in showing itself off at shows. It is not simply showing off to people about it but saying that this is the way we judge whether we have a product that is the very best product and one that we want to sell.

An editorial in the Herald Sun of 24 April 1994 discusses that particular confidential report and states:

The Royal Melbourne Show used to be 10 days a year when the country came to the city. But flagging attendances and dwindling returns over the past three years has forced the Royal Agriculture Society of Victoria to look at the relevance of Victoria’s biggest public event.

At least the RASV now knows what many Victorians have suspected for some years — that the show lacks wide appeal and direction, is too expensive to attend, provides poor quality food and is focused on commercial activities instead of agriculture and education.

They are the major findings of a confidential report commissioned by the society. The study says the event is alienating its original target market, that is, city dwellers, who complain that there is little to interest them.

The good news is that most people recognise the agricultural aspects (animals) and the entertainment elements (rides and show bags) as memorable features.

The RASV has already started down the right track by appointing a consultant to prepare a professional business plan for this year’s show.
There are some basic elements that do not need a consultant to explain, and that is that people want value for money. The article finishes:

Let us put the country atmosphere back into this unique event.

The bill before us, which the opposition supports, coincides with the confidential report commissioned by the RASV. The bill has not just come out of the blue; it has come about because concerns have been expressed. When considering the bill it is most important that we take into account what has brought about the changes and what they will mean in the future.

Of course the Royal Agricultural Show has just been completed for this year, and it was the first one since the report was issued. This year’s show was a challenge to the members of the Royal Agricultural Society, particularly the committee. They were put on notice that this show would judge whether they would be able to function under this bill so that in the future they would be qualified — I suppose by society’s standards — to use that very important piece of land.

As you said, Mr Speaker, this bill is about land. The land in question is very well situated in Melbourne and is very valuable. Much of the land is actually owned by the society, but the centre arena and its surrounds are public Crown land. The bill is about the internal changes within the Royal Agricultural Society of Victoria. Of course, this bill allows the RASV to put in place those changes to meet the challenges it has now put forward in its plan.

I think it is important that we look at what happened with the last show that has just been completed. It is still very much a tradition, and I think we have moved back to that tradition. The publicity that went before the show was not the usual publicity of ‘Here’s the show. We are going to see some lambs. Yes, you will be able to buy your show bags and there will be some rides’ and so on. The publicity centred on the confidential report. It made sure that everybody was very aware that this show was probably going to be a little different.

This is just an example of one of the articles in the publicity that went before this year’s show. It is dated 5 July, so the society was already working towards the change well beforehand. It was not done just a couple of weeks before the show. The society was trying to lift the thinking of the people of Melbourne.

An article in the Age of 5 July 1994 states:

The Royal Agricultural Society of Victoria yesterday promised to develop the showgrounds —

the grounds we are talking about in the bill —

into a ‘year-round showcase for agriculture’ as it sets out to return to its city-meets-country tradition.

You, Mr Speaker, would be well aware of the need to do that.

But while it is looking to the past for a formula that once made the show a must for Melbourne families its move into the future with its corporate restructuring received a head start yesterday with the announcement that the society had recorded a surplus for the first time in three years.

That is very encouraging for those concerned, especially for those who were formerly unable to do it. The grounds are to be used not simply for the 10 days of the agricultural show but for other entertainment. There are examples of other entertainment taking place there over time.

The article goes on to talk about the profit of more than $200 000 for the year ended 31 March which, in business terms, is not much; but when you have been in debt that amount would be pleasing. The society has experienced a $1.4 million turnaround since December 1991, when it was bugged down with a $1.565 million deficit. The RAS has done a wonderful job, and under this legislation we look forward to the society acting as a major business organisation.

The article goes on to talk about the new chief executive, Mr Peter Payne. I met with Mr Payne well before the last show to talk to him about the changes. The article further states:

Although plans to revamp both the Royal Melbourne Show and the showgrounds will not be released until later this year, the society’s new chief executive, Mr Peter Payne, said the society was already focused on using its 30 hectares of prime real estate to much better effect.

That refers to what people do on that 30 hectares.

Acting on a report that accused the society of failing in its charter to bridge the city-county communication gap, Mr Payne said the society would improve the use and layout of the showgrounds.
I will continue to quote from the article because I wish to highlight what Mr Payne and the society have put forward, and what the future may be.

Inevitably there are going to have to be some major changes to some of the buildings.

I am sure the house knows about the buildings, which were built as a necessity. Although we probably admired them at the time and although they have historical significance, some of the buildings are not appropriate for exhibitions. We should take into account the fact that the Royal Agricultural Society has to compete with all the other entertainment people have available to them these days.

Everyone in Victoria will be well aware of this trend, particularly as it has affected some of our traditions. Our major football competition has had to adapt, and so must the RAS. We are competing against that fast American-style entertainment we see at the basketball, for instance. I am that under its present charter and with its new business responsibilities, the RAS will look to attract that sort of entertainment while not moving away from what has been its main responsibility - bringing rural and city areas together. I commenced my contribution on that theme; and it is vital for Victorians that the tradition continues.

The Age article also states:

Shows are about education and entertainment and we have to get the mix right.

Most people would be unaware that the RAS has a large number of committees that look after each exhibition. There are many people involved, including stewards and judges and those who ensure it all comes together, such as the people responsible for the purchase of prize ribbons, which many people think are very important.

The SPEAKER — Order! Although the bill mentions the agricultural show, that does not give the honourable member the licence to traverse a whole lot of arguments, philosophical and real, about the show. The honourable member should confine her speech to the purposes of the bill. The Chair has allowed the honourable member to make a wide-ranging introduction. I ask the honourable member to come back to the three purposes of the bill, which are set out in clause 1:

... to provide for the application to RASV Limited of certain provisions and instruments relating to certain lands in the Royal Agricultural Show-grounds; and

to remove certain prohibitions on the use of those lands; and

to enable those lands to be subject to planning controls.

The honourable member must confine her remarks to the purposes of the bill.

Ms MARPLE — There will be many disappointed people about whom we cannot speak — —

Mr BAKER (Sunshine) — On a point of order, Mr Speaker, with all due respect to your wisdom and experience, may I draw your attention to the second-reading speech. Sure, it mentions the three specific purposes that you have stated; but the minister then goes on to canvass the broader social ramifications that are consequential on Parliament giving effect to this bill.

Given that the minister made those observations in the second-reading speech, I ask you to reconsider your ruling and allow opposition members to make some comments on those consequences.

The SPEAKER — Order! The Chair is very aware of the responsibilities it has in matters such as this. Before I interrupted the honourable member, I took the trouble of reading the minister's second-reading speech. I have also examined the purposes of the bill. I reiterate that I have allowed the honourable member a wide introduction to her speech.

But she has to show that the remarks she is making relate to the main aspects of the bill. That is all — no more, no less. Having examined the second-reading speech and the bill, I am of the opinion that my ruling is correct.

Ms MARPLE (Altona) — As you have said, Mr Speaker, the bill has three main aspects. I have been speaking about the business responsibilities of the Royal Agricultural Society and the challenges facing that organisation in the transfer of the benefit of the Crown land to a company limited by guarantee, which is to be called the Royal Agricultural Society of Victoria Ltd. That is very important, which is why I spoke about it. The society has moved into the future. As it has found through its studies, it would not be good enough if it were simply to remain a society. RAS is to become a
company limited by guarantee and working in a business-like way. Therefore, the house is debating the transfer of Crown land to the newly named Royal Agricultural Society of Victoria Ltd. It is important to explore the possibilities of what that company may be involved in because this bill allows the Royal Agricultural Society of Victoria to explore and go forward.

As the minister said in the second-reading speech, the second purpose is to remove certain prohibitions on the use of the Crown grant land that forms part of the showgrounds. To find what these prohibitions have been for we need to look at the act. It has been with us for some time. I quote the purpose of the Royal Agricultural Show-grounds Act no. 3965:

An act to provide for the use of certain lands in the Parish of Doutta Galla forming portion of the royal agricultural showgrounds for purposes of recreation entertainment or amusement in addition to the purposes provided for in certain orders in council and Crown grants relating to the said lands, the application of the net profits of such use of the said lands, and the validation of the transfers of certain lands previously forming portions of the said royal agricultural showgrounds.

The act states that the land was:

... permanently reserved as a site for the use of the National Agricultural Society of Victoria for show yards and other purposes ...

The act goes into some detail. I wish to look at the following part of the act as it relates to the second purpose of the bill, which is to remove certain prohibitions on the use of the Crown grant land which forms part of the showgrounds. Section 2 states, in part:

Provided that the said trustees shall not use or permit to be used such portions of the said lands —

(a) for horse races, for pony races, for motor car races, for motorcycle races, for coursing in which a mechanically-controlled quarry (within the meaning of section one hundred and fifty-three of the Police Offences Act 1928) is used, or (except as provided in the Police Offences (Trotting Races) Act 1931) for trotting races; or — —

Mr Richardson interjected.

Ms MARPLE — Don’t bring up anything else or you’ll get your head chopped off!

The SPEAKER — Order! Interjections are disorderly.

Honourable members interjecting.

Ms MARPLE — That was just an observation. Section 2(1)(b) states:

for any other purpose of recreation entertainment or amusement which is prohibited by the Governor in Council by order published in the Government Gazette.

This is what the second purpose of the bill concerns. Section 2(2) states:

The net profits received by the said trustees arising from the use of the said lands as hereby authorised shall be applied —

(a) in effecting improvements on the said lands or on any lands in the vicinity thereof which are held in fee simple in trust for the said society; or

(b) otherwise for the purposes of the said society — in such manner as the governing body of the said society directs.

This bill is to lift this prohibition on the use of the Crown grants land. Mr Speaker, you may recall that the grounds have been used at different times for some of those events. There were trotting races quite regularly, even during show time. I may have confused this with some rural shows, but I think Clydesdales were raced at one stage.

Some of the new major events held at the showgrounds gave rise to concern from residents living in the area. It is hard for us to imagine that the land we are talking about in this bill was once in the paddocks of Melbourne, just as the saleyards were nearby. It was not considered to be in the centre of the City of Melbourne, but now that is the case. That land is well serviced by public transport and is very close to the centre and other areas of Melbourne.

Residents living close to that area find that some problems arise from events being held on and in the vicinity of the land spoken about in the bill. For that reason I will put forward an amendment to the bill.

That brings us to the third purpose of the bill: to enable the land from which the prohibitions have been removed to be subject to planning controls. I am sorry that I cannot talk to any great extent about the show this year. It took place on the land that the bill deals with. Certain events need to be considered. The planning controls — —
Mr Baker interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! Interjections across the floor are disorderly.

Ms MARPLE — I welcome the Acting Speaker to the chair and hope that he welcomes hearing what rural people as well as city people feel about the use of this land now central to our discussions on the bill. Planning controls are important to the future use of the land. Residents have commented on the use of the land for activities such as rock concerts. Such activities should be encouraged for our young and not so young people, for those who recall rock'n'roll when it first arrived and still enjoy modern music. It is appropriate that land such as that which we are discussing in the bill be used for such purposes.

An honourable member interjected.

Ms MARPLE — He is still alive.

Mr Baker — What race is Rock'n'Roll in?

Ms MARPLE — That is not a bad name for a horse.

I welcome what the Royal Agricultural Society is looking to do and want to compliment the society on its work on this show. It is important that we record what took place in September on the piece of land this bill discusses, because that concerns the direction for this land in the future.

Before I go on to that I would like to talk about planning controls and what will take place. One of the problems is that since this government came to power we have had changes in the local government boundaries. While people may not think that relates to this bill and this piece of land this bill discusses, because that concerns the direction for this land in the future.

My foreshadowed amendment, which provides that residents living on the border of the show grounds be involved in public consultations, seeks to address any difficulties that might arise following the changes to municipal boundaries that mean the showgrounds now fall within the control of the Melbourne municipality rather than Essendon. I hope the government agrees to the amendment. I also hope the honourable member for Essendon will support it. Perhaps he may even take it a little further. On 17 October, his local newspaper, the Essendon Gazette, carried the headline 'Davis backs ban on racing'. It reports:

Member for Essendon, Mr Ian Davis, will oppose motor sports at the royal agricultural showgrounds until all parties involved are satisfied the rights of nearby residents will be protected ... his Liberal Party colleague, planning minister ... last week would not guarantee to oppose Melbourne council planning scheme changes that would lift the 63-year-old ban on motor racing at the showgrounds.

The article goes on to say that the mayor of Essendon believed he had agreement with the honourable member for Essendon that:

... he would oppose motor sport until the issue of residential amenity, noise, parking and transport was solved to the satisfaction of all parties ... but motor
sports would have to change dramatically and huge improvements would have to be made in noise attenuation for that area.

That is why I intend to move this amendment. I shall touch on some of the changes the society is keen to see and the way in which it is accepting the challenge. Recently the society changed the way it works. It has reduced its committee members from 70 to a manageable number which, I believe, is under 10. Business decisions will be made more easily while traditions will be maintained.

It was a delight to go to the Royal Melbourne Show this year. Although the weather was not brilliant — I do not know why we cannot arrange for better weather — attendance figures were up, and I shall point out some of the reasons why that was so. As I mentioned earlier, the publicity for the show was excellent. It was not set in train two weeks before the show began. The red rooster as a symbol was very successful.

Mr Richardson — This is not about the show!

Ms MARPLE — Despite what you might think, it is about the Royal Melbourne Show.

Mr Richardson interjected.

Ms MARPLE — Yes, I will talk about show bags. They are an important part of the show. It was decided that show bag stalls will no longer be set up throughout the showgrounds. This year show bags were sold in three distinct areas so that those with young children would not be pestered to buy them. People could buy their show bags at the end of their visit. That is a good hint for the honourable member when he takes his grandchildren to the show. I hope you do!

Mr Richardson — That is irrelevant!

Ms MARPLE — It is relevant. It demonstrates how the land is managed and the plans for the future. Show bag stalls will be confined to specific areas so that grandparents do not have to put up with being pestered about buying show bags all day.

Mr Richardson — That is not the point.

Ms MARPLE — There are other points. One I will mention is the buildings on the land.

Mr Richardson interjected.
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other side are interested in my view about the importance of the Melbourne Royal Agricultural Show to that issue.

Although the bill is about using the land in a wider variety of ways, we should never lose sight of the great importance of the Royal Agricultural Society, which under the bill will be the manager of that Crown land on our behalf. It is most important that the land be used for the show to help educate people about the different roles of the city and the country, and that should be brought out during discussion of the bill.

In this year’s show that was the theme. The emphasis was not on the rides or the entertainment that we know are part of the show. It may not be that everybody goes for that reason. We should encourage people to go to the show to see the best of the animals that are produced in our state — and interstate as well, of course; the best of our products, including the great range of fruit and vegetables produced in the country, and the best of the dairy industry. For instance, it shows off our cows and the process milk goes through before becoming the items in your hand that you drink and eat. It also shows off the sheep; I think I am allowed to talk about the wool.

Mr Kilgour — The fruit.

Ms MARPLE — Yes, I will talk about fruit. I dearly wanted to talk about country shows. In my notes I had a direction to include rural shows but I daren’t talk about other land.

An honourable member interjected.

Ms MARPLE — Yes; I have actually got it — that is the Mildura show — in my diary. Members opposite have brought up the important point about our country shows: they are really the base that the Royal Agricultural Show works on. That is where you first show off your products and get your ticks for the best you have produced, whether it be fruit, sheep, cows or whatever. It may be the Garryowen event that you are getting points for to go forward into the final effort. I dearly wanted to talk about my efforts — —

The ACTING SPEAKER — Order! The honourable member had better get back to the bill.

Ms MARPLE — It is important that those shows also be recognised. I am pleased that members on the other side feel that under this bill we should have drawn attention to things that are important to both rural areas and the city and that the use of this land as has been set out will now be taken into account.

Concerns have been expressed by various residents as to what format the new business ventures may take. I was much encouraged by my discussions with the Royal Agricultural Society and what it would like to see happen in the future. I was pleased to see the changes that it put in place to make the show more businesslike, as is mentioned in the bill. I think it will all go well in the future.

As we all know, every business has its risks. There may be some downsides with every challenge put before us. However, I am very hopeful that in the future we will see some changes that will make use of the land to the benefit of not only society, but Melburnians and rural people alike. That is how that land has been used previously, and I am sure that is how it will be used in the future.

I encourage the government and speakers on the other side to take heed of the amendment that we will move to protect the residents of the area and ensure that any proposed new business activities do not cause the residents to suffer through excessive noise or inconvenience with other causes. I am very hopeful that we can have activities there that will not inhibit the residents and will not cause a nuisance. Parking of cars is always a problem whenever there is a major activity and large numbers of people go to an area.

The amount of money the Royal Agricultural Show brings into the Victorian economy is estimated at $104 million, which eclipses the net worth of the grand prix and the air show combined.

Major events are vital to a modern society. They are what people demand and this demand should be taken into account and provided for. Here we have a piece of land of some 30 acres used by the Royal Agricultural Society that has been putting on this event and contributing this amount of money to the Victorian economy. I believe that the issues I brought up about the contribution of agriculture and the importance of the show to Melburnians and Victorians are just as important as the $104 million to the Victorian economy. It is something that most people can understand when they see the figures. The Royal Show and major events are the type of use we want to encourage for the land referred to in the bill. I have no estimation of its worth in dollar terms but a way of looking at it is if you wanted the
land for housing blocks in an area close to Melbourne. I would imagine therefore its value would be in the billions. It is most important that the challenge has now been put forward, for the bill is there to lay the foundations for these changes.

As we are limited by time I will not mention some of the events that the Royal Agricultural Society may wish to introduce. I will leave those details to the opposition members who will be following me in the debate.

In conclusion, I will briefly refer to the three areas that you, Mr Speaker, said were of importance. The bill is concerned with changes to the use of Crown land and how that will affect residents in the future. The local planning scheme amendment will have to be changed to allow certain events to occur. I wish the society well with its future plans. The opposition supports the bill.

Ms Marple — You’re not allowed to talk about the Show Day holiday. That is what that was all about!

The SPEAKER — Order! The honourable member for Altona is not at liberty to make interjections across the chamber; nor is she able to make comments that in some remote way may reflect on the rulings of the Chair. I ask her to remain silent.

Mr BILDSTIEN — Mr Speaker, I am well aware that interjections are disorderly and that it would be out of order to respond to them. I was just going to say that despite the criticism of those opposite about the abolition of the Show Day holiday, attendance at this year’s show —

Ms MARPLE (Altona) — On a point of order, Mr Speaker, when I was the lead speaker in this debate you ruled that the bill was strictly about land and honourable members were not to make lengthy speeches on other matters. Normally some latitude is given to the first speaker. Since the honourable member for Mildura is the second speaker in the debate, I imagine your ruling would apply even more vigorously to him.

Mr BILDSTIEN (Mildura) — On the point of order, Mr Speaker, I had been speaking for barely 2 minutes. I was just making some prefatory comments about the recent show’s success. I had only briefly referred to the higher attendances.

The SPEAKER — Order! The Chair did not intervene in the debate until the honourable member for Altona had been speaking for some considerable time. I recall reflecting at the time — and I made the point — that I had allowed the honourable member a certain amount of latitude in her introductory remarks. I intend to extent the same latitude to the
honourable member for Mildura. He has been speaking for only a few minutes, but if he strays too far from the bill I will bring him back to it.

Mr BILDSTIEN — The Royal Agricultural Show-grounds Act 1931 allows the financial benefit from the use of the showgrounds to go to the Royal Agricultural Society to be used for improvements to the showgrounds. The act prohibits the showgrounds being used for a number of activities, including horse, motorcycle, motor car and dog races. Those specific prohibitions have been considered by the government and are felt to be no longer appropriate, given the contemporary planning schemes the government has in place.

The Royal Agricultural Society has an annual turnover of more than $10 million and needs to be able to use its facilities to the best advantage. It also needs to be able to operate as a company limited by guarantee. Because the showgrounds are subject to a planning scheme, the prohibitions removed by the bill will not necessarily mean those events can now automatically be run at the showgrounds. The Melbourne planning scheme amendment L60 currently prohibits motor vehicles racing, in line with the 1930 act. An opportunity exists, however, to use the showgrounds for a limited number of motorcycle speedway events. When that prohibition is removed the Minister for Planning could well be asked to consider amending the planning scheme to allow those events to take place, subject to compliance with conditions to protect the amenity of the area.

Over a period, representations have been made to the Minister for Agriculture and the Minister for Sport, Recreation and Racing by people who would like to see those prohibitions, particularly those on motorcycle and motor car racing, lifted. One of those is a Mr Jon Davison from the Sandown International Motor Raceway. He wrote to me in June this year commenting that the activity was currently prohibited under the act and that he would like to see a strategy in place which would allow the consideration of speedway racing. He is very experienced in conducting a professional motor racing circuit, particularly in residential areas. He is looking to see whether the magnificent sporting facility at the showgrounds can be used for the kinds of events he is conducting. The legislation will lift those prohibitions and require the planning scheme to impose conditions on the conduct of those events.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Crown Casino: bid

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the registration-of-interest brief issued in November 1991 to bidders for the casino licence and the requirement in that brief that companies or persons with known criminal records, habits and associations or deficiencies in business probity be barred from any role in the development, ownership, management and operation of the casino. I ask the Premier to inform the house whether any changes to these probity requirements have been made under his government?

Mr KENNETI (Premier) — Wow! As the Leader of the Opposition indicated, the probity requirements were established in 1991 by the former government. To my knowledge, nothing has changed. To my knowledge, Sir, I am not aware of any of the individuals in any way contradicting the requirements that were set by that probity test. If you've got it, you'd better put it up now, buddy!

What you have just done is imply that one or more of all those who were part of the 23 consortia that originally registered under your Labor government may have potentially been in breach of the requirements or may have criminal records. It is very easy to throw mud, as you have been finding in recent days; but your own credibility is very much at risk. You have not been able to provide one scintilla of evidence. If you've got it, you'd better put it up now, buddy!

Community safety

Mr TRAYNOR (Ballarat East) — I refer the Premier to recent Australian Bureau of Statistics figures that show Victoria is the safest mainland state in Australia. Will the Premier inform the house of the government's recent initiatives for providing Victorians with a safer place in which to live?

Mr KENNETI (Premier) — I thank the honourable member for asking a question that is relevant to the interests of most Victorians as they relate to their own safety.
As you know, Sir, figures released by the Australian Bureau of Statistics show that Victoria is now judged to be the safest mainland state in Australia. This government is absolutely committed to and has acted resolutely in providing a safe environment for Victorians. That is not to say we are satisfied with the final result, and I do not think we ever will be until we become an incident-free community. Unfortunately that is not likely to occur given the sort of society in which we live.

We have acted in several areas to give Victorians a greater sense of confidence in the community in which they live. We have protected children from loitering and potential sex offenders. We have honoured our policy commitment and introduced victim impact statements so that for the first time victims of crime are able to play a real and meaningful role in the court process after having been forgotten for so many years by the previous government.

We have taken a range of other initiatives to improve the safety and security of our rail system and our public phones and so on to make this society a safer place in which to live.

Honourable members interjecting.

The SPEAKER — Order! The Premier will ignore interjections. The honourable member for Thomastown will remain silent.

Mr KENNETT — As I said, we cannot be complacent. We must continue to work to make the safety of the environment in which our citizens live priority no. 1, not only for the government but for the community.

You can understand my concern when last weekend our political opponents put forward a report of the policy committee on civil rights and law reform that actually seeks to reverse the measures that we have put in place to provide a secure community. The first proposal put up by the Australian Labor Party calls for the dropping of victim impact statements.

Government Members — Shame!

Mr KENNETT — And a softening — —

Honourable members interjecting.

Mr KENNETT — The community will get an idea from that reaction just how sensitive this issue is! Members of the ALP are once again indicating that they are prepared to favour those who abuse other citizens or their property rather than upholding the law.

The ALP's proposal to remove victim impact statements is an absolutely retrograde step, but it follows on from other proposals, one of the most dramatic of which says that the personal use of drugs should be completely decriminalised.

Honourable members interjecting.

The SPEAKER — Order! I remind honourable members that they are wasting their own precious question time. The Premier, concluding his answer.

Mr KENNETT — The tragedy of this, which every Victorian should understand when he or she goes to the ballot box next time, is that the Labor opposition, which purports to be the next government, is about reducing absolutely the protection that has been put in place for the community. This will quite obviously be a very major issue, particularly for women — and particularly for those women who have been victims of rape and who, up until the time this government came into office, would not have been able to make victim impact statements.

Honourable members interjecting.

Mr Micallef — It is an act. It really is an act.

Mr Sandon interjected.

The SPEAKER — Order! The honourable member for Carrum should know better.

Mr KENNETT — If the honourable member says it is an act, it is a very good act, because it is in the report of the state conference of the Victorian branch of the Australian Labor Party, held on 15 October 1994. It also says — —

Dr COGHILL (Werribee) — On a point of order, Mr Speaker — —
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Honourable members interjecting.

The SPEAKER — Order! The honourable member for Werribee, on a point of order.

Dr COGHILL — I am finding this interesting because I missed that particular part of the conference, but —

Honourable members interjecting.

The SPEAKER — Order! Every member has the right to raise a point of order and to be listened to in silence. I ask members on the government benches to remain silent.

Dr COGHILL — I am finding it difficult to relate the Premier’s remarks to any matter of government administration. I direct to your attention a ruling made on 12 March 1991, which says — —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member to pause until the house comes to order.

Dr COGHILL — The ruling was:

Question time is an opportunity for ministers to be questioned and provide information on government administration; it is not a vehicle for attacks on the opposition.

Mr Speaker, I ask you to call the Premier to order.

The SPEAKER — Order! The Chair is in some difficulty, given that the honourable member was in the chair at the time that ruling was made. However, I ask the Premier to be a bit more judicious in his remarks and come back to the question.

Mr KENNETT (Premier) — The question was about what we have done and are doing to make Victoria a safer place to live in, which I imagined the honourable member would be concerned about.

One of the threats to our society is the re-election of a Labor government. Point 6.5.1 on page 15 of the conference document says:

Labor will immediately review the increase in police powers under the Crimes (Amendment) Act 1993.

The document also says Labor is extremely concerned about the broad police powers to demand names and addresses. One of the fundamental requirements of providing a safe environment is to give the police force the opportunity to be able to demand names and addresses. It is quite clear that only the coalition government is going to provide the environment in which this society and its people can be secure.

Mr Leighton interjected.

Honourable members interjecting.

Mr KENNETT — I am very tempted not to say it: I guarantee no-one will ever strip search you! I will just say that not only is the Labor Party anti-Victorian and certainly anti-victim, unfortunately it is also increasingly for the criminal element in this community.

Crown Casino: bid

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his continued refusal to hold a judicial inquiry into the awarding of the casino license and ask whether he has — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable members for Mornington and Mordialloc that their interjections are disorderly, and I will not tolerate them.

Mr BRUMBY — I refer the Premier to his refusal to hold a judicial inquiry into the awarding of a casino license. Has the Premier refused to do so because such an inquiry would reveal that the government’s decision to restrict the number of gaming machines in Victoria to 45 000 was made after full financial bids for the casino license were lodged on 16 August and was timed to enable both the TAB to withdraw from the Crown consortium and the Crown consortium to increase its bid beyond or equal to that of Sheraton-Leighton?

Mr KENNETT (Premier) — On behalf of this side of the house and on behalf of an increasingly large number of Victorians I say: what a sad, pathetic figure you are becoming.

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

Mr KENNETT — I meant the Leader of the Opposition. For the past three weeks and from the start of question time today, the Leader of the Opposition has tried to insinuate that people have
acted improperly. In fact, he has gone further, because he has actually insisted that some of the people that we deal with will be in gaol by 1996. While the Leader of the Opposition demands from me information that in part or in total I have not got, he is not prepared to meet the same test himself by saying in this house or outside who he actually named.

