The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.05 a.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Energy and Minerals will be absent on government business. Any queries regarding his portfolio should be directed to the Treasurer.

PETITION

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

Westall Road: upgrading

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

The humble petition of the undersigned residents of Westall and surrounding neighbourhoods sheweth that the existing Westall Road carriageway between Heatherton Road and Centre Road is unable to adequately carry the traffic now flowing from the southern portion of the Springvale bypass.

This additional traffic is severely affecting the amenity of the area and even the access to our homes.

Your petitioners pray that the Westall Road improvements, planned as part of the Springvale bypass, proceed immediately.

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

By Dr Vaughan (1378 signatures)

Laid on table.

PAPER

Laid on table by Clerk:

Pathology Services Accreditation Board — Report for the year 1993-94.

APPROPRIATION MESSAGE

Message read recommending appropriation for Business Franchise (Tobacco) (Amendment) Bill.

WATER INDUSTRY (AMENDMENT) BILL and WATER (AMENDMENT) BILL

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

That this house authorises and requires Mr Speaker to permit the second reading and subsequent stages of the Water Industry (Amendment) Bill and the Water (Amendment) Bill to be moved and debated concurrently.

Motion agreed to.

AUSTRALIAN GRAND PRIX (AMENDMENT) BILL

Introduction and first reading

Mr GUDE (Minister for Industry and Employment) — On behalf of the Minister for Tourism, I move:

That I have leave to bring in a bill to amend the Australian Grand Prix Act 1994 and for other purposes.

Mr BATCHELOR (Thomastown) — I would like a brief explanation of the bill and how it applies retrospective legislation.

The SPEAKER — Order! I am not sure the latter part of the question is in order.

Mr GUDE (Minister for Industry and Employment) (By leave) — As was indicated by the Deputy Premier in his response to a question in this house earlier this week, the amendment proposed gives effect to the intent of the original legislation and effectively overrides the concerns expressed recently in the Magistrates Court.

Motion agreed to.

Read first time.

CHILDREN AND YOUNG PERSONS (PRE-HEARING CONFERENCES) BILL

Second reading

Debate resumed from 11 May; motion of Mrs WADE (Attorney-General).

Mr MILDENHALL (Footscray) — The Children and Young Persons (Pre-Hearing Conferences) Bill is brief and of small dimensions. It repeals the sunset
provisions relating to pre-hearing conferences in the Family Division of the Children's Court under section 38 of the Children and Young Persons (Amendment) Act 1992.

The opposition does not have any difficulties with the bill. Pre-hearing conferences are an important vehicle for mediation. They provide an efficient alternative to the formalities of a full hearing in the Children's Court. Resources are saved because participants do not have to go through the sometimes daunting experience of a full hearing before a magistrate, which can take some days and have the appearance of — —

Mrs Wade interjected.

Mr MILDENHALL — Not user-friendly, but the formalities, sanctions and possible penalties of the court system.

A pilot project that established the pre-hearing conferences began in 1993 following the amendments to the act in 1992. It has been extended on at least one occasion, but this provision is due to expire on 30 June 1995. An evaluation of the scheme was conducted in 1994, as was mentioned in the minister's second-reading speech. The review is entitled To Seek the Best Possible Outcome. It was conducted by the Children, Young Persons and Families Research Unit of the School of Social Work at the University of Melbourne and made some positive findings. It agreed that the conciliation system has produced impressive results because there has been resolution in more than 60 per cent of the cases diverted to the unit. In many cases, despite full agreement not being reached the grounds of dispute have been narrowed or issues clarified, and that has greatly assisted the magistrates in their further consideration of the matters when the process was complete.

A pre-hearing conference may include a child who is the subject of a protection order; his or her legal representative; parents; perhaps, in the case of a migrant family, a representative from that community; staff from the Department of Health and Community Services and the convener. The role of the convener is critical. The convener is appointed under section 37A of the principal act to convene, facilitate and bring to conclusion the discussions held in the conferences.

The dynamics of the pre-hearing conferences are that the discussions are held in the imputed formality of a court. It carries the authority as part of the process but it is conducted in an informal setting, and this has led to a high level of resolution in a more time-efficient means of settling child protection orders.

The evaluation found there were significant savings of court time and magistrate sitting days. The minister in her second-reading speech said that the average pre-hearing conference lasted approximately 3.25 hours whereas a contested hearing in the Children's Court went for three or more days. Pre-hearing conferences that potentially save 90 per cent of the resources that would otherwise be deployed to fully contested hearings are significant and ought to be recognised as achievements in their own right. They are a means by which the resources of the court can be streamlined, the trauma suffered by the family, time away from work and disruption to the family life can be reduced, which is a significant achievement in the reform of the system.

The evaluators also noted the attraction of a neutral and authoritative but less daunting arrangement rather than the adversarial hearing process. The conference seems to combine the best features of the authority of a court, the informality of a round-table conference and the neutrality of having a convenor who, although appointed by the court, does not have the same formality or standing as a magistrate of the Children's Court. The continuation of this pilot program will obviously reveal some unresolved issues and uncover matters that need further attention.

I shall take the opportunity to raise some of those issues during the debate because the intent of the bill is to enable this process to continue indefinitely. I will raise a series of questions that appear to be crucial to the future of the program, and I will seek some assurances from the Attorney-General that they will be addressed so that the benefits identified by the evaluators can be captured and the program can succeed.

One issue that was identified during the evaluation concerned the auspicing of the program that is currently funded by the Department of Health and Community Services and located in the Department of Justice. From my reading of the relevant material it appears that one benefit of the program is that it involves dual ownership and dual commitment and has an identity that combines some of the features of both systems. However, the evaluators expressed concern that the future of the program will not be
absolutely secure unless a particular agency is seen to own it and to have a long-term commitment to it.

One practitioner I spoke to while collecting some background information suggested that funding for the program was getting tight. It may be because people know the sunset date is looming, and there is a feeling that pressure is being placed on the program. Because its approved funding is due to run out in a month's time many people believe it will be touch and go as to whether its activities will need to be reduced before the end of the financial year.

Again, that may be a symptom of the difficulty in auspicing the program. If the Department of Health and Community Services views it as being in part a function of the Children's Court, the program may not be given the same funding priority when the department is facing a very tight budget. That is an important issue. If the program is to continue it should have an identified priority and be owned by a department. Ideally it would receive that from both departments, but these days it is difficult enough to receive it from one.

Another issue concerns the membership of pre-hearing conferences. I note in the evaluation that each month an increasing number of pre-hearing conferences have been scheduled, so the momentum is building. It appears an increasing number of conferences are taking place without all the designated parties being present. There is some uncertainty and concern about the protocols involved and about whether a challenge could be made if all the parties were not present. In considering future strategies the government should examine how it can ensure the commitment of all the potential parties. Once it is decided to establish the conferences the court must play its role in encouraging all the parties who should be present to attend.

The evaluators also identified three other issues that should be considered. One is a readiness to negotiate. The evaluators discussed strategies a court might consider to encourage an appropriate commitment to negotiation by all parties. It also identified a number of the blocking factors involved in that process. It suggested providing offers of training and information to the professionals who are to attend the pre-hearing conferences. They also considered it appropriate for a magistrate to set the scene for family members, describing the nature of the conference and the beneficial effects full participation and a willingness to negotiate could have on reaching a mutually satisfactory outcome.

Some legal issues were also identified for further examination. Given that one of the symptoms of the smoothness of the system is its rubber-stamping of settlement terms, the evaluators believed the impression could be created that a hearing had not fully considered all the matters relating to a particular case because of the automatic agreement given to the pre-hearing conference. If that impression is picked up by a legal practitioner and is the basis of a challenge on the ground that the issues were not fully considered, it would create difficulties for the system. It is important that that issue be considered.

Some other issues have been identified at paragraph 5.3.4 of the evaluation report, but I will not deal with those in any detail. Some administrative matters were also identified in the evaluation document.

That brings me to the wider issue of pre-hearing conferences being conducted some distance from the Children's Court. It is standard practice to hold conferences at locations other than the Children's Court. One practitioner told me about a pre-hearing conference held in the former office of the Department of Conservation and Natural Resources at the corner of Bourke and King streets, where I think the police Traffic Camera Office is now located. It is obviously desirable to conduct pre-hearing conferences within the physical confines of or in close proximity to the Children's Court and we should take any opportunity that may arise to house such activities within the court building.

If that were possible it would pick up some of the matters we have been talking about, that is, successfully combining the authority of the court with the opportunity for informal consideration of the issues involved in a matter before it goes to a formal hearing. However, given the lack of facilities at the Children's Court it is difficult to see how accommodation could be provided there.

I conclude by raising the future of the Children's Court because it is central to the continuation of the pre-hearing conference program. Two months ago, after seeing publicity about its condition, I visited the court with a member of the Attorney-General's office. The court was described in fairly dramatic and graphic terms in a Sunday Age article — some of the terminology really turned me off wanting to visit the place — which painted a picture of a general lack of maintenance, hand-me-down chairs for
seating, toilets in terrible condition and the whole place being filthy.

I must say that it was not quite as bad as the article indicated. It appeared that some effort had been made to clean it up and the Attorney-General had announced a $50 000 upgrade of the building.

The fundamental impression one gains is of the inadequacy of the size of the court. The Sunday Age article reported that as a result of mandatory reporting the number of child protection cases had doubled in two years. The magistrates I spoke to at the court confirmed that and said they were facing an accommodation crisis. Although a fifth court has been established it is clear that has assisted in resolving only some of the difficulties. It is clear also from a casual observation that there are insufficient meeting rooms and insufficient waiting rooms or waiting areas, and that other facilities, including the toilets, are totally inadequate and not able to be properly maintained.

The government needs to make a greater commitment not only to properly maintaining the existing facility but also to fully examining future options for replacing the building. It is hard to believe that the facility has the status of a court. It does not have a well-maintained or even adequate feel about it. Instead, its atmosphere is more that of an assembly line for children, a mass production justice system by which a large number of children and family members are on a daily basis processed through inadequate facilities.

The location of the court opposite the new casino development, although obviously not intended, is also unfortunate in the current circumstances. You can see virtually truckloads of money going into the casino and you can see — —

The SPEAKER — Order! I have listened very intently, and notwithstanding that the Chair finds very interesting what the honourable member for Footscray is saying, I have to bring him back to bill. I think he is now straying from the subject and I ask him to return to the bill.

Mr MILDENHALL — Mr Speaker, I was dealing with the components of the system that would enable the intent of the bill to be achieved.

The SPEAKER — Order! If the honourable member for Footscray can relate his remarks to the bill, he is in order.

Mr MILDENHALL — Thank you, Mr Speaker. The second-reading speech clearly indicates the government's intention that the pre-hearing conference program should become a permanent part of the Children's Court justice system. The program has obviously been successful and the repeal of the sunset clause will enable it to continue. It will therefore be necessary to address the aspects of the system I have referred to and to put in place an adequate financial commitment, an adequate organisational auspice and commitment and adequate facilities.

In conclusion, the existing facilities at the Children's Court severely compromise its capacity to accommodate the continuation of the pre-hearing conference program. The government's capital works priorities, including the development of an appeal court and the finalisation of the County Court building works, should include forward planning for a redevelopment of the Children's Court building. The facility is not adequate and does not reflect the status or the role of the Children's Court as an integral part of the justice system.

The overall status of the Children's Court should be examined. I know that Mr Justice Fogarty recommended the appointment of a judge of the Children's Court. If such an appointment had the potential to result in an elevation of the status of the court and a serious re-examination of the court in the sense of both an arm of the legal system and a building it may be an initiative worthy of examination — particularly if it were a precipitating factor.

The pre-hearing conference program is a good initiative and the bill is worthwhile because the Children's Court performs a vital role. Unfortunately it is often the first step into the justice system for many families, the first place where they interact with the justice system. The Children's Court has a role in resolving family disputes in an informal and effective way and with the dignity and status of a court system. Unfortunately it does not now have that dignity and status, but given the commitment of the government to the pre-hearing conference program and future programs we can be more optimistic about the future.

The opposition does not oppose the bill and wishes it a speedy passage so that pre-hearing conferences can continue beyond 30 June 1995.
McGill (Oakleigh) — I was pleased to hear the positive comments of the honourable member for Footscray. The bill is the result of the overwhelming success achieved through the pre-hearing conference initiatives that commenced with the pilot program in 1993 following amendments to the Children and Young Persons Act 1989. The pilot program was originally intended to run for 12 months from 14 June 1993, was extended for 12 months and was due to cease in June 1995. The bill makes permanent a successful initiative of the Attorney-General.

Honourable members will be aware that pre-hearing conferences are used in protection applications for children and take place prior to formal court hearings. Pre-hearing conferences provide a less adversarial forum for the resolution of disputes and assist the Children’s Court to dispose of its caseload more effectively.

The benefits of pre-hearing conferences have proved to be enormous. They not only reduce court time but also provide an environment more conducive to promoting continuing relationships and productive outcomes. They are less stressful than the court environment for parents and children. The fact that currently 60 per cent of pre-hearing conferences result in agreement speaks for itself. The average pre-hearing conference takes about three and a quarter hours compared with three or four days for a contested hearing involving a magistrate, court staff, parties and their representatives, and witnesses. It is not hard to understand that the use of conferences can result in considerable savings in time and money for both the parties concerned and the community.

Most people find the court system formal and intimidating. Pre-hearing conferences are less formal, less time consuming and minimise the stress and anxiety often experienced by people attending court. Even where matters are not able to be settled at pre-hearing conferences the process is still of benefit because it focuses on the issues and matters in dispute.

In supporting the program and its benefits, the former Chief Magistrate, Sally Brown, arranged for magistrates to gain greater expertise and experience in the range of issues brought before the Children’s Court by spending time there. Cases are now being handled with a more streamlined case management approach involving devolution of criminal matters to suburban courts for hearing. The range of Children’s Court initiatives undertaken by the Attorney-General ensure there is virtually no delay in the listing of cases at the Melbourne Children’s Court. Waiting periods for the hearing of cases are just over two weeks for mentions in both criminal and family law cases, less than four weeks for contested criminal matters and, depending on the requirements, two, three or four weeks for contested family division matters.

A personal computer-based local area network introduced at the Melbourne Children’s Court in early 1994 has replaced manual processes and has improved administrative operations. Although that system is proving to be very effective in upgrading service delivery in the short-term, consultants have been engaged to report on long-term future strategic directions in the application of technology in Victorian courts, and I am sure the needs of the Children’s Court will be considered as part of that analysis.

In summary, court waiting times have been reduced since 1992; there are now no significant case management delays, any such delays having been overcome through revised case management strategies and devolution of criminal cases to suburban courts; the prompt listing of protection applications has been maintained despite the increase in the number of protective applications being filed; and future technology requirements over and above the personal computer-based network are being analysed by consultants.

The outstanding issue is the inappropriate Children’s Court building. When in pre-election mode and a state of extreme panic, the former Labor government unwisely relocated the Children’s Court from Batman Avenue to its current inappropriate position. Three years of the leasing period remain before anything can be done about remedying the problem left by the Labor Party.

I refer honourable members to the positive reinforcement of the pilot program by the team of researchers from the School of Social Work at the University of Melbourne. The report of the evaluation, undertaken between November 1993 and September 1994, concludes that the pre-hearing conference program 'has proved itself to be a valuable addition to the present responses to child protection matters'. It recommends that the conferences should continue to be funded and lists the three principal recommendations to which the honourable member for Footscray referred.
The successful pre-hearing conference pilot program has provided an efficient, cost-effective alternative for resolving protection application disputes. To that end the government is determined to continue its pre-hearing conference program indefinitely.

The government is committed to providing better, quicker and more cost-effective solutions to problems in the justice system. The facilitation of the successful pre-hearing conference program in the family division of the Children's Court, which the bill embraces, is evidence of the government's commitment. It is yet another example of the ability of the Attorney-General and the government to undertake reviews and restructures pragmatically and practically for the combined benefit of the taxpayers and the users of the Victorian justice system.

I have great pleasure in supporting the bill and the ongoing pre-hearing conference program, which benefits all Victorians. I commend the Attorney-General once again on her good work in this area. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I support this important piece of legislation as well as the comments made by the honourable member for Oakleigh. The legislation facilitates the continuation of the very successful pre-hearing conferences that take place prior to formal hearings in the Children’s Court on child protection matters. Anything that can facilitate, assist and encourage the parties involved in legal action to amicably resolve issues without going through the more time-consuming, formal, intimidating and costly court processes is to be encouraged.

As other members have already said, pre-hearing conferences started as a pilot program in 1993 and continued for a further 12 months. Without this legislation the program would expire on 30 June 1995. That would be a great shame because the pilot project has been most successful. The program was evaluated by the School of Social Work at the University of Melbourne. The researchers summed up their findings by stating that the process had proved a valuable addition to the responses to child protection matters and recommended the continued funding of pre-hearing conferences.

The formal evaluation found the program to be a very valuable addition to the court process, particularly in dealing with emotionally charged child protection issues. It is interesting to note that 60 per cent of pre-hearing conferences result in agreement. That takes a lot of the angst, anger and emotion out of what can be very difficult times for the families and others involved. Also, the time that is saved is considerable. A pre-trial conference takes approximately 3 hours, as opposed to the average three-day trial.

Mr Acting Speaker, we are all aware that for many people in our society — it is certainly true for those who find themselves before the Children’s Court — the legal system is difficult to understand, unnecessarily formal and intimidating. Anything that can be done to provide a better, faster, less intimidating and less adversarial approach — a more user-friendly approach, if you like — should be encouraged. I commend the Attorney-General on introducing this initiative in the very important area of child protection, with all the legal ramifications that go with it.

The introduction of mandatory reporting has increased the workload of the Children’s Court. I feel very strongly about this matter. The government deserves a great deal of praise for the action it has taken on mandatory reporting. It has enabled us to try to break the nexus, preventing children who have been abused growing into adults who in turn abuse their children. The best way to break that cycle is to identify any problem as soon as possible and then take appropriate action. This process is a very important part of that.

I congratulate the minister on her initiative in introducing pre-conference hearings. I am delighted to see the formal assessment has found that the process is working well. I commend the bill to the house.

Mr HAMILTON (Morwell) — I also support the bill, which deals with a very difficult matter. I strongly agree with the remarks made by the honourable members for Footscray, Oakleigh and Rodney. As a local member I have come to appreciate the importance of the matter for a number of reasons. Just last week I raised with the Minister for Community Services some of the problems that have inadvertently occurred as a result of mandatory reporting. I was pleased the minister responded by saying he had also addressed the actions of last resort being taken in the first instance by some officers within his department. He said he had ensured that when a mandatory report is made as required by law, which the opposition supports, the parents of the child about whom a notification is given are made aware of the report to
overcome some of the malicious reporting that goes on.

We are dealing with an extremely sensitive area. No-one in this place would argue about the prime responsibility of an adult society being the protection of its children. The bill continues a process that has been evaluated as having been successful. As the Attorney-General will know, even as a visitor I find courts intimidating and unnerving. Goodness knows what I would be like if I went there in another capacity! We all recognise courts are very formal and intimidating places for those who appear before them. Most members of the community never get there — to which we should add, thank goodness!

Pre-conference hearings are an important part of a process that is designed to protect children. The aim of a pre-conference hearing is to enable each party to understand the other’s position, and the 60 per cent success rate is extremely positive. Often there are breakdowns in communication during these cases, which is the nicest way of putting it. At least when people sit down at a pre-conference hearing with a professional facilitator they have the opportunity to resolve their differences sensibly and rationally. That in itself is a good thing.

I support the comments made by other speakers that the court system by its very nature is adversarial. It would be better if we ended up with a round-table court — not that we would ever move towards that. For a start, we would have to re-educate all the lawyers, and that might take a fair while. Their education takes them six years to get where they are now and in my opinion it is not a very successful process anyway.

As was raised yesterday in the debate, the formal court system is darned expensive. As has been said a number of times, there is no such thing as a free lunch. Even if the poor people are using the court system, being supported by legal aid, it still has to be paid for, and we all know the demands placed on the legal aid process because of the way the courts charge for their services.

I do not think there is an easy answer, but the bill is a positive step. It is looking at ways we can reduce the time and the money that is spent on formalised court proceedings. It is an important bill, and it is important that this Parliament shows a bipartisan and positive way of progressing in the way we deal with these very difficult cases. I do not think the legislation will be the single and only way of doing things. Like most things, there is a plethora of ways we can address difficult social issues, but that in itself is a good thing. If we are making progress, society can in some way have some confidence in its own future.

Mrs WADE (Attorney-General) — I thank the honourable members for Footscray, Oakleigh, Rodncy and Morwell for their contributions to the debate and also for their support of this bill. It would seem that everyone is in complete agreement as to the success of this program and everyone is happy to see it continue.

I stress that while most of the speakers recognised that this program will lessen the resources required to run the Children’s Court, and a number referred to the difference between a three-and-a-quarter hour pre-hearing conference and a three to four-day hearing, that is not the major reason why we are going ahead with this legislation.

Naturally, one likes to see savings made in the resources of the court, but the major reason we are going ahead with this legislation is the other reason that was recognised by all speakers, namely, that the pre-hearing conferences have a significant potential to lessen the trauma for people coming before the courts.

I recognise that magistrates and judges presiding over our courts have to maintain a certain amount of dignity and authority. Because of the nature of their work they often have to tell people to do things they do not want to do, including, in some cases, going to prison. Therefore they have to maintain authority. If they were overly user-friendly it might be that people would object to complying with the sorts of orders they have to make. Nevertheless, I do not believe that our courts should be intimidating to the honourable member for Morwell.

We are endeavouring in all our courts to introduce new procedures so that if possible we can provide other means of solving disputes. We now have pre-hearing conferences in all our courts and alternative dispute resolution procedures of one sort or another, even in the Supreme Court.

The honourable member for Footscray asked me to give an undertaking or comments on a number of issues, one of which is the funding for pre-hearing conferences. As he pointed out, that funding was due to end at the end of June when the program was to end. Now that the program is going ahead, it is a commitment on the part of the government that the
program will be funded. At the moment there is a bit of a question about whether it will be funded out of health and community services or out of justice. But, I shall give the honourable member the assurance that it will receive appropriate funding.

Another matter raised by the honourable member for Footscray was attendance at pre-hearing conferences and the need to ensure that all the parties who should be present are present. I thought that was covered by section 82A of the act, which specifies people who can be called to attend pre-hearing conferences. I am not aware of any problems in that area, but if there are problems, obviously they will have to be further considered. Again, there is reference in the report on the procedure of possible potential for appeal in relation to the rubber-stamping of settlements. I am not aware that has caused any problems to date. If it were to do so it obviously would be a matter that would also have to be looked at.

The other matter raised by a couple of the speakers was the inadequacy of the Children’s Court building. I do not believe that anyone would believe that the Children’s Court building is an appropriate building for any sort of court and still less the Children’s Court. It is a matter of concern. As the honourable member for Footscray says, you cannot believe everything that is written in the Sunday Age. In fact, I do not think you can believe anything that is written in the Sunday Age, and particularly, I would point out, next Sunday’s Age, which will be particularly inaccurate. The story in the Sunday Age was somewhat exaggerated.

The building should never have been chosen as a Children’s Court. If I can refresh the minds of opposition members, the reason it is in that building is that there was a lot of criticism of the previous government about the inadequacy of the Children’s Court building in the Batman Avenue site, as it then was, in the lead-up to 1988 election.

In the few weeks before the election the government promised a new Children’s Court. I have a briefing note on how this building happened to be chosen, which I will refer to. It was chosen after consideration of at least a dozen other sites. Those other sites included some buildings which would have been quite suitable. One was the former Yarra Park Primary School, which has now been turned into rather up-market residential accommodation. There is also a vacant site above the Flagstaff station, which I imagine is the site that is now being used by the commonwealth government for a new federal court. Again, that site would have been quite suitable. Another site was the Mint building in William Street. But apparently those sites were all rejected.

The then Premier, John Cain, indicated to the department that the criteria for the selection of the building would be that it would not be located in the central business district, but on the fringe of the CBD. It had to take place before the end of 1988 and there were to be no purpose-built buildings, so it had to be located in an existing building.