There is only one reason why the TAB withdrew from the casino consortium bid, and that is that it did not have the cash to put up the money required to be an equity partner.

Mr Brumby interjected.

The SPEAKER — Order! Supplementary questions are out of order.

Mr Brumby interjected.

Mr KENNETT — You are wrong again, boy. You are wrong again. You are wrong!

Mr Brumby interjected.

The SPEAKER — Order! Will the Premier please take a seat.

Mr Rowe — What are you on today, Brumby?

The SPEAKER — Order! I warn the honourable member for Cranbourne that he may not interject in that fashion. I remind the Leader of the Opposition that all times he has had the protection of the Chair. But it will be impossible to continue to do so if there are constant interjections.

Mr KENNETT — In the past two weeks the Leader of the Opposition has made insinuations — —

Honourable members interjecting.

Mr KENNETT — He has also sought to defame people in this community. Not once has he provided any information to back up any claims. Today he asked a question, his first question, that sought to throw a slur on all those who were part of the process, because he implied that the process had been changed.

Mr Brumby interjected.

Mr KENNETT — You asked the question. Do you accept the answer?
An Opposition Member — Answer the questions.

Mr KENNETT — You have got the answer: the TAB was out of the consortium because it didn’t have the cash.

An opposition member interjected.

Mr KENNETT — It is the earlier answer you are not happy with? I would have thought that we on this side have at least been consistent. Let the opposition put up one piece of information that is based in any way on fact and we will be prepared to have a look at it. But do not come into this house or go outside arguing that you are representing this state by trying to pull down some of the business activities in this state or some of the companies that are providing 3200 jobs!

You are anti Victorian and anti Victorian business. Your attendance at that dinner last night should have shown you how completely and totally out of touch you are with the business community in this state.

Youth homelessness

Mr DAVIS (Essendon) — Will the Minister responsible for Youth Affairs inform the house of recent government developments and initiatives to prevent youth homelessness?

Mr HEFFERNAN (Minister responsible for Youth Affairs) — I thank the honourable member for his question and his concern. Today is a special today for the youth of the western suburbs. I inform the house that today the Premier officially launched a youth accommodation facility in Sunshine. Everybody would be aware of the Les Twentyman fund and the Smorgon group, which have combined with the private sector to bring about the building of five units to accommodate eight young people in that area who most need help.

I put on the record the enormous effort that Smorgons put into this by raising $375,000 to put the units in place. We also should not forget the other private sector companies in the western suburbs who combined to be part of the fundraising effort in this particular area.

I return to the original philosophy I have always had: unless you deal with the private sector you will fail. I give that as a warning to the opposition, which, for too long, believed that as a government it could do everything. For 10 years you failed; the record is there! I am proud, after only two years as the minister, to be able to stand up and say that we have been able to coordinate government departments and the private sector to achieve a tremendous result for those people who most need help.

I put on the record my personal thanks to the Minister for Planning, Rob Macellari, whose support I appreciate. I also thank the Minister for Community Services, Michael John, who has been well and truly involved. I put on the record that his department — —

Honourable members interjecting.

Mr HEFFERNAN — Listen to all the criticism! His department went to the area of most need. Never mind the fringe groups, all the people who form committees, who deliver no services at all but waste taxpayers’ money on promoting themselves.

Honourable members interjecting.

Mr HEFFERNAN — I know it hurts them.

The SPEAKER — Order! There is too much audible conversation and interjection.

Mr HEFFERNAN — It hurts them! Ben Chifley would have turned in his grave if he had seen this today. He would have thought, ‘Where is the Labor government?’ I had to say to his ghost privately, ‘There is none. They have gone. Forget it’!

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Dandenong North that if she continues to interject I will take action against her. The same warning has been issued to the honourable member for Thomastown.

Mr HEFFERNAN — It would pay them to read some of Ben Chifley’s memoirs; then they would know what I mean!

I put on record minister Michael John’s contribution of $242,754 for staffing and $190,324 for the recurrent funding of that particular project. I also put on record my thanks to the Minister for Public Transport for his cooperation.

Honourable members interjecting.
The SPEAKER — Order! Will the minister pause until the house comes to order? The Chair hopes the minister will not go through the whole cabinet.

Mr HEFFERNAN — We work as a team on this side. I know they do not. They are made up of factions; one faction would not thank the other.

I say to my colleagues: we are working together, we are working for Victoria. I also thank my other colleague — —

Honourable members interjecting.

Mr Richardson — And mum says thanks for the rabbits.

The SPEAKER — Order! The rabbits notwithstanding, I ask the house to come to order. The noise is incredible. The minister, concluding his answer.

Mr HEFFERNAN — Today has been an exciting day because it has been an enormous amount of hard work for my department to coordinate the bureaucracy to come together for one eventual aim. All those people on the other side of the house may ridicule this, but the plain fact is that it has happened. At long last we are getting somewhere. We are now no longer treating the symptoms but trying to do something about the problem that exists in our community.

Hospital patient throughput

Honourable members interjecting.

The SPEAKER — Order! Would the honourable member pause until the house comes to order.

Mr THWAITES (Albert Park) — I refer the Treasurer to the admission by the Minister for Health yesterday that she had requested an extra $30 million in funding for the case-mix bonus pool for hospitals but the Treasurer told her that this money was not available. I ask: can the Treasurer inform the house why the government can find $30 million for ministerial office renovations and $19 million for consultancies and other costs for the TAB float but cannot find $30 million to prevent hospitals closing beds and drastically reducing services?

Mr STOCKDALE (Treasurer) — I thank the honourable member for his question because yet again he has demonstrated the total inability of the opposition to understand the workings of the state budget. His question is internally inconsistent.

The very matter to which his question is addressed is the draw on the bonus throughput pool by the major hospitals in particular but indeed all hospitals in Victoria. That is utterly incompatible with the throwaway line at the end of his question when he skulked off to his seat after he dropped it: that there was some reduction in services. The problem is not a reduction in services but the fact that there have been massive productivity gains that the government and hospital boards had not anticipated.

Honourable members interjecting.

Mr STOCKDALE — Go on, rabbit on. Turn around to the cameras so that they can see what an idiot you are.

The SPEAKER — Order! I remind opposition members that it is their question and they should listen to the answer in silence. The frontbench will remain silent.

Mr STOCKDALE — The issue concerning the throughput pool is not a symptom of failure; it is a symptom of success. The government’s policies have provided incentives for hospitals to achieve productivity gains which under Labor they would never have even contemplated.

Let me take the two matters to which the honourable member also referred. The honourable member referred to the capital expenditure which is taking place — —

An honourable member interjected.

Mr STOCKDALE — You are an intellectual giant. We know where Victoria got to when you were in government.

The SPEAKER — Order! The Treasurer will ignore interjections.

Mr STOCKDALE — The honourable member referred to the capital allocation for the refurbishment of buildings in the Treasury reserve. Let me make two points about that. First, the shadow Minister for Health has no conception of the structure of the state budget and the difference between capital funds and recurrent funding. The money he is talking about is a capital allocation to refurbish buildings. Let me instance the wisdom of that. This money is not being spent on ministerial
offices. It is being spent in part on repairing the neglect that occurred over 10 years of incompetent Labor administration.

Mr THWAITES (Albert Park) — On a point of order — —

The SPEAKER — Order! Would the honourable member pause while the house comes to order so that the Chair can hear the point of order.

Mr THWAITES — I have two points of order, Mr Speaker.

The SPEAKER — Order! Only one point of order can be raised at a time.

Mr THWAITES — First, the Treasurer is breaching standing order 127 in that he is debating the question. He is referring to issues relating to the time prior to his period in office when clearly this question relates to his priorities and this government’s priorities, which are wrong. On the question of relevance, the Treasurer is failing to answer the question — —

The SPEAKER — Order! The honourable member can raise only one point of order at a time.

Mr THWAITES — I am happy for the Speaker to respond on that point of order as long as I can raise the other one afterwards.

Mr STOCKDALE (Treasurer) — On the point of order, the honourable member seems to have forgotten that he interpolated into his question a reference to the expenditure on two buildings, including one building which the Labor Party left vacant for many years. He also interpolated on the TAB. For future reference, I propose to answer — —

Mr Brumby interjected.

Mr STOCKDALE — You are an idiot.

The SPEAKER — Order! The Leader of the Opposition is trying the patience of the Chair, as is the whole house this afternoon. I do not uphold the point of order regarding standing order 127. Does the honourable member for Albert Park wish to raise his second point of order?

Mr THWAITES (Albert Park) — My second point of order relates to relevance. Mr Speaker, numerous rulings by you and other Speakers have required that ministers’ answers be relevant and that ministers relate their answers to the question asked. This was a clear question about why the Treasurer could not find the $30 million to go into the bonus pool. The Treasurer would not answer that. He would not respond to the fact that the minister herself has admitted that she asked for that $30 million and the Treasurer refused to give it.

The SPEAKER — Order! The honourable member cannot use the occasion of raising a point of order to further advance his question. I judge the Treasurer to be in order.

Mr STOCKDALE (Treasurer) — I have to admit that I have failed. I have been sitting here trying to think of some way to make this guy look good so that he might take over from the Leader of the Opposition, but I cannot.

The SPEAKER — Order! The Treasurer is straying from the question now.

Mr STOCKDALE — After a performance like that, it has to be acknowledged that there is no hope.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc has caught my eye on more than one occasion today. If he cannot restrain himself and his enthusiasm, he should vacate the chamber.

Mr STOCKDALE — The first point about this matter is that quite clearly the honourable member for Albert Park does not understand the difference between capital funds and recurrent funds. The second point is that this criticism about buildings is totally misdirected.

Let us look at 1 Macarthur Street, which at present is being refurbished by the department of the Minister for Finance. That building was vacated in the early 1990s by the Labor government. It stood empty as a monument to Labor incompetence. That building was not properly maintained and accordingly fell into a state of disrepair and was not suitable for use by public servants or anybody else. As a result of that, the government actually — —

Honourable members interjecting.

Mr STOCKDALE — They ask the questions, but they do not like the answers. As a result of that incompetence — —
The SPEAKER — Order! I once had a dream that I was at the Pearly Gates of heaven and St Peter said to me, 'What did you do on earth?', and I said, 'I was the Speaker of the Legislative Assembly'. He said, 'Enter into your eternal rest, my friend. You have had your taste of hell'. The Treasurer, in silence.

Mr STOCKDALE — As a result of the incompetence of the Labor government, the people of Victoria have had to pay rent to other landlords around the City of Melbourne to house public servants, even whilst buildings owned by the people of Victoria were totally vacant, at a cost of millions of dollars every year. The Labor Party might as well have taken that money out into the street and set fire to it because we were wasting money on security and maintenance of buildings that could not be occupied while we were paying rent downtown.

The government does not take a step back from properly maintaining the buildings that are owned by the people of Victoria so that they can be used and we can save money rather than paying rent around town.

Mr Micallef interjected.

The SPEAKER — Order! If the honourable member for Springvale interjects once more today, I will take action against him. The Chair has been more than patient.

Mr STOCKDALE — Within a year the government will reoccupy 1 Treasury Place and 1 Macarthur Street at a saving to the taxpayers of Victoria of millions and millions of dollars in rent every year. It represents very good business, very good internal rates of return and a very satisfactory investment for the people in Victoria in stark contrast to the monument to Labor incompetence when there was an empty building of some 12 floors at 1 Macarthur Place.

An honourable member interjected.

Mr STOCKDALE — I will come to the TAB, because the honourable member demonstrates total incompetence in understanding the workings of the Victorian budget.

An honourable member interjected.

Mr STOCKDALE — I welcome that question: 'What does the Auditor-General say?'. It is a pity the opposition could not actually ask that question, because the Auditor-General said the net receipts to the Victorian taxpayers from the privatisation of the TAB was $609 million. After meeting the expenses of privatisation, the proceeds were applied to reducing debt. Had the government not expended funds to properly sell the TAB, Victoria's debt would be $600 million higher in round terms than it is today. However, the Labor Party is not concerned about that because the Labor Party created that debt.

Mr DOLLIS (Richmond) — On a point of order, Mr Speaker, can we have another one about St Peter so that we can finish question time?

The SPEAKER — Order! What is your point of order?

Mr DOLLIS — Can we have another one about St Peter so that we can finish question time? The Treasurer's answer has been going for 10 minutes now and it is about time —

The SPEAKER — Order! I warn the honourable member for Richmond. He knows he may not raise frivolous or vexatious points of order. I judge the point of order to be in that category.

Mr STOCKDALE (Treasurer) — It was not the government that raised three matters in one question. If the opposition does not like me cataloguing our successes in three different areas, it should confine itself to a question on one subject. The fact is the sale of the TAB was an important part of reducing the debt of this state. This year the government budget will add only $24 million to the state debt and, if we have an outcome that is even slightly better than we projected, for the first time in a long, long time, we will have a reduction in state debt this year in nominal terms. The Labor Party plunged the state into debt —

Mr Brumby interjected.

Mr STOCKDALE — Just listen to him, Mr Speaker. Doesn't he embarrass you? I am sure he embarrasses the rest of his colleagues. Just look at you, you are totally out of control, buddy!

The SPEAKER — Order! Although the Treasurer has had to suffer a number of interruptions during his answer, I ask him to come to his conclusion. I believe he is beginning to debate the question.

Mr STOCKDALE — The government is restoring the health system in this state; it is treating more patients than ever before. The government is properly maintaining and renovating buildings
belonging to taxpayers so they can be used instead of standing idle, and the privatisation of the TAB has reduced state debt. These are three successes and I thank the honourable member for giving me an opportunity to address them.

BUSINESS OF THE HOUSE

Tabling of reports

Mr THWAITES (Albert Park) — On a point of order, Mr Speaker, as I understand it, section 4 of the Parliamentary Committees Act requires the chairman of any parliamentary committee to table in Parliament a report of the committee within 10 days of the committee having adopted the report. The same section requires that where a parliamentary committee has recommended particular action be taken by the government, the responsible minister shall, within six months of that report being tabled, report to the house on the action the government proposes to take in relation to the recommendation.

In November last year the Scrutiny of Acts and Regulations Committee laid before the house the committee’s final report of a review of the Victorian Equal Opportunity Act, which contained a number of important recommendations, including proposed amendments to the Equal Opportunity Act to outlaw discrimination on the grounds of age, pregnancy and lawful sexuality. However, the relevant minister, the Attorney-General, appears to have failed to fulfil her duty and to comply with her statutory obligation under the act by advising the house of the action she proposed to take on the committee’s recommendations. On 2 October an article appeared in a newspaper which stated that gays, lesbians and the elderly will be protected against discrimination under new laws set to be approved by state cabinet the next day.

The SPEAKER — Order! The honourable member may not advance an opinion and he may not use the opportunity when raising a point of order to make a speech and debate it.

Mr THWAITES — Thank you, Mr Speaker. The concern I have is that it appears this issue is being fought out in the press by the two different factions on the government side.

The SPEAKER — Order! I have heard sufficient on the point of order for me to make an investigation. I will do so and advise the honourable member in due course.

Mr HONEYWOOD (Warrandyte) — On the point of order —

The SPEAKER — Order! I have already settled the point of order.

Mr HONEYWOOD — On a further point of order, Mr Speaker, as part of the overall investigation which was to examine the previous 10 years of the former government in which —

The SPEAKER — Order! There is no point of order. I have ruled on the point of order. I will make an investigation and advise the house accordingly.

ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL

Second reading

Debate resumed.

Mr BILDSTIEN (Mildura) — Prior to the suspension of the sitting, I was discussing the Royal Agricultural Showgrounds legislation and the amendment foreshadowed by the honourable member for Altona, who seeks to insert a provision ensuring that before staging any new event for the purpose of entertainment, recreation or amusement the society must take all reasonable steps to consult
with owners or occupiers of land in the City of Essendon and to consider any reasonable representations made by such persons.

I must admit that even though we had the amendment in advance, it came somewhat out of left field given the contributions made to the debate on the bill in the other place by the colleagues of the honourable member for Altona. There was no mention by the Honourable Pat Power in the other place, who was the lead speaker for the opposition on the bill when it was debated on 4 October, that there would be any amendment of this kind. In fact Mr Power said that the opposition would not oppose the legislation and that it saw it as a bill of great merit and one that would assist the Royal Agricultural Society — —

Honourable members interjecting.

The ACTING SPEAKER (Mr E. R. Smith) — Order! There is too much audible conversation in the chamber. If honourable members wish to have conversations they kindly leave the chamber; or else be quiet.

Mr BILDSTIEN — To better undertake its responsibilities into the future. My inquiries over the lunch break indicate that the amendment has probably arisen from discussions that the honourable member for Altona has had with the Labor Party candidate for Essendon, Ms Judy Maddigan. I must question whether the bringing of the amendment into the house at this time is any more than a political stunt on the part of the honourable member for Altona, because clearly it is not necessary and was not foreshadowed by the spokesman in the other place.

In relation to the comments she made about remarks of the honourable member for Essendon in the *Essendon Gazette* this week, I point out that those remarks really relate to motorcycle racing.

I must admit I was interested indeed to listen to the comments of a colleague of the honourable member for Altona, Ms Kokocinski in the other place, who talked about how popular speedway racing was and how desirable it was to have such a sport introduced at the showgrounds. She was very supportive of the measures proposed in the bill and went so far as to congratulate the people who developed it, commenting on the fact that motorcycle racing is a proper social and recreational facility. Three or four pages of *Hansard* detail her support for motorcycle racing and the benefits motorcycle and speedway racing would have if undertaken at the showgrounds.

I question the motives of the honourable member for Altona in foreshadowing the amendment at this time, given that it is not necessary and that it clearly does not have the support of the City of Essendon. I have only to refer the honourable member to correspondence received by the Minister for Agriculture from the Chief Executive Officer of the City of Essendon, Peter Seamer, as early as 14 June this year when the council had been made aware of the review of the legislation that was being undertaken. The City of Essendon wrote to the government in these terms:

The City of Essendon believes that the rescission of the 1931 act is entirely appropriate subject to new complementary controls being introduced into the Melbourne planning scheme that echo the range of land use controls that are currently set out in various parts of the 1931 regulation.

That makes it abundantly clear that it did not and would not support the amendment foreshadowed by the honourable member for Altona, because it clearly understands that it will have that opportunity when the Melbourne planning scheme is amended.

The Minister for Planning has given that commitment. He has said that he will prepare and exhibit an amendment to the Melbourne planning scheme to allow motorcycle events, subject to a planning permit, once the legislation is amended. That will allow the normal exhibition process to occur. It will be available to officers of the City of Essendon to make submissions, or to any other people in that vicinity who want to comment on any proposed change. If issues cannot be resolved, an independent panel would look at them.

Clearly a political stunt is being attempted here perhaps to try to lift the profile of the Labor Party candidate in Essendon. It clearly will not work. Over the period of the review the honourable member for Essendon has brought the concerns of his constituents and of the Essendon council to the minister and to the agriculture committee. He is to be commended for the way he forcefully and diligently represents that area in this place as part of the Kennett-McNamara government.

The government will not accept the amendment if the honourable member for Altona moves it at the committee stage because it is not necessary.
Opportunities for local people to have their say on any impact of the introduction of motor vehicle events will be available through the normal planning processes when the Melbourne planning scheme is proposed to be amended.

As has been stated by the minister in his second-reading speech, the bill will allow the Royal Agricultural Society to get on with the job of fulfilling its business obligations. I look forward to the bill having a speedy and unamended passage through this place.

Mr THOMSON (Pascoe Vale) — The Royal Agricultural Show-grounds (Amendment) Bill does a number of things. Firstly, it seeks to transfer the benefit of the Crown grant land from the Royal Agricultural Society of Victoria to a company which is to be limited by guarantee called RASV Ltd. Secondly, it removes certain prohibitions on the use of the Crown grant land which forms part of the showgrounds. Thirdly, it enables the land for which the prohibitions have been removed to be subject to planning controls.

It is the second matter, the removal of certain prohibitions on the use of the land which forms part of the showgrounds, that has become a matter of concern to people in the Essendon area. Therefore the opposition, having consulted people in the Essendon area, is moving an amendment. I strongly support the position outlined by the honourable member for Altona in her response on behalf of the opposition concerning these matters.

I was concerned at the contribution made by the honourable member for Mildura, which indicated that the government is unwilling to accept our amendment, which is a perfectly reasonable amendment. It is simply directed at ensuring that local people have some say and some protection in terms of activities which might now take place at the showgrounds as a result of the amendment.

I will take the house through some of the history. The Royal Agricultural Show-grounds Act of 1931 expressly prohibited horseracing, pony racing, motor car races, motorcycle races and coursing such as greyhound racing.

For the past 60-odd years that has provided protection to residents from the nuisance of such activities as trail bike riding and motorcycle racing. The Labor candidate for Essendon, Judy Maddigan, has brought this to the attention of the opposition as well as raising it in the community. The concern of the opposition and the community of Essendon is that with the removal of the present legislative protection the way would be open for planning controls to be removed and then there would be open slather in terms of activities being undertaken.

Clearly we will have an interest in what occurs when the planning matters related to this bill are resolved. The opposition considers there should be something in this legislation requiring the Royal Agricultural Society to consult with the residents who will be affected by specific activities that may be held at the showgrounds. Before undertaking or staging any new event for the purposes of recreation, entertainment or amusement in any year, the society must take all reasonable steps to consult with any owner or occupier of land in the City of Essendon and consider any reasonable representations made by any such person. That is simply a requirement to consult; it is not an unreasonable provision to have in a bill and it is not an unreasonable way to do business.

Unfortunately that is not the way the Kennett government has done business. It has not been interested in consultation or finding out what the people who are affected by their decisions might think. I am disappointed to hear the honourable member for Mildura say the government is unwilling to support this most reasonable amendment.

The City of Essendon is in a particularly difficult position because the government’s changes to municipal boundaries have taken the showgrounds out of the City of Essendon where they were previously. Now the showgrounds fall within the city of Melbourne. In effect, the showgrounds’ neighbours are all within the City of Essendon. This has deprived them of their right to make representations to their council — to a council that is accountable to them — and have their needs and wishes considered when that council is making decisions about planning permits, applications and so on.

As one who has a background in local government I am acutely aware that councils are responsive to the needs of their ratepayers and residents and tend not to take much notice of people who live outside the municipal boundaries, because they are neither elected by them nor accountable to them. The change in municipal boundaries the Kennett government implemented — passing the responsibility for the showgrounds on to the city of Melbourne — has been to the detriment of residents
in the area surrounding the showgrounds. They have already suffered as a result of the government's municipal changes. The risk from this bill is that they will suffer a second time. In his second-reading speech the minister states:

The bill will allow the Royal Agricultural Society of Victoria to better operate under an appropriate company structure —

that is fine —

and enable a wider range of activities to be considered for the showgrounds subject to an approved planning scheme.

It is not good enough to allow the Royal Agricultural Society to have a wider range of activities that may have a detrimental effect on local residents without appropriate protection for residents. Because residents are represented by the City of Essendon and the showgrounds are now the responsibility of the city of Melbourne, Essendon residents will not have access through their council.

The opposition believes the Royal Agricultural Society should be subject to a legislative requirement to consult with local residents and make whatever decisions it has to make after considering those representations. We believe that is an important matter and we intend to pursue it.

Given the comments of the honourable member for Essendon, I make the observation that he should demonstrate his bona fides by supporting the opposition's proposed amendment. In the first instance he should be hard at work persuading the coalition government to adopt the opposition's amendment and come up with a legislative proposal of its own which provides for consultation with people in the City of Essendon. If he had been doing his job properly that would have occurred. If that is not to occur, and if the honourable member for Essendon cannot persuade the government to adopt the opposition's amendment, he should at least display the courage of his convictions and support it.

In making that comment I note that at least in the federal Parliament this week Liberal Party members have crossed the floor. The Liberal Party is supposed to pride itself on its members having free votes. It is not caucused in the way that Labor members of Parliament are. If that is the case, and if that has any real substance and is not simply a charade, the honourable member for Essendon should represent his electorate by putting it first and supporting the opposition's amendment.

Mr Bildstien — Absolutely unnecessary!

Mr THOMSON — Not at all. It is a reasonable amendment that is designed to protect the interests of local people. It will not in any way adversely affect the operations of the Royal Agricultural Society. It is a reasonable requirement. The opposition believes the government should adopt the proposed amendment and support it. If it is not prepared to do so, the honourable member for Essendon should stand up for his electorate for a change and support the proposed amendment.

The opposition is concerned that the Minister for Planning has not provided a guarantee that he will oppose the Melbourne City Council planning scheme change that would lift the ban on motor racing at the showgrounds. We think the present protections are inadequate. We are not happy with the fact that the City of Essendon is no longer responsible for the showgrounds and so its residents do not have access to a council for the purposes of consultation. I strongly support the comments of the honourable member for Altona and, along with the opposition, I strongly support the amendment she will move in the committee stage. I call on the honourable member for Essendon to demonstrate his bona fides by also supporting the proposed amendment. The showgrounds have held shows for more than 110 years. It has a distinguished history. The minister said in his second-reading speech:

The government believes the continued use of the profits from the Crown grant land for use by the Royal Agricultural Society is quite appropriate.

The minister points out, and not unreasonably, that:

... holding the Royal Melbourne Show each year is a major business undertaking and improved business and strategic planning will be necessary to ensure the show's ongoing success.

The government is saying we should make better use of public facilities. Although that is a fine and legitimate objective, it also needs to be balanced by consideration of local residents' interests. The society has been engaged in the restructuring of its organisation. The opposition certainly hopes the restructured organisation will be successful.

However, the opposition does not support the government's abolition of the Show Day holiday. We believe that was a retrograde step which will...
adversely affect the showgrounds. Although we note that many people took the holiday anyway, whether they had it through federal awards or some other vehicle, it is still a retrograde step and was not taken with the best interests of the showgrounds in mind.

The development of an appropriate company structure is something which might have the potential to improve showgrounds management and performance and that is certainly something the opposition would support. The government said the showgrounds are currently covered by the Melbourne planning scheme amendment L60. The bill removes those specific prohibitions and provides for the showgrounds to be subject to relevant planning controls and that there will be a process of putting those planning controls in place. It is important that there are requirements for public consultation because, under the present scheme requirements of amendment L60, local residents, those who are most affected by local activities, do not have a say in the planning process. That is why the opposition proposes to move an amendment which it believes should be supported by all members of the chamber.

Mr Bildstien — A stunt!

The ACTING SPEAKER (Mr E. R. Smith) — Order! The honourable member for Mildura is disorderly and is also out of his place. The honourable member for Pascoe Vale, on the bill.

Mr THOMSON — It is distressing to hear the honourable member for Mildura describe an amendment about a requirement for consultation as a stunt, because it reflects a lack of support for the views of local people and a lack of interest in what local people have to say about the issues. It is a cavalier approach and I suggest it is typical of the cavalier approach the government has taken to many matters that affect the interests of local residents. We have had a major debate about the staging of the grand prix at Albert Park in which similar considerations have arisen. A similar cavalier approach is evident in the way in which the bill has come forward, with the government saying: we are not prepared to entertain the amendment which you, the opposition, are putting forward — —

Mr Bildstien interjected.

The ACTING SPEAKER — Order! Through the Chair, ignoring interjections.

Mr Bildstien interjected.

The ACTING SPEAKER — Order! If the honourable member for Mildura cannot restrain himself, I suggest he goes out of the chamber.

Mr THOMSON — The opposition is happy to listen to representations made to it. Members of the opposition have had representations made to us by the Labor candidate for Essendon, Judy Maddigan — —

Mr Bildstien — I'm sure you have!