I am advised by the department that the Queensbridge Street site was actually suggested as a means of demonstrating the ridiculousness of the criteria. In fact, Queensbridge was identified as the worst case scenario. However, it was put forward together with two other buildings: one was 190 City Road, South Melbourne, and the other was 391 St Kilda Road. And, much to the astonishment of the department, it was the building that is now the Children’s Court that was chosen.

I shall say that I have authorised some renovation work on that building. It is, of course, a leased building. It is not a government-owned building. We are endeavouring to ensure that it operates as well as possible in the time that the court remains there. From my recollection we have a lease of the building that runs for another three and a half years. Of course we will be required to pay rent for it for the period of the lease.

There is no fixing it in a way that will ever make it suitable. However, I point out it might be useful for the new shadow Attorney-General to visit some of the other courts that we inherited from the previous Labor government. For instance, I suggest that he go to Ferntree Gully. As I have mentioned before, the magistrate has to sit on the safe when not sitting on the bench. He should go along and have a look at the Ringwood court, which we hope to replace fairly shortly. It is a totally inadequate court, even in comparison to the Children’s Court. In the Children’s Court at least all the magistrates have a room in which they can work. In the Ringwood court there are no such facilities. If I recall correctly, when the magistrate comes off the bench he or she goes into the bathroom.

Obviously the Children’s Court has priority but I would also suggest that the shadow Attorney-General consider the Sunshine court, which is in a Labor electorate, when looking at priorities for new courts.
The fact that the Children’s Court is a Magistrates Court has nothing to do with its court building. Raising the status of the court would have no effect on the priorities involved. The government has given a high priority to Magistrates Court buildings. We have opened the new Melbourne Magistrates Court as well as courts in Frankston and Dandenong, which have separate Children’s Court facilities attached. The government is giving a high priority to providing good facilities for Children’s Court hearings in outer suburban areas, as well as dealing as well as it can with the court facilities in South Melbourne.

The honourable member for Footscray referred to the cleanliness of our court buildings. I have a particular obsession with the cleanliness and the proper maintenance of government buildings. I have asked the department to ensure that our new courts are not allowed to become run down — as our older courts have been. The department is setting up working groups in each of our courts to oversight their maintenance rather than depending on a central administration to ensure we do not run into any problems.

I thank honourable members for their contributions. I am pleased to have participated in this debate. After what happened during yesterday’s debate, this has been a pleasant experience.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GOVERNMENT EMPLOYEE HOUSING AUTHORITY (AMENDMENT) BILL

Second reading

Debate resumed from 11 May; motion of Mr S. J. PLOWMAN (Minister for Energy and Minerals).

Mr LEIGHTON (Preston) — The opposition opposes the bill for the following reasons. Firstly, the bill’s effect on the future provision of government employee housing will have a severe impact on departments and their service delivery needs; secondly, many current tenants of government employee housing will be treated harshly; thirdly, the government is missing a golden opportunity to address public housing waiting lists; fourthly, the process is driven by asset sales and nothing else, to the extent that it will trample on the rights of employees and prevent departments and agencies from meeting service delivery needs; and fifthly, the ideology underpinning the bill is one of getting rid of government involvement at any cost. The bill is evidence of the government’s single-minded determination not to have a Government Employee Housing Authority (GEHA) and not to own houses.

Mr Hamilton — And no government employees.

Mr LEIGHTON — If there are no government employees there will be no government housing! The government is determined to shed government stock at any cost, and houses that cannot be sold will be demolished or removed.

For those five reasons the opposition opposes the bill. Therefore, I desire to move:

That all the words after ‘that’ be omitted with the view of inserting in place thereof the words ‘this bill be withdrawn and redrafted to provide for the transfer of surplus appropriate properties from the Government Employee Housing Authority to the Office of Housing, Department of Planning and Development, for use as public housing’.

I shall now speak in opposition to the bill and in support of the reasoned amendment. If the reasoned amendment is defeated the opposition will oppose the second reading of the bill.

The bill facilitates the disposal of the remaining property — houses and flats — that is held by the Government Employee Housing Authority. The government will dispose of the property, firstly, by devolving control of the required-to-occupy properties from the authority to individual government departments and agencies; and secondly, by otherwise selling or disposing of those properties — in the latter case by demolition or removal — that are identified as surplus stock.

In his second-reading speech the minister said the Government Employee Housing Authority will be wound up by 30 June 1996. At a briefing the opposition was told it was likely that further legislation would be introduced to repeal the principal 1981 act because there would then no longer be a Government Employee Housing Authority. Currently the authority has the power to dispose of surplus properties. Section 13(3) of the act states:
If the Authority is satisfied that any land, house or other real or personal property vested in or acquired by it is not immediately required for the purposes of this Act, it may sell, let or otherwise dispose of the land, house or property at such rent or price and on such terms and conditions as it thinks fit.

That provision gives the government power to dispose of surplus property; in the past couple of years it has disposed of several thousand properties.

The key feature of the bill is in clause 4, which substitutes proposed new section 13(3):

(3) The Authority may sell, let or otherwise dispose of any land, house or other real or personal property vested in it or acquired by it for such price or rent, and on such terms and conditions, as it thinks fit.

The clause widens the ability of GEHA to dispose of property. Previously it was able to dispose of only surplus property, but this clause will allow GEHA to hand back to government departments and agencies those properties it considers essential to be occupied by employees of government departments and agencies.

It is important to explain to the house the traditional use of GEHA houses and properties. Throughout the years they have been occupied by a range of government employees such as teachers, police, officers of the Department of Conservation and Natural Resources and by employees of a number of other departments. In my previous life, members of my union in the health area occupied a number of houses in and around psychiatric centres and intellectual disability training centres. The properties were made available to employees who were stationed in isolated locations or who were required to be on call or who were employed in locations where housing was unavailable. I will later refer to the specific legislative provisions dealing with that aspect.

The GEHA was created by the 1981 act. It assumed responsibility from the former Teacher Housing Authority and the central management of properties previously controlled by individual government departments and agencies. In 1964 a State Employees Housing Authority was established in Western Australia. By all accounts that operation was successful. In 1970 the then Victorian Liberal government introduced a teacher housing bill. I shall refer to comments made by the then Minister of Education, Lindsay Thompson, in his second-reading speech of 10 November 1970 because he clearly identified the need for government employee housing. I refer to page 1570 of Hansard when Mr Thompson said:

The provision of accommodation for teachers in country areas has always been a problem to a degree. I think it is perhaps greater today. It appears that country people are less inclined to board teachers and many of the houses which are owned by the education department were built in decades past. As a result, there is some scope for improving the management of our teaching housing program. The success of the West Australian scheme has encouraged the government to take similar steps. The proposals contained in this measure have been decided upon after lengthy consideration, with the help of an expert committee and after consultation with teacher organisations. The government believes the provisions of this bill represent a practical, positive and business-like attempt to improve the standard of accommodation for teachers in country areas. I commend the bill to the house.

This government is now distancing itself from that commitment to country areas and the needs of its employees. During the 1970 debate a number of members of the then Country Party recognised the need for services to be provided in remote areas of their electorates, particularly for teachers who would occupy those houses. The former honourable member for Mildura, Mr Whiting, said:

The Country Party supports this measure. It is well known that for a considerable time my party has urged that action should be taken in connection with the problem of providing accommodation for teachers. I am pleased to know that the government has closely examined the situation which obtains in Western Australia and, presumably, has had regard to it in drafting this measure.

I will be surprised if the present honourable member for Mildura contributes to this debate. Will he state his position on the need to provide services and housing in the remote areas of his electorate? Mildura has been hit extra hard because it no longer has a member of the National Party as its local member; instead, it has a member of the Liberal Party.

The other country member who articulated the need for housing in country areas during the 1970 debate was the more recently retired member of this house, Bruce Evans. As the honourable member for Gippsland East he had this to say about the need for government employee housing in country electorates:
Housing is a problem in the electorate which I represent. Over a number of years I have had representations made to me for the provision of houses for teachers. This year Orbost High School did not have a senior master or a senior mistress, partly because the school could not offer housing to teachers. Obviously the availability of houses is of prime importance when a teacher considers where to apply for a position. Many teachers find it convenient to purchase their own homes in the metropolitan area and then transfer from school to school within reach of their residences rather than take the risk attached to applying for a country school and not knowing what sort of residence will be available.

This legislation will lead to the non-availability of any residences. The government will eventually have difficulty staffing one-teacher schools in remote areas. The authority established in 1970 was replaced in 1981 by GEHA. Originally the intention was to take over the Teacher Housing Authority and centrally manage the stock owned and operated by individual government departments. When the legislation was introduced in 1981, the responsible minister was the then Minister of Housing, Jeff Kennett, now the Premier. He articulated the need for housing for government employees — a need this government has now walked away from. At page 7270 of Hansard for 9 April 1981 he is reported as saying:

The bill proposes a significant development in the provision of government employee accommodation in Victoria.

An important aspect of providing appropriate conditions of employment of government employees and of ensuring that government services are available in all the areas of the state is the provision of residential accommodation for government employees in those areas where the housing market is unable to provide suitable accommodation based on criteria of reasonable price, location or standard.

The provision of accommodation in remote areas early in the history of the state was considered to be necessary by employers, whether the employer was the Crown or a private individual. It was seen as an essential part of the employment contract. While our social infrastructure and our community have developed tremendously since those early pioneering days, there still remains a need for the special provision of employee accommodation in rural Victoria. The government meets this need in respect of its employees by the provision of in excess of 7000 houses or flats throughout Victoria.

The Premier and his government have certainly walked right away from that commitment in this bill. Further remarks of the then housing minister on the position he held are recorded at page 7271:

The ultimate goal of the government is to have all government employee housing controlled and managed from one central point. This will not only make the administration of government employee housing more flexible, greater efficiency, effectiveness and economy.

What the then Minister of Housing was arguing was correct. However, under this bill we will lose that greater efficiency, effectiveness and economy because whatever housing is maintained will be returned to individual agencies. Given the amount of property now being disposed of, it is important to examine how the government has handled that. It is now disposing of several thousand units of Government Employee Housing Authority property. In April 1981, following a public service report on management practices, the then opposition had been pressing for access to files of the Teacher Housing Authority. The Labor opposition was given access on 29 April 1981, which just happened to be the day the Government Employee Housing Authority Bill was due to be debated in this place. The then Liberal government refused to postpone the debate until the following day. That meant the opposition’s shadow Minister of Housing, the Honourable Ian Cathie, had between 12.30 p.m. and 4.00 p.m. to go through the files at the departmental offices. He then had to come back to this place that evening and present the opposition’s view in the second-reading debate. Although he had only a few hours and limited preparation, this is what Mr Cathie had to say:

I regard the administration of the Teacher Housing Authority by the government seriously. There has been gross mismanagement and waste of considerable public funds as the result of poor, weak and inefficient administration. The Premier assured the public some time ago that there would be no more scandals and no more land deals but subsequently a royal commission was established and additional reports have been made on the activities of the Teacher Housing Authority, the first of which was the efficiency audit report into the authority dated February 1980. The team that put together the audit report was part of the management review team of the Research and Special Projects Division of the Public Service Board and that team considered that its initial observations were so
significant and adverse that they should be reported immediately to permit intermediary action where necessary.

Ian Cathie then spelt out a number of problems that had been uncovered in the Teacher Housing Authority. They included the authority paying exorbitant prices on properties; purchases being made without sworn valuations; substantial cost increases being incurred on properties purchased without any documentation on the costs or the details; and accounts being understated. In one year the accounts were understated by $251,812. No wonder the government of the day wanted to get through that debate without allowing the opposition time to prepare!

Mr Hamilton — That wouldn’t happen these days!

Mr LEIGHTON — Not at all. We just have the sessional orders these days!

Under the bill there will be a return to the situation that existed prior to 1981. One of my objections is that the principal act at least gives some recognition of the need for public servants and other government employees to rent government employee housing. Perhaps it would not be correct to say the act sets it out as a right or entitlement, but at least it makes provision for and recognises the need for it.

Indeed, section 13(5) of the 1981 act states:

Subject to sub-section (6), the Authority shall not let a house to a government employee in a participating department unless it is satisfied that the person is or will be unable to obtain privately housing accommodation that is —

(a) of a reasonable standard;

(b) in a reasonable location; and

(c) available at a reasonable rent.

Therefore, the act quite clearly recognises there are a number of situations across a number of government departments where officers can be stationed in such remote and isolated areas that there is simply no housing available, the available housing is unfit to live in or housing cannot be obtained at reasonable rent. That can be a problem, particularly in tourist areas along the coast and on the snowfields. I shall talk about that later in my contribution to the debate.

In setting out who can occupy government employee housing, the principal act also provides in section 13(6):

Notwithstanding anything to the contrary in sub-section (5), where the permanent head of a participating department certifies to the Authority that the special nature of an office in the participating department makes it necessary for the government employee holding that office to reside in a particular house vested in, acquired by or under the management of the Authority, the Authority may let the house to the government employee notwithstanding that he is or would be able to obtain privately housing accommodation that is of a reasonable standard, in a reasonable location and available at a reasonable rent.

That subsection recognises that even if an employee can get a house in reasonable condition and at a reasonable price nearby, there are times when a government employee should still occupy a Government Employee Housing Authority house. The reason is that departments have service delivery needs. There are times when a public servant has to be able to respond quickly, such as in a hospital or in a national park. As a result of this bill that sort of recognition will be lost.

Later I will explain why government agencies will not be able to take all the houses they would wish. As I said earlier, once GEHA is wound up at the end of the next financial year, it is likely the principal act will be repealed and the statements of principle it contains will be lost for all time.

I refer now to the amount of stock held by GEHA, because over the past two years it has been fairly rapidly reduced. On 1 July 1993 the authority held 2624 units. At that stage it identified 858 properties as surplus to its needs. By 1 July 1994 GEHA held 1798 properties. Within 12 months it had disposed of some 830 properties. That is a fair amount of stock to get rid of in a year. In addition, by 1 July 1994 the authority had identified a further 965 properties as surplus to needs. In its last annual report to Parliament GEHA indicated that it would dispose of more than 900 additional properties.

GEHA currently has 1246 properties of which it considers 591 to be surplus, in other words, it is either in the process of or will dispose of the properties in the next financial year. GEHA now considers that the remainder of the 1246 properties — that is 655 properties — will be deemed as essential and handed back to departments to occupy as required. The remaining
properties number slightly less than the figure of 711
given in the minister's second-reading speech
because since that speech was delivered
departments have further reduced the number of
properties required to be occupied.

This financial year GEHA is in the process of getting
rid of many hundreds of properties, and the
minister's second-reading speech indicated that
about 250 would be disposed of next year and
GEHA would then cease to hold any properties at
all. Although most of the properties are located in
country areas, it is important to point out that
several hundred GEHA properties have been held in
Melbourne. Page 19 of GEHA's annual report for the
1993-94 financial year gives a regional breakdown of
its properties. The chart on that page shows that
GEHA had 179 properties in Melbourne that it
considered to be surplus to requirements, and
would therefore be disposed of, and 85 properties
that were required by agencies. There were well
over 200 properties in Melbourne alone.

In the Hamilton region 141 properties were surplus
to requirements and 120 were required by agencies.
In Horsham 121 properties were surplus to
requirements and 192 were required by agencies. In
the Swan Hill region 187 properties were surplus to
requirements and 126 were required. In the
Wangaratta area 203 properties were surplus to
requirements and 98 were required. In the
Bairnsdale region 162 properties were surplus to
requirements and 184 were required.

I stress that in the months since 30 June 1994
agencies have either reduced the number of
properties they required of their own initiative or,
because of financial considerations, have been forced
to not take as many properties as they would
otherwise want. The opposition believes the disposal
of so much government employee housing will
substantially impact on the operations of
government departments and agencies. Many
remote areas with one-teacher schools or one-officer
police station will have considerable difficulties in
staffing those positions where no alternative
housing is available.

There will be massive problems in areas such as our
national parks because in a number of parks the
rangers have lived inside those parks and have been
available 24-hours a day. We are now aware of cases
where rangers will reside 40 kilometres away. I
wonder whether they will then be prepared to turn
out at any time of the day or night. The opposition
can see problems with fire or illegal spotlight
shooters or people who have been locked in parks
after hours. There will no longer be a ranger on site
to respond to those needs.

One case that has received a fair amount of attention
recently relates to what has been going on in the
Morwell National Park. I shall read some comments
provided by Ken Harris, President of the Friends of
Morwell National Park:

I am writing on behalf of the Friends of Morwell
National Park.

We have just learned with a great deal of disquiet, that
the Government Employee Housing Authority
proposes to offer for sale by tender for demolition or
removal, the ranger's house in Morwell National Park,
and has given the ranger 60 days notice to find
alternative accommodation.

We have been informed that the ranger will in future
be based in either Mirboo North or Traralgon and that
he will have responsibility for all reserves managed by
the department, between Traralgon and Mirboo North.

This is a matter of considerable concern and represents
a very significant downgrading of the level of
management for Morwell National Park.

Points of specific concern are:

1. The lack of a permanent ranger presence in the park,
will result in increased vandalism, including
potential damage to the department's depot and to
the plant propagation centre, which is adjacent
to the depot.

2. There will no longer be an after hours point of
contact for the park.

3. There will no longer be an on-the-spot response to
emergencies, in particular to the occurrence of fire
in the park.

4. There will be a considerable reduction in the amount
of direct contact between the ranger and the local
community.

5. The expansion in the ranger’s responsibilities will
mean a reduced presence of the ranger in the park.

6. Basing the ranger in either Traralgon or Mirboo
North, will mean that each day the ranger attends
the park, he will waste a total of one hour of his
time on travel.

7. A ranger based some 30 km from the park and with
additional responsibilities besides management of
the park, will not develop the same sense of
ownerships and commitment to the park as a resident manager.

8. Additional services provided by the ranger such as spotlight walks for the public in the park are likely to be less frequently offered if the ranger is based away from the park.

He goes on to say:

It is also noteworthy that the land occupied by the house is on the same title as the depot, propagation facility, park water supply and park public toilets. This block is not capable of further subdivision, which means that all that will be possible is the demolition of the house which will be a waste of a useful building.

A point of particular concern to the Friends of Morwell National Park is the future of the plant propagation centre.

He then goes on to say:

We also understand that this policy extends to all the parks in Strzeleckis.

Apparently the house at Mount Worth State Park will also be demolished and the ranger based at Mirboo North. Apart from the negative effect on that park, this change will make it a less attractive position for a ranger. Mount Worth has been without a ranger for some time now and the proposed changes will make it harder to find a good person to appoint.

The house at Tarra-Bulga National Park is on a separate title and we understand that the house and land is proposed for sale. This would mean the ranger being based in Yarram, some distance from the park, with consequent downgrading of the management of that park as well.

It now appears that this policy is being extended to other parks in Victoria as well.

It is our view that the proposed changes represent a major reduction in commitment to management of all parks and of Morwell National Park in particular.

Morwell National Park, belongs to the people of Victoria, but its wellbeing is of particular concern to the inhabitants of the Latrobe Valley.

I would like to encourage all concerned citizens of the Latrobe Valley to join us, by writing to the Premier and the minister for conservation and natural resources, to convey their disquiet with this change and to request an immediate reversal of this policy.

The matter is of extreme urgency. If the policy is not reversed quickly, the houses will be lost and it would take a large capital expenditure to ever reinstate them again. It appears from the way the government is proceeding with the bill that the policy will not be reversed.

I will quote briefly from a couple of other letters. The teacher unions have given me some advice on whether they consider the needs of schools and their members are being met by the bill.

I received a letter dated 19 May 1995 from Paul Kennelly, the Vice-President of the Victorian Secondary Teachers Association, who said under the heading 'Whether 711 “essential homes” are sufficient':

It is difficult to give a response to this unless we know the 711 properties concerned. Certainly, there remain many areas where there are no private rental properties available on either a long-term or short-term basis. Many remote schools currently face an impossible situation in trying to encourage applicants for unfilled vacancies. This will only be exacerbated by removal of GEHA housing. Areas such as Portland, Lavers Hill, Werrimull, Cann River etc, simply will not be ever able to attract staff without some government provision of housing.

We will then see the ridiculous situation of incentive bonuses of $5000 or more to compensate for this deficiency.

I note that the honourable member for Portland is in the chamber; perhaps he will make a contribution to the debate.

The other response I received from the teacher unions was a letter dated 24 May 1995 from Rob Glare, the Vice-President (Primary) of the Federated Teachers Union of Victoria, who said:

In March, 1993, the FTUV learned the Kennett government planned to sell off 1036 teacher houses. Before the 1992 election they promised incentives to attract teachers to rural areas and hard-to-staff schools. The decision to sell the houses removed the existing incentive — access to a place to live.

Further in the letter under point (ii) Mr Glare said:

We have no way of knowing if 711 ‘essential homes’ are adequate because we have not been allowed to know which houses have been retained by the DSE and where they are located.
Under point (iii) he said:

It is vital that remote and hard-to-staff schools are provided with accommodation that is appropriate and for which a reasonable rental is charged. Unless this is implemented these schools suffer staffing problems that will be more difficult to resolve.

It is not just about the needs of the employees, which I will deal with in a moment: quite clearly it is about the needs of the departments and of the local communities that they serve. I believe that was recognised — or at least lip-service was given — by the Directorate of School Education. In a letter dated 10 January 1994 Geoff Spring, the Director of School Education, said in reference to the disposal of government employee housing:

In making this decision, the government has recognised the important connection between the provision of housing, the willingness of high quality teachers to move to rural and remote settings and the ongoing viability of country schools. So that tenants, schools and communities would not be disadvantaged, existing teacher tenants are being given the first opportunity to purchase properties classified as being available for disposal.

That is not true, and I will come back to it in a moment:

A process was also introduced to identify houses which are considered to be essential for the ongoing existence of a particular school. Under an agreement between GEHA and the directorate, houses deemed to be in this category can only be disposed of under a lease-back arrangement. This will ensure that the property will continue to be available for teachers of the school.

Dr Naphthine interjected.

Mr LEIGHTON — He does recognise a need: I dispute whether the bill will recognise that need. I believe the various government departments and agencies are not able to take all the houses that they really require to occupy. It was put to the opposition in the briefing it received that it was really just a matter of those agencies identifying the requirement to occupy properties and then GEHA would hand them all back.

In a subsequent conversation I had with representatives of GEHA, they said that while in some cases the authority might question the department about whether there was a need, at the end of the day the department would come back and say, ‘Yes, it is required to occupy’, or, ‘No, we have reviewed, and it is not’.

That all sounds quite simple and straightforward. However, the big problem with it is that the departments do not have the capacity within their budgets to take as many of the houses as they really need. A number of costs such as the fringe benefits tax are associated with departments taking back the operation of those houses, despite the move in some cases to market rentals. In other cases employees' rentals are still subsidised so that if a government department takes back the operation of a house it has to pay fringe benefit tax. The department would also be responsible for the maintenance and payment of rates on the houses it takes back.

However, there is a further sting for any department that takes back the houses: whereas a number of years ago they were required simply to hand the houses over to the Government Employee Housing Authority, now they will effectively have to pay to take them back, because departments will be required to make payments for the capital value of the houses. We do not yet know what that is: apparently it will be for the Treasurer to determine. If in some way the capital value represents the market value of a house, government departments will be considerably penalised by having to find that money out of their budgets.

Budgetary provision is not being made by the government to enable the agencies to take back as many houses as they would like. For instance, the Department of Conservation and Natural Resources — the same department that has to get rid of houses in national parks — has had 312 GEHA properties. Originally it required to occupy 124 of those, but as a result of budgetary considerations it has now been forced to reduce the figure to 88. If we accept on face value the methodology of the department and do not dispute that the houses that were originally occupied were not running at a surplus, the department is now being forced to get rid of an extra 36 houses that it originally wanted to keep because it required to occupy them.

I turn to the concerns of government employees and the various unions and associations that represent them. We believe many government employees will be harshly treated as a result of this bill. Employees have been informed that where they have to vacate a house, they will be given 60 days to vacate, which is not enough time to get another house and certainly not to purchase one. If employees are in an area where a house is available and they can afford to
purchase it, there is no way that within the 60 days they are required to vacate they will be able to buy and settle on another house.