Mr THOMSON — Yes, and I think she is a very good judge of local opinion. I know her well.

Mr McArthur interjected.

Mr THOMSON — Judy Maddigan is very much in touch with the local community. She has made representations to members of the opposition and we have a capacity to take local views into account. That is why the amendment is put forward. I hope the government will have a similar capacity to take local views into account and to say that, notwithstanding that it has introduced the bill into the house in this form, if the opposition moves an amendment that is appropriate the government will adopt it and display the same degree of flexibility that the opposition has been able to show.

It is our view that the amendment is important and ought to be supported. We do not oppose the general structure or principles of the bill, as has been made clear by the honourable member for Altona. We hope the changes the government is bringing forward will improve the management of the show and the administration of the showgrounds. The show is probably an icon in Melbourne. It is certainly an important part of Melbourne's cultural life, being an important event especially for people in country Victoria but also for people living throughout Victoria. So it deserves community support.

The opposition will support the bill in its second-reading stage but, as the honourable member for Altona indicated, an amendment will be moved during the committee stage which we hope the government will adopt. Failing that, I hope the member for Essendon will support it.

Mr DAVIS (Essendon) — I wondered what was going on when I heard the amendment proposed by the honourable member for Altona. I suggest that
honourable members pick up a copy of Hansard of Tuesday, 4 October from the other place and have a look at some of the comments made, for example, by the Honourable Pat Power, who indicated that the opposition supports the bill; then by the Honourable Licia Kokocinski, who made a three-page contribution that nearly knocked me out of my seat when I read it. She was supporting speedway racing and motorcycle racing at the showgrounds. I could not believe it!

Mr Thomson interjected.

Mr Davis — That is one of the reasons we should recognise what I will call the Maddigan-Marple amendment, which is a purely political — —

Ms Marple interjected.

Ms Marple — That is one of the reasons we should recognise what I will call the Maddigan-Marple amendment, which is a purely political — —

Mr Davis — I have spoken to ministers and I have consulted with the council on this matter.

Honourable members interjecting.

Mr Davis — I believe the bill has wide support and the local community is satisfied that the provisions of the planning scheme will take care of any problems that may arise at the showgrounds.

Perhaps I could fill in the basic detail. As honourable members are aware, the bill does three things. Firstly, it transfers the benefit of the Crown land which covers the arena of the showgrounds to a new company, RASV Ltd. That is dragging the Royal Agricultural Society into the 1990s. The society has a broad business plan. It has a chief executive officer with exciting plans for the area.

Secondly, the bill removes prohibitions on the use of the Crown land. This is interesting. In 1931 when the principal act was put into place, prohibitions were put on horseracing, pony racing, motorcycle racing and coursing. At the time the state had an ALP Premier called Edmond Hogan. The prohibitions were put in at the behest of Mr John Wren, a well-known crony of the Labor Party, who had similar venues and wanted to protect his own interests. So some of the scuttlebutt that has been flying around that some marvellous foresight was shown by our forebears who put the restrictions in place is completely erroneous. It was a bit of cronyism at work!

Concerns were raised with me by the City of Essendon. Subsequently I found that, as the honourable member for Mildura said, the city manager had written to the Minister for Agriculture saying:

The City of Essendon believes that the rescission of the 1931 act is entirely appropriate subject to new complementary controls being introduced into the Melbourne planning scheme that echo the range of land use controls that are currently set out in the various parts of the 1931 regulation.

Because of the concerns brought to me by the Mayor of Essendon and some other people from Essendon I convened a meeting with officers from the departments of agriculture and planning, the mayor, the chief executive and the town planning officers from Essendon. I came away from that meeting very encouraged by the attitude of the Essendon council, which was that it is not against any activity at the showgrounds at all. The councillors realise the showgrounds are a valuable — —

Ms Marple interjected.

The Acting Speaker — Order! The honourable member for Altona has had her go. The honourable member for Essendon, without assistance.

Mr Davis — The showgrounds are underutilised, and this should be addressed. Essendon council is not against any form of activity at the showgrounds, provided the amenity of the local residents is considered. I see nothing wrong with that.

Two amendments to planning schemes apply to the showgrounds: amendment L30 to the Essendon planning scheme and amendment L60 to the Melbourne planning scheme. When the showgrounds were excised from Essendon, amendment L30 transferred across to the City of Melbourne.

Section 3 of L60 contains a list of uses that are prohibited at the showgrounds. They are: adult sex bookshop; aerodrome; attached house; house; brothel; caravan park; cemetery; cold store; crematorium; dangerous industry; extractive industry; general hospital; general industry; generating works; hospital for infectious diseases; institutional home; junk yard; liquid fuel depot; major utility installation; mining; motor vehicle racing track; offensive industry; office; panel beating; petrol station; pig farming — that cuts Keating out — poultry farming; private rubbish tip;
reformative institution; timber yard; transport depot, and transport interchange.

Mr Baker interjected.

The Acting Speaker — Order! The honourable member for Sunshine will have his opportunity; I will give him the call next. The honourable member for Essendon.

Mr Davis — At this stage you cannot hold a motor race at the showgrounds. In other words, it is prohibited already. I do not believe the Essendon council is objecting to coursing or horse racing or these sorts of events being held at the showgrounds. Its major concern is the noise generated by motor racing. Amendment L60 says the role and function of the showgrounds is:

... to operate as a large scale multipurpose venue that can accommodate a range of commercial, recreational, entertainment and community land use activities, such uses to be of a type to be not detrimental to the amenity of the adjoining residential areas.

This amendment was prepared by Essendon council in conjunction with others. Somebody who approaches the Minister for Planning and wants to change the conditions and wants to hold speed-car racing at the showgrounds has to go through a long and difficult public review process. I will certainly be having input in that process, and I am sure the Essendon council and others will as well. I assume Miss Maddigan might become involved.

Earlier this year there were problems at the showgrounds with the holding of an event called Mr Melbourne. It was a form of pseudo-racing — it was is not called a race, it was called a demonstration event. There are provisions in the amendment to control the noise generated by events such as those. It says that noise from such an event must not exceed 65 dB(A):

A 'monster truck' demonstration may exceed this level provided that the demonstration does not exceed 10 minutes duration and must be conducted and concluded before 9.30 p.m.

The promoter of this particular event breached his permit conditions and caused significant damage in Essendon. The people attending the event parked illegally, desecrated a war memorial in Victory Park, smashed bottles and generally behaved very badly. The promoter definitely breached the parking, noise and other conditions. Therefore, the essential criteria with events at the showgrounds such as this is to ensure that the promoter and the responsible authority meet certain conditions. As a result of the contact I have had with the City of Melbourne, the Department of Transport, the police, the Essendon council and the showground authorities, I have received written assurances that those conditions will be met and attended to.

Yesterday I received a letter from the Ascot Vale Residents Action Group, the president of which says:

I advise that I have read the above noted bill and acknowledge the thrust of it.

It may be appropriate to place prohibitions under planning schemes rather than have them in acts of Parliament.

I agree with that. If we enshrine this proposed amendment in legislation, it may be another 60 years before we do anything about changing things. The world is constantly changing; I do not think we can lock ourselves in.

Ms Marple interjected.

Mr Davis — No, madam, I mean banning certain activities at the showgrounds just because of their names. We should be prepared to hold any event at the showgrounds providing the amenity of the local residents is not affected. I am saying that the provisions of L60 take that into account and accommodate it accordingly. Any attempt to stage an event at the showgrounds without addressing parking, noise and transport problems and without taking into account the effect on the amenity of Essendon residents will certainly meet with tough opposition from me.

I do not believe we should enshrine in legislation any prohibition such as that suggested by the honourable member for Altona. We should remember that the existing legislation is over 60 years old. Rather, we should ensure that any activities at the showgrounds are subject to contemporary planning schemes, which allow wide-ranging public input and protect the amenity of local residents. This is what amendment L60 and this bill do. I will not be supporting the amendment, and I commend the bill to the house.

Mr Baker (Sunshine) — I had a choice between a ride on Puffing Billy and this bill, and this bill won quite clearly. The specific objectives of the bill, which have been recounted by various members, are
set out in the purposes clause and on the first page of the minister’s second-reading speech. On my quick and dirty assessment the minister has devoted about one-third of his second-reading speech to material that refers to the consequences of transferring the use and ownership of this particular piece of Crown land.

For me there are two issues that stand out. Firstly, in a modern society, does the state continue to have an obligation to encourage, promote and even subsidise community festivals, whether directly or indirectly or in any form? I use the word festival in its broadest possible sense. Secondly, but no less importantly, what rights do the residents have who live in and around the festival venue?

In the case of the first question, from my recollection of history it seems to me that around the 1880s, the time at which this piece of land was first ceded, noted, marked or made available for the use for which it has since become most commonly known — that is, the grand annual agricultural show, the showgrounds being subsequently formalised in legislation in 1931 — our forebears had in mind a couple of purposes and major social objectives.

The first was that it would one day be marked by a holiday, a festival day, at which and on which people from rural Victoria would be able to display their produce in all its forms and encourage people in the city to inspect that produce. They also envisaged it would be a bit of a clearing house and a meeting place — in other words, a social occasion. Apart from that, as has been the way of all festivals and holidays since they first become common in western society, the show was imagined as an occasion for what is known in academic terms as controlled civic liberalism. By that I mean an occasion that is deliberately organised so that people across the class structure and across occupations — the affluent and the not so affluent — can mix together on a day or at an occasion with some sense of social or universal equity or equality.

One could argue that football and sporting occasions such as the Melbourne Cup fit that sort of prescription. In any sophisticated society occasions are quite deliberately set aside to encourage that sense of class mixing — the mixing of the affluent and the not-so-affluent — on the basis of equality. Since the 1880s, Show Day has been such an occasion.

In modern circumstances there is an argument, particularly coming from the United States of America, that cultural change, the nature of work and the widening gap between the haves and the have-nots as a consequence of a merit-based and money-based society have greatly reduced the opportunities for people to meet and mix under those circumstances.

Some examples of that breaking down include the increased use of privately owned boxes at sporting occasions and sports grounds. No longer do you get the sort of mix that once occurred at the Royal Show, on the piece of land described in the bill, or at football stadia that are still providing exactly the same form of subsidised sport.

The increase in suburbanisation, and with it the tendency for people to gather and live together in one class in their own area, is another example of how that has broken down. Other examples include the changing nature of work and, curiously enough, the replacement of the holiday by the notion of the vacation. Instead of looking for one-off days to attend festivals or functions of the type I have described — with social cohesion being promoted across class structures — more and more people are asking for their holidays en bloc to take a vacation, during which they flaunt their wealth and indulge in various levels of conspicuous consumption. In other words, the class link or the class mixing that has been broken down. For that reason the bill is important, and I am delighted the opposition has decided not to oppose it.

In his second-reading speech the minister said the reason this bill has been introduced is very much related to changes in the management structure, the objectives and the future perspectives or projects of the Royal Agricultural Society. We all accept that, based on the evidence, those changes are long overdue. Along with those on the government benches and members of the wider community, members of the opposition wish the new chief executive of the society, Mr Peter Payne, good things in his new job, because it will not be easy.

As honourable members have heard me say ad nauseam, although Victoria is still not recognised as the Texas of Australia, it produces somewhere between 22 and 24 per cent of the gross value of Australian agricultural production. It also produces the most variegated range of goods. Put simply, we are the most self-sufficient state in food despite our small land mass. Our agricultural industries enjoy
higher productivity not only because the soil and climate are good and consistently superior to those of other states of greater area but also because compared with farmers elsewhere our farming community has been very quick on the uptake in adopting mechanisation and scientific breakthroughs.

That has been demonstrated time and time again in various studies conducted in Victoria, including one with which I was closely associated as a new backbencher in this house.

Most of the benefits of the exchange of ideas have come from the work of research institutes over 150 years — essentially since the modern state-designed and state-financed research facilities became very much a part of public infrastructure. It began in Germany, I think, but the ideas were quickly taken up by our ancestors and introduced here.

The ACTING SPEAKER (Mr Richardson) — Order! Will the honourable member closely relate his remarks to the bill, which in itself is simple? I am fascinated by the historical aspects but I would like him to be more relevant.

Mr BAKER — Another of the places where that exchange of ideas occurred, apart from the research institutes, was at the Royal Show, on the very site we are discussing, on this piece of Crown land, which was made available for all time and which will continue to be made available under the legislation we are debating today.

I am delighted that the government has accepted the approaches from a revamped and more progressive RAS to hand over the land to its corporate structure and to give it a little more licence in deciding the way in which it is used. The problem with this piece of land, the problem of applying modern efficiency standards to it, is an old problem. The show is a one-off seasonal event. If the society is to get the cash flow and return on investment that will justify its holding that piece of land, which makes modern financial management sense — not to mention the capital assets added to it over the years and any future assets proposed to be added to this piece of land — it will have to find alternative uses for the land.

That leads us to the second question: how do you do that when you start to consider not just agricultural displays, exhibitions and things of that kind but also matters of pure entertainment? Before I get on to the entertainment possibilities for the land, I point out that there are still some fertile and unexplored possibilities in the presentation of agricultural techniques and products. I am very pleased that the RAS has picked up a chief executive who has a solid business and other-than-agricultural background because, consistent with the views I expressed to the farming community when I was the Minister for Food and Agriculture, I believe farmers know an awful lot about production — our farmers are among the best in the world on any measure of productivity — as does the Department of Agriculture, which at one time I oversaw. But when it comes to marketing at the business standard that needs to be met, the society is absolutely hopeless.

There are smart young farmers and smart women on farms coming through the farming community, many of whom understand that we are in the sort of world where there can be anything up to a 25 per cent premium increase on a product that has been well packaged, well labelled, well marketed and well presented. There is big money in it for them and future generations. You do not let Uncle Bert, Uncle Tom or Uncle Alf run the marketing. You let them run the farm, by all means, but you get in the extras. That is what the show society needs to do with this piece of land. That form of modern marketing thrust can be applied to that piece of land.

It may interest you, Mr Acting Speaker, to know that Japanese farming cooperatives are very strong on organising their farmers to ensure that they produce standard-sized fruit and vegetables and agricultural produce. For instance, cucumber growers in Japan grow cucumbers that are straight as distinct from bent.

The ACTING SPEAKER — Order! The honourable member is ploughing a long furrow now.

Mr BAKER — You would appreciate that it is much better to have a straight cucumber than a bent cucumber for the purposes of packaging and presentation.

This site could be better developed as some form of central presentation display area, indicating to the community at large and the farming community how smart marketing can work for you, but the people who are experts have to be brought in on this.

I used to tell people on the farms that if I offered them a Madison Avenue marketing executive for the day we would sell tickets to watch that person work on the farm, but if you took Uncle Ben and Uncle
Tom from the farm and put them in Madison Avenue they would be just as funny to watch and just as odd. It was necessary for people to understand that difference and to understand that if they wanted to take the next step and get the benefit of a modern world with modern markets they had to get smarter.

The second question concerns citizens' rights. This is a difficult question. I am not sure whether the residents of Essendon were there before this site was used for the purposes of the show. I think we are all aware, especially those of us who have electorates that are right in the centre of the old Melbourne, that this is a problem that recurs. It recurs in the case of Essendon Airport, which is not far away.

One of the most common more recent examples of the problem concerns golf courses. Often once golf courses have been established the local council, in its lack of wisdom, allows residential subdivision up against the fences of the golf course and, next thing you know, people are demanding that bits of the golf course be chopped away. There has to be some weighting of usage and who was there first in any decisions about such things.

The people of Essendon are not complaining about the show. They have grown up with the show and they are used to it, but they are quite justifiably afraid. Essendon is an older built-up area. I gather that the age profile in and around the vicinity of the showgrounds is middle-aged to elderly in the main, or that is the skew of it. People made the decision some 20 to 30 years ago to buy houses and property in that area. The regulations and prohibitions were fixed. They knew that there would be an agricultural show, but they quite reasonably had an expectation that the other activities cited and prohibited would continue to be prohibited.

At the very least, they would have expected that, should a future government of any political hue decide that that was to be changed, they would at least be given the right to comment upon that: someone would at least have the courtesy to go to them and say, 'Listen, these are some of the proposed uses. We have a problem. The showgrounds are not used effectively enough. They are not paying their own way. Those days are gone. The show society is in difficulty. It is a very important part of Victorian community life across the whole of the state. Now, what do you think? Which of these things would you accept? Let's talk about it sensibly'. Of course, selfish people will say, 'No, you cannot have any of those', but at least you would have asked.

I believe quite a lot of people would say, 'Yes, let's see whether we can help you through this'. But the government has not done that. The government has a jackboot tendency to take a decision and say, 'Well, we have to progress and get on with it. It is all in the name of fixing up the state's finances, so it has to happen and you can like it or lump it'.

The polls are already starting to show, just two years in, that there is a cumulative reaction to that in the community. It is the poison that will bring this government down. It is a bit like eating fish with mercury in it, piece after piece, and one night having two pieces of flake and over you go.

The ACTING SPEAKER — Order! That is about it on relevance, too. Let us come back to the bill.

Mr BAKER — It is not even Friday, but pray God it soon will be.

There are several ways of doing these things. Citizens do have rights. People have homes and investments. One would think that honourable members opposite, with the interest in the rights of individuals that they trumpet — dare I say strumpet! — would have considered that, with their sense of property, their Menzian sense of the value of home ownership and how that affects people's sense of where they fit into our society. One would think they of all people would have been prepared to talk to home owners in that area to see whether they could broker a solution with some sense of goodwill.

I notice that some form of motor racing is indicated. I observe that there seems to be a common denominator or a fairly consistent government position on motor racing: if there is a residential area and you can race through it somewhere, away you go.

I have to indicate for the record that my family, which is involved in the motor racing industry, may benefit financially as a consequence of these decisions.

Mr W. D. McGrath interjected.

Mr BAKER — I am just declaring a pecuniary interest. You could not afford to get a car done by my family, pal, that's for sure — and, if you did, you
wouldn’t be able to drive it because you wouldn’t

Having issued that disclaimer, I suggest that the

rights of citizens must be paramount. It is a matter of
courtesy for governments to take that approach. The
honourable member for Altona has given effect to
that concern and provided the opportunity for
members opposite, particularly the honourable
member for Essendon. Dare I say it? I know he is
new and regards himself quite appropriately as a
oncer, but he has scuttled out of the house. He is not
here for the debate and the record should show that.
He has had an opportunity to be a local hero. I am
sure if he had a little stuffing in him, that a party
with such a significant majority would not mind if
he showed a brave heart on the issue and went to
the chieftains on the government side and said,
‘Listen, I have to stick by my people here. This is
outrageous. You can’t do these things. Besides I have
said in the local paper — well I have sort of
intimated, that I am really’, as the Japanese say on
the one hand this but on the other hand that. Here is
the opportunity for an honourable member to say,
‘No, you can’t treat my people like that. You’ve got
to at least go and have a talk to them’. I am sure if he
went and saw King Jeffrey, the Premier, and said to
Let me stand up for my electorate’, he would be a
local hero. Instead he got up in Parliament, like the
oncer he is, and squibbed it! He made some totally
intelligible remarks about

his

position on the bill. He

needs to stick up for the people of Essendon.
Mrs Maddigan, who is the fine Labor Party
candidate — I believe she was a former Essendon
mayor — knows the area. She is well known in the
area. She has done the right thing.

The ACTING SPEAKER — Order! With the
greatest reluctance I ask the honourable member to
return to the bill rather than the domestic politics in
Essendon.

Mr BAKER — This is an opportunity, in relation
to this Crown land, for the honourable member for
Essendon to support the amendment proposed so
wisely by the honourable member for Altona. It will
ensure that there is some discussion about what
form of alternative uses, other than agricultural uses,
are allowed so that we can get a proper return on the
investment in this piece of land.

Most of all, the importance of this piece of land
relates to the notion of civic liberalism. It is one of
the few festivals we have left where people from
both sides of the track are inclined to get together in
a sense of social equity, and for that reason I
strongly support it. If one looks at the way in which
Melbourne has developed by comparison with other
states of Australia one finds we tend to indulge in
holism, I believe it is called academically — that is,
getting together in groups. We tend to get together
in big groups for big festivals. We go to the grand
final in huge numbers — Sydney cannot match that.
We go to the theatre and, across the class structure,
we go to the Melbourne Cup in large numbers. No
other state has produced that effect.

Show Day, which is supported and subsidised
directly or indirectly by the state, is also of critical
importance. That is the point the government missed
when it shut down the Show Day holiday. It was not
a matter of business but it was a critical component
of the way in which our culture has developed and
our society works, and should work. Nevertheless I
have no difficulty in not opposing the bill.

Mr BRACKS (Williamstown) — I am happy to
follow the honourable members for Altona and
Sunshine in speaking on the Royal Agricultural
Show-gounds (Amendment) Bill. As they said, the
opposition is pleased to support the bill. The
honourable member for Altona will move an
amendment in the committee stage which will make
improvements to the bill. I congratulate the shadow
minister for her constructive and sensible
contribution and for her foreshadowed amendment
which will add strength and further substance and
which will mean the bill will receive support from
the community living in the area in which the
showgrounds are situated. I believe the opposition is
treating this matter constructively and properly. The
foreshadowed amendment reflects the original
intention of the bill.

The opposition supports the establishment of a new
corporation to oversee the Royal Melbourne Show. It
supports the new chief executive, Peter Payne, and
wishes him the best in his efforts to improve and
corporate the show, to ensure that attendances,
which some reports have suggested have dropped
over successive years, are increased and that the
show becomes more popular by receiving greater
support both from the metropolitan and country
communities. There is substantial support and it will
be good to see that support increasing rather than
decreasing. We on this side of the house join with
the government in wishing the new chief executive
well in his task.

The foreshadowed amendment of the honourable
member for Altona will improve the bill; it will
allow consultation on any issues that may arise when the showgrounds are used for broader purposes rather than is currently the case. I refer in particular to the provision that the society must take all reasonable steps to consult with any person having a right of occupation of any part of Essendon or Flemington and it must consider any reasonable representations by any such person. They are sensible suggestions that will not affect the Royal Melbourne Show. The provision will improve community relations with this government and future governments and with the society. It will ensure that the events will receive the widest possible support from the community.

The foreshadowed amendment is therefore sensible; it recognises the fact that residents whose properties adjoin the showgrounds come from separate municipalities and that mechanisms are needed to reinforce the necessity for consultation and goodwill with the respective municipalities of Essendon and Melbourne. The amendment does not require consultation on every occasion, but only when there are reasonable objections or substantive claims about problems for residential areas. In a sense it ensures that difficulties and problems can be heard properly and considered appropriately by the government of the day.

The honourable member for Essendon raised those concerns publicly, as he should as an effective local member. Any member who is representing his or her area appropriately would quite rightly do so. The honourable member for Essendon was quoted in the Essendon Gazette of 17 October under the headline 'Davis backs ban on racing.' The article shows that he was representing his constituents by ensuring that their quality of life was not diminished by the holding of certain events. The article states:

Member for Essendon Mr Ian Davis will oppose motor sports at the Royal Melbourne Showgrounds until all parties involved are satisfied the rights of nearby residents will be protected.

The opposition agrees. The opposition seeks to support the honourable member for Essendon in his efforts as a good local member to ensure that those things he would wish to have done will be done and will be enshrined by the holding of the show. Unfortunately the article goes on in a small paragraph to say:

But his Liberal Party colleague, planning minister Mr Maclellan, last week would not guarantee to oppose a Melbourne council planning scheme change that would lift a 63-year-old ban on motor racing at the showgrounds.

We assume that there has been significant lobbying by the honourable member for Essendon and that he has taken the matter up with the Minister for Planning and other ministers to ensure that his wishes are met. However, it is a pity that it is left to the opposition instead of the government and his own colleagues to support the honourable member for Essendon and enshrine his wishes for his electorate in legislation that will ensure for all time that the residents of that area will be consulted as part of the show process and their reasonable concerns discussed and met by the government.

It is also useful and comforting to know that there is bipartisan support in Essendon for the opposition's proposal for improvements to the bill. As was mentioned by the honourable members for Sunshine, Altona and Pascoe Vale, the ALP candidate for Essendon, Judy Maddigan, also joins the local member in giving her weight to the need for consultation before any show is undertaken if there are legitimate concerns by residents.

A press release issued on 11 October by the ALP candidate for Essendon, Judy Maddigan, states:

The Royal Agricultural Show-grounds Act 1931 specifically prohibited horseracing, pony racing, motor car races, motorcycle races, and coursing such as greyhound racing.

Mrs Maddigan said that this had provided protection to residents from the nuisance of such activities as trail bike riding and motorcycle racing in the past. With the removal of this legislative protection the way is open for the planning controls to be quickly removed and any sort of activity undertaken.

Obviously and responsibly the opposition has taken the views of the ALP candidate for Essendon into account, while also undertaking a wider responsibility to make sure that the broad activities required of any metropolitan show bringing the country to Melbourne are still undertaken. The opposition has framed a set of amendments which I think are sensible and which I would hope the government supports. I know the honourable member for Essendon supports them; only three days ago on 20 October he said so in the Essendon Gazette. I assume his view has not changed in three days. I hope his extensive lobbying bears fruit. Through his efforts we hope that not just the opposition supports him but that the government
also supports his public stance, which was outlined in the *Essendon Gazette* and for which I congratulate him.

I shall reflect on the act and the provisions contained in it, which require proper consultation. If you look at the minister's second-reading speech you will see it states that the Royal Agricultural Show-grounds Act 1931 specifically prohibits horseraces, pony races, motor car races, motorcycle races, and so on. It states:

> The bill will remove the specific prohibitions and ensure that the showgrounds, including the Crown grant land, is subject to planning controls where there is provision for amending the relevant planning scheme following public review.

The act itself begs for and requires proper consultation. Our proposition strengthens the intent of the bill and gives support to both the honourable member for Essendon and the ALP candidate for Essendon, who seem unanimous in their view that the concerns of the local residents of Flemington, Melbourne and Essendon should be supported.

The show is an important and excellent event that has a long history in Melbourne, and the opposition supports it. By supporting the bill the opposition is showing tangible support for improving the bill.

I refer to one of the little-sung benefits of the show, reported in the *Herald Sun* of 20 April 1994. The article states:

> A report on the Royal Melbourne Show has revealed the event contributes $104 million to the Victorian economy — eclipsing the net worth of the grand prix and the air show combined.

> The economic impact report, commissioned after attendances had fallen 23 per cent in four years, also called for a complete overhaul of the show format to increase patronage.

To properly increase patronage you must ensure that the residents support you. We do not want a grand prix situation, and I do not think it will ever get to that. However, we do not want a situation where part of Melbourne does not support the show; that is not on.

The opposition's amendments are designed to ensure that the residents join the rest of Victoria in supporting the show, encouraging its activities and increased patronage and ensuring that their legitimate concerns are recognised and heard by the government — not just heard if the minister would like them to be heard, but heard as a requirement of the act, up front, before and enshrined in the act.

We do not want local issues and concerns not properly addressed impeding the efforts of the show and its new chief executive, Peter Payne. We do not want any local efforts impeding the activity of the show and we want to ensure it gets proper patronage. The opposition's amendments will ensure that the residents, ratepayers and those adjoining the showgrounds are included with the rest of Victoria in the organisation of the show to ensure it is a good event for the whole of Victoria.

The show's contribution will obviously be of not just economic benefit; it will be bringing the country to the city. It will exhibit what we are best at — our agricultural activity. I hope and think that the new chief executive will build on this, but it will be value adding to our rural products and food produce and will ensure that those things we do very well will be promoted. We should be exporting, and the show should be about that. Obviously it has historically been about sampling those things we do very well, whether it is sampling exhibits of livestock or exhibits of food produce or the manufacturing process which adds value to the food production in this state.