When they are turfed out of the government employee houses, what houses will be available for private rental and what price will have to be paid? There are particular implications in tourist areas such as the coast and the snowfields. In some towns long-term tenants cannot get even a 12-month lease because landlords and real estate agents want to limit the lease to a shorter term. In a coastal area over the summer months or in a snowfield area over the winter months they want to rent houses on a much shorter term basis. Some government employees will not be able to get long-term leases and will pay exorbitant amounts to rent privately.

There has been a suggestion of a movement towards people staying in GEHA houses having to pay an economic rent. I am not sure what the latest is or whether GEHA is backing away from that proposition. One of the unions involved believes that in some cases in tourist areas their members could end up paying $400 a week rent if that were to happen.

Assertions that government employees as tenants will be given the first opportunity to purchase the houses that have been deemed as surplus and would otherwise be disposed of have not been honoured in all cases. GEHA said in its last annual report that government employees will be given the first offer on the purchase of their houses. We were told that in the briefing. There is correspondence to that effect. Two cases have been reported to me of tenants, government employees, having had their houses sold from underneath them without being given the opportunity to purchase.

I have now had a chance to look at one of those cases in detail. I am not prepared to put the person's name and address on the record because public servants fear victimisation under the government. If I were to give the person's name and address he, as an ongoing employee, might well expect some retribution. According to the details I have seen, last year he received notification that he would be given the first opportunity to purchase. He thought everything was fine, but the next thing he knew some maintenance was being done to the house. When he queried it he was told, 'Oh, no. We are doing it up because we are going to offer it for sale to another agency'.

Mr Hamilton — This is when a policy is not a policy. The policy was that the occupier had first option.

Mr LEIGHTON — It is meant to be a policy, but it is not being honoured on the ground to the extent that people can suddenly find that they have had their houses taken from them.

Mr Hamilton — It is pretty poor.

Mr LEIGHTON — It is pretty poor. Where employees will be required to vacate, they are being treated in contradictory ways. Some are being offered better deals than others. For example, Rural Water Commission employees who are required to vacate will be given a 12-month lump sum allowance based on the local market rent. Employees of the Department of Conservation and Natural Resources are just offered a lump sum of $2500. That has to cover everything: the costs of removal; the costs of perhaps buying another house, renting until settlement on that house, legal expenses and so on; or the ongoing cost of increased rents in private rental.

As I understand it, in the case of the Victoria Police the intention is that they be given 12 months notice to vacate. I hope the honourable member for Yan Yean will have the opportunity to say something about that. I stress that there are added problems in the case of the Victoria Police. The Police Association has made it clear to me that police have an award entitlement to occupy those houses. However, at the time of the last discussions I had with the association a few days ago, it was still in dispute over 45 houses. I will read one paragraph of the letter I received from Danny Walsh, the Secretary of the Police Association:

The sell-down of GEHA was, as we understood it, a rationalisation by government of assets and not a step away from government’s obligation in fulfilling award conditions for state employees occupying GEHA premises. Our members directly affected by the sell-down of GEHA housing all hold rental subsidy award entitlements as set out in clauses 138 to 146 of the Victoria Police Force Award 1992. This fact was conveyed to the Minister for Finance, the Hon. Ian Smith, in meetings with our representatives well prior to the announcement of the sell-down.

As the Police Association makes clear, it has an award entitlement that will be breached if GEHA fails to hand back those 45 houses.
GOVERNMENT EMPLOYEE HOUSING AUTHORITY (AMENDMENT) BILL

Friday, 26 May 1995 ASSEMBLY 1819

I will now deal with a couple of other most unsatisfactory aspects of the bill that concern what is happening with the disposal of GEHA houses. Those houses that cannot be flogged off are being demolished or removed. I find that absolutely obscene. At the same time as we have 58,700 people on waiting lists for public housing, the government is in the process of demolishing or removing houses. It is determined to get the houses off the books at any cost. Those houses that cannot be flogged off as assets sales or are not taken back as required by departments the government will demolish just for the sake of being able to get them off its books and therefore wind up GEHA.

I put on the record the details of some of the houses that are being demolished or removed. This is largely a list as of September last year, so I suspect the list will have grown since that time. As I pointed out earlier, government employee housing is not confined to country areas. In the metropolitan area eight houses are to be demolished or removed. Their locations are as follows: the house on the corner of Kyle and Beaver streets, Altona; 35 Roma Street, Ferntree Gully; 44 Perra Street, Ferntree Gully; Greens Road, Main Ridge; Holmes Road, Red Hill; Churchill Park Drive, Rowville; and two units at Pound Bend Road, Warrandyte. Houses are also being demolished or removed in country areas, several of which I have already referred to.

The houses in the Gippsland region are situated at Licola Drive, Hayfield; Tarra-Bulga National Park, Morwell National Park and Mount Worth National Park. In the north-east region houses are situated at Delatite Plantation, Mansfield and Fraser National Park. In the south-west region they are situated at Clarks Road, Kiata; 26 Lord Street, Port Campbell; and Zumsteins, via Mount Victory Road RMB, Horsham. In some cases they will be demolished simply because they are situated in national parks and access to their titles cannot be guaranteed. The occupants will be pushed out of those houses and in some cases presumably they will be competing in the rental market. They may become applicants for public housing. To demolish houses at a time when there are more than 58,000 people on the public waiting lists is nothing short of obscene.

I am also concerned about the process because in discussions the State Public Services Federation (SPSF) had with the Department of Conservation and Natural Resources, the SPSF continued to push to open up to scrutiny the process by which houses are deemed to be surplus and which houses were required to be occupied. When the SPSF pushed that on several occasions it was told by the department that if it wished to open up the process to scrutiny the department would remove all GEHA houses. That is a totally unacceptable threat.

When a large volume of real estate is being dealt with, the process should be open to scrutiny. The threat made by the department was not in the department's interest in meeting its service delivery needs. I call upon the Minister for Finance to override the threat made by the Department of Conservation and Natural Resources and for the minister to give an assurance that the housing needs of the department will be met no matter what threats are made.

Another part of the process that I found unsatisfactory was the way in which the sale of the 108 properties has been handled. Previously GEHA houses have been flogged off through local real estate agents, but on this occasion a firm of marketing consultants has been employed to market the 108 properties as a package. Although the sales will still be going through a local representative, this firm of marketing consultants, Kennedy-Wilson International, is promoting the 108 properties. It has put out an extensive brochure and has had advertisements running in the daily newspapers for a number of weeks. The firm has not only a marketing obligation but a financial obligation, because under the terms and conditions shown at the back of its brochure it makes it clear that the company has an obligation to pay 1 per cent of the purchase price on the 108 properties successfully sold to the cooperating agency. Kennedy-Wilson has an obligation to pay out funds.

I find it unsatisfactory that the government, by entering into a contract with Kennedy-Wilson, has entered into a contract with a shelf company. I believe it is improper for the government to enter into contracts with shelf companies, particularly when a company has an obligation to pay out funds as well. An examination of the tender documents shows that despite the fact that the brochure uses the name Kennedy-Wilson International, the tender documents show that the company contracted with by GEHA is Kennedy-Wilson (Vic.) Pty Ltd.

On 27 April I undertook a company search, which showed that Kennedy-Wilson (Vic.) Pty Ltd gives as its principal activity: shelf company. The government should not be doing business with a shelf company because there is no guarantee that its financial commitments will be met and it does not promote any sort of open process.
Mr Haermeyer — Do you reckon there’s a Mr Khemlani there somewhere?

Mr LEIGHTON — We do not know because it is a shelf company. As I tried to follow the trail of Kennedy-Wilson I got to an international company, but under the Australian record it just says, ‘Details unknown’. At the international end we could not find any details, and the Victorian company that the government has a contract with is a shelf company. There is no reference to finance. Why has the government got a contract with a shelf company, and has a financial probity test been carried out? What guarantee is there that Kennedy-Wilson will meet the 1 per cent payment required for all successful cooperating agents? When we are disposing of approximately 900 properties a year everything must be handled carefully. It should be above reproach and open to scrutiny. How can one scrutinise a shell company?

My reasoned amendment provides that where GEHA houses and flats are surplus they should be transferred to the Office of Housing in the Department of Planning and Development for use as public housing. I stress that I mean genuinely surplus housing, because the first consideration in this exercise is the service delivery needs of government departments and agencies, and we also have to meet the needs and entitlements of employees.

Although a couple of unions told me that subject to the houses being genuinely surplus they have no objection to those houses being transferred to public housing, the Victoria Police Association, quite understandably, was concerned because it said that it had award entitlement to occupy the houses and that none would be surplus and available for public housing. I respect that position. It may well be that no police houses would be available after meeting the needs of officers, but clearly other areas there are houses that are surplus. I believe the government is missing a golden opportunity to do something for public housing.

When I raised this matter previously I was quick to point out that as well as being genuinely surplus, the houses must be suitable. Some would not be suitable because they are situated in remote areas and no-one for a moment would suggest that someone from Preston on the public housing waiting list should be plucked out of there to be put in the middle of a national park. Some properties are in such poor condition that one cannot justify spending money to do them up. You would be better using the money to do spot purchases of new stock.

I have had a look at a number of the 108 properties handled by Kennedy-Wilson, which has been an enlightening exercise. Some are in very good condition. A number are brick veneer houses built in the 1980s, and they are not all in remote areas. Some are in urban areas and townships.

At present there are about 65 000 units of public housing in Victoria, mainly houses and flats. We have 58 700 people on public housing waiting lists, so there really is a public housing crisis. It means that for every person or family in public housing there is another on the waiting list. Public housing waiting lists are continuing to increase at the rate of 3.7 per cent a year.

The Minister for Housing is quick to point out that the number of people on waiting lists is largely dependent on federal government funding. He says it is the federal government’s decision to provide more money to state governments for the purchase of public housing or to put more money into rent assistance through the social security system. Although what the minister says is true to a large extent, the criticism I make is that this is an opportunity for him to do something about state public housing waiting lists. Unfortunately he is unwilling to act. He has been prepared to act only to the extent of considering the purchase of 22 GEHA properties out of several thousand properties on the market. That is just not acceptable.

As I understand it, during the Labor Party’s period in government in the 1980s, when GEHA properties were identified as surplus, instead of the authority deciding whether it should let the then Ministry of Housing know about the properties a ministerial directive was issued that the ministry had first right of refusal on those houses, and if it chose to take them they would be transferred at historical rather than market values. That arrangement recognises that despite the provision of housing being largely the responsibility of the federal government the state could and should do things itself to assist people with housing as a social justice issue.

Mr Richardson — We haven’t heard that expression for a while — since you were in government. You have resurrected it, you dear old-fashioned thing!

Mr LEIGHTON — The honourable member for Forest Hill would not understand that the need for
adequate shelter is one of the most basic of human needs.

Mr Richardson — I understand all that.

Mr LEIGHTON — I doubt whether it is something he thinks about before he goes to sleep at night. However, the constituencies that we on this side of the house represent have housing problems. People come to my office regularly. A single mother with a couple of kids — —

Mr Richardson interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Forest Hill is out of his place and is disorderly.

Mr LEIGHTON — I doubt whether the honourable member experiences too much of this in whatever constituency work he might do, but in my work I frequently come across a single mother and a couple of kids — to the honourable member for Forest Hill merely statistics on a public housing waiting list — who live in the lounge room of the home of the mother’s parents or sister — you just about have a family living in each room. For once this government has a chance to do something about public housing waiting lists. It should not flog off all the GEHA properties as asset sales and forgo the opportunity.

There is a crisis in public housing waiting lists in Victoria. Although the minister might say the lists have increased by only 3.7 per cent a year over the past couple of years, the waiting times have increased from 3 or 4 years to 6, 7, 8 or 9 years, or indefinitely. If one examines waiting times for housing in provincial towns and Melbourne suburbs one sees in area after area that they have become indefinite.

In the Geelong electorate, the waiting time for 2, 3 and 4-bedroom houses in Breakwater is indefinite. It is the same for 3-bedroom houses in the city of Geelong. The waiting time for 2, 3 and 4-bedroom houses in Geelong East is indefinite. In Geelong South the waiting time for 2 and 3-bedroom houses is indefinite. In Geelong West you have only a 4-year wait for a 2-bedroom house, but the waiting period for a 3-bedroom house is indefinite. In Herne Hill, which I think had one of the GEHA houses being sold in the batch of 108, the waiting time for a 3 and 4-bedroom house is indefinite. I wonder what the honourable member for Geelong is doing about housing in her electorate and whether she will come into the chamber today and take part in the debate.

I will not have time to go through all the waiting lists in the Geelong area, but in the Bellarine electorate there is an indefinite wait for 3-bedroom houses in Drysdale-Clifton Springs. In Leopold there is an indefinite waiting time for 3 and 4-bedroom houses. There is no public housing in Point Lonsdale. In Queenscliff there is an indefinite wait for 3 and 4-bedroom houses, and so it goes on. It is little wonder that there is a housing crisis in Geelong.

There is no facility at all for homeless men in Geelong. The only refuge, which was run by the St Vincent de Paul Society, closed down late last year, so Geelong has no emergency housing facility. There is a lack of resources to keep up maintenance on public housing in Geelong. There is no public housing policy for people with disabilities in Geelong, so no money is available to modify houses when people become physically incapacitated. I believe Geelong is a classic example of where appropriate and suitable GEHA stock should be transferred for use as public housing.

Not all GEHA stock is restricted to country areas. According to GEHA’s annual report, at the end of the last financial year there were 179 surplus houses in Melbourne and 85 were required-to-occupy by agencies. At the same time there is a crisis as never before in public housing throughout Melbourne. Waiting periods for houses have grown from three or four years over the past two years to an indefinite period in many suburbs.

In Frankston the waiting period for a 2 or 3-bedroom house is 6 years, and there is a 7-year wait for a 4-bedroom house. In Frankston North there is a 4-year wait for 2, 3 and 4-bedroom houses. In Mornington Peninsula it is 7-year wait for a 2-bedroom house and a 5-year wait for 3 or 4-bedroom house. In Flinders it is even worse. It is 10 years for a 2-bedroom house and 6 years for a 3 or 4-bedroom house. The housing situation on the Mornington Peninsula is not good. I suspect that we will not find the honourable member for Frankston North back in here after the next election because he is standing by idly while there is a crisis in public housing on the Mornington Peninsula. The same will happen to the honourable member for Cranbourne, who also stands by idly while there is a considerable wait for public housing in his electorate: 6 years for 2-bedroom houses and 3 years for 3 or 4-bedroom houses. I have not heard the honourable member for Cranbourne say one thing in this chamber about
public housing. He fails to recognise that as his electorate grows and develops waiting times for public housing must be reduced because many of the families that are moving from Dandenong to places like Cranbourne have traditionally been applicants for public housing.

I refer to waiting times for public housing in other locations. In Carrum Downs there is a 7-year wait for 2-bedroom houses and a 3-year wait for a 3 or 4-bedroom houses. In Hampton, Langwarrin and Springvale the waiting time for a 2-bedroom house is 6 years. In the area I represent — Preston and Reservoir — and in the neighbouring areas of Mill Park, Lalor, Epping, Bundoora, West Heidelberg and Thomastown there is now an indefinite waiting period for houses, as compared with a wait of 4 years or so when we were in government. The government says that waiting lists are growing by only 3.7 per cent a year, but in two years of Kennett government waiting times have blown out incredibly and there is now an indefinite wait for houses in some areas.

I wonder whether the honourable member for Tullamarine will speak in this debate. Both Gladstone Park and Sunbury in his electorate also have an indefinite waiting period in all categories of public housing. The government is also failing to service a number of its own electorates in the eastern and outer eastern suburbs, and there is a growing crisis in the Doveton-Berwick area. Waiting times in Doveton are 6 years and 2 months for a 2-bedroom house and 6 years and 3 months for a 3 or 4-bedroom house. The figures for Berwick, Narre Warren and Endeavour Hills are the same.

A bit closer into town, in Oakleigh, waiting times are 4 to 5 years for a 2-bedroom house, 10 years for a 3-bedroom house and 9 years for a 4-bedroom house, and the situation is much the same at Mordialloc and Mentone. At Wantirna, Bayswater, Croydon, Rowville, Boronia, Lilydale and at places like Mitcham and Ringwood there is an indefinite waiting period for public housing in any category.

There is a growing crisis in public housing: people now have an indefinite wait of more than 6 years, and in some cases 9 years, compared with about a 4-year wait when we were in government. The government is not meeting its obligations to house those in the community who are in need. We have a crisis in public housing, yet the government's response where it has housing it could make available is to sell it off. The government is asset-sales driven, and if it can't flog it off, it will demolish it.

As I said earlier, it is absolutely obscene that while we have tens of thousands of people on public housing waiting lists —

Mr Bildtien interjected.

Mr LEIGHTON — It really is a pity that the honourable member for Mildura, who has just run out of the chamber, was not here earlier when I referred to the position of his parliamentary predecessor — a true Country Party member — on providing housing in his local community. Mildura has suffered doubly, and I suspect the people of Mildura will find they made a mistake in getting rid of a National Party member and putting a Liberal Party member in his place.

In conclusion, I emphasise that as a result of the bill the needs of government departments and agencies will not be met and employees will be treated harshly because services will not be provided, and the government is giving up an opportunity to improve housing availability in the community. I find it obscene that the government would demolish houses when we have 58 800 people on public housing waiting lists. When our society cannot house people appropriately it is wrong to demolish houses simply to clear the books and wind up a government authority. For those reasons the opposition opposes the bill.

Mr HAERMeyer (Yan Yean) — I will first address the impact the bill will have on members of the Victoria Police Force and on the way officers of the force serve many rural and remote communities. The honourable member for Preston has adequately covered the other aspects of the bill.

The bill will have a particularly perricious effect on members of the police force and their capacity to do their job in rural areas. The government has identified some 44 houses occupied by police officers in rural and remote areas as being in excess. I shall return later to what the government means by 'in excess'.

It needs to be borne in mind that police houses exist because it is very difficult to get police to go voluntarily to many locations and they were deemed essential to attract police officers to country towns and remote localities. Most police are recruited from metropolitan areas and larger provincial cities and in the past they have been offered the attraction of
GOVERNMENT EMPLOYEE HOUSING AUTHORITY (AMENDMENT) BILL

Friday, 26 May 1995

police housing to induce them to go to rural and remote areas. That system worked well because police officers became part of the local communities into which they moved. If police houses are sold the level of police presence in some communities will be reduced and some country police stations may be closed. To maintain any sort of police presence in country areas we must make it attractive for police officers to go there.

I note that the Victoria Police Force is press-ganging police officers, probably as the result of a government direction, to move to country areas. It has never had to do that in the past. Married police officers are being told to pull up stumps and move to country areas where police houses are no longer available. It is an appalling way to treat members of the force.

Many occupants of police housing with whom I have spoken believe they are being treated shabbily. They are being told to get out of their houses on short notification and receive no assistance to find alternative accommodation. Sometimes they are told that they can purchase the property but at a grossly inflated price. By the time an officer has rejected the ‘gracious’ offer from the government, a real estate agent acting on behalf of the government is offering the house for sale on the market at a much lower price.

I do not know how the government expects police officers, who are not particularly well paid, to find large sums of money within a short period — sometimes only a few weeks! It is treating police officers and their families who have established themselves in new locations very shabbily — they are being told to get out by a so-called law and order government.

The government expects much of its police officers. It expects them to put their lives on the line and their personal safety at risk for the community, yet because of its penny-pinching attitude it will throw them out of their houses. No wonder morale in the police force is at its lowest ebb for a long time!

The silly thing is that these houses are ‘required to occupy’ houses. The police officer at Hurstbridge moved into his residence only two months before being told to get out. He had no choice about moving into the residence because it was a condition of his employment: it was a ‘required to occupy’ house. He had to uproot his family and move into the Hurstbridge residence only to be told shortly after to get out. He was not offered any assistance with the move, nor did he receive any sympathy. The letters sent by the police administration to officers and their families show a callous disregard for their feelings.

The situation of the officer in charge at Diamond Creek is even more ridiculous. She moved into a government house only two weeks before being told to get out. She had barely worked out where the kitchen was and where to place her furniture. She had arranged to have the gas connected. She did not want to move in, but these people have no choice. They are told to move into these houses.

Some police officers have lived in police houses for long periods and have become an integral part of the community. One officer who has served the people of Victoria and his community with distinction and is two years from retirement has been told to get out and has been given little notification. He has been a member of the Victoria Police Force almost all his life and this treatment of him has caused his wife considerable stress. She feels the decision to evict the family from the police house degrades her husband, who has earned the status in the small community he serves so well.

Police houses are an essential ingredient of community policing in rural areas. Television programs such as Blue Heelers and Matlock Police depict police working in country communities as an integral part of the community. Police officers in country areas do not come to work for eight hours a day and then return home. They know everyone in the community — they know who owns a particular dog or motor vehicle. They have a vast knowledge of the local community and act as an informal community advice bureau and neighbourhood mediator. Yet they are told to get out!

I turn to examples of the difficulties the policy imposes on local communities. Portarlington’s population swells during the summer months and on long weekends when there are many day visitors. If a child cuts his or her foot on a piece of glass the parents normally go to the police station to ask where to find a doctor. Although Portarlington does not have a 24-hour police station, it does have a 24-hour police officer who has never shirked his responsibility to provide assistance and advice to visitors to the town. Many police officers in other small communities provide the same type of service.

As I said earlier, a police officer in a small community knows everyone in that community. He or she knows who owns what car and will
immediately be aware if anything untoward is happening. If the police house in Portarlington were
sold the only policing of the town would be an
occasional visit by a divisional van. The image of a
country police officer so carefully cultivated in
programs such as Blue Heelers and Matlock Police is
an accurate reflection of policing in country
communities to date, but that will soon be a thing of
the past. Although most small country towns do not
have a 24-hour police station, they have a police
officer who provides a 24-hour police service.

Police living in a town are essential to prompt police
response to a call. It takes approximately 25 minutes
to get police to respond to a call and attend the
township of Lara.

Mr McArthur interjected.

Mr HAERMeyer — The village idiot is back in
the chamber!

Mr McArthur interjected.

Mr HAERMeyer — The honourable member for
Monbulk seems to see his role in this place as that of
an irritant. I would like to hear him contributing to
debates rather than sitting back and interjecting.

The police houses at Queenscliff, Portarlington and
Drysdale on the Bellarine Peninsula are each
approximately 30 minutes from the nearest police
station at Geelong. Hurstbridge might look like an
area on the fringes of Melbourne, but it is 20 minutes
from the nearest 24-hour police station. Similarly,
Yarra Glen and Yarra Junction are a good 20 minutes
from Lilydale.

I recently found an article that should concern the
honourable member for Warrandyte, who seems to
be conveniently absent when it comes to defending
the police house in his electorate. Under the heading
‘Residents slam plans to sell local police residence’
an article in the Doncaster and Templestowe News of
26 April says:

Warrandyte residents and traders fear that the town’s
security could be undermined if the state government
proceeds with its plan to sell off the local police
residence.

They believe the round-the-clock presence in the house
of Warrandyte’s officer-in-charge, Sergeant Keith
Walker, is vital to the township’s safety.

‘We want to see police living and working in small
communities such as Warrandyte. The government has
tried to put a number of our members out on the
streets’.

That’s really what it is all about. There has been
absolutely no comment from the honourable
member for Warrandyte.

Honourable members interjecting.

Mr HAERMeyer — I understand police houses
in Shepparton, Mooroopna, Monbulk and Olinda are
also up for sale. What is the honourable member for
Monbulk doing about the situation? Some 44 police
houses are being disposed of. The houses are
provided to attract police to work in areas outside
the metropolitan area. What are those government
members who represent rural electorates doing?
Absolutely nothing! The member for Bellarine has
done damn all to save the police houses in
Portarlington, Drysdale and Queenscliff. Although
there was a lot of community pressure against the
sales, initially he just went along with the
government. He tried to justify and rationalise the
sales, at one stage claiming that in the end they were
operational police decisions, not decisions for the
government. He tried to wash his hands of the issue.

I am pleased to say the ALP candidate for Bellarine
was actually on the side of the community while the
member for Bellarine was not. But after a lot of
community pressure against the sale of the Bellarine
house the member finally said to the minister, ‘Hey,
this issue is not going to go away. We will have to
back down on it’. So a couple of weeks ago the
minister came into this place and backed down. We
were told the sales were police operations decisions,
yet the minister told the house: ‘I have today
directed the police force to withdraw the house from
sale’. Are they operational decisions? If they are, that
was a gross interference in police operations. Let’s
get the story straight. You can’t have it both ways.