In that respect the opposition wishes the new chief executive of the show, Peter Payne, well. It supports the corporatisation and the transfer of lands and assets to the new corporation. It supports the attempts to increase patronage from what is a disturbing fall of 23 per cent in the show attendances. It also supports sensible improvements to the show to make sure that it accurately represents the great rural community of Victoria in Melbourne and the great value adding of the rural community which happens in an exhibit in Melbourne once a year. The opposition also hopes that there is enormous support for that right across Victoria including, as the honourable member for Essendon and the ALP candidate for Essendon have indicated, the local residents who would have been included in it. I hope that in the spirit of goodwill the opposition's amendments to the bill and the consequential improvements will be supported.

Mr SEITZ (Keilor) — I wish to make a couple of observations and to place on the record my concerns about the use of the profits of the showground land, which one of the amendments is about, and about the application for a planning scheme on the
showground land. Those two things go hand in hand in the modern type of thinking and rationale behind the user-pays principle of getting the maximum out of public assets and profits.

That leads me to the events during the year. We heard a lot about the Royal Melbourne Show, for which Melburnians, the whole of Victoria and Australia are renowned. The event brings the countryside to the city and is looked forward to by a lot of members on both sides of the house, because the house does not sit in show week. Although we abolished the public holiday, Victorians are still able to attend.

I am concerned about three issues. First, everything is now driven to make extra profit and extra money. Second, if the planning scheme is changed, it may be uneconomical to allow community groups and organisations that now use the facilities to stage events during the year. The corporatisation of the Royal Agricultural Society may result in an increase in fees and charges for users. With privatisation in the future people will start to think that as company directors and shareholders they must boost the profits from the use of showgrounds facilities. It might price out the Octoberfest that is on now and other community festivals that have taken place in the past. There may be an increase in parking fees and hiring charges for pavilions used by a number of community groups and organisations during periods other than the Royal Show. Those events do not make a big profit. If the planning permits change, car racing and other similar events may be more profitable and other people who want to use the showgrounds facilities will be priced out.

Some years ago I had a problem with car parking when the Maltese community was leasing the pavilions to run its festival. Members of the bands and other people who were performing free of charge did not get passes for their cars to enter the showgrounds and they had to pay the parking fees. On many occasions organisers of community events in particular and the people who participate in and perform at such events are not charged for car parking. There were lots of letters going to and fro and negotiations before the matter was resolved. What will be the cost to the community to lease the pavilions?

The government’s move towards making higher profits also applies to Brimbank Park which is now run by the corporatised board of works, Melbourne Parks and Waterways. There is a proposal for a 24-hour reception and function centre at Brimbank Park. So we are going into business and forgetting about the original concept of a park for the people. Again the charges will be imposed on the users. Although such parks are owned by all members of the community — and in many cases they have been built by the community — we are being priced out of using the facilities that exist in our wonderful city of Melbourne.

Those sorts of things concern me about the proposed use of the showgrounds. Even now when large events are held at the showgrounds there are some traffic problems. It is important that the gates of venues are well patrolled so that local residents are not inconvenienced. If car racing and motorcycle racing are to be held at the showgrounds it is likely that such events will be held on Friday nights. They will be the most popular and profitable nights because Saturday nights are already taken up by other venues. The events will disturb the surrounding community, particularly cars attending those events, parking in the surrounding streets and leaving the area late at night.

I have had a long association with community groups using the showgrounds and people living in the surrounding area. Local residents and business people have made representations to me about those issues. They are quite happy with the way the showgrounds are being used now, particularly the extent to which the community has had use of the showgrounds facilities. It costs a lot to maintain the facility during the year and we are fortunate that the Royal Agricultural Society has done a good job in building, maintaining and refurbishing the complex on an annual basis. The showgrounds are an asset to Melbourne and are appreciated by both urban and country people.

It concerns me that we might eventually lose the link with our agricultural and farming community, which now displays its products at the Royal Show. I do not want the showgrounds to become a completely commercial operation under new management and new thinking. That would be a sad loss because Melbourne would lose part of its culture and heritage. Can anyone imagine taking the Melbourne Cup race meeting away from Flemington and running it in country Victoria or even Sydney? Unfortunately commercial pressures can take over and eventually the Royal Melbourne Show, which is the main focus and original reason for the establishment of the showgrounds, may lose out to other more profitable events.
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I ask the minister to consider the amendment that the opposition will move in the committee stage because community consultation in that area is important, particularly with the planning scheme changes. We should ensure that we have as our main priority at the showgrounds the Royal Agricultural Show. The showgrounds must also be available for the use of communities during the year. It is important that the facilities be self-funding and that the show survives, but we must not become too entrepreneurial with a focus on money at all costs, just to make a profit out of it. Management and directors can be single-minded in their aim to achieve profits and can become more interested in their bonuses at the end of the year, increases in their pay and renewed contracts rather than the reason for the establishment of the showgrounds. I express concern about that issue because the government may overlook this important community asset.

All Victorians have benefited from the holding of the Royal Agricultural Show at the showgrounds. I recall the joy expressed on the face of city children when they go to the animal nursery and have the chance to see and touch many animals. We should not lose sight of the fact that money is not everything today. We should attempt to develop a healthy and wealthy community by ensuring that our society is enriched by offering a fair share of city and country life to everyone. I urge the government to support the amendment foreshadowed by the opposition.

Mr W. D. McGrath (Minister for Agriculture) — I thank the honourable members for Altona, Sunshine, Williamstown, Pascoe Vale, Keilor, Mildura and Essendon for their contributions to the debate. It was pleasing to hear all honourable members speak in glowing terms of Peter Payne and the interest and new motivation that he has brought to the Royal Agricultural Society.

I will address a couple of the key points that were made. The honourable member for Essendon made a relevant point when he said that events at the showgrounds would benefit the people of Essendon. He said that job opportunities may become available for people who live close by. There will be opportunities for casual employment, because most events are staged over intervals. The honourable member for Essendon referred particularly to job opportunities for young people. In most cases people living close by are the first cabs off the rank, so to speak, when opportunities for casual work arise. He said also any events staged at the showgrounds would be of benefit to the people of Victoria in general.

The honourable member for Sunshine said that to maintain the capital assets of the showgrounds we must look at alternative uses of the area. I agree that when you have assets you have to look at alternative uses for them. If the assets are to be developed and improved, you must have events and the throughput of people to ensure the revenue stream is available to maintain and improve those assets.

The honourable member for Sunshine moved away from the contents of the bill when he spoke about farmers and their productive capacities. I take up that point. Although the honourable member for Sunshine did not deny that farmers have good productivity capacities, he questioned the ability of farmers to market their products. Recently I was available on field days along with the practical demonstrations. Some of those exhibits have been lost by the Royal Agricultural Show. The big farm machinery, headers and so on, are now being exhibited at field days in practical situations. The Royal Agricultural Society probably moved away from being totally dependent on agriculture to being more of a fair.

It is very pleasing to note that at this year's show the decline in attendance of past years was arrested. The 1994 show had a 6 per cent increase in attendance over last year — that is, more than 660 000 people went to the show. The increase was achieved as a result of a couple of initiatives by Keith Buchanan. Rather than having a large council that had to agree to every initiative he proposed, he has established a much smaller committee. He has also brought in a new chief executive, Peter Payne. It was pleasing to hear all honourable members speak in glowing terms of Peter Payne and the interest and new motivation that he has brought to the Royal Agricultural Society.

It is fair to say that over the years with the change of emphasis on field days in the country much of the static farm machinery has been taken away from the Royal Melbourne Show. That has opened up opportunities for people involved in direct agricultural production to have static machinery available on field days along with the practical demonstrations. Some of those exhibits have been lost by the Royal Agricultural Show. The big farm machinery, headers and so on, are now being exhibited at field days in practical situations. The Royal Agricultural Society probably moved away from being totally dependent on agriculture to being more of a fair.
reading a speech by one of our leading agricultural science reporters, Dr Julian Cribb. He said farmers who did not receive part of their incomes post-farm gate will be lucky to survive beyond 2000. The honourable member for Altona agrees with that comment. It is perhaps a little different from the position of the honourable member for Sunshine, who said farmers did not have the capacity to market their products.

Bill Hill, chairman of Bonlac, Frank Stewart, chairman of Murray Goulburn and Michael Shanahan, chairman of Pivot, are all practising farmers. Those cooperatives are doing much better than many of the high-flying companies that crashed during the 1980s. We ought to reflect on the messages coming from their successes.

We ought to also look at some of the high fliers, including those involved with WA Inc. Although the concepts behind the VEDC were right, we only have to look at the lack of management skills and some of the loans that were made to see that the corporation did not make the grade and does not compare favourably with any of the cooperatives I have referred to.

It is short-sighted to say, as the honourable member for Sunshine did, that farmers cannot handle the marketing side of their products. He was critical of the honourable member for Essendon not being in the house. The honourable member for Essendon is here, but the honourable member for Sunshine is not to be seen!

A lot of the discussion was about the amendment suggested by the honourable member for Altona. I will not address it at this stage but wait until she formally moves it. I know she is committed to it.

It has been pleasing to hear the comments of members of the opposition in both the upper house and this place who support the legislative change, which will allow the Royal Agricultural Society to go forward with some degree of confidence. Some time during November or December the society will be bringing forward for government decision a master plan with new initiatives and directions.

The reference by members of the opposition to the abolition of the Show Day holiday is ill-founded, considering that the attendance at the show was up by some 6 per cent. Although 660 000 is a lot of people over a 10-day period, it is only 20 per cent of Melbourne's population. The show is an opportunity for city people to look at and get a feel for what agriculture is all about. This year the focus was on the pig industry. Next year other initiatives will be introduced, with the focus on other farm animals and production systems. The Royal Agricultural Society will bring forward those initiatives, which I am sure they already have in their sights.

For a number of years the Royal Agricultural Society has asked for new legislation so that it can change its management operation and stage other and more varied events at the showgrounds, which undoubtedly will generate revenue. When those two things are put together, this is a plus for the Royal Agricultural Society. I believe it can be a plus for the people in the immediate vicinity and a plus for Melbourne and Victoria.

I thank all honourable members for their contributions.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Ms MARPLE (Altona) — I move:

1. Clause 5, after line 32 insert—

"4A. Royal Agricultural Society to consult persons affected

Before undertaking or staging any new event for the purpose of recreation, entertainment or amusement in respect of any year, the Royal Agricultural Society must —

(a) take all reasonable steps to consult with any owner or occupier of land in the City of Essendon; and

(b) consider any reasonable representations made by any such person."

I believe the amendment is needed to require the Royal Agricultural Society of Victoria to consult with local residents who may be affected as a result of the society undertaking and staging new events. Under the bill the requirements for public consultation under planning scheme amendment L60 do not specifically cater for the local
residents, those most affected by any new activities. They need to have a say in the planning process.

I believe that results from the fact that the showgrounds now fall within the enlarged Melbourne municipality and not the Essendon municipality. The amendment seeks to redress the situation and ensure a public consultation process for residents living in the area bordering the showgrounds.

I am sorry the honourable member for Essendon is not free to express the concerns of the people he represents in this house. The opposition has proposed this amendment at the request of the people of Essendon as a result of representations made by the ALP candidate, Judy Maddigan. It is with the full agreement of honourable members on this side of the house that the voice of the Essendon people be heard in this matter. I recommend the amendment to the house.

Mr W. D. McGrath (Minister for Agriculture) — We only have to look at the bill or the second-reading speech to read the bill's three major purposes, which all members who spoke during the second-reading debate agreed with. The third purpose is:

... to enable the land for which the prohibitions have been removed to be subject to planning controls.

The second-reading speech spells out very clearly the fact that planning controls still apply to activities within the showgrounds precinct. I am well aware that the showgrounds are bordered by Epsom and Langs roads, which separate the Essendon and Melbourne city councils.

I cannot see that the amendment would achieve anything of value. It is probably fair to say that each of us has 6, 10 or 12 constituents who always give us a hard time. They are always in the electorate office complaining about every change, whether they are from my side of politics or the Labor side. They will always be there to raise one complaint or another.

If the amendment were accepted, it would open the door to anyone who wanted to complain. The Royal Agricultural Society would be subject to those sorts of people continually tramping up to the door of Peter Payne to put their points of view, even though the amendment contains the words ‘take all reasonable steps’ and ‘consider any reasonable representations’.

To give a further reason why I cannot accept the amendment I refer to a letter sent to me on 14 June 1994 by Peter Seamer, chief executive of the City of Essendon.

The City of Essendon believes that the recision of the 1931 act is entirely appropriate subject to new complementary controls being introduced into the Melbourne planning scheme that echo the range of land use controls that are currently set out in various parts of the 1931 regulation.

Further, the Minister for Planning wrote to Mr J. Davison, from Sandown International Motor Raceway, who has an interest in staging speedway races at the showgrounds. This is what the Minister for Planning said:

If the act be amended, I will prepare and exhibit an amendment to the Melbourne planning scheme to allow motor vehicle events subject to a planning permit. The amendment will follow the normal exhibition process, and I will refer any submission to an independent panel if the issues cannot be resolved.

The letter spells out very clearly the fact that if the issues cannot be resolved they will go to an independent panel. I believe that safeguards the people of Essendon far better than the amendment, which, as I say, would allow people to knock on the door of Peter Payne at any time and object to any event that may be being staged there. It would even allow those people to complain about something going on at the Royal Agricultural Show.

The honourable member for Essendon was influential in helping me understand what the amendment was about. He told the house he had brought together members of the Department of Agriculture and the Department of Planning and Development and the mayor and chief executive of the Essendon City Council to have a discussion about all this. He told the house that they are in favour of the legislation. I do not think any local member seeking to represent his constituents could have been any fairer or more honest in undertaking that process, which I believe was absolutely correct and thorough.

The amazing thing about the honourable member for Essendon is that if the amendment had not been proposed he most probably would not have spoken. But when he saw the opportunity to clarify the issue, he quickly got to his feet to raise a point of order. The honourable member has not tried to play politics but has made a very good contribution.
I thank the shadow minister for proposing the amendment for our consideration. I understand that she has done so in good faith, but I cannot say the amendment would help the legislation. It certainly would not help the Royal Agricultural Society for the reasons I have outlined. It would be a hindrance because it would open the door to people with ulterior motives — they may not even come from Essendon — who would be a nuisance to the good administration of the Royal Agricultural Society.

Ms Marple interjected.

Mr W. D. McGrath — No, but it could involve taking any reasonable steps. The amendment says:

... the Royal Agricultural Society must —

(a) take all reasonable steps to consult with any owner or occupier of land in the City of Essendon; and

(b) consider any reasonable representations made by any such person.

It would open up the door and give a lot of people the opportunity to take up too much of the time of the chief executive and the committee of the Royal Agricultural Society, preventing them from getting on with more progressive and positive things.

Mr Bildsten (Mildura) — I cannot understand the comment the minister made about the honourable member for Altona bringing the amendment into this place in good faith. I do not accept that. It is a nonsensical amendment, an absolute joke. It is a political joke! The honourable member is trying to score some very cheap points at the expense of the honourable member for Essendon, a hard-working and diligent member of this place. He represents his people far better than the Labor candidate does. All she is doing is posturing.

Ms Marple interjected.

Mr Bildsten — Okay, how many letters from the candidate are on the file of the Minister for Agriculture or the file of the department — none whatsoever.

What action has the honourable member for Essendon taken? He has been speaking to the Minister for Agriculture. He has been speaking to me and to the department. He has been speaking to the Minister for Planning. Not only that, he convened a meeting of all the interested parties. He included representatives of the planning and agriculture ministers and representatives of the councils. Who says there is no point in the honourable member for Essendon sharing information with the mayor and the council! He called them in and sat around the table and went through the process with them — and they went away pleased with the result.

As early as June the City of Essendon wrote to the Minister for Agriculture saying it understood the concerns about local people being consulted and having an opportunity to have their say and that its views would be included in the discussions that followed the Minister for Planning exhibiting any proposed amendments to the L60 planning scheme.

The amendment states, in part:

... the Royal Agricultural Society must —

(a) take all reasonable steps to consult with any owner or occupier of land in the City of Essendon ...

How many of them — tens of thousands of landowners? What does the honourable member for Altona say? She wants the RAS to go to the expense of having to contact tens of thousands of people. How much will that cost? What a burden and a hindrance on the RAS!

What a contrast to the support other opposition members have given the legislation, particularly the support shown in the other place. During debate in the other place, the Honourable Pat Power supported the legislation wholeheartedly, without suggesting any change, as did the Honourable Licia Kokocinski. She spoke at length about motor racing, a sport she is obviously passionately involved in and wants to see at the showgrounds.

Clearly, there is a split in the Labor Party about whether events such as those should occur at the showgrounds.

Mr W. D. McGrath interjected.

Mr Bildsten — The minister reminds me it is not a big political issue. This is a cheap and miserable political stunt to try to score points at the expense of the honourable member for Essendon, who will not be sucked into responding to the drivel from the opposition. He can sleep with an easy conscience knowing he has represented his constituents. He knows he convened a meeting in which all the interested parties participate. He knows he has done the right thing.
What has Ms Maddigan done? She has grabbed a quick headline, but she has taken no action. She obviously is a woman of no substance because — —

Mr Mildenhall interjected. -

Mr Bildstien — Nobody has heard about her putting a submission to the government. The Maddigan amendment has been moved by the honourable member for Altona. It is a cheap political stunt; it is a joke and nonsense. The members of the RAS would cringe at the thought of having to talk to tens of thousands of people.

Let's say they did talk to them all. What would you do then? Would you want 70 000 responses? Say opinion is fifty-fifty. What would you do then? You still have to make a decision. The people will have their say through the processes available to them when the proposed amendments to the planning scheme are advertised.

The honourable member for Essendon will not be sucked in by this nonsensical challenge issued by the opposition. He will vote with the minister and members of the government against this nonsense amendment.

Mr Seitz interjected.

Mr Bildstien — The amendment is ridiculous in the extreme. There is no way the government will support it. The honourable member for Altona knows that to even introduce it is a joke. She does not in all sincerity support her amendment; she knows it is a joke. She knows it is a political stunt. There is absolutely no way we can accept it, as the minister has said.

Mr Bracks (Williamstown) — The amendment is an attempt to strengthen the bill and ensure that residents in Essendon and Flemington are consulted and are part of the show. It will make sure that their concerns are heard, that any ongoing objections are not ignored and that they can support what is a fantastic event.

That is why in a spirit of cooperation the opposition wishes to reinforce the comments made by the honourable member for Essendon, Judy Maddigan, in her attempts to gain a satisfactory outcome for the area.

The amendment requires not just voluntary steps such as those taken by the honourable member for Essendon or other interested parties but that the Royal Agricultural Society ‘take all reasonable steps to consult with any owner or occupier of land’. That does not mean ongoing negotiations or consultations but letters being sent to them — —

Mr W. D. McGrath — Somebody has to answer the letter.

Mr Bracks — Yes, but it may just mean putting a small public advertisement in the Essendon Gazette. It is not an onerous requirement; the opposition is just being responsible. It is not asking the RAS to do anything that it should not reasonably have to do.

In part the amendment states ‘consider any reasonable representations’: the word ‘consider’ is important. It is all about making sure the views of the ratepayers are heard. It will not impose any penalties on the RAS. It is aimed at ensuring that the residents of Flemington and Essendon feel part of the show, that they are consulted. It asks the RAS only to ‘consider any reasonable representations’, not take action. The amendment is reasonable and important; if it is accepted, obviously justice will prevail.

The show society is a reasonable organisation. This is not a frivolous amendment put forward just for the sake of playing politics; it is an attempt to support the bill. It is an attempt to ensure that the bill is supported by residents. It is an attempt to ensure that the legitimate comments of the honourable member for Essendon three days ago in the Essendon Gazette are upheld by the opposition and, we hope, supported by the government in a change of heart. The amendment is an attempt by the opposition to ensure that the legislation includes a moderate amendment framed by the shadow Minister for Agriculture after much discussion. The amendment is in the spirit of the bill and we hope it will be supported. It is in no sense an attempt to divide or antagonise.

The disappointment is that the government has not accepted a reasonable proposition from the opposition. I ask for it to be considered properly, not as a political stunt but in the spirit in which it is put forward: as a proper, strengthening amendment.
Mr DA VIS (Essendon) — I do not know who drafted this amendment, but I do not believe that person should take on the job of parliamentary counsel. It is the most wide-ranging piece of nonsense I have every read. It states:

Before undertaking or staging any new event for the purpose of recreation, entertainment or amusement ...

If a person wants to put in a fairy floss stall, does he have to write to everyone in Essendon to ask whether he can do it? That is absolutely ridiculous. The City of Essendon extends to Strathmore. That is 5 kilometres from the showgrounds. Is it relevant to ask people 5 kilometres from the showgrounds whether that person can set up a fairy floss stall?

I wonder why the honourable member for Melbourne is not here. Quite a bit of Flemington is a dashed sight closer than some parts of Essendon.

Honourable members interjecting.

Mr DA VIS — One of you could have represented him. Why does the opposition single out only Essendon? It is trying to pull a political stunt, and it will not work.

What happened with this amendment? Did you come to me with it? Did you come to me and say, 'Ian, could we talk to you? We have a little bit of a problem and we have an idea'. Did you go to the minister? Not on your life! You went to the newspapers with a press release from Judy Maddigan on Tuesday. That is where you went with your amendment. The first time I saw the amendment was in the house. Is that consultation?

Honourable members interjecting.

Mr DA VIS — I have seen a fair bit of grandstanding this afternoon. I will say one thing — the people of Essendon do not appreciate grandstanding. I refuse to grandstand. I will work for Essendon quietly and I will achieve something. Judy Maddigan can have another shot at me. I beat her last time. I will beat her next time, don't you worry about that.

Mr THOMSON (Pascoe Vale) — We are putting forward an amendment that involves the community in consultation. There is talk of a letter, advertisement or public notice. There are all sorts of ways that there can be this kind of consultation. The government says that this is a stunt. There is an easy way to get around that. You adopt and support it.

You can say, 'Yes, you are right. We don’t want any politics'.

The ACTING CHAIRMAN (Mr Cunningham) — Order! The honourable member will address the Chair.

Mr THOMSON — The government could support the amendment. It would then be passed with the support of both sides of the house and put into effect. That is the right way to go about it. Government members talk about consultation. Consultation can take place in this committee stage. There is the opportunity for the government to say, 'Yes, this is a strong amendment. What the opposition puts forward has merit and we will support it'.

I expected the honourable member for Mildura to oppose this amendment because he has an appalling track record in looking after his electorate. He sold out Mildura. He has cost the people of Mildura their train line. Now he says to the people of Essendon, 'We don’t care what you think either'. That is typical of the honourable member for Mildura.

Mr Bildstien interjected.

The ACTING CHAIRMAN — Order! The honourable member for Mildura is out of his place and disorderly.

Mr THOMSON — That is typical of the honourable member for Mildura and that is why he made that contribution this afternoon. It is a great pity that he has stood over the honourable member for Essendon and said, 'No, you cannot cross the floor or express your own view'. He said, 'The honourable member for Essendon will support our bill and oppose the amendment'. He has persuaded the honourable member for Essendon to describe the amendment as nonsense and a stunt in the same way as the honourable member for Mildura has described the amendment, but he is not doing the honourable member for Essendon any favours.

The honourable member for Essendon needs to stand up for his electorate. Nothing the honourable members for Mildura or Essendon say can disguise the fact that the honourable member for Essendon is selling out his electorate by failing to support the amendment that the opposition has moved.

Mr Finn interjected.
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The ACTING CHAIRMAN — Order! The honourable member for Tullamarine is disorderly.

Mr THOMSON — We need a member for Essendon like Judy Maddigan who will represent this electorate properly, provide quality representation and ensure that local people are looked after. The sort of work that she, Barry Gough and other people in the City of Essendon are doing needs the support of this house.

The opposition put up this amendment because we believe the people of Essendon are entitled to be consulted, although government members refuse to accept that. We would like the Minister for Agriculture to adopt the amendment or come up with a similar amendment himself. In any event, all members of the house should support this amendment because it involves activities that affect people living in the vicinity of the showgrounds. They are entitled to better support than that provided through the bill.

Mr COOPER (Mornington) — I have a high regard for the Minister for Agriculture but, like the honourable member for Mildura, I am afraid I have to disagree with the minister: this amendment has certainly not been brought forward in any way other than in a spirit of political mischief.

I was amazed to hear the contribution of the honourable member for Pascoe Vale, who incorrectly accused the honourable member for Essendon of deserting his electorate. This comes from a man who is walking away from his electorate. He is not only deserting his electorate but also this Parliament in an attempt to get to Canberra. He stands up here, with the greatest hypocrisy, and accuses another member of deserting his electorate. That accusation could come from the mouth of any other member on the Labor Party side of the Parliament and we might say, 'Oh well, he has made that accusation', but coming from the honourable member for Pascoe Vale that is a raw deal indeed. This political corpse is still talking in this house.

Ms MARPLE (Altona) — On a point of order, I ask that those aspersions be withdrawn.

Mr RICHARDSON (Forest Hill) — On the point of order, the honourable member for Altona has been here for quite a while, but she has taken no interest in the proceedings of the house because she simply does not know what the forms of the house are. The most fundamental thing the honourable lady should understand is that she cannot claim for a group insult. It is not groupies time. She cannot take offence at something said about somebody else. The point of order is stupid and ignorant and should be thrown where it belongs.

The ACTING CHAIRMAN — Order! The honourable member for Altona has objected to words used by the honourable member for Mornington. I ask the honourable member to withdraw those words.

Mr COOPER (Mornington) — I withdraw my description of the honourable member for Pascoe Vale as a political corpse that continues to talk, just because I want to get on to the substance of the argument. The amendment shows absolute stupidity. One wonders what went on in Labor Party rooms when it was decided, somewhere between the other place and here, to draw up this amendment. What kind of brainstorming caused this? Who dreamed this up?

Did the honourable member for Altona dream it up? What happened? Did she get out of bed in the morning and say, 'I have just had a good idea'. It must have been a pretty bad day when she had that idea because the amendment is absolutely hopeless.

An honourable member interjected.

Mr COOPER — Yes, a nightmare from Altona! We have the amendment. The honourable member for Williamstown tried to clean it up by avoiding quoting from the first part of it. He tried to say it is about reasonable consultation.

Mr Thomson interjected.

Mr COOPER — I hear the corpse is still talking over there; it is amazing! The guts of the amendment says that before undertaking or staging any new event the Royal Agricultural Society must consult with any owner or occupier of land in the City of Essendon. Do they think they are doing the people of the City of Essendon or the society a favour? Certainly not! As the honourable member for Essendon so correctly said, it could be argued that if a fairy floss machine were installed it could be argued in court that it was a new event. Therefore, if the amendment was agreed to and a new fairy floss machine was installed, the society would have to consult with every owner or occupier of land in the City of Essendon — thousands of them would have to be consulted. What does the opposition mean by the word 'consulted'? Does it mean the society must telephone them all or write to them or knock on
every door? You haven’t got the intelligence to put in what consultation actually means!

Ms Marple — I know!

Mr COOPER — You know do you? Why didn’t you tell us?

The CHAIRMAN — Order! This is disgraceful. The committee will come to order. Cross interjections of that level are not acceptable. The honourable member for Mornington, continuing with some sort of reasonable debate.

Mr COOPER — We heard an admission by interjection from the honourable member for Altona. She knows what she means but she has failed to convey that in her amendment. She moved this useless amendment that could cost the society hundreds of thousands of dollars a year. Don’t tell me it can’t happen. We know there are knockers in the community who want to stop anything no matter what it is! They would want to force the society into a massive consultation process no matter what happened at the showgrounds. As has been explained by the minister, the reality is that the processes to protect the local residents around the showgrounds are already in place through the Minister for Planning. These people have not been deserted. They have not been left to put up with whatever the RAS wants to turn on at the showgrounds. That will not happen. They are protected already.