Mr Kilgour interjected.

Mr HAERMeyer — The stupidity of what is
going on is beyond me. Obviously nobody has even
bothered to look at some of the police houses. The
Queenscliff police house has two rooms attached
that constitute the police station. Somehow the
government was going to bulldoze the house yet
leave the two rooms that make up the police station!
The situation in Lara is bizarre. The police station
and the adjoining house are on the one title. They
use the same electricity and gas facilities and share
the phone line. The police lock-up is part of the garage. Splitting all that up would be fun! The same sort of situation applies to many of the 44 houses the government has put on the market. It is absolutely absurd.

The government has not thought these things through. It has made plans to put up for sale houses that have two-room police stations attached to them. Perhaps that is the real intention, the real agenda. I suspect that what happens in those locations — I will not mention all of them — will be the thin end of the wedge, a precursor to the selling off and closing down of local police stations. The government will eventually say, 'We can't attract police officers to these areas. We could dragoon them, but then the police association would not love us. We might as well close the stations down and service them from the nearest 24-hour police station'.

This is all about penny pinching. I doubt that the amount those houses will fetch will even add up to the $2 million that is peed against the wall every year by the police board. It will not cover the $1 million wasted using police for political purposes at Albert Park or the $500 000 the police board wastes finding out what the community expects from its police force. You only have to spend 5 minutes outside a police station to find that out! When compared with that stupid and extravagant waste and the sort of stuff Neil Mitchell was on about this morning on 3AW, this is nothing more than mean-minded penny pinching. It will deprive many small communities of the sort of policing they have become used to. The bill will deprive them of having police officers on the spot 24 hours a day.

I heard the honourable member for Shepparton asking by interjection: 'Can't they get any other houses in the town?'. The trouble is that in all probability they will go to the nearest large town. There will be no 24-hour police stations because I suspect many police officers will find it difficult to find rental accommodation in some of those towns and therefore find the proposition unattractive. They would probably prefer to live in the nearest large town and commute — and that is just what some police officers have told me. If the honourable member for Shepparton doubts that, I am happy to provide him with a list so he can talk to some of them. He may prefer to talk to their wives because police officers are not allowed to speak their minds these days.

An article in the Herald Sun of 5 January carried the heading 'Police shortages hit country towns'. I wonder why that is! I believe it is because the incentives offered to police to move to country towns — and housing is the big one — are being ripped away.

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 from the press gallery during question time. No still lighting and/or flashlights will be used. Only those honourable members on their feet either to ask a question or answer a question will be photographed.

ABSENCE OF MINISTERS

The SPEAKER — Order! I wish to advise the house that the Deputy Premier, the Minister for Education and the Minister for Small Business will be absent during question time due to government business.

The Minister for Agriculture will handle any matters concerning the Deputy Premier's portfolio, the Premier will handle any matters concerning the education portfolio and the Minister for Industry Services will handle any matters concerning the small business portfolio.

QUESTIONS WITHOUT NOTICE

Homosexuality

Mr DOLLIS (Richmond) — Does the Minister for Health agree with the member for Bulleen that homosexuality is a disease?

The SPEAKER — Order! That question is a matter of an opinion; I will not allow the question.

Mr Dollis — On a point of order, Mr Speaker, if you read the minister's duties you will find that, as the Minister for Health, she is responsible for all medical matters, including any suggestion of any diseases existing within and around our community. Given that a statement was made in the house yesterday, it is only appropriate that I ask the Minister for Health to clarify concerns that have been expressed and whether she believes homosexuality is a disease.
QUESTIONS WITHOUT NOTICE

The SPEAKER — Order! Given the way the honourable member worded his explanation, I shall allow the question.

Mrs TEHAN (Minister for Health) — The determination of a disease is a clinical decision. It is something professional people will judge. I will leave that decision, as with all other professional clinical judgments, to the appropriate profession.

Foxtel

Mr DAVIS (Essendon) — Will the Premier advise the house of the impact on Victoria of the decision by Foxtel to locate its customer service centre in Melbourne?

Mr KENNEDY (Premier) — Two days ago the Victorian government was informed by Foxtel that Victoria had been successful in securing its new customer service centre. At the outset I congratulate my colleague the Minister for Industry and Employment and his bureaucrats for the work they have done over time. This new business, which obviously is a result of the new wave of multimedia activities in this country, was a footloose investment that could have gone to any state in Australia. Most states put up a competitive bid in order to attract a business that will initially employ up to 600 Victorians and which has the potential to grow to 1000 over a three-year period; it is a very large investment.

What is more exciting — this did not happen under the previous government — is that the government's program ensures that new investment in the state is positioned not only in Melbourne but in rural and provincial Victoria. Investment in the state predominantly comes to Melbourne, and we try to make sure that it is spread throughout the state. In this case, Foxtel's customer service centre is going to the western suburbs of Melbourne, an area of high unemployment. Given that most of these jobs will go to members of the community who live in the area, this is a very real boost to the north-western suburbs of Melbourne. The new office will be built at Moonee Valley.

I do not think many members realise the size of the investment associated with Foxtel. In delivering its product to Australia it aims to have 500 000 subscribers to its digital pay TV service by the end of the year. Over the next four years it will roll out $4 billion worth of cable. It is projected that Foxtel will have access to four million of Australia's six million homes by 1999.

There can be no doubt that this is a major industry. We are happy to have a multimedia task force in place that includes the private sector. As I have explained to the house, not only is it made up of private sector individuals looking to create opportunities for the private sector and play an advocacy role, but also it ensures that the Victorian government can make use of the new technology to service our customers, the Victorian community.

All Victorians can take a great deal of pride in and satisfaction from the decision by Foxtel. I have seen the report in this morning's newspaper — although there was not meant to be an announcement until next week. The investment has been secured for substantially less than the reported $10 million. That represents a forgoing of revenue that we would receive over a short number of years. But forgoing revenue that we would otherwise not have received is a good investment. It will actually attract 600 to 1000 jobs and give this state further critical mass in the important multimedia area.

This is part of the ongoing program the government put in place after the last election. As many members know, we are about not only winning grand prix — both motorcycle and formula one — but improving the quality of services the government delivers and attracting new investment in Victoria to provide employment opportunities.

Over the past two years Victoria's unemployment rate has dropped from 12.8 per cent to 8.7 per cent. That is a very real reduction, given the reduction in the size of government itself. That more than offsets the reduction in the number of public servants. It is a clear indication that the state's priorities are right, which people recognise both nationally and internationally. The investment is a boost for Victoria and an important opportunity for the western suburbs. As a government we are proud to assist those living in that part of the community, who had to bear the brunt of the Labor Party's years in government when employment trends were allowed to drift so dramatically.

To the bureaucrats in the Department of Business and Employment who have worked hard on this I say it has been a good team effort. They deserve to be proud of their achievements and to receive the accolades of the community. They have proved once again that this state has a government that is committed to outcomes and a bureaucracy that has the capacity and dedication to deliver results of this nature. That yet again demonstrates that Victoria is clearly on the move.
Homosexuality

Mr DOLLIS (Richmond) — Does the Minister for Health agree with the honourable member for Box Hill that homosexual practices are capable of scientific and medical measurement and assessment?

Mrs TEHAN (Minister for Health) — The honourable member for Richmond asked me the first question, and now he asks me a second question in my capacity as Minister for Health. The questions in both cases went to detailed judgments, assessments and considerations of medical matters. I am not in a position to give details — nor would it be appropriate if I were. I repeat my answer to the first question!

Euthanasia

Mr DOYLE (Malvern) — Given the passing of the legislation in the Northern Territory that allows for euthanasia, I ask the Premier what intention the Victorian government has, if any, of mirroring that legislation?

Mr KENNETT (Premier) — As all honourable members and members of the community will know, the passage of that legislation in the Northern Territory has been the subject of a lot of public comment both in the Northern Territory and around Australia. Last night’s passage of that legislation was the climax of a great deal of debate that had a fair ingredient of emotion in it. There is no plan at this stage to introduce or to consider introducing Victorian legislation along similar lines. That is not to say that at some stage in the future it may not be considered. I suggest it is an issue about which members of Parliament will receive a great many representations in the months to come.

It is important that as a Parliament we do not rush to mirror the legislation in the Northern Territory but rather see how it works in practice. As I understand it, the Northern Territory legislation will not come into effect for about —

Mr Andrianopoulos interjected.

Mr KENNETT — It is a pity the honourable member for Mill Park makes a joke about it. Many people in the community are carefully watching how this develops. The legislation will not come into effect in the Northern Territory for about six months — that is, until they have a better palliative care regime in place. I believe it will be well into 1996 before anyone will be in a position to take up the benefits that exist for some community members by gaining access to the provisions of the legislation, under very strict controls.

It is therefore my view that this Parliament should wait. It is not something we should rush headlong into. It may be something we could consider next year. If that were to be the case I am sure that, given the nature of the legislation, this Parliament would also consider it along the lines of a free vote.

Mr Batchelor interjected.

Mr Micallef interjected.

Mr KENNETT — It is a pity that on an issue as sensitive as this the honourable members for Thomastown and Springvale are so insensitive.

Mr Micallef interjected.

Mr KENNETT — You have been through a major inquiry — and you have now just released again the terms of reference of an inquiry that has already been held! We do not intend to have another inquiry. There has been sufficient public debate. There is now legislation in place in Australia, so we can assess its implementation. As a government we will not be progressing any private member’s bill in the foreseeable future. We will take note of the way in which the Northern Territory legislation is put into practice.

I do not envisage this Parliament moving down that path for at least 12 months — or even longer than that.

Treasury appointment

Mr SHEEHAN (Northcote) — Will the Treasurer reaffirm his confidence in Mr Barry Bond, director of management improvement in the Department of the Treasury and Finance, who has now been committed for trial in New Zealand on very serious fraud charges?

Mr STOCKDALE (Treasurer) — I can understand why they brought him off the interchange bench to ask this question. As I said when the Labor Party last raised this matter in Parliament, it is the subject of very serious allegations. Those allegations are now the subject of criminal proceedings in New Zealand. They are subject to suppression orders made by the New Zealand court. It is not appropriate for us to comment on the matter in this Parliament.
Mr Sheehan — On a point of order, Mr Speaker, when this issue was last before the house the Treasurer indicated strong confidence in Mr Barry Bond. The question was: will he reaffirm that confidence now? I ask you, Mr Speaker, on a matter of relevance to direct the Treasurer to reaffirm his confidence.

Mr STOCKDALE — On the point of order, Mr Speaker, the honourable member has jumped the gun again.

Mr Micallef interjected.

Mr STOCKDALE — We know why you didn't ask it — you couldn't have written it or read it! I am addressing the question raised by the honourable member. If he can restrain his zeal before jumping in to intervene about the criminal proceedings, I will complete the answer.

The SPEAKER — Order! I do not uphold the point of order. The minister may answer the question in any way he chooses. I judge the minister's answer to be relevant.

Mr STOCKDALE — When this matter was last raised in Parliament, the Victorian Labor Party sought to smear a particular individual by raising matters that are the subject of criminal proceedings. On that occasion the shadow Attorney-General raised the matter. I take it there has been a slight improvement in the sensibility and sense of justice of the ALP in that on this occasion the shadow Attorney-General did not want to have himself associated with the inquiry. They had to get the honourable member for Northcote to do it.

The honourable member has misrepresented the answer I gave on that occasion. I am sure any reading of the record of that grievance debate will show that I did not comment on my confidence in Mr Bond. I simply made the point of describing the factual position and of criticising the ALP for seeking to smear the government in relation to criminal proceedings in New Zealand.

I am not required to express or decline to express confidence in a particular individual. This matter is before the New Zealand courts. It is being dealt with in accordance with the New Zealand laws. It shows the depths to which the ALP has sunk that the party which used to pride itself on standing up for the civil liberties of citizens seeks to make political capital out of criminal proceedings. It is a scandal and just shows what a bunch of scum the Labor Party is.

Mr Micallef interjected.

Drought: Rotary Farm Aid

Mr TURNER (Bendigo West) — Will the Minister for Agriculture outline to the house details of a new drought farm aid project that he launched recently in Bendigo, aimed at assisting families with the provision of food and clothing?