This is a piece of cheap political grandstanding occasioned, as the honourable member for Essendon rightly exposed, because the ALP candidate for Essendon put out a press release. So the honourable member for Altona had her hand forced to backup the ALP candidate for Essendon and introduced this hurriedly drawn up, ridiculous and stupid amendment. The amendment deserves its fate. It will fail, not because it was moved by the honourable member for Altona or by the opposition, but because it is stupid.

If the honourable member for Altona has any thoughts during her remaining days in this place — her days are numbered because her party sacked her — and if she ever wants to move any more amendments she should talk to people with some intelligence about the contents of the amendment. If this is the best the Labor Party can do it has no hope for its political future.

The honourable member for Coburg can sit down; I am not finished yet. I am now encouraged by the enthusiasm of the honourable member for Coburg. For the benefit of the honourable member for Coburg, because I am sure he would want some good advice, I would like to see some concentration on the words in the amendment. Because the honourable member for Coburg will be the next speaker for the opposition, I should like him to explain to the committee what he believes to be the meaning of the words ‘before undertaking or staging any new event that the Royal Agricultural Society must consult with any owner or occupier in the City of Essendon’. I would be surprised if the honourable member did not believe that was an onerous requirement on the RAS. I want him or someone from the opposition side to explain to the committee why that is not an onerous requirement.

It is clear from the earlier interjection of the honourable member for Altona that she has a view about this meaning, but obviously she did not make that clear when she moved her amendment. Perhaps it would have been better to have included that in the amendment. As he is about to leap to his feet, I ask the honourable member for Coburg to concentrate on those words. We on this side of the house will be very interested in what he has to say.

Mr CARLI (Coburg) — I felt compelled to join the debate about the amendment. I find it extraordinary that the hotheads on the government side have decided to attack not only the amendment but also the honourable member who moved the amendment and the entire opposition. We entered the debate in support of the legislation, and it was accepted in good faith that we supported the legislation. What we tried to do — I was part of the discussion with the opposition shadow Minister for Agriculture in caucus — was to ensure that the legislation contained the basic principles of consultation, given that the showgrounds will become a major venue, a major focus for entertainment and a whole host of other activities.

In a reasonable way we framed an amendment that sought to involve local residents. We used reasonable language. The word ‘reasonable’ has been used on a number of occasions in other legislation such as the planning and environment act, which dealt with consultation. The amendment will be moved in good faith. Members on the government side should not use it as an opportunity to have a go at or blast the opposition. It has also put the honourable member for Essendon in a rather awkward situation. He has been reported in the
Essendon Gazette as defending the interests of local residents and his electorate, and I give him credit for that. He now finds himself in a debate where the very notion of consultation and the taking of reasonable steps to consult or make reasonable representations is thrown out the window. It is attacked and condemned as nothing more than cheap political grandstanding by the opposition. I find that appalling.

'Reasonable consultation' merely means an advertisement placed in the local newspaper calling a meeting. All we are asking for is a simple and basic process. The government is unreasonable. We are dealing with an unreasonable government that has thrown the whole issue of representation and discussion out the window. It has left the honourable member for Essendon totally isolated in an awkward position. His colleagues have condemned the notion of consultation and they have condemned our good faith in moving the amendment, which is an unenviable situation for the honourable member.

I feel for him at this very moment, but the amendment was put forward in good faith. We support the amendment as a reasonable attempt to involve people, nothing more than that. It has wording not dissimilar from that in other legislation which recognises the rights for consultation of residents of areas adjoining entertainment venues or where other events are occurring.

With those few words I say that I find the whole debate offensive because we have attempted to provide something in good faith for consideration by the government.

Committee divided on amendment:

Ayes, 19

Andrianopoulos, Mr
Bracks, Mr
Brumby, Mr 'Carli, Mr Coghill, Dr Cunningham, Mr Hamilton, Mr Leighton, Mr Loney, Mr Marple, Ms

Noes, 56

Ashley, Mr Bildstien, Mr Brown, Mr

Amendment negatived.
Clause agreed to; preamble agreed to.
Reported to house without amendment.
Passed remaining stages.

CRIMES (AMENDMENT) BILL

Second reading

Mr COLEMAN (Minister for Natural Resources) — I move:

That this bill be now read a second time.

BACKGROUND

It is government policy to address violence in our society. The bill implements some of the recommendations of the Violence Against Women Taskforce, one of the three taskforces which form part of the Victorian Community Council Against Violence. It also increases the penalty for arson and creates offences relating to hoax explosive devices and product contamination.
STALKING

It is the intention of this provision to offer protection to people who have been followed, placed under surveillance, contacted, or been sent offensive items in circumstances where the offender intends to cause the person physical or mental harm or apprehension or fear for his or her safety, or that of another person. The current criminal law does not adequately provide protection for people in these circumstances. Under the criminal law the offender must actually threaten or physically attack the victim before there is any redress.

The introduction of stalking legislation is consistent with the position in other states. Queensland, the Northern Territory, South Australia and New South Wales have all recently introduced stalking legislation.

Stalking is practised by a range of individuals in very different circumstances. Consultation has revealed the diversity of situations where people have been stalked and the strong support for not limiting the legislation to any particular group. Nevertheless, it is true to say that the legislation will be particularly useful in protecting women from harassment and other threats to their physical and mental safety by former partners or strangers. The legislation is not intended to cover persons who, in an official capacity, are engaged in activities such as keeping a person under surveillance. An example of this would be a member of the Victoria Police who is following a suspect as part of his or her policing duties.

Consultation has also revealed that some members of the community, although not intending to cause harm to the person who is the object of their attention, by their behaviour cause that person anxiety and fear for their safety. The behaviour may arise out of a mistaken belief that the attention is welcomed by the victim or that it is an appropriate and acceptable manner of expressing a romantic interest.

In these situations it will only be an offence if that person knew, or in all the particular circumstances ought to have known, that his or her behaviour was likely to cause harm, fear or apprehension in the other person. This enables the court to consider factors such as the alleged offender’s age, intellectual capacity and cultural background when determining culpability.

It is not intended that a person who is incapable of understanding that his or her behaviour would be likely to cause another person harm, fear or apprehension will be convicted of the offence of stalking. In some cases the activity such as following may not be directed at the victim. The offender may direct his or her behaviour to a person about whose health or custody the victim would reasonably be expected to be concerned, such as a child or spouse of the intended victim, usually with the knowledge that such behaviour will cause the victim anxiety or fear for the safety of that child or spouse. This is covered by the new offence.

The bill also enables the court to utilise the procedure already in place in the Crimes (Family Violence) Act to make an intervention order. Such an order can be made where the court is satisfied, on the balance of probabilities, that a person has stalked another person and is likely to continue to do so or to stalk again. This will offer protection from harassment for persons who have been stalked. It is especially important in situations where a person may not have been charged with stalking, or will not be charged perhaps because the person suffers from a mental disability, but continues to engage in behaviour which causes the victim harm, apprehension or fear.

The new offence will close a loophole in the criminal law, bring Victoria in line with other states and provide greater physical and mental safety for members of the community.

INTERVENTION ORDERS

Significant community concern has been expressed about the problem of domestic violence. It is a problem to which the criminal justice system should respond quickly and firmly and is in line with current social developments. At present intervention orders are limited to spouses and de facto spouses, people related to each other and those who are ordinarily members of the same household.

However, the same pattern of violence can be perpetrated between people who have had a personal relationship of an intimate or close nature but who have not lived together and the bill expands the definition of ‘family member’ to cover such relationships.

It is not the intent of the legislation to cover people who are merely acquaintances or who have been
involved only in a business relationship. The aim of the expanded definition of family member is to offer protection for people such as those who may have had children together but have not lived together or those who have had a close platonic relationship.

REMOVAL OF THE 12-MONTH LIMIT

At present an intervention order cannot be made for a period longer than 12 months. This creates a situation where the victims of domestic violence who need the protection of the order for a length of time greater than 12 months must return to the court on the expiration of the order to seek a new order. This can cause hardship and stress to women who, as a result of domestic violence, have already experienced considerable trauma.

Consultation has indicated that in some cases women fear that the husband or partner is simply waiting for the 12-month order to expire to again subject them to violence and intimidation. The removal of the 12-month limitation will enable the person protected by the order to obtain court protection for longer periods of time and, in the cases where the threat of danger continues, reduce the necessity to reapply to the court for new orders to ensure ongoing protection. The bill does not change the existing provisions which permit a husband or partner to apply for variation or termination of the order on the grounds of change in circumstances.

INCREASING THE PENALTY FOR BREACH OF AN INTERVENTION ORDER

For the Crimes (Family Violence) Act to be effective breaches of intervention orders must be viewed seriously. One of the common factors of family violence is a pattern of repeat offending. The bill takes the community's concern into account by increasing the maximum penalty for breach of an intervention order from its present level of 6 months imprisonment for a first offence to 24 months imprisonment. A second or subsequent offence attracts a more severe penalty of a maximum 60 months imprisonment.

BAIL

The Bail Act provides for the reversal of onus of proof where a person has been charged with certain offences.

The person must show cause why his or her detention in gaol is not justified. The offences which give rise to an accused having to show cause include those where the accused is charged with an indictable offence which is alleged to have been committed while he or she was on bail for another indictable offence, with an offence of aggravated burglary, with certain offences involving drugs, or with offences against the Bail Act.

New South Wales bail legislation places the onus on the offender to show cause why bail should be granted in cases of domestic violence where there has been a history of violence.

In view of the seriousness and incidence of domestic violence in the community the bill provides that an accused must show cause why bail should be granted in respect of a bail application in two additional situations. Where an offence of contravening an intervention order by an act of violence or threatened use of violence has occurred and the court is satisfied that the person has a history of violence against any person or there has been previous violence by the accused person against a person in respect of whom the offence of contravening an intervention order is alleged to have been committed, the accused must show cause why bail should be granted. This is similar to the New South Wales Bail (Domestic Violence) Amendment Act 1993.

The bill also extends the category of person who must show cause why his or her detention in gaol is not justified to a person accused of stalking if the accused person has a history of stalking or violence.

ARSON

The offence of arson currently falls within section 197 of the Crimes Act 1958. This section deals with destroying or damaging property. The offence carries a level 5 term of imprisonment which is a maximum term of imprisonment of 10 years.

In recent times the community has witnessed extensive damage to property and loss of life resulting from fires which have been deliberately lit. The community has expressed concern at the extent of the damage and the leniency of the penalty imposed for such behaviour. In response to this the maximum penalty for arson is to be raised to level 4 imprisonment, that is, imprisonment for 12.5 years.

CONTAMINATION OF GOODS

The bill also includes a new offence applying to persons who contaminate, threaten to contaminate
or falsely allege contamination of goods with the intention of causing public alarm or economic loss.

There has been an increase around the world in cases where a person other than the seller of a product deliberately contaminates or threatens to contaminate personal products or foodstuffs available to the public. There may be substantial losses to the producer through the costs of product recall and through a drop in sales when the public is aware of the contamination or threat.

Existing Crimes Act offences such as conduct endangering life, extortion, blackmail and wilful damage cover many but not all of such cases. Where a person, without making a threat, contaminates a product in a way that is not dangerous but destroys consumer confidence in the product, the economic damage may be as substantial as when the contamination is dangerous. Threats to contaminate goods, if unaccompanied by demands, are also not covered by the criminal law.

Victorian producers and manufacturers should be protected against this kind of conduct. Not only are producers and manufacturers affected, but the integrity of Victoria’s entire export industry can be jeopardised by allegations of contamination, whether or not such allegations are truthful. To protect Victorian industry the bill closes the gaps in the law.

HOAX EXPLOSIVE DEVICES

In 1993 the Criminal Law Advisory Committee considered this issue as the result of police concern that there was no appropriate offence to address the disruption and expense caused by hoax explosive devices. It found that existing offences such as threatening to destroy property or making a false threat to take control of a building by force were insufficient to cover all conduct relating to hoax bombs and hoax bomb calls.

The commonwealth Crimes Act 1914 contains an offence of sending articles by post with the intention of inducing a belief that the article contains explosive or other dangerous substances. The same provision makes it an offence to send bomb threats by post. However, no offence applies to those persons who simply leave hoax bombs in any place or who make hoax bomb threats other than by post. The offences in the bill cover persons who place in or send to any place a hoax explosive device and persons who make hoax bomb calls.

The bill strengthens protection from violence and intimidation for the community by closing gaps in the criminal law with the creation of new offences. It endorses the community’s expectation that domestic violence will be treated seriously and recognises the harm that can be caused to the victims of such violence.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Thursday, 3 November.

CROWN LANDS ACTS (AMENDMENT) BILL

Second reading

Mr COLEMAN (Minister for Natural Resources) — I move:

That this bill be now read a second time.

The bill proposes amendments which will significantly reform and improve the management of Crown land in Victoria. Its primary objective is to rationalise leasing and licensing of land for agricultural use, but the bill will also enable options and overholding clauses to be included in commercial leases. As well, there will be substantial revision of the Land Act 1958 to remove redundant and spent provisions.

At present there are some 40,000 separate tenures of Crown land for agricultural use. Different kinds of leases, licences and permits apply for grazing, cropping and other pursuits, with a wide variety of terms and conditions. Some of the legislation dates from last century. It has become complex and unwieldy and it imposes unnecessary burdens on the farming community. This is particularly true with respect to the annual licensing of more than 30,000 unused roads and water frontages.

The bill introduces progressive reforms which will protect the environment, achieve administrative savings and maintain public access to waterways. Contrary to some misleading speculation, the government does not plan to sell Victoria’s water frontages, restrict access to rivers and streams or ease conservation conditions attaching to the occupation of Crown land.
Our government will not ignore, as its predecessor did, the environmental and bureaucratic shortcomings of annual licensing regimes.

The bill takes positive action to improve the archaic system of land-use licences. Neither the public interest nor the interests of Victoria’s agricultural licence-holders are served by a system where the average annual licence fee of $54 is almost equalled by the cost to taxpayers of issuing invoices and collecting the fees.

It is also important to recognise that the current annual licence system provides no proper environmental safeguards. Instead it is geared towards perfunctory licence renewals for administrative convenience.

The bill will consolidate the agricultural use provisions of the Land Act. There will be one generic lease with a maximum term of 35 years, the current maximum for cultivation leases. There will be a water frontage licence with a maximum period of 35 years and a generic licence for all other cases with a maximum 99-year period. Provision will be made for short-term agistment permits, as are available now. It is proposed that frontage licences will be issued for an initial five-year period with six options to renew for further five-year periods.

There will be an ability to impose conditions suited to individual cases and to give directions during the life of a lease or licence to meet changing circumstances. The statutory requirement for public access to water frontages will be fully retained.

During the initial five-year period the regional boards constituted under the new Catchment and Land Protection Act will be requested to recommend to government suitable long-term licence conditions and management regimes. It is expected that such reviews will focus primarily on water frontages. However, it is anticipated that the boards will also make recommendations about unused roads because of their important values in parts of the state as windbreaks and wildlife corridors.

Water frontage licensees will have two options for paying their licence fees: annual, as now; or one payment at the beginning of each five-year period. Holders of 99-year licences will have annual and up-front options and will also be able to pay triennially. Fees will be calculated in accordance with the Valuer-General’s advice and discounts will be offered to encourage up-front payments. Farmers will be able to remain on the current annual payment system, but those who opt to move to up-front payments will enjoy significant savings in overall rent paid.

The argument has been put that longer term tenures could lead to poor management of Crown land used for agricultural purposes. The government believes that longer term tenures, with appropriate and strict environmental directions, will engender a positive feeling of stewardship and encourage the vast majority of farmers to significantly improve their land management methods. Furthermore, it has never been practicable to fence out all water frontages and unused roads or to prohibit agricultural use in all cases.

The only way to achieve responsible land management is through effective cooperation with farmers, other land users and community groups. The reforms proposed in the bill will facilitate such cooperation.

Rationalising agricultural tenures is a key element in improving Crown land management. It is intended to introduce further reforms in later sittings of this Parliament, but the present bill also includes an important measure relating to non-agricultural use.

In the private sector commercial leases commonly provide for overholding clauses and options for additional terms. The bill will enable both to be included in leases under the Land Act and Crown Land (Reserves) Act. That will remove restrictions which can sometimes make Crown leases unattractive to commercial tenants.

As has been noted, some provisions in the Land Act were first enacted last century. Many were introduced in order to ensure orderly settlement of agricultural land and are now spent or, through later reforms, have become redundant. The bill will repeal, in particular, the parts of the act relating to settlement of the Mallee and at Wonthaggi and provisions for certain perpetual and purchase leases. Savings clauses are included to allow current tenures to mature to freehold.

The bill also includes minor or machinery changes to other acts administered by the Department of Conservation and Natural Resources, including amendments in the nature of statute law revision. In particular, section 62 of the Forests Act will be amended to transfer responsibility for fire prevention and suppression in Victoria’s alpine resorts to the Country Fire Authority. Alpine resorts are essentially small townships in which fire
The amendment will therefore provide for the progressive transfer of responsibility for these areas to the CFA.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reason why clause 17 of the bill provides that it is intended to alter or vary that act to the extent necessary to prevent the Supreme Court from awarding compensation in circumstances where the proposed sections 133C and 133F of the Land Act 1958 provide that no compensation is payable.

The Land Act, as proposed to be amended by clause 11, will include compensation provisions, and it is for this reason that the ability of the Supreme Court to award compensation will be restricted. In the case of termination of a lease, the Land Acquisition and Compensation Act will apply. In the case of termination of a licence, there will be a pro rata refund of the licence fee. Where a lease or licence is terminated because of non-compliance with its terms, compensation would not be appropriate and will not be payable. However, a lessee or licensee will be entitled to remove improvements which he or she owns whether the lease or licence is terminated because of non-compliance or otherwise.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Tuesday, 1 November.

SECOND READING

Mr COLEMAN (Minister for Natural Resources) - I move:

That this bill now be read a second time.

The Victorian Plantations Corporation Act 1993 established the Victorian Plantations Corporation to commercially manage the state’s softwood and most of the state’s hardwood plantations. The corporation was the first body to be established under the State Owned Enterprises Act 1993 and has provided a good example of the government’s program of streamlining the operation of government business activities.

In the period since the corporation commenced its operations in July 1993 a number of changes to the boundaries of land vested in the corporation have been identified, with the Department of Conservation and Natural Resources and other land managers, as being desirable in the interests of increased efficiency of management of the plantation estate. The bill amends the Victorian Plantations Corporation Act 1993 to rationalise the boundaries of existing vested land and to vest additional lands and assets in the corporation.

In order to rationalise the boundaries of land currently vested in the corporation, a number of vesting and divesting actions are required. The bill provides for some parcels of land to be vested in the corporation, including land no longer required by the Public Transport Corporation. Most of these parcels comprise less than 5 hectares, and the total area of land affected is some 250 hectares. The bill further provides for divesting from the corporation of parcels of land totalling approximately 300 hectares, which will then be either included in public purposes reserves or reserved forest, reverted to unalienated Crown land or private property or be vested in the Government Employee Housing Authority.

Some plantations with high levels of public or recreational use or which were proposed to revert to another land use after harvesting was completed were not vested in the corporation when it was first established. These areas, totalling approximately 5000 hectares, were instead leased by the Department of Conservation and Natural Resources to the corporation. In order to streamline the management of these lands, the bill amends the act to vest most of these areas, totalling approximately 4800 hectares, in the corporation.

The act currently makes provision for vested land to revert to the Crown in certain circumstances, by order of the Governor in Council. The bill amends the act to identify specific plantation areas which must revert to the Crown on 1 January 2015, or earlier by agreement between the minister and the corporation.

The bill further provides that on completion of the final harvest of the plantations on those areas the land from which the timber has been harvested must be sufficiently treated to enable the successful seeding of eucalypt species native to the general locality. The land must also be seeded with those species to the standard agreed between the Secretary
to the Department of Conservation and Natural Resources and the corporation.

At the time of the establishment of the corporation, office and depot sites which were not adjacent to plantations were not vested in the corporation, as the required locations for offices and depots had not been resolved. The bill amends the act to vest a departmental office at Livingston Road, Yarram, in the corporation.

Section 29 of the act enables the corporation to enter into land management cooperative agreements under Part 8 of the Conservation, Forests and Lands Act 1987 and transfers to the corporation certain agreements entered into by the Secretary to the Department of Conservation and Natural Resources. The bill amends section 29 to ensure that the corporation's powers in relation to these agreements, extends to the ability to administer, vary or amend the agreements.

The remaining provisions of the bill are those generally applicable to bills affecting the status of land and which provide for the Registrar-General and the Registrar of Titles to make the necessary amendments to records and provide that no compensation is payable in respect of the matters dealt with in the bill.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 14 alters or varies section 85 of that act. Clause 14 provides that it is intended to alter or vary the Constitution Act 1975 to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of this act.

The reason for preventing the Supreme Court from awarding compensation is as follows: to enable the Crown to change the status of land to one more appropriate to its current use, it is necessary to ensure that the land is no longer subject to any interests or rights arising out of the former use other than those specifically provided for by the principal act. The existence of those interests and rights, and claims for compensation based on them, could delay or prevent a change in the use or status of the land.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Tuesday, 1 November.
designed to educate and rehabilitate people who have been found guilty of drink-driving offences. The bill proposes a new section 49 of the principal act, which relates to those penalties.

I refer to an excellent report produced by the Social Development Committee in May 1988. It was a lengthy report that examined alcohol abuse and road safety. The report contains some important recommendations, which I will mention. Recommendation 10 states:

... that the Road Safety Act 1986 be amended to empower magistrates to request a licence restoration report from agencies accredited by the Health Department Victoria, on the fitness of recurrent drink-driving offenders to be re-licensed.

That recommendation was subsequently adopted. On page 19 of the summary of the report, the committee pointed out the very real problems caused by repeat drink-driving offenders:

Only one in five convictions involves a 'first-time' offender with a relatively low blood alcohol reading. The great majority of convictions involve offenders with a previous conviction, or who recorded blood alcohol levels more than twice the legal limit.

In relation to driver education and rehabilitation courses, page 111 of the report refers to research conducted by Dr Homel on the most effective way of dealing with people who have a range of drink-driving convictions. Dr Homel said:

If, as seems likely, repeated offences of drinking and driving indicate personal and social maladjustment, it is hard to see how imprisonment is likely to act as a deterrent. In fact it is quite plausible that by contributing to the disruption of an offender’s personal relationships it makes his situation worse. One’s conclusion from the analyses reported in this study must be:

(a) that at best long periods of imprisonment are no more effective than short periods;
(b) that at worst longer periods help to cause re-offending for drinking and driving; and
(c) that neither short nor long periods of imprisonment are any more effective than good behaviour bonds or fines.

The Office of Corrections supported that view, giving evidence to the inquiry that:

There is a likelihood that alcohol-dependent drink-drivers will remain dependent after serving a prison sentence ... it cannot be expected that a prison sentence, or even the experience of imprisonment, will help to control this form of offending.

That sort of evidence, which is dealt with in a lot more detail in that report, led to the government of the day instituting section 50 of the Road Safety Act. Section 50A of act actually defines what is meant by a drink-driving education program. The then government examined the evidence and the report by the all-party committee and incorporated the recommendations in legislation, which will be improved by the bill.

Section 50A(1) refers to a person who has been convicted for having a blood alcohol level in excess of .05. It says that the then Roads Corporation:

... must not issue a driver licence ... to a person ... who at the time was under 25 years old unless it is satisfied that the person has, if the offence is a first offence and the level of concentration of alcohol in that person’s blood was less than 0.15 grams per 100 millilitres of blood —

which is three times the legal limit —

completed an accredited drink-driving education program.

It goes on to say that people who have been found to have those excessive levels of blood alcohol must undergo accredited drink-driving education programs. The bill helps set up that process and addresses the need to ensure that the agencies or individuals who provide the programs are properly registered and accredited.

I trust a fee will be paid and I hope by means of a ministerial direction or regulation the minister will give an idea of what the cost of accreditation will be. There is no doubt that the cost will be passed on to people who have to take up these courses before they are relicensed. The opposition hopes that the cost to an individual or agency of being accredited will be such that the costs for people undergoing rehabilitation or re-education will not become so prohibitive that they are tempted to drive without having their licence renewed, as sometimes happens.

The budget estimates for 1994-95 in Budget Paper No. 3, program 691, road safety, which is found at page 293, shows that between 1993-94 and 1994-95 fatalities per 100 million kilometres of driving
reduced from 0.96 to 0.95. That is an indication from the Department of Transport that the level of fatalities has perhaps reached a plateau. The number of serious injuries is also expected to flatten off a little from 13.2 to 13.1 per 100 million kilometres of driving.

There are two important things to note. One is that modern motor cars are safer than older cars and there is therefore less likelihood of sustaining an injury in an accident. The second thing is that clearly for every fatality that occurs on our roads as the result of road accidents there are something like 13 and a bit injuries.

We should be aware that it is not only the deaths that grab the headlines in the paper that are important, but also the suffering and trauma of people who are seriously injured in road accidents. Any honourable member who has visited hospitals and rehabilitation centres knows that great stress is placed on families when loved ones are injured in motor accidents. It is good to see the figure is trending down and that drink-driving, one of the major causes of road accidents, is being addressed by the amendment before the house.

There has been some debate on how we should reduce the road toll and deal with drink-drivers. It is usual to say that we have to educate the community. When we think of education most of us fairly naturally think of schools, and there is a trend, which is revealed in a number of newspaper articles published earlier this year, for the community to ask for driver education. The Minister for Education responded to those calls by saying that his department would produce driver education courses in schools. The debate then started about what we mean by driver education courses in our schools.

The editorial published in the Herald Sun of 14 July 1994 states in part:

Some interest groups have raised doubts about the government's practical commitment; but the education minister, Mr Don Hayward, says money has been set aside for the plan.

That refers to the plan to introduce road safety classes into Victorian schools. It goes on later to state:

Mr Hayward says its role is to give school traffic safety education rather than providing young people with the physical skills to drive a car.

Yet it is often a lack of basic driving skills which leads people to make fatal errors behind the wheel.

The editorial then goes on to argue that if we are talking about driver education we really have to look at practical driver education and ask who will pay for it. The corollary of that is that if we do not provide good driver education and develop driving skills, who pays for the effects? The whole community pays through personal trauma and related anxiety of the families of people who are injured or killed in road accidents. It also pays through high costs of hospitalisation, loss of productivity and other associated factors. It is bit like Malcolm Fraser's famous statement that there is no such thing as a free lunch — we will pay for it in one way or another.

It seems to me that the editor of the Herald Sun asked the right question and it is a matter of finding the best way of providing potential drivers with a good education, or in the case of drunk drivers, re-education, so that they will not re-offend or are less likely to re-offend.

All honourable members would know of the excellent record of the Transport Accident Commission through the advertisements it has run on television, especially those related to drink-driving. Those advertisements have had a tremendous impact on the community.

Another editorial published in the Herald Sun of 11 July states in part:

The Transport Accident Commission is spending $6 million this year on youth road safety programs, including the trial of driving simulators, and surveys to find out young people's attitudes. The TAC will find many supporters for its view that a radical rethink on road safety is vital to reduce the number of teenagers killed.

As a former parent of teenagers, and therefore of newly licensed drivers, I can remember lying awake at night and saying, 'Thank goodness they are home safely' when I heard the car come into the driveway. There was a 13 to 14-year difference between the eldest and youngest of our children and as the younger ones became old enough to drive I noticed the real recognition they had of the dangers of drinking and driving and of the message: if you drink then drive you're a bloody idiot. That message got through to children in the 1980s.
Certainly my youngest son, who is 26 years of age, would never think of driving if he had been drinking. If he and his friends intend to go out drinking they arrange for an alternative driver. Kids that have grown up in that climate are far more aware of the dangers of drinking and driving. However, I do not think the driver education program has been responsible for that; it has been a total community education program that has made the current generation of kids far more aware of the dangers of drinking and driving. In fact, most are almost at the stage that when they get into a car they automatically put on a seat belt as a matter of habit and if they have had a drink they will not consider driving.

Our young people today have a better attitude to this issue than some of us had when we were younger and were not so much aware of the problems and, speaking in general rather than personal terms, perhaps hoped we would not get caught.

Questions concerning how we teach safety and change these attitudes were raised in an article published in the Herald Sun of 11 July, which reports a speech given by the Minister for Roads and Ports in another place. As part of that address the following questions were raised:

Should Victoria’s driving test be upgraded to ensure youngsters have more skills?

Is it possible to enable children to take a road safety course every year at school?

Would car owners be prepared to pay an extra dollar on their car registration to help fund school traffic safety programs?

Should road safety be made compulsory at VCE level, and what incentives could be offered to encourage students to take it if the subject were optional?

Those questions are important, and the fact that they are being asked is in itself important because it shows that we are endeavouring to build on the success we have had in educating the community about safe driving and making the community more aware of the dangers of drink-driving.

By and large if people receive a benefit they should be prepared to pay an additional registration charge to ensure that better safety programs are in place, that more awareness programs and skills programs are instituted, and that a change in attitude is engendered by continuing the good work already done. We have not yet solved the problem. We must be ever vigilant, otherwise we could slip into bad habits with shocking results.

The government and the community have addressed the problem of drinking and driving. Most people are aware of the dangers of alcohol. In October 1993 an article suggested that, rather than making a drink-driving offender undertake an education course, the New South Wales government was examining the idea of injecting the offender with some sort of chemical or drug to make him or her feel ill every time alcohol was consumed. A drink-driving offender could be injected to prevent him or her from drinking again. That is a little draconian. We are better off concentrating on the program this government puts forward. However, we tend to rather glibly accept that alcohol is used by a large majority of the community. It has been clearly demonstrated that the intake of alcohol when mixed with driving a car presents a danger.

As yet the community has not addressed the effects of other drugs on the way people drive. It is recognised that a number of other drugs, both legal and illegal, affect the way we handle cars. This legislation is all about drink-driving, and we have not yet looked at the very difficult question of prescription drugs which can affect our response times and awareness. The effects of drink-driving should be used as an example in improving the awareness of people about the dangers of driving when using drugs. There is mounting evidence that marijuana affects the way we respond and is certainly likely to be a factor in the way we handle cars.

There are some rather sophisticated methods of measuring the amount of alcohol consumed, but as yet we do not know how we can measure the use of marijuana and the effects it may have on the body. That comes back to community attitudes: people should not smoke marijuana, therefore we do not need to worry about its effect. In some ways that is an ostrich-like attitude. We have some way to go in addressing the effects of other drugs.

Although the government has introduced some amendments to the Road Safety Act, it has yet to look at a 1986 recommendation which has received some publicity in recent times. On 9 June 1994 an article in the Herald Sun said an habitual drink-driver could be deterred by installing a breath-testing device in his or her car so that the driver must pass a breath test before the ignition of
the car could be activated. However, a sober person could blow into the device to enable the car to be started and the alcohol-affected driver could then drive the car. The technology is available but it may not be an idea worth pursuing. I think extra information and evidence about such measures will be given over a period.

I am pleased that a national approach has been taken to road safety, that states are prepared to learn from each other and that the commonwealth government has been prepared to involve itself in the debate and encourage the introduction of state legislation to create better attitudes particularly to drink-driving.

A number of relevant articles have appeared in newspapers. The Herald Sun of 8 August 1994 reports on a statement by the federal Minister for Health, Dr Carmen Lawrence, regarding the need to make sure we continue our attack on drink-driving to ensure that not only will the states' road tolls drop over time but that the national toll drops also. It does not matter whether you are killed in New South Wales or Victoria — you are still dead!

It is important that we have a national and individual state approach. I am sure when ministers get together at various conferences on road safety discussions occur about measures taken in the states. I hope we will end up with a better cooperative approach.

I wish to make a number of other comments about this very important bill, particularly about the introduction of digitised technology. As I understand it, that enables one to have a photograph transferred to a digitised image reproducer; the photograph can be reproduced by a computer and transferred anywhere you like on the super highway of computers. Now that licences are issued for 10 years I wonder whether the technology exists for a computer to make your photograph age as you age! I am sure my wife would not agree with that!

There will be no general disagreement with that use of technology. When I discussed that with a number of consultative groups they did not have any major concerns. However, they said the community could be concerned about the protection of individual privacy. Perhaps the minister here or in the other place could respond to that concern. Using computer technology and networking it would be easy for that digitised mug shot to appear anywhere in the world. We have no objection to the requirement to have a photograph placed on a driving licence.

We do not want to see the photographs on drivers licences appearing on mug shots at the local police station. I do not think my local police station has my mug shot yet, and I want to make sure it stays that way! Care should be taken to protect the privacy of the individual. I am not sure whether there is a way of stopping computer hackers obtaining this information, but honourable members should be aware of that issue and ensure that the best possible protections are established.

The legislation also amends provisions relating to the paying of parking infringement notices. Apparently, parking infringement notices had to be paid within 14 days, and the amendment extends that period to 28 days, which is in line with driving-related offences. That is a sensible amendment.

I heard a conversation over dinner about a member of Parliament, who shall remain nameless, who had the Sheriff on the door because of an unpaid parking infringement notice. Apparently the Sheriff wanted to take his refrigerator as payment. I am not sure what happened, but something went wrong in the system and the member received the notice because he was the registered owner of the vehicle. That is a concern, especially as the Sheriff's Office has additional powers. I am not sure whether Sheriff officers will become valuers in order to ensure they take only goods of equal value to the fine. I am concerned about the process, although I certainly do not agree with people not paying fines.

Most parking fines are issued by local government officers. If they became more efficient they could ensure that the person receives notification of the parking infringement notice so he has the option of declaring whether he was the driver of the vehicle at the time of the offence.

I believe local government must become more efficient in issuing and collecting parking infringement fines.

The bill makes some important amendments to the Road Safety Act. The opposition supports them and will continue to support further amendments to improve road safety. This is not a party-political issue because it is in the interests of all the community. All members of the community should support the bill.
Mr PERRIN (Bulleen) — Road safety issues are bipartisan. I have taken part in many debates on road safety during the nine years I have been a member of Parliament and I cannot remember when amendments to the Road Safety Act have not been passed unanimously. It is excellent to see the opposition supporting this measure because it will further improve the safety of motorists on our roads. Victorian motorists are driving more safely and we want that trend to continue.

I have been concerned about drink-driving for many years. I am concerned that some people who may not be affected by alcohol could be affected by narcotic drugs. In the United States of America police are entitled to stop drivers of motor vehicles and test them for their use of narcotics if they have a reasonable suspicion that the driver may be under the influence of narcotics.

The Transport Accident Commission has been an outstanding success. The advertisements it has introduced are now being sold to other states of Australia, so it is receiving some return for its intellectual capital. We can take much credit for that because Victoria pioneered this new approach. I know some people are concerned that some road safety advertisements are very graphic. I can think of some that I have seen that have brought home to me and my family the effects of drink-driving.

I place on record my support for the commission’s campaign against the dangers of drink-driving. I know it has expended some $50 million to $60 million on these advertisements, especially on the black-spot campaign. Money is allocated to make our roads safer, and I support that program. All motorists pay for the advertisements through registration fees, but it is money well spent and is supported by all members of Parliament.

The bill allows agencies to be charged accreditation fees to run drink-driving education programs. I am interested in those programs because they are aimed at people who are known offenders. Some people may have an habitual drinking problem and they need re-education, if that is the term. This provision will enable the government to charge a fee for accrediting agencies to run education programs.

A number of organisations provide excellent facilities. A number of TAFE colleges run drink-driving education campaigns, as do other organisations. We want such services to increase markedly in the future.
the time, find out who that person is and arrange for the parking fine to be transferred to the driver of the vehicle and the driver to take responsibility for the payment of the parking fine.

The final area of the bill that I want to comment on is the use of digitised images instead of photographs on drivers licences. This is the most exciting part of the bill. It is my view that computer technology has the ability to speed up the issuing of drivers licences.

I predict that, with the use of computer images, an individual who has to renew his drivers licence will simply go to an accredited agency that can give him his drivers licence, pay the money, stand in front of a television camera and the camera will take an image of the person’s head. It will be transferred automatically by computer to the drivers licence and the drivers licence will be able to be produced. The driver getting his licence renewed will simply come in the door, have his licence renewed and walk out the door with a current drivers licence because of the new computer technology.

The old way to renew licences involved going to an RACV depot, having your photograph taken, taking your completed form and funds and at some stage in the future receiving in the mail your licence with your photograph on it. This provision of the bill will allow the latest technology to be used. A person will be able to walk into an RACV depot — — 

Mr Hamilton interjected.

Mr PERRIN — Or any other accredited agency — I tend to go to RACV offices. A person will be able to walk in with his money and completed form and walk out with a current licence with a digitised photograph on it. This is an exciting phenomenon that will cut down on bureaucracy and the cost of producing drivers licences. I am sure we would all agree that that convenience for all drivers is an excellent prospect. That will be facilitated by the amendments to the act.

In conclusion, we congratulate the opposition for its support of the bill. It is pleasing that such legislation has bipartisan support. I am sure all honourable members who contribute to the debate will agree that the provisions of the bill are necessary and will bring up to date the road safety measures that will make it easier and more convenient for motorists on our roads, and in turn our roads will become safer.

The Transport Accident Commission has been successful in reducing the road toll. At some stage in the future I should like to see the TAC pass on the benefits of the road safety changes that have been made, and at some future date we may even have lower Transport Accident Commission charges and registration fees.

I believe the TAC is doing well financially, and while we want money to be put into the black spot program, we also want money to be put into education programs on television. There is also the possibility that some money will be left over for the benefit of the motorist. I wish the bill a speedy passage.

Mr SEITZ (Keilor) — The Road Safety (Further Amendment) Bill has bipartisan support. All honourable members are concerned about road safety and should do everything that is humanly possible to develop a safe road system in Victoria, and from that a safe road system throughout Australia, particularly by education.

I commend to all honourable members the Home Safe program, which provides videos for schools and community groups. The videos are designed to educate young people, especially teenagers, about the need for them to arrange to have someone to pick them up from parties and the like. In many cases the person who picks them up is a parent, a sister or brother, an uncle or a cousin. There may be a good argument for introducing a formal agreement for young people to sign stipulating that when they first get their licences they will not drive if they have drunk alcohol; they must have someone pick them up. If the idea that drinking and driving do not mix is instilled in their minds we will have safer roads. I highly recommend that video program as a lesson for all, and honourable members may find that it promotes road safety among our circles of friends and constituents.

The aim of the bill is to get our young people into the habit of doing the right thing and not following the example of their fathers, who say, ‘Do not do as I do, do as I say’. The trouble is that the kids quote that back to you at times. I have displayed the Home Safe video to both young and older people in my electorate office, because both groups must be responsible. It encourages older people to make themselves available to pick up the young people when they go to parties and want to have a drink. It suggests that the family make a commitment, set an example and provide the transport.

The problem is that peer pressure is exerted, particularly with our young and P-plate drivers.
People goad them by saying, 'You're a sissy. You have to have your big brother or your mother pick you up from the party'. There is no disgrace in that; the teenagers who do that are acting responsibly. We all know the end result of not acting responsibly. The Traffic Accident Commission advertising on television shows the horrors of car accidents and what can happen to families because of those accidents.

Society pays for that, especially those who are left to care for the accident victims or those who grieve when there has been a fatality. They are the people who suffer the pain for the rest of their lives, as do the accident victims who were driving when drunk. Prevention is the best medicine. I support those provisions of the bill.

The bill also provides for retraining and the modification of the behaviour of people who are known to drink and then say they want to drive. Many people become aggressive when they have been drinking and then they think they are better drivers than when they are sober. That is when they have accidents, take risks and put other people in danger. We have a responsibility as a society to set the example for the young ones to follow. If people drink and drive, they set a bad example. An education program must be provided not only for the young and new drivers but also for the new arrivals to this country who obtain drivers licences.

Rehabilitation is another area that is of concern. I ask the minister to consider clubs like Rotary and the Lions that are interested in road safety and wish to become involved in some of the rehabilitation programs. A number of Rotary clubs, particularly in my electorate, are setting up road safety schools for kids. The children learn how to behave on the road by using bicycles on a specially laid out track. There is also such a facility in Essendon.

Those sorts of programs have merit, particularly for people who have alcohol problems. They learn that it is not safe to drink and drive and they also learn that somebody has to pay for their rehabilitation. Many people do not have the money. The priority of many people is to spend their money on booze, and the family suffers in the long run. Some of the laws are made for the general public but the silent majority suffers, usually the families.

I turn to parking infringement notices and the provision of a 28-day notice instead of a 14-day notice. That provision is welcomed. I encourage the minister and the media to publicise that fact, especially the time for paying the fines. The Attorney-General has introduced legislation that encourages the Sheriff to collect unpaid fines and debts from people who will not pay them. Many people do not realise that they must pay their parking fines on the due date. They leave their parking fines on the dashboard and do not know that they have to be paid by a specified date.

It finishes up with a court summons and the fine escalates. A parking fine might initially cost $28 but it can finish up costing $1700 after six years of court cases. The way that fines escalate should be publicised. It is important that the time limit for paying fines is stressed. That information should be publicised. It is important that the time limit for paying fines is stressed. That information should be in larger print so that it stands out and so that people understand what will happen if they do not pay on time. It could be part of the education process. Although the time limit for paying certain fines has been extended by 14 days, some people still do not pay. They do not need an education process; it is for those who are prepared to pay. Some people ignore their responsibility. I welcome the extension because it will give those less fortunate people time to save so that they can pay the fine and there will not be a big rush into court.

No parking signs should say that if a person does not pay the fine they must pay extra costs. If people do not see a police officer enforcing the fine they do not seem to think the paper has any bearing or meaning in law. That is the problem.

Mr Mildenhall — Then the sheriff comes around!

Mr Seitz — Then the people come to my office! The migrant community is familiar with uniformed personnel issuing fines and collecting them. In many European countries they are collected on the spot. That was my experience when I was on a CPA trip. The bill provides for digital imaging on drivers licences. Photographs on drivers licences were introduced without a ripple. I commend the former Labor minister for that initiative, because it is useful to have small drivers licences with photographs. Now they will have digital photographs. It will assist by making licences cheaper, easier for the community to identify people correctly and also licences can be posted. People will not be required to pick up their licences from VicRoads offices and that will mean they will not have to queue up right out into the street, which was the case when there was an amnesty on number plates. Staff were overworked and resources were limited. The public got impatient and blamed the innocent public servants when it is not their fault. Although the
amnesty was advertised, the staff had insufficient resources to undertake their normal duties as well as the extra duties. If the process means drivers licences will be available earlier and will be cheaper and more accurate so that people are not able to falsify them, I welcome it. I have no problem supporting the bill, but I reiterate that a continued education program, for drink-drivers in particular, is important.

I also highlight the Home Safe program. It should be a big event in every community to relieve the pressures on young people. Image makers such as football heroes and so forth should be part of a campaign so that in 10 or 20 years time society has developed to the stage where it is considered normal for young people who go out drinking to have organised someone else such as family members to drive them home without their being looked upon as sissies, particularly if they cannot afford the expense of taxis.

Mr WELLS (Wantirna) — It gives me great pleasure to contribute to the Road Safety (Further Amendment) Bill. I thank the opposition for its bipartisan support for the bill. I take up some of the points made by the honourable member for Keilor about teenagers who feel it is uncool for their mums, dads or older brothers to pick them up from parties. I hope when my boys are old enough they will not think it uncool for their dad to pick them up. I know it is all right to say that now but it may change later.

Victoria is unquestionably one of the world leaders in road safety and this bipartisan support has been part of road safety in Victoria for a number of years. I remember when seat belts in the front seats of cars were first introduced. This was a new push in road safety. The early seat belts were uncomfortable because they clipped on rather than being retractable. Then we moved to seat belts in back seats and then baby capsules. When I picked up my wife and first baby from the hospital I had to have a proper capsule. I thought I had everything right for the capsule but I forgot to take a particular bolt and the nurse insisted I go back to Forest Hill to get it. It was a worthwhile lesson.

The Transport Accident Commission has done an excellent job with its advertisements. It has been a three-pronged attack: the advertisements; the booze buses; and the speed cameras. We all are familiar with the advertisements on television. I remember when the first one came out it sent a shock wave through younger drivers. They saw a parent turning up at the hospital to find that their daughter had to have her leg amputated. In another a young man was killed because of fatigue. The advertisement showed him driving home to see his parents on the weekend and losing control of his car. It happens often. The advertisement on speeding showed a young child with blond hair walking across a road. The driver was travelling at 80 kilometres in a 60-kilometre zone and he killed the young boy. That advertisement sat uncomfortably in motorists' minds. Not many people like the booze buses but those who do the responsible thing appreciate them. The figures of people who have died on the roads each year have decreased from approximately 1200 to around 400. There are now approximately 600 more Victorians a year alive because of booze buses and speed cameras. With the speed cameras, we have all had speeding fines, some more often than others. But even our local paper asks in a heading, 'Have you been flashed?', and lists all the main roads — —

Mr Hamilton interjected.

Mr WELLS — Not that sort of flashing! The paper lists the different streets, the number of cars that have been checked and the number of cars that have been booked. It is a good incentive to keep reading the local paper. If you watch it over a long period of time you will see that the number of people actually being caught is slowly and surely being reduced.

I believe the concept of the road accident advertisements has been sold in South Africa. Having visited South Africa on a number of occasions, I believe it is one country that really needs improvements in road safety. It has a taxi system consisting of Hiaces and Volkswagens. I am not sure whether they charge by the person, or by the kilo, because when you look at a full taxi, there is nothing more you could put in it. It is jam-packed. Taxis in South Africa have only two speeds: stop, because they have to let people out and let people in, and the other one is flat out — flat strap. If these taxis are going flat out down a highway or freeway, even if they are on the wrong side, you pull over and stop because they do not stop. I remember once friends of my relatives over in Capetown — —

Mr Hamilton interjected.

Mr WELLS — I can tell you a few stories about that! Friends of my relatives who were in Capetown actually had a Hiace. Mum pulled up with the kids, they got out, locked up and went and did the shopping. They came back 40 minutes later to find the car absolutely jam-packed. What happened? An
Innovative young man had come along, jemmied the lock open, and said this car is going to a place called Kimberley, so all these people just piled in and when mum and the kids came back to find their car full, they had to convince everybody that they had been taken for a ride and that it was their car. It caused a lot of grief and commotion. Obviously with these taxis there is much violence because they are all fighting for the same patronage.

I shall return to the Road Safety (Further Amendment) Bill. The bill has three sections to it. It allows for the digitised drivers licence photographs; allows the Department of Health and Community Services to charge a credit agency fee for services; and amends the notification-of-driver period for unpaid parking fines from 14 to 28 days.

It is important that the bill is brought in now because the equipment for the digitised images is available and is ready to get up and go. All it needs is this legislation to pass. With the digitised photo, the image will actually go onto a CD-ROM and will then go to Vicroads for processing. But the ultimate aim will be that you will walk into the local chemist, the ones who have this digitised equipment — —

Mr Hamilton — Or the RACV!

Mr WELLS — Or the RACV. You can have the digitised photo taken and it can be given to you on the spot. At this stage the technology is not available, but that will happen some time in the future. It is a big step from the time when we got our licence 18 years ago. It was a paper licence. Then we had licences where we had our photo taken — —

An honourable member interjected.

Mr WELLS — I got it on the day I was 18, and it was just a paper licence. We then went to the plastic licence with the photo and we are now moving to digitised licences, which will be an enormous step forward. Honourable members know that some 5 per cent of all the photographs that are now being taken are ruined or damaged in some way and have to be retaken. When you have the digitised photo taken with the CD-ROM, it is signed and sealed and will not have to be retaken, which is an enormous step forward.

The second part of the bill relates to the drink-driving courses. This will allow the Department of Health and Community Services to charge for the accreditation of these courses. I refer to section 50(4A)(a) of the Road Safety Act, which reads:

(i) a first offence and the level of concentration of alcohol in that person's blood was 0.15 grams or more per 100 millilitres of blood; or

(ii) a subsequent offence ...

the court must have regard to the reports referred to in subsection (4B).

Subsection 4B refers to:

A person who applies for an order under subsection (4) and to whom subsection (4A)(a) or (4A)(b) applies must obtain from an accredited agency —

(a) at least 12 months before applying for the order, an assessment report about the person's usage of alcohol; and

(b) within 28 days before applying for the order, a licence restoration report.

What this means is that 12 months prior to applying for the order, an assessment report is done of the person's knowledge, whether the person understands the effects of drinking alcohol while driving, and to establish how much the person is drinking. Then 12 months later or thereabouts another report is done to see how much the person has learnt in that period, whether his or her knowledge of alcohol and driving has sunk in, whether he or she is still drinking the same amount or whether he or she has backed off. It is a means of finding out whether these people are responsible enough to get their licence back. If they have not seen the ads on television to sink that point in even further, there is a problem and they probably do not deserve to get their licence back.

When the person applies for his licence the court may request a licence restoration report from the accredited agency. The court does have the power to do this. When hearing the application for the licence, the court hears any relevant evidence tendered either by the applicant or by the Chief Commissioner of Police, and any evidence of a legally qualified medical practitioner required by the court. Without limiting the generality of this discretion, the court must have regard to the conduct of the applicant with respect to intoxicating liquor or drugs, as the case may be, during the period of disqualification.

The court also takes into account the applicant's physical and mental condition at the time of the hearing of the application, and the effect which the
making of the order may have on the safety of the applicant or of the public. These are very important issues.

The drink-driving education program, which the bill relates to, refers to people under the age of 25, unless it is satisfied, if the offence is a first offence, that the person had a level of concentration of alcohol of less than 0.15 grams per 100 millilitres of blood, and had completed an accredited drink-driving education program. They must complete this drink-driving education program. And people over 25 who are found guilty must also complete an accredited drink-driving education program within three months after being required to do so by the corporation.

What this means is that people who lose their licence for drink driving have to go to the accredited drink-driving classes before they get their licence back. The second part of this bill allows the Department of Health and Community Services to charge an accredited agency fee for its services. This means that it accredits the drink-driving education classes and programs, and once they have been accredited, people are then allowed to be educated about drink-driving. This is an important issue.

The third part of the bill concerns unpaid parking fines. When you receive a speeding fine you receive up to 28 days notice to object or provide any other sort of information. With the unpaid parking fine it is only 14 days, and this is seen to be unrealistic. By the time the agency mails out the parking fine and you receive it and then mail it back, it may have taken up to 14 days already. The other problem is the delay that occurs with the transfer of ownership papers from one car to another. It may be stuck in the paperwork stream somewhere along the line and if the unpaid parking fine is not paid within those 14 days a court summons is issued, and this is totally unrealistic. If you were to sell your car and the 14 days runs out on an unpaid parking ticket, you are liable for those parking fines regardless. It is a long drawn-out process which nobody wants. Extending the 14-day period for unpaid parking fines to a 28-day period is a commonsense approach which is consistent with other legislation.

I congratulate the government for introducing the bill and appreciate the fact that it is supported by both sides of the house. It is another step forward in ensuring safer Victorian roads.

Mr MILDENHALL (Footscray) — I, too, welcome the opportunity to participate in this headlong rush into consensus and agreement about the provisions contained in the Road Safety (Further Amendment) Bill.

The introduction of digitised technology into the obtaining of licence photos is quite an interesting development which opens up a range of possibilities. When the legislation is passed I hope the administrators will be conscious of the speed, flexibility, technology and technological possibilities that will emanate from the introduction of the technology.

It is not beyond the possibilities of the current technology that very soon there could be mobile receivers of these images and that when a police car — a mobile patrol, for instance, or perhaps a mobile breath testing station — seeks licence details from a driver an image could be brought up from the database at police headquarters and checked against the person driving. The technology allows for all sorts of applications.

I hope the administrators will be conscious of the heightened need for privacy in databases, because I suppose anybody would be able to electronically transmit these images anywhere. The introduction of the technology opens up the possibility for crimes involving fraud: manufacturing or changing images with criminal intent.

In some instances in the press we have seen reports of the use of computer technology to change photo images with spectacular results. I remind those who will be responsible for the introduction of the technology to think about that and to ensure that protection and security measures are adequate.

I will mention another specific part of the bill before making some general comments: the charging of fees for the accreditation of agencies with education programs. Given that the Department of Health and Community Services has now cut its outlays by nearly $400 million per annum, it is the hardest hit way. However, the fees charged should reflect some marketplace standard, and in the enthusiasm to recoup outlays in this way. However, the fees charged should reflect some marketplace standard, and in the enthusiasm to recoup costs the intended recipients of the courses must not be given any excuse not to attend. I know a lot of them, unfortunately, would be looking for an excuse such as, 'I know I was ordered to do it but I could not quite get there', or, 'It was not convenient to where I live', and price must not become an issue in
preventing or facilitating the access of the intended recipients to the courses.

These amendments to the Road Safety Act are very minor in the overall scheme of things. We must be conscious of how the overall effort that has been so successful in Victoria is travelling and what the relationship is between these measures and the success of the scheme.

The latest figures I have seen indicate that the road safety effort in Victoria is the most successful in the western world. I have access to figures from mid-1993. They show that the figure for Victoria is an average of 1.5 deaths per 10 000 registered vehicles, with the closest to us being the overall Australian average at 1.8, followed by the New South Wales average at 1.9 and the Swedish average at 1.9. Victoria's performance is about 30 per cent better than that of its nearest competitor. If you look across the bar graphs you will see that the average would be well in excess of 2 per 10 000 registered vehicles.

We have something precious here in Victoria that we ought to be doing all in our power to maintain. The Transport Accident Commission programs have been instrumental in that success. We have had a well-balanced combination of education, enforcement, engineering and evaluation. That is the way the TAC describes it with the four Es, including its evaluation of what occurred before and its education programs. Others have spoken about that. The degree of penetration of those programs has to be seen to be believed.

The other day I was heading downtown on a tram and the conductor asked me for my fare. I pulled out my parliamentary pass but my Bulldogs key ring flopped open. He looked at it and said, 'Well, that's nearly enough to get you a free ticket.' On the back of the key ring are printed the words 'Drink drive bloody idiot'. The sponsorship is paid out according to the number of places you can place that message. I can attest that there is not anywhere in the Footscray Football Club that you can go without getting that message right between your eyes. Even when the hospitality of the club is flowing, it is just about printed on the beer glasses; the reminder is there to really ram home the message.

The authenticity of the ads has also been remarked on. The first ad that the honourable member for Wantima mentioned featured a nurse who was a neighbour of mine with no acting experience at all. The evaluation of the results of the TAC ads showed that one of their attractions was the natural personality of the characters, the authenticity of the settings and the message that came across.

One would think that with that level of success and the finetuning of the advertisements we have a total success story here, but nothing is ever that good. There is always room for improvement.

I would like to comment further on the road safety effort and I think the government and the minister should take heed. The success of the Transport Accident Commission is one feature. There is ample evidence to show that the investment it has made has saved the Victorian community an enormous number of lives and an enormous amount of money. The road toll of 776 in 1989 sparked the new ads and the intense program, and the toll is now below 400. The drink-diving statistics from 1989 to 1992 show a huge improvement. The number of drivers and motorcyclists with a blood alcohol level of .05 who were killed was reduced by two-thirds, from 113 to 37. That is quite spectacular.

The introduction of the speed cameras towards the end of 1992 has probably had the most dramatic impact on day-to-day driving habits. Since 1989 the number of vehicles speeding past the cameras has dropped from 13.5 per cent of all vehicles to 5 per cent. This system has produced the best results in the world. But we have a government that wanted to sell it! The government spent at least $11 million working out ways to flog it off. The best balanced, most successful ingredients in the world, and the government wanted to flog it off. Any of us could have pointed out the commonsense in retaining something that was so highly successful.

After the expenditure of $11 million the government woke up to that fact. We are all grateful, even though that $11 million could have been spent on more booze buses or other constructive things. At least we have ended up with the right decision. That was not an auspicious beginning for the new government's effort in the road safety area. Thank goodness the blind ideology that is causing the packaging up and selling off of water, electricity and everything else did not have such a grip on the cabinet at that stage.

Another government measure about which a number of us were quite fearful was the lifting of speed limits on some of Victoria's major roads.

Mr W. D. McGrath interjected.
Mr MILDENHALL — We recall a previous time when the speed limits on freeways were lifted. After only a few months they were put back down because the road toll showed an increase. Although traffic flow patterns and efficiency improved there was a slight increase in the road toll. It has since reduced and is again showing the steady downward trend, which is a source of comfort.

The ACTING SPEAKER (Mr Cunningham) — Order! I remind the honourable member for Footscray that his remarks should be confined to the bill.

Mr MILDENHALL — I would hate to think that the parameters of the bill mean you can say anything you like so long as the government agrees with it. You can travel around South Africa, you can talk about all sorts of things. What does bipartisanship mean? So long as you agree with the government it is okay, but as soon as you say anything marginally critical — —

Government members interjecting.

Mr MILDENHALL — The propositions I am putting are parts of the delicate balance of all the components in the road safety system.

Another recent government decision that will have an impact on the success of this scheme relates particularly to the Minister for Agriculture, who is at the table. Earlier this year on road safety grounds I raised a matter concerning the safety of new cars for sale in Australia and the state government’s commitment to that program. It was bipartisan, with all states and motor organisations right around Australia contributing, but there was some doubt about the future of the Victorian contribution.

The ACTING SPEAKER — Order! I remind the honourable member for Footscray of the parameters of the bill.

Mr MILDENHALL — I am well aware of them. The safety of road users is absolutely paramount in the comments I am making. The effectiveness of this program, like the effectiveness of the TAC programs, has been demonstrated by the massive changes manufacturers and importers have made by introducing air bags. One of the main ingredients in ensuring the safety of vehicles is air bags. The program argued for them quite extensively. Every car you look at now, as distinct from six months ago, is advertised with air bags as the main feature, the main new development in the new model. ‘Have a look at our air bags. Sensational!’

What happened? Just when this practice is demonstrating how effective the program is, this miserly, stingy, short-sighted, states-rights, anti-consumer government withdraws from the program. It withdrew its $200 000. This now $3-million program desperately needs the participation of all parties, and what does the government do? It pulls out one of the vital components.

It is no surprise to hear that the operators of the program are fearful that other states will pull out because Victoria has pulled out. What will happen now? Will the whole thing collapse? Will this major road safety effort fall apart because of the short-sighted action of this government? That is not a good contribution to the road safety effort.

The ACTING SPEAKER — Order! The honourable member should try to relate his remarks to the bill, though.

Mr MILDENHALL — Yes, Mr Acting Speaker. I will conclude my comments on the car assessment program. It’s lack of contribution is a black mark on this government in the road safety area, in contrast to the legislation. As in many areas, the legislative framework is fine. It is the resources that are put into it that are the problem, and how it is administered, whether it is administered according to the spirit of the act or whether the government takes the opportunity within the legislative framework to reduce resources.

A component of the government’s road safety effort for which it gets points is its legislative framework. It gets grudging acknowledgment for finally waking up about the Transport Accident Commission. The government did not make the blue we thought it would have made on speed limits. The black mark is on the car-testing program. But, worst of all are the ambulances.

The ACTING SPEAKER — Order! I ask the honourable member for Footscray to come back to the bill.

Mr MILDENHALL — A vital part of the road safety system has to be how casualties are dealt with. The western suburbs experienced some terrible incidents where residents would either still be alive or would have been less severely injured if
ambulances had arrived in time. Those issues are important. It is not just about amendments to the act but all the other areas of government administration that have a major impact on a road safety effort. The government’s other priorities of saving money at all costs and reducing resources at all costs have unfortunately tended to undermine what has been a bipartisan, successful and world-best practice effort in the road safety system of this state.

Mr RICHARDSON (Forest Hill) — I wish to make some brief comments in response to the remarks I heard from the honourable member for Footscray who was scathing in his condemnation of the present government and its road safety activities.

Mr Mildenhall — Not all bad!

Mr RICHARDSON — What I heard was not glowing praise. What I heard was condemnation from a thoroughly discredited former member of the Road Safety Committee.

Honourable members interjecting.

Mr RICHARDSON — That is what I heard and those matters need to be answered.

The ACTING SPEAKER — Order! The honourable member for Forest Hill, on the bill.

Mr RICHARDSON — It should be pointed out, as we discuss the Road Safety (Further Amendment) Bill, that Victoria’s road safety record leads this nation; it is one of the best of any nation anywhere in the world. I point out to the honourable member that Victoria’s road deaths so far this year are the lowest for many years. They are lower than the deaths that occurred in 1992, which had been the former best year in the reduction of the road toll. The reduction of Victoria’s road toll as at that date, in comparison with the five-year average calculated by the Transport Accident Commission, is several hundred fewer.

The government’s record on road safety is impeccable. This government has been in place for a mere two years. The Liberal Party was in government for a number of years prior to 1982. I point out to the house that it was the Liberal government of those years that established the first all-party parliamentary Road Safety Committee. My good friend the Honourable Brian Dixon, a very distinguished former member of this place, was either the first or the second Chairman of the Road Safety Committee. I cannot recall whether it was the Honourable Walter Jona or the Honourable Brian Dixon who was the first chairman, but each of them served on that committee. The Road Safety Committee of this Parliament has led the world in recommendations relating to things like compulsory seat-belt wearing, the wearing of helmets by motorcycle riders and a multitude of other recommendations which have been picked up in Victoria by various governments of the day and which have subsequently been accepted by many other places in the world.

For the honourable member for Footscray to come in here and complain about the actions of this government on road safety is not only absurd but really quite contemptuous of the institutions that flow from this Parliament. It was this government that re-established the Road Safety Committee as a separate, intrinsic and important part of the committee system of this Parliament.

It was the Labor Party, when in government, that abolished the Road Safety Committee and simply subjugated it to being a subcommittee of another committee called the Social Development Committee. Road safety was simply then a portion of the work of that Social Development Committee — —

Mr Mildenhall — Successful though!

Mr RICHARDSON — The honourable member for Footscray keeps butting in all the time, when he is only a lad — —

The ACTING SPEAKER — Order! The honourable member for Forest Hill will ignore interjections.

Mr RICHARDSON — He has only been here for 5 minutes and he is still only a lad. He has not yet got the scars that I assure him will come over the next couple of years.

Mr Hamilton — Be a devil and show us your scars!

Mr RICHARDSON — Some of my scars are in places that I can’t quite reveal! The honourable member does not yet understand what all these things mean. The present government has done more than the Labor Party ever did in its 10 years in government.

Mr Mildenhall — It was in relation to the work of the Social Development Committee!
Mr RICHARDSON — I was a member of the Social Development Committee during those Labor years and I know the things it did. I was part of it for many of those years. Much of the work that was done was useful; but the committee was also involved in a whole lot of areas of inquiry that I regarded as totally trivial. I must say when it got down to pet budgerigars I was starting to lose interest in it!

The ACTING SPEAKER — Order! The honourable member for Forest Hill will come back to the bill.

Mr RICHARDSON — I am coming back to the bill in the sense that the Social Development Committee embraced the responsibilities of the former Road Safety Committee. The point is the committee was more concerned with the social agenda of the Labor Party and the various influences that work on it than it was with road safety. It was this government that returned the Road Safety Committee to its proper place as an integral part of the committee system of this Parliament. It was this government that recognised the appalling consequences of the lack of attention that was given by the previous government to road safety. And it was this government that has been able to turn the situation around.

In making that remark I must, in fairness, pay tribute to the former Minister for Police and Emergency Services, the Honourable Mal Sandon, who was minister at the time the Transport Accident Commission began its massive funding of road safety commercials. I well recall when I was sitting — —

Mr MILDENHALL — A bit of bipartisanship!

Mr RICHARDSON — I remind the honourable member for Footscray that the very place in which he sits now was my place.

Honourable members interjecting.

Mr RICHARDSON — I am being fair in acknowledging that when the road safety crisis hit in 1989 the then government responded with tough action. I understand that the honourable member for Carrum, who was then the Minister for Police and Emergency Services, was responsible for the impetus given to the Transport Accident Commission commercials, and I pay tribute to him for that. It was followed by a steady effort to reduce the road toll. However, the Labor government just left it at that; it did not take that extra step. This government took the extra step and reinstated the Road Safety Committee, which put road safety even higher on the agenda. For the honourable member for Footscray to attack this government on its attitude to road safety, as he was doing when I entered the chamber, is totally unacceptable and tasteless — —

Mr MILDENHALL interjected.

Mr RICHARDSON — I was about to pay you some sort of compliment, you twit! His remarks were tasteless and, I thought, not in keeping with his usual character; therefore I was disappointed to hear them.

It is important for the house to note that the present government is totally committed to the importance of road safety and continuing the attack on the road toll. A variety of measures is being put in place to address the very serious problem of hundreds of people each year tragically and needlessly losing their lives and thousands more being injured, often permanently. It is a human tragedy that cannot be allowed to go unchecked. The government is addressing this matter in a very aggressive and positive way, and the results are beginning to show.

In fairness I make the point that we are building upon the fundamental decision that was made by the Labor government in its final years of governance. It is very disappointing to hear a new member of the opposition, who should have done his homework better, criticise and ridicule the work that has been done. In doing so he is doing a disservice to those who have lost their lives, those who have been injured and will remain incapacitated and their families. It seems to me that something more positive should come from the opposition on this issue. There should be constructive advocacy of the things that must be done and ideas about how they could be done better instead of carping criticism and smart-alec points made to get political cheers from his own mob. That is what I heard when I came into this chamber.

The government attaches great importance to road safety. It regards very seriously the tragedy of death, destruction and injury on the road caused by horrific car accidents. They are all avoidable. The greatest single component of tragedy on the road is speed. Linked with that is youthfulness and the excessive consumption of alcohol. The ultimate tragedy of road trauma is that those most likely to be killed are young males between the ages of 18 and 25. The next
group of people most likely to be killed is 16 to 18-year-old youths. The people most likely to be injured are the passengers. The statistics are horribly stark and clear — —

Ms Marple interjected.

Mr RICHARDSON — That is a reasonable interjection and I ask you, Mr Speaker, not to rule it disorderly. The honourable member for Altona asked whether I was taking into account serious injuries resulting from road accidents. It is an unfortunate fact that there are inadequate statistics to indicate the proportion of serious road injuries as distinct from road deaths. That is one of the matters that concerns me as Chairman of the Road Safety Committee. The road safety industry — it certainly seems to be an industry, even a growth industry, because it seems to me that more academics and professionals are working on road safety than are working on any other matter — has no statistics to tell us what the honourable member would like to know. The question she raises is unanswerable. One of the tragedies of our new information-alert age is that I can tell her how many people have been killed but I cannot tell her how many people have been seriously injured or how long they remained incapacitated.

Injuries as a result of road accidents are thought to cost the nation around $6 billion a year. That figure is unprovable because the evidence is not available, and a great deal of work needs to be done on the gathering of statistical information on the severity of injuries and the length and cost of incapacitation.

Social scientists could undertake an inquiry into the social impact of road trauma. It seems to me that if an effort were made at the national level with the federal office administering road safety as the sponsoring body it may be possible to drive home more firmly to the community the effect of the lethal cocktail of speed, alcohol and youth.

Without wishing to pre-empt any report which may one day flow from the committee, I advise the house that this is an issue of great concern to the parliamentary Road Safety Committee — to me as chairman, to the honourable member for Melton, the most distinguished deputy chairman of that committee, and to the equally distinguished members of that committee.

I conclude by making the observation that the measures which are presently before the house are simply part of an ongoing process within Victoria to reduce the horrific road toll even further, remembering that, while horrific, our road toll is still lower than that of any other state, based on population, the number of kilometres driven and so on. In comparative terms Victoria leads the nation and much of the world. The statistical tables are public knowledge; they show Victoria is doing very well. The measure before the house is part of the effort to improve our position even further.

I commend to the house not only this bill but also the efforts of the government and the bipartisan all-party committee, which is working on this matter.

Mr MICALLEF (Springvale) — I shall make a few brief comments. I could not let some of the comments of the previous speaker go unchallenged. Given the way he pontificates he sounds as though in another life he might have been a preacher in the deep south of the United States

Honourable members interjecting.

Mr MICALLEF — I think I was a member of the Establishment in another life, so I will come back in that role one day!

The way the honourable member for Forest Hill talked about the social costs of the motor car made one think he would be fully behind his Minister for Public Transport, putting up a wonderful argument for the development of public transport, which would get people off the roads. The social devastation caused by the motor car suggests that driving a car is fast becoming untenable. Instead of having committees considering how to make the best of a bad situation, maybe we should be making recommendations on how to upgrade public transport so that we have fewer people on the roads and therefore fewer people getting themselves into the horrific predicaments described by the honourable member for Forest Hill.

The comments about the work of the former Social Development Committee being part of the former Labor Government's agenda would not be accepted by those members on both sides of the house who either served on that committee or read its impressive reports. It will go down in history as one of the most productive committees this place has ever seen. The suggestion that its work formed part of the agenda of the Labor Party cannot go unchallenged.

The honourable member for Forest Hill happened to be a member of the committee. From time to time,
and only when it suited him, he turned up to meetings — and when he did turn up, he often fell asleep. I do not like doing this; but he fired the first bullets, so he has to get them in return. He who throws the first stone ought to make sure he is not living in a glass house.

Mr Richardson interjected.

Mr MICALLEF — Yes, we are mates. I will let you buy me a drink after this, just to prove we are. I will drink with anybody; that is one of my weaknesses, Mr Speaker!

The former Social Development Committee conducted inquiries into vehicle occupant protection and the rehabilitation of drink-drivers. They were extremely useful and productive inquiries. We certainly interviewed many organisations. We found problems with the RACV because, from the committee’s point of view, the vehicle lobby was not doing enough to look after motorists. We found that vehicle designs left a lot to be desired and were certainly not up to the standards required.

The committee made many recommendations. We were ambivalent about air bags and so on, but we were certainly very critical of the structural design of Australian motor vehicles. I have just bought a new motor car that has the new ABS braking system. Those are the sorts of things we should be looking at in the design of motor cars.

We should be looking also at other issues such as the cost of road structures, the design features of roads and so on. Roads are a tremendous drain on the community. It costs an enormous amount to build freeways. If you are going to sell motor cars, you should sell a vehicle that is safe. You should have rigid standards for those who drive motor cars. You should not blame the people who drive them for all the problems associated with motor cars.

The community incurs enormous social costs in looking after people who have been injured in motor car accidents. Headway is an organisation that cares for people who have suffered horrific injuries; it tries to rehabilitate people with massive head injuries. We have talked about the importance of helmets.

It is going a bit far to say the Social Development Committee followed the Labor Party’s agenda. I suggest the honourable member for Forest Hill probably voted in the party room for the privatisation of the TAC, even though the TAC is running a wonderful campaign against motor accidents and it is having a tremendous impact. One of the reasons the accident rate in this state dropped tremendously is because of the TAC, which turned the third-party insurance industry in this state from one that was suffering massive losses to one that is a financial plus. Some of the money made from that was ploughed back into the community for the prevention of motor accidents.

As I said, the TAC has been very successful. This wonderful Treasurer, who attempted to flog off the TAC, ought to be ashamed of himself. The Minister for Health is at the table. She ought to be thankful that the public campaign prevented the Treasurer from selling off the commission, because that organisation has eased the workload of hospitals. I am suggesting that if you had flogged off the TAC hospital waiting lists would have blown out a lot more because the hospitals would have been treating many more road accident victims.

With those few words, and following on from the pontificating of the previous speaker, I support the bill.

Mr BROWN (Minister for Public Transport) — I thank the honourable members for Morwell, Bulleen, Keilor, WANTIMA, Forest Hill and Springvale for their contributions to the debate on this important bill.

My recollection is that every speaker mentioned that for more than two decades a bipartisan approach has been taken to issues involving the promotion of road safety. It is fair to say, as the honourable member for Forest Hill and other speakers in the debate said — with the probable exception of the aberrant contribution from the honourable member for Footscray — that for a long time there has been unanimity and a singularity of purpose in wanting to save lives and reduce trauma.

In years gone by, the then Liberal government, as opposed to the coalition government of the past two years, led the world in introducing legislation such as that relating to the compulsory wearing of seat belts. None of us was in the house at that time. The measure was labelled draconian, unfair and unreasonable by many people from many sections of the community.

However, I venture to say there is now close to universal acceptance in Victoria for the compulsory wearing of seat belts. It takes only one visit to the Royal Children’s Hospital to see heart-wrenching cases of children who have been pulverised during a
motor vehicle accident when they were not restrained to see the value of restraining children as well as adults of all ages. Some children have hit windscreens or worse, and of course some end up being vegetables for life.

When we see people in the gallery watching question time, and quite often witnessing a fairly undignified scene in this house, I often wish they could also see debates such as the one this evening where a mature approach has been taken, sensible amendments have been suggested where issues have been debated on merit and on the basis that they will help to save lives.

The proposals are supported by both sides of the house, as the honourable member for Morwell indicated from the outset, and I therefore thank all honourable members for their contributions. The honourable member for Morwell raised the issue of protecting the privacy of the individual as it relates to information stored via the process of digital imaging. I am advised that the photographs will be stored on CD-ROM and not on a loaded computer. In effect, they will be stored under lock and key, so for this information to be used in an unauthorised manner would involve someone breaking into the safe where the CD-ROMs will be stored and stealing them. The security at Vicroads is excellent, and people on the premises will ensure that the security of this information is paramount. I will bring to the attention of my colleague the Minister for Roads and Ports in another place the concern that has been expressed, but I am advised that the security will be very good indeed.

The honourable member for Morwell also said these are not party-political issues and are in the interests of the community. He even said the opposition would look forward to supporting future amendments that are in the community interest. Again, I thank the opposition for taking that attitude on an important community matter.

In his worthwhile contribution the honourable member for Bulleen supported the excellent work the Transport Accident Commission has done over a long period. There is no doubt that the television advertisements, hard-hitting as they are, have concentrated the minds of many motorists on this issue, particularly young people who are vulnerable to peer pressure and to doing the stupid things many of us did as young people.

Mr BROWN — Yes, some more than others, that is very true, particularly in the bush where law enforcement 30 or 40 years ago was not quite what it is today. I know one of my colleagues often relates the story that when he went to get his licence in a country town the local policeman asked, 'What? Are you telling me you haven't got a licence?'. Of course, the local constable had witnessed him driving around for quite some time prior to the day he fronted up to get his licence.

The contribution made by the Transport Accident Commission is certainly supported and has led to the saving of lives and the lessening of trauma. Again it was a pity that the honourable member for Footscray lowered the standard of debate when he started talking about the achievements of the Footscray Football Club. I acknowledge that it has been sponsored in part by the Transport Accident Commission and has tried as hard as it can to support the program in a meaningful way, but had he got to next year's premiers — the Tigers, of course — he would have had to admit how much more the Richmond Football Club has done in that regard and the fantastic promotion they have given the Transport Accident Commission, particularly in recent months because they were winners so often. That puts the Transport Accident Commission's program and advocacy of road safety clearly before the community.

When the bill receives royal assent and the proposals within it become a reality a person will not actually be able to walk out with a new licence on the day that person presents to an authorised outlet. That is the objective in the medium to longer term but it will take time for Vicroads to reach that position with the technology. It will possibly take considerable time for it to become that quick and for there to be an instant turnaround. It is, however, the ultimate objective that at the bigger outlets eventually a person will be able to walk in with his licence, have it processed on the spot, and walk out with a new licence.

I thank the honourable member for Keilor for his contribution. He expressed the view that the accredited assessment agencies should include voluntary bodies such as service clubs. No honourable member in this house disputes the enormous job done by service clubs — we all understand the magnificent contribution they make to their various communities — but I doubt that it is practical for community organisations of a voluntary nature to undertake such accreditation. They would need to have trained psychologists on staff.
permanently to undertake that role. Other standards would have to be achieved which would be beyond the scope of voluntary agencies, but I would not rule it out in this response. I will raise the matter with the Minister for Roads and Ports, but I doubt very much that service clubs would be able to reach the standard required as they would need people such as trained psychologists on staff permanently.

The honourable member for Keilor also mentioned the extension of the 14-day period of driver notification for unpaid parking fines to 28 days. I would be hopeful that this will help Kay McNeice, for one, but that aligns more so to other requirements at law. It certainly has been unfair on many people that they were not notified within the 14-day period for a number of reasons. Extending the period to 28 days should cover it for all people in future. I will raise with the Minister for Roads and Ports the suggestion that there be a community awareness campaign, but I note that this matter has already been covered in the press. I assume it will receive more press coverage in the months ahead, but I will raise the suggestion with the minister.

The honourable member for Footscray also raised the point about the security for the new digital technology. As I have said, it will be on CD-ROM and stored very securely.

In conclusion I thank all honourable members for their contributions. Road safety and road trauma are important community issues. I look forward to hearing in the many years I have ahead in this position further contributions from both sides of the house about how we can continue to improve the system.

That is a carte blanche statement. Wisdom does not necessarily reside totally on this side of the house, and as an acknowledgment of that I would say — —

Honourable members interjecting.

Mr BROWN — Well, there is far more on this side of the house than there is on the other — but it is not necessarily exclusive. This government is prepared to listen to any suggestion, whether it comes from the state opposition, a community group or an individual, that will enhance road safety or find a better way of saving lives and reducing trauma — especially the horrible injuries suffered by little children and babies. We are prepared to take all suggestions on board, even if it means having a draconian aspect to the legislation. We have the strength to face up to the issue and ensure that Victoria continues to lead the world. This government will not shirk its responsibilities. Again I thank all honourable members who have contributed to this very worthwhile debate.

Motion agreed to.

Read second time.

Passed remaining stages.

EMERALD TOURIST RAILWAY (AMENDMENT) BILL

The SPEAKER — Order! As a statement has been made under section 85(5)(c) of the Constitution Act I inform the house that in my opinion the second-reading of this bill must be carried by an absolute majority.

Second reading

Debate resumed from 5 October; motion of Mr McNAMARA (Minister for Tourism).

Mr LONEY (Geelong North) — At the outset I will say that the opposition fully supports the measures contained in the Emerald Tourist Railway (Amendment) Bill, which we regard as important for a number of reasons. The Emerald Tourist Railway is far better known throughout Victoria and beyond by the colloquial term Puffing Billy, which is a very important tourism asset for the state.

Although the bill is small it is important because Puffing Billy holds a special place in Melbourne’s tourism network. It is an undoubted attraction for the many tourists who visit this state each year, from both interstate and overseas.

Puffing Billy invokes the romance of a bygone age — the age of steam. Great steam trains engage all one’s senses: the sight of them, the way they look — they are attractively set out and have very fine, large engines — the steam itself, especially the hiss and the movement, the sounds, and the smell of the fuel burning. So all the things about Puffing Billy and the other great steam trains engage the senses and attract people of all ages.

The same does not apply to the trains we have these days. The smell of diesel fumes is nowhere near as pleasant as the smell of the burning fuel that powers the steam trains!
There is a certain magnetism about those trains. They capture the imagination and transport people back to a time when the pace of life was far slower. They are apt ways of involving people in living history. Attractions such as Puffing Billy act as reference points to the past. They are becoming increasingly important, particularly as today’s technology moves inexorably on and is used for all sorts of undreamed of applications.

Today’s technology does not invoke anything like the romance conjured up by the machines of the steam age. There is something almost hypnotic about those old engines. For those of us who recall travelling on steam engines, which were the only means of travel for some of us when we were young, they invoke the past in very personal ways. Even the minister may recall that in earlier days donkey engines were a common sight. They were a particular source of enjoyment for many people at the time, and many hours were whiled away twisting and turning the wheels of those engines, firing them up and seeing how fast they could go.

The airconditioning unit downstairs comes from the same age and is a constant attraction for people who visit the building. You always see groups standing around pressing the button to make the machine whirr. I do not think you would get too many people standing around modern airconditioning units watching how they work. Puffing Billy captures the romance of the machines from that age, which is what makes it such a popular attraction. It reminds us of the golden age of rail travel and the few steam trains that are left.

Puffing Billy and the Emerald Tourist Railway are tributes to those people who 40 years ago had the foresight to work to retain that particular line and the machinery that went with it. Sometime prior to 1955 the railways commissioner determined that the service was no longer required and that that particular line should close. It is interesting to note that even back then the closure of a railway line such as that caused considerable controversy and significant debate.

Mr McArthur interjected.

Mr LONEY — Well, maybe. But I suggest you cannot have a profitable railway of any sort unless you leave the track and the train there, which is what happened with Puffing Billy. Those people fought very hard to retain that train and their foresight at that time has proved to be a boon to the people of Victoria and particularly to tourism in this state. They certainly did Victoria a great service by conducting that fight to save the train.

The fight to retain Puffing Billy led to the Emerald Tourist Railway Act 1977, which established the current board and provided for its operations until now. In many ways the bill effectively acknowledges the great work done by the Emerald Tourist Railway Board between 1977 and today.

I refer in particular to the minister’s remarks during his second-reading speech, in which he said of the board:

... the Emerald Tourist Railway Board has managed the Puffing Billy railway with dedication and skill and has positioned it as one of state’s most popular and innovative attractions.

The opposition concurs with those sentiments expressed by the minister and also pays tribute to the work of the board over many years.

From its small beginnings in 1955, the railway has now grown into a major tourist attraction contributing a total of 34 jobs — 28 full time and 6 part time — that are no doubt very valuable to the local community in that area. In the year just passed the railway carried more than 200 000 visitors, collected almost $2 million in revenue and made a net profit of some $398 943, which is a significant contribution to the economy.

It is interesting in light of what we are talking about and the hard times we have gone through in recent years — and certainly tourism has suffered as part of that — that in the 1993-94 financial year revenue was up 23 per cent on the previous year. That in itself is testimony to the management of the board. The provisions of the bill will allow the work done by the board over previous years to be further developed and extended.

The Emerald Tourist Railway Board is responsible for the preservation, development, promotion, operation and maintenance of the facility. The bill will provide the board with an increased measure of autonomy to conduct its own affairs without reference to the minister. Essentially it is being put on a more business-like footing. It will allow the board to operate in a manner more commensurate with modern business practice. It will not have to run back to the minister on every occasion on which it requires to make a decision. It is being given a great amount of flexibility and autonomy to operate. The opposition fully supports those moves and
suggested that the board has shown itself competent to take over those activities and conduct them effectively.

In particular, the board will be able to make its own determinations on contracts worth up to $200,000 and will be required to seek ministerial approval only when contract work is valued at more than that figure. That is a realistic and worthwhile way for the board to go. There is no need for a board that has proved itself capable to have to continually go back to the minister on those amounts. The opposition has no difficulty with this measure on the basis of the board’s good record of management, particularly given that the audit requirements of the board continue in place so that the checks and balances remain.

The board will also no longer be required to report all accidents and incidents to the minister regardless of how minor they may be. It will now be required to report only accidents and incidents of a serious nature. That again seems to be a sensible approach to things. The board has proved itself capable of managing its safety in an effective and competent way. It has a good record in that regard. I am sure the minister is also not particularly interested in having reports of trivial matters presented to him time after time. The opposition sees this as a sensible approach that is well in line with modern business practice. It is confident that the competence and expertise the board has built up over many years is such that this change does not constitute any form of downgrading of safety considerations on the Puffing Billy line.

In total, these clauses effectively allow the board to operate in a manner that is much more consistent with modern business practice than the way it has been allowed to operate in the past. We particularly note that clause 4 of the bill, which the opposition regards as extremely important to the future of the railway, allows the board to expand the operations of the railway consistent with its role as a major tourist attraction. This will do a number of things.

Firstly, it will enable the board to link the Puffing Billy service with many of the other tourist attractions in the Dandenongs and the south-east area of Melbourne. This networking or interlinking of tourist attractions is the way that more and more tourist networks are heading in an attempt to integrate things so that they are able to hold visitors in an area longer and, we hope, for the benefit of the economy in this case, to wring a few more dollars out of them than they might otherwise have been inclined to spend. In passing I should mention that Eastnet is an organisation that is working effectively on the interlinking of all sorts of attractions in that area.

The opposition believes the ability of the board to enter into these arrangements will increase the number of attractions able to be accessed by visitors and therefore, as I was saying, increase the likelihood of longer visits. Removal of some of the current restrictions on the board will enable Puffing Billy to provide fresh experiences and so encourage more repeat visits. Repeat visitation is encouraged and will increase the competitiveness of the railway as a tourist attraction. Like any other section of industry, tourist attractions are also subject to increasing competition.

We should note that although Puffing Billy is performing very strongly, it is in an increasingly competitive market for patronage. The board is well aware of this fact and at page 3 of its annual report for 1993-94 states:

The enormous growth in available activities, particularly at weekends, is exerting considerable pressure on the railway’s strongest traditional market. The board is conscious of the rapidly changing nature of the marketplace. Detailed planning for the future is being undertaken in order to better position the business to take advantage of future opportunities.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! Under sessional orders the time for the adjournment of the house has arrived.

Newlands estate development

Mr CARLI (Coburg) — I ask the Minister for Police and Emergency Services to direct my concern to the Minister for Housing in another place. I ask him to investigate the reasons for the current impasse with the Newlands estate redevelopment.

The saga has been rather a lengthy one involving the construction of 15 elderly person units, 12 family units, a community centre and the tendering out of a number of shops. At present, an agreement awaits the signatures of the Moreland council and the housing department. Each side claims the reason for the delay has been caused by the other. Now we have an impasse, but with some pressure exerted by
ADJOURNMENT

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The minister the agreement could be signed rather quickly.

The issue has been continuing for about five years. It has involved the closure of shops at the Newlands estate; in fact, the shops were bulldozed three months ago. The loss of the shops has had a dramatic effect on the area. Residents living near the proposed estate had been using the shops, which were originally owned by the then housing department for 30 years. It was intended that through a tendering process, private investors would build new shops. Nothing has happened.

Recently I attended a meeting of the local progress association. Numerous residents, some quite elderly, are looking forward to the redevelopment of the units and the building of the shops in an area where they used to shop. The delays have led to a lack of patience. The residents have waited long enough. The documents have been drawn up, the plans prepared and everything seems to be ready to go, yet there seems to be a reluctance or inability to sign the final documents.

The reason for the delay is not quite clear. It is causing enormous frustration. The answer for the past few months has been, 'It will happen in the next few weeks'. We should be able to short circuit the delays and get the development off the ground for the benefit of local residents. Also, the estate development will provide housing in an area with a chronic shortage of housing.

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

Bureau of Immigration and Population Research

Mr HONEYWOOD (Warrandyte) — In the absence of the Minister for Ethnic Affairs I ask the Minister for Police and Emergency Services to direct to his attention the political compromising by the federal Minister for Immigration and Ethnic Affairs, Senator Nick Bolkus, of the independence of the Bureau of Immigration and Population Research.

Evidence has been brought forward that Nick Bolkus will replace the separate state reference groups that advise the minister and the bureau on matters dealing with population settlement with 12 Labor hacks from each state and territory — a total of 96 cronies — following an Immigration Review Tribunal review. Mateship largesse!

This will occur at the end of the year. Because Senator Bolkus has been so embarrassed by the cronyism associated with the announcement of the appointments to the Immigration Review Tribunal, this announcement will be deferred until the slow news time in December. The 96 Labor hacks will replace a current network of volunteers made up of specialist academics and specialist state government and federal government public servants. Those people volunteer their time. Their monthly meetings will be replaced by 96 Labor Party hacks being paid an average of $300 a meeting plus travel expenses and other perks to ensure the minister has a personal fiefdom on immigration and ethnic affairs in Australia.

Not only that, in the recent release of population profiles to ethno-specific communities, which was done with considerable fanfare for the Chinese community in Sydney, the Italian community in Melbourne and the German community, accompanied by considerable media coverage, the federal minister compromised the staff of the bureau under Dr John Nieuwenhuysen by ordering that no Liberal or National party members of Parliament were to be invited to those launches. It is being made a Labor Party front and yet we have 300 to 400 ethnic community representatives at each of those launches. This is meant to be a bipartisan, independent research body established by the commonwealth department to undertake independent research and foster public understanding.

In its recent report the bureau alluded to state reference groups being established around Australia under the auspices of each state and territory to facilitate interaction between BIPR and other states and territories. How can that occur if we have 96 ministerially appointed Labor Party employees on fat meeting fees flying around Australia? The minister has made it his fiefdom.

Equine viruses and infections

Mrs WILSON (Dandenong North) — I direct to the attention of the Minister for Sport, Recreation and Racing a matter primarily related to the minister's racing portfolio. I ask the minister to consider developing a major strategy that can be put into place in the event of a serious equine virus occurring in this state. It is appropriate to consider this in view of the sad situation recently witnessed in Queensland with the death of Vic Rail and the horses in his stable. The minister, like all other members, would be aware of the panic that caused
in Queensland racing circles and the money lost by
the Queensland government as a result.

The minister should ensure that a quick response is
ready in Victoria if a similar situation should occur. I
am sure the minister would know that equine
viruses and infections are nothing new. For instance,
in 1992 in Hong Kong 500 horses were infected with
an influenza virus and a number of those valuable
horses subsequently died. Earlier this year in Sydney
33 highly prized yearlings died as a result of
botulism, which was originally thought to be a fever
virus. Recently in the Hunter Valley, an equine
herpes caused 30 very valuable mares to abort their
foals at a cost of more than $500,000. Nearer to
home, a Kilmore trainer watched all the horses in his
stable die, and it was a number of weeks before the
virus was detected.

It is essential that we have a strategy that can be
rolled into place very quickly and successfully with
the cooperation of the minister's colleague the
Minister for Agriculture, veterinary laboratories and
racing clubs. In Queensland quarantine
arrangements were put in place quickly. That is
essential so veterinary laboratories are able to
respond quickly to identify the type of virus the
horses may have. I ask the minister to respond to
that query.

Shepparton railway station

Mr KILGOUR (Shepparton) — I raise with the
Minister for Public Transport or, in his absence, the
Minister for Police and Emergency Services, who is
at the table, the Shepparton railway station building,
which at the moment is operated by Hoys Road
Lines. Hoys operates the private train from
Shepparton to Melbourne, which runs about
150 metres from the home of the minister at the
table. I am sure he is interested in our magnificent
train service from Shepparton to Melbourne. I have
much pleasure in using it often, enjoying a free cup
of tea or coffee on the way down and back — —

An honourable member interjected.

Mr KILGOUR — The free ride helps as well. In
Shepparton the private train does not carry parcels.
The parcel room, quite a big room at the Shepparton
railway station, is no longer used. A number of
weeks ago I was attending the mechanics institute in
Shepparton and came across the Goulburn Valley
model railway club, which was set up in the
mechanics institute. Members of that club advised
me that unfortunately they did not have a home in
which they could set up their complete model
railway system.

I suggested that they contact Hoys Road Lines about
the room available at the Shepparton railway station
to see whether they could set up the model there. I
thought it was an excellent idea to have it right
where the trains are in Shepparton. Hoys Road Lines
was happy to accommodate the model railway club,
and the club will be moving its equipment into the
station. However, a problem has come about
because the PTC has not yet been able to sign a
long-term lease with Hoys for the railway station
building, and until a lease is signed Hoys has
suggested that the railway club not make any major
alterations to the building, such as painting and
putting in the many extra power points that will be
needed.

I ask the minister to look into the situation to see
whether it may be possible to provide for Hoys
Road Lines a long-term lease of the building to allow
the model railway club to move in and make the
necessary arrangements concerning alterations to
the building so it can have a permanent display,
which would be helpful to the people of Goulburn
Valley and those who go to the station to see the
model railways in operation.

Fair trading: personnel practices

Mr MILDENHALL (Footscray) — I raise with the
Minister for Fair Trading or, in her absence, the
Minister for Police and Emergency Services
personnel practices in the fair trading ministry.

Incidentally, I was trying to pursue this matter by
telephone today. The ministry has advertised that it
has shifted office and has a new telephone number.
It shifted on Monday, and I still cannot get through.
The new number is not yet connected. The rate of
inquiries would be around 5000 per week, so
5000 calls will not be getting through. That gives
some idea of the priority given to customer services
by a ministry that is supposed to deal with
consumer issues.

Mrs Jill Mathers of Bell Post Hill, an employee at the
Office of Fair Trading and Business Affairs, was told
earlier this year that her area of responsibility was
not regarded highly and was being wound down,
and that there was no future there for her. Her
responsibility was keeping surveillance of
community group funding schemes. Obviously that
is not a high priority for the government, either.
After being told that, she inquired about a voluntary departure package. They were widely advertised as being available. She applied according to the guidelines before 30 June, but was told, 'No, we have reached our targets. We do not need to do that and you are required'. Having very little to do and the nature of her employment having been devalued to the point where she was told there was no future, Mrs Mathers eventually resigned from the ministry and has since discovered that some months after she left her position was made redundant and no longer exists.

Given the generally accepted guidelines for the availability of voluntary departure packages, my inquiry to the minister is whether Mrs Mathers has been dealt with fairly and consistently, whether the opportunities available to all others were made available to her, and whether there has been any aberration in the system or personnel practices in the department. Will the minister investigate this matter and report back so that a resolution can be satisfactorily arrived at?

**Bendigo agricultural centre**

Mr TURNER (Bendigo West) — I raise with the Minister for Agriculture an important matter regarding the Bendigo agricultural centre, the building program that is currently under way and the long-term future of that establishment.

Mr Brumby interjected.

Mr TURNER — I was not going to talk about that, but I shall. Today I was looking through member’s interests and saw that the Leader of the Opposition is a long-term woolgrower, he actually sells wool. We all know the farmers on the other side of the house who have a real interest in agriculture.

I thank the Minister for Agriculture for his long-term interest in the north-west region and in agriculture. For the first time in many years the agriculture budget has been increased. Under the former government it was slashed to its lowest level.

The agricultural centre at Bendigo is important to my electorate and the people who live in the north-west. I thank the Minister for Agriculture for his commitment to agriculture and the announcement some time ago of a $1.9 million building program at Bendigo. The office plays an important role for a wide section of the agriculture industry.

For some time after the last state election we heard a lot of carping from the other side of the house regarding DARA in connection with my electorate. When we looked at the proposal to shift the department to Bendigo, what did we find? We found exactly what we found in a lot of other areas: it was a funny-money deal. The previous government was going to put a rope around the necks of the taxpayers of Victoria that would have cost them tens of millions of dollars over a long period.

The Department of Agriculture office at Bendigo plays an important role both in Bendigo and in the north-west region and covers a broad section of agricultural purposes. Will the Minister for Agriculture explain to my constituents and genuine farmers what future the Bendigo office has and what the current situation is regarding the building program? Can the minister guarantee the future viability of the Bendigo agricultural centre?

**Hazelwood power station**

Mr HAMILTON (Morwell) — I raise with the Minister for Energy and Minerals a matter concerning the Hazelwood power station and the restructure that is going on at that establishment. Currently there are some 424 employees of the production group Generation Victoria at Hazelwood, 377 operations staff and 47 so-called redeployees.

So far as we in the Latrobe Valley are concerned enough jobs have already gone from stations such as Hazelwood. Indeed, Hazelwood currently provides electricity more cheaply than any other station because there is no need to amortise debt. The problem is that one of the restructure proposals is to reduce the workforce to 219, which is a large reduction in workers in an area which has already lost thousands of jobs, especially in the electricity industry.

Given that we have been told all along that if you keep losing jobs you will be a secure industry, the way we are going we will have no jobs and no industry, and that is completely beyond the pale!

What is worse is that the proposal for the restructure will mean there will be more chiefs than indians. In fact the proposal I have before me indicates that out of the 229 jobs 117 will be management and staff and 112 will be workers. There is no way that can be seen as world best practice. Indeed, we will see repeated the example of the restructure of the electricity
distribution industry, where one chief executive officer on $150,000 a year was replaced by five executive officers on $300,000 a year each — that is, 10 times the cost! The restructure must stop. We must stop this waste of money by gilding the pay of a few highly paid executives and putting workers out of their jobs. It must cease. We want the minister to take action to protect the last few jobs in the electricity industry in the Latrobe Valley.

Stratford-Maffra railway bridge

Mr Ryan (Gippsland South) — I direct an important matter to the attention of the Minister for Public Transport. It concerns two railway bridges along a road which runs from the Princes Highway a short distance west of the township of Stratford to the township of Maffra within my electorate and which is known locally as the Stratford-Maffra road. The Shire of Maffra has been extremely innovative in the promotion of tourism in its area. For many years it has been attempting to attract tourists by organising tourist coaches along that particular road.

The specific problem is that the two railway bridges to which I refer do not have the capacity to accommodate the height of the buses. More particularly the problem is that one bridge has a leeway of 3.4 metres and the second bridge, which is almost beside the first bridge, has a leeway of 3.7 metres. In the past a false beam was slung under the bridge with the 3.7 metre leeway with the intention of reducing it to a 3.4 leeway to ensure that buses did not make the error of travelling under one bridge and getting stuck under the second.

The two railway bridges no longer accommodate the train lines for which they were designed. The shire wishes me to ask the minister whether he would be prepared, through the PTC, to initiate a process for the removal of the bridge with the 3.4 metre leeway with the intention of removing the false beam underneath the second bridge, thereby increasing its leeway immediately to 3.7 metres. In addition, the head of the local regional office of VicRoads, the very able Mr Norm Butler, has agreed to cooperate in his inimitable fashion by reducing the road level beneath the second bridge by 0.6 metres. By this convoluted methodology a total leeway of 4.3 metres will be possible on the remaining bridge. However, that can happen only if the minister initiates the process to remove the first bridge. The shire has been innovative in its endeavours to attract tourism to the area. Additional tourist coaches would be of great assistance, and that is why the shire has asked me to make this request.

Bus services: Mill Park

Mr Andrianoopoulos (Mill Park) — The matter I raise tonight is for the attention of the Minister for Public Transport. It has been heartening to hear the minister responding positively in recent times to the introduction of bus services in a number of electorates. But when one examines where those new services are going one has to wonder whether this is not simply pork-barrelling in some marginal electorates to try to boost the government's chances in the next election.

Honourable members interjecting.

Mr Andrianoopoulos — In seats like Tullamarine, Mornington —

Honourable members interjecting.

The Speaker — Order! The honourable members for Knox and Wantirna are out of order and if they do not cease interjecting I shall take action against them. The honourable member, in silence.

Honourable members interjecting.

The Speaker — Order! Honourable members have been in this place long enough to know that when the Speaker is on his feet and has issued instructions they are to remain silent.

Mr Andrianoopoulos — That is in seats like Knox and Wantirna. I wish to test the minister's new-found courage to provide services, particularly in growth areas of metropolitan Melbourne, and what greater growth area can one find than Mill Park? The Mill Park Residents Association has recently conducted a survey of bus services in the area in view of the new growth that has taken place in that neighbourhood. It has found that it takes 90 minutes for a person to travel from Mill Park to the Northland shopping centre, which is the major retail centre in the northern suburbs —

An Honourable Member — How long?

Mr Andrianoopoulos — Some 90 minutes for a distance of 10 kilometres, and it requires an interchange of three different modes of transport.

The Mill Park Residents Association has called upon the minister in a submission to address the situation in Mill Park. This is a matter that has been put forward by numerous organisations in Mill Park and
it has received wide and unanimous support from community organisations, including the Mill Park Senior Citizens Club, the Mill Park Recycled Teenagers Senior Citizens Group, the St Francis of Assisi over 50s Group, the Mill Park Greek Elderly Citizens Club, and the Italian Pensioners Association of Bundoora and Mill Park. It seems to me that this government is about delivering services to marginal electorates — —

Honourable Members — Hear, hear!

Mr ANDRIANOPoulos — Particularly to Brownie supporters! If it takes — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The honourable member’s time has expired.

Chain letters

Mr ROWE (Cranbourne) — I raise a matter for the attention of the Minister for Fair Trading. It concerns another one of the chain letters that seem to be proliferating in Victoria at the moment. This letter was brought into my office this morning by a constituent who is so concerned about it that she wanted some advice.

I should like the minister to provide advice on the legality of this chain letter, and also to provide general advice to the community, especially to those poor senior citizens who may receive such letters in the mail and do not know exactly what to do with them.

This letter is of grave concern because it requires the recipients, on circulating the letter, to provide their names and bank account details. This is most disturbing. The letter claims that the recipients can earn up to $500 000 by forwarding this circular on to 100 additional people.

I shall provide the letter to the minister and ask that she provide me with advice that I can pass on to my constituents through the local newspaper on the legality of it and the danger of providing your name, address and bank account details to persons of unknown reputation or history.

Tabling of reports

Mr THWAITES (Albert Park) — Mr Speaker, in addition to the matters I raised earlier today on a point of order, there are two matters that I would ask you to take note of in investigating those matters. The first relates to the order that was made on 6 October generally in relation to presentation of material. I referred to a newspaper article published on 2 October. Apparently today the Premier indicated on radio that it was unlikely that any legislation to this effect would be introduced this session.

An honourable member interjected.

Mr THWAITES — This is additional information for the Speaker to consider.

The SPEAKER — Order! The honourable member raised a point of order earlier today. He has some additional information that will assist the Chair in making a decision on the point of order. The honourable member is in order.

Mr THWAITES — Secondly, the Attorney-General did in fact make a response on this matter, but the response in no way complied with the Parliamentary Committees Act. That act requires that where a committee recommends that a particular action be taken by the government with respect to a matter the minister shall, within six months of that time, report to the Parliament as to the action proposed to be taken by the government with respect to the recommendation.

There are some 60 recommendations. I would ask the Speaker, in considering the point of order, to consider whether the response of the minister, which I will read in a minute, is in compliance with that.

The SPEAKER — Order! I do not want to discourage the honourable member, but I believe I have sufficient information, with what he gave me earlier in the day and the additional information he has. While I gave him the courtesy of allowing the point of order, he may not make a speech on the matter. Are there any other salient points that the honourable member wishes to draw to my attention that would assist me in coming to a conclusion on the point of order?

Mr THWAITES — Yes, Mr Speaker. I ask you to investigate whether in compliance with the Parliamentary Committees Act it is sufficient just to make a general statement along the lines that the government broadly supports the committee’s recommendations, that the recommendations are receiving active consideration, that a bill will be introduced in the spring session of Parliament to amend the act substantially, that the committee’s
report will be the wellspring of the amendments and that a detailed response to each of the committee’s recommendations will be tabled when the legislation is introduced.

If the government or the minister can at some date in the future simply put the detailed responses to the individual recommendations it is not possible for the Parliament to have any indication as to the minister’s response to particular recommendations.

Mr HONEYWOOD (Warrandyte) — On the same point of order, Mr Speaker — and I will be very brief: in relation to the customs and practice of this house, and given that the honourable member for Albert Park has raised the issue of additional investigation, as part of your investigation I request that you look at the regular customs and practice of this house over the years that I have been a member here, and you will see that on numerous reports ministers take far longer than six months — in some cases a year, 18 months or more — to report back. I hope that in any determination made by the Speaker on this matter the customs and practice of the house and of course of other parliaments are taken into account in this regard.

The SPEAKER — Order! The Chair appreciates the full support that he has from both sides of the house from time to time. The house can be assured that I will take into consideration all the previous customs of this place, the precedents of previous Speakers and the standing orders. I will consult May and other references such as the House of Representatives handbook, but you can rest assured that the answer I will give tomorrow will be well-researched and, I hope, acceptable to the house.

Responses

Mr W. D. McGrath (Minister for Agriculture) — I thank the honourable member for Bendigo West for raising the matter with me in Parliament, because the building of new office facilities at Epsom has been an important development for Bendigo as it will enable us to put all Agriculture Victoria staff together in the one complex.

The government has now spent something like $1.9 million on the new complex. It provides three meeting rooms and seating for up to 100 people, and will be a useful facility for the Department of Agriculture and the wider community.

In putting that program together we have been able to use local people, carpenters, plumbers, and architects. Even the painted signs on the gate have been done by local contractors, so it has been good news for Bendigo tradesmen as well as the Bendigo community.

Work emanating from the complex plays a very important role in the economy and we have something like 90 Agriculture Victoria personnel based at Bendigo. They provide a mixture of head office, regional and district programs.

Approximately $4.5 million is expended in the local economy in annual staff salaries and other associated costs. As I said, the office carries out a mixture of head office and statewide responsibilities for payroll, occupational health and safety, library services, animal standards, review and audit, statutory authorities and programs for the management of sustainable development.

An adjunct to that is the north-west regional office, which is managed by Jan Mahoney. She is responsible for the dryland cropping, pasture and livestock research, and extension and regulatory services delivered from Bendigo, Horsham, Walpeup and Swan Hill. The Bendigo district centre, with campuses at Bendigo, Kyneton and St Arnaud, is developing and providing improvements in productivity services with new technologies and cooperation between Agvic and the farming community.

I am confident that with the establishment of the new buildings, and particularly with the support of the honourable member for Bendigo West — this is very important to me as minister — there will be coordination and support from local members. The government believes Agvic will continue to provide a very worthwhile service in agriculture in the north-west of the state and, as the honourable member for Bendigo West mentioned, with an increase in the agriculture budget for the first time in 12 years we will see new programs coming on stream. Those programs will be worked up in conjunction with industry.

Once again members of Parliament will be able to talk in a confident and progressive way about agriculture in this state, which is important not only to the electorate of the honourable member for Bendigo West but also to my electorate, which is not very far from the electorate of Bendigo West.
Dandenong North, obviously provoked by the events in Queensland, raised the issue of a virus, latterly known as a version of the morbillivirus, which is allied to viruses such as measles and mumps in humans, distemper in dogs, rinderpest in cattle and a recent fatal disease in seals and dolphins. It is similar to the virus that caused the deaths of 14 horses in Queensland and was also responsible for the trainer Vic Rail dying on 27 September.

The honourable member for Dandenong North referred to the problems with botulism in yearlings at the Sydney yearling sales, the Hunter Valley problem with mares, and the problems in Hong Kong and, more recently and locally, here in Kilmore.

I assure the honourable member that, given the effect that disease could have had on the spring racing carnival and the very valuable horseracing industry in Victoria, the Minister for Agriculture and I were receiving daily reports about the Queensland situation so that we could act quickly if the virus spread to Victoria. I must say there were several instances of people being concerned.

I also assure the honourable member that we believe there is no need to panic, particularly in this instance, because many horses have coughs or become ill. Horses die every day just as human beings die every day. We have to be careful we do not cause panic.

Conversely, we have to be ever vigilant to control anything that might be considered urgent. There is no doubt that the stables in Victoria are well controlled. Because the horses are so valuable they are well cared for, housed in the best of conditions and properly nurtured. Trainers and owners are loath to take any unnecessary risks.

I advise the honourable member that we are deeply concerned to ensure that those steps are available to us, irrespective of whether we have to deal with that virus or any other virus that presents itself.

Mr BROWN (Minister for Public Transport) — The honourable member for Gippsland South referred to a railway bridge on the Stratford-Maffra road that he would like to see demolished to allow tourist coaches to be able to travel in that booming tourist area. If my memory is correct, the last time I was down there I saw many signs pointing to, I think, the gourmet deli trail. The problem is that while that low-clearance bridge exists, the only way tourist coaches can get into that increasingly popular tourist destination is by going around the long way. On that basis many tourist operators will give the region a miss. They will go to a shorter-haul destination — one that is more economical for them to service.

I will have this case investigated as a matter of urgency. I hope there is no reason why the bridge cannot be demolished. I also recall discussions about another bridge in the same area which, if demolished, would reduce the pavement level by about 600 millimetres so that the biggest tourist coaches could then enter the region. As the honourable member has discussed his interest in developing tourism for the region a number of times over the past two years I will certainly treat his request seriously. I will ask V/Line to undertake an investigation as soon as possible to see whether we can agree to his request to demolish the bridge and thereby assist tourism in this region.

The honourable member for Shepparton referred to the Hoys company which has long been established in road haulage and has been involved for many years in running buses. It has the highest standards and has given great service for many years. A long-term lease at the railway station is of paramount importance to the organisation because it would give the company certainty. The honourable member referred also to the fact that the Goulburn Valley Model Railway Club would like to occupy part of the station, so he was making requests on behalf of two organisations.

The model railway club is a somewhat smaller organisation than those I normally deal with, but I am advised by the honourable member that it is a very worthwhile, supportable local group. I will undertake to have the matter investigated as soon as possible to see whether it can be resolved in the shortest possible time.
Like many members of the opposition, the honourable member for Mill Park wants something to be undertaken that was not done in the 10 years that Labor was in government. He wants a bus service to be established between Mill Park and Northlands. I know this is a developing area and that many young families and newly married couples are moving in. As the honourable member would understand, the government is still battling with the excesses of the former Labor government and trying to rein in the financial problems in transport. We have made many great moves towards solving the problems but we have a long way to go. I cannot give a guarantee tonight that this initiative will be agreed to in the near future. However, I am aware that the community is continuing to develop, so I will have the matter examined by the PTC and have an assessment made. When the assessment is completed I will undertake to inform the honourable member of the outcome.

Mr McNAMARA (Minister for Police and Emergency Services) — The honourable member for Coburg referred to the Newlands estate, and I will pass on the matter to the Minister for Housing and ask him to respond directly to the honourable member.

The honourable member for Warrandyte raised the establishment of the Bureau of Immigration and Population Research, which replaces the independent state reference groups. It seems unfortunate that those volunteer groups are being replaced by a group whose members will each be paid $300 for every meeting they attend. There will be 96 representatives from all states, and a clear message is being sent out that no member of either coalition party will be invited to attend. Clearly it is a politicisation of the issue. I will refer the matter to the minister.

The honourable member for Footscray raised the treatment of an employee, and I will ensure that the Minister for Fair Trading addresses the issue and responds to the honourable member.

The honourable member for Morwell referred to the restructure of former SEC plants, particularly Hazelwood, and I will pass on the matter to the Minister for Energy and Minerals and ensure that he minister responds directly.

The honourable member for Cranbourne referred to chain letters, and I will raise the matter with the Minister for Fair Trading, who will respond directly and take action on that matter.

The SPEAKER — Order! The house stands adjourned until 10.00 a.m. next day.

House adjourned 10.50 p.m.