Mr W. D. McGrath (Minister for Agriculture) — The number of farming families in significant financial difficulties has been brought to my attention. They include families, particularly those with young children, who need to be provided with food and clothing.

An opposition member interjected.

Mr W. D. McGrath — The Treasurer talked about the ALP, and that interjection shows there is no compassion on the other side of the house.

Honourable members interjecting.

The SPEAKER — Order! I will not tolerate the exchange across the house between the honourable member for Sunshine and government members. The minister will be heard in silence.

Mr W. D. McGrath — Full credit for this program must go to the honourable member for Bendigo West and the Rotary clubs within the Bendigo region, particularly Mr David Rosback, the district governor of that Rotary region. The program shows how the corporate sector, service clubs, welfare agencies and the government can work together.

Some months ago Tooheys Brewing Co. Ltd came to me and wanted to conduct an exercise to give support to families in north-western Victoria who have been affected by drought, in a program similar to that which Tooheys conducted some months earlier in Queensland. I supported the proposal.

They then put an initiative into place through hotels where their product is sold. They believed that ultimately they could provide a donation to this...
cause of around $50,000. Last week they provided some $61,000 to the program. Through the efforts of the honourable member for Bendigo West, we have been able to link Tooheys with the Rotary International organisation and put together in that region a very good program known as the Rotary Farm Aid project. That project will have the opportunity to provide food and clothing to some families who are regarded as being desperately in need of such assistance.

We also must ensure that we maintain the privacy of those families involved and not give them undue media attention. Through the program the Rotary organisation has put in place a credit card arrangement whereby a person can fill in that card on behalf of his or her family and then have the food and clothing supplied through the program.

Mr Seitz — Time!

The SPEAKER — Order! I warn the honourable member for Keilor. I have warned him several times this week. If there is such an outburst again, I will deal with him.

Mr W. D. McGrath — With that $61,000 provided to the program by Tooheys in mind, at this stage Rotary has provided some $25,000 and intends to make a greater financial commitment. The Salvation Army has provided $10,000, Lifeline has donated $2000, and the Minister for Community Services and I have given agency and financial support to the program through which I hope some very essential support can be given to those families in need.

With the assistance of all honourable members around the Bendigo area, particularly the honourable member for Bendigo West, the Rotary clubs, the corporate sector — including, of course, Tooheys — and the service clubs, welfare agencies and government agencies we believe we can provide a very worthwhile and useful program in support of farming families who are in real need at the moment. That can be achieved despite all the criticism from the opposition today.

Planning: South Yarra permit

Mr Dollis (Richmond) — I refer the Minister for Planning to the multi-unit development by DGB Developments Pty Ltd at 423 Punt Road, South Yarra. I refer to the fact that on 6 April the minister was advised by the then Chief Executive Officer of the City of Melbourne, Ms Elizabeth Proust, that she would be making a statement that the council had been misled by the developer and would therefore withdraw its request and support for the amendment to the planning scheme. In light of that, why did the minister approve the amendment later that day?

Mr MacElian (Minister for Planning) — I have explained in a previous adjournment debate the circumstances in which I considered the matter. Whether or not the city council wished to change its mind at what can be described only as a quarter to midnight — being on the last day before contracts were to be either settled or not settled — was a matter of some interest and perhaps represented an about-turn in the city council’s previous handling of the matter. I imagine that might well have been because the city council at the senior level became aware of how it had been handled at a counter level.

However, in the circumstances in which that development has proceeded in the past and is likely to proceed in stage 2, I have taken the precaution to amend the planning scheme to make myself the responsible planning authority in respect of that site. Anything that is done in respect of that site will be controlled by me, and I can assure the honourable member that it will get the attention it deserves.

Yarra River: Kew pumping station

Mr Phillips (Eltham) — Will the Minister for Natural Resources inform the house of what action is being taken to minimise sewage spills into the Yarra River?

Mr Coleman (Minister for Natural Resources) — Mr Speaker —

Mr Baker — Are you sure you got it right?

Mr Coleman — This will be right. You can understand just exactly where this will come from. Throughout the 1980s sewage from the eastern catchment of the Yarra was handled through the Kew pumping station, which now services much of the expanding part of the metropolis. During the 1980s there were considerable discharges from the Kew pumping station as a result of overloads.
Freedom of information material was eventually obtained which showed that the then government had actually recognised there was a difficulty but had done nothing about it. To put that into context, for each 12 months of the 1980s something in the order of 100 million litres of sewage overload went into the Yarra annually.

Mr Baker interjected.

Mr COLEMAN — For the benefit of the honourable member for Sunshine, who interjects, that amounts to 1000 million litres of overflow that went into the Yarra from the Kew pumping station. The former government knew that was occurring. Last week, on the evening of 16 May, there was a technical fault resulting in a small discharge — against the background I have outlined — of 175 000 litres over 2 hours.

I point out that although nothing was done throughout the 1980s, in August last year the government put into place a relief pumping system which has denied the Yarra much of the sewage load the previous government allowed to enter the river. That has dramatically improved the water quality in the Yarra and the service provided to constituents and ratepayers in the area. Given the high volumes we are talking about the spill represented 0.1 per cent of the flow of the Yarra over the 2 hours. That is a relatively small volume when compared with the amount discharged into the river previously.

The relief pumping system has resulted in a dramatic improvement in the water quality of the Yarra. During the 1980s there was continuing development of the eastern part of Melbourne, yet no provision was made by the then government to address this issue. What was required was the diversion of sewage flows to what is now the western treatment plant, and a relief system through the eastern treatment plant at Carrum. That was put into a planning process but was never funded by the then government, which led to substantial pollution of the Yarra over that period. The improvement in water quality in Port Phillip Bay clearly revealed in a bay study is directly attributable to the fact that sewage is now being denied to the river.

It is not correct for the opposition to say today that this was a particularly dramatic spill. It needs to be seen in the context of what was occurring previously. Anyone who examines the matter will realise that the $3.4 million spent by the government in addressing the matter has clearly been effective.
GOVERNMENT EMPLOYEE HOUSING AUTHORITY (AMENDMENT) BILL

Friday, 26 May 1995

Through the review conducted by each department something like 2000 houses have been released for the market. As the honourable member for Preston asks, they were all offered to the housing ministry, which determined that the amount of money required to purchase those houses could not be justified. By and large they are in remote areas and are in a state of repair not suitable for housing ministry purposes. The ministry decided that its available money would be better spent on other forms of accommodation, which are mainly in other areas, but the offer was made.

The honourable member for Preston queried the credibility of Kennedy-Wilson International, the real estate agents chosen to market some surplus houses on behalf of the Government Employee Housing Association. I am advised by the association that full financial as well as police investigations were made into that company and, as a result, the company was considered by the authority to be substantial and capable of undertaking the task.

Mr Leighton interjected.

Mr I. W. SMITH — What the honourable member does not understand in his ignorance is that Kennedy-Wilson are registered real estate agents with responsibilities under the act. If he has any doubt about the credibility or substance of Kennedy-Wilson he should raise that matter with the relevant authorities responsible for the Estate Agents Act. As far as the authority is concerned all the checks required and all the legality surrounding the selection of Kennedy-Wilson are perfectly in order. If the honourable member has any information to the contrary, he should draw it to the attention of the authority I mentioned.

The purpose of the bill is to enable the remaining houses nominated by departments as being required to be returned to those departments for them to manage in a way they see fit. That is entirely in line with the government's policy and with the financial management legislation the Treasurer and I have previously put through this Parliament and continue to improve. To have the responsibility going back to the department that actually requires the houses is surely the most accountable way these houses can be dealt with.

The honourable member for Yan Yean spoke of the metropolitan area without realising that in police terms the metropolitan district extends as far away as Bendigo. Some of his remarks are appropriate when that fact is taken into account. There is nothing sinister about this measurement and there is not, as the honourable member for Yan Yean suggested, a campaign to do away with one-man police stations or in any way reduce the number of houses which are essential to hold police officers in particularly remote parts of the state.

When confronted by the massive financial burden saddled on it by the incompetence of the previous administration the government is very strongly of the view that the provision of housing and the subsidy of rental for housing for government employees is not justifiable in areas where the market provides sufficient houses for government employees. Where there is no rental market and a government employee's presence is required, it will be the responsibility of the particular department to provide housing after the passage of this bill.

House divided on omission (members in favour vote no):

Ayes, 53

| Mr Ashley, Mr | Mr Maclean, Mr |
| Mr Bildsten, Mr | Mr Maughan, Mr |
| Mr Brown, Mr | Mr Napthine, Dr |
| Mr Clark, Mr | Mr Paterson, Mr |
| Mr Coleman, Mr | Mr Perrin, Mr |
| Mr Cooper, Mr | Mr Pescott, Mr |
| Mr Davis, Mr | Mr Peulich, Mrs |
| Mr Dean, Dr | Mr Phillips, Mr |
| Mr Doyle, Mr | Mr Flowman, Mr A.F. |
| Mr Elder, Mr | Mr Reynolds, Mr |
| Mrs Elliott, Mrs (Teller) | Mr Richardson, Mr |
| Mr Finn, Mr | Mr Rowe, Mr |
| Mr Gude, Mr | Mr Ryan, Mr |
| Mrs Henderson, Mrs (Teller) | Mr Smith, Mr E.R. |
| Mr Honeywood, Mr | Mr Smith, Mr I.W. |
| Mr Hyams, Mr | Mr Spry, Mr |
| Mr Jasper, Mr | Mr Steggall, Mr |
| Mr Jenkins, Mr | Mr Stockdale, Mr |
| Mr John, Mr | Mr Tanner, Mr |
| Mr Kennett, Mr | Mr Tehan, Mrs |
| Mr Kilgour, Mr | Mr Thompson, Mr |
| Mr Leigh, Mr | Mr Treasure, Mr |
| Mr Lupton, Mr | Mr Turner, Mr |
| Mr McArthur, Mr | Mr Wade, Mrs |
| Mr McGill, Mrs | Mr Wedeman, Mr |
| Mr McGrath, Mr W.D. | Mr Wels, Mr |
| Mr McLellan, Mr | |
The Assembly met at 11.00 a.m.

Mr SPEAKER (Mr D'Ath): The House isinquorate; I will admit the Noon休 sitting.

Mr SPEAKER: The first order of business is the consideration of business postponed from 22nd May.

Mr Stockdale: That the second reading of the Appropriation (Interim 1995-96) Bill be not moved until after the debate on the Appropriation (Interim 1995-96) Bill had been concluded.

Mr W. Smith: We move the adoption of the motion of the Treasurer.

Mr Leckie: That the second reading of the Appropriation (Interim 1995-96) Bill be not moved until after the debate on the Appropriation (Interim 1995-96) Bill had been concluded.

Mr W. Smith: The motion has been carried.

Mr W. Smith: Mr Microphone.

Mr Leckie: I am pleased to join in the appropriation debate. I have listened to and compared the contributions made by government and opposition members. I refer to a couple of contributions, particularly the contribution made by the honourable member for Dromana. He analysed the autumn economic statement in great detail. He was followed by the honourable member for Springvale, who just denigrated everything he possibly could.

Mr Leckie: It was a great disappointment to both the honourable member for Springvale and the Australian Labor Party that the tabloids and the other media made no criticisms of the budget brought down by the Treasurer. The honourable member for Springvale expressed great concern that this terrible mini-budget had been allowed to pass without the media getting on side and saying it was shocking. Honourable members should remember that this is a good news economic statement. There are no increases in existing taxes and no new taxes, yet the honourable member for Springvale and various other opposition members have expressed their total opposition to it.

Mr Leckie: Only a couple of nights ago the Minister for Public Transport pointed out the contribution of the former government to the management of the tram service. Honourable members will recall his mentioning that the scrubber trams used to clean the tracks in the dead of night all had conductors. The conductors were usually sleeping at the back!

Mr Leckie: In criticising the economic statement the Labor Party has failed to refer to anything it has done previously. Instead it goes along on its own merry way, criticising everything positive the government does. The mini-budget, which does not introduce any new taxes or tax increases, also removes the horrible state deficit levy rightly named after those two infamous Premiers. The Cain-Kimmer tax has now been removed, and what a rotten tax it was! It was introduced by the government, with great regret,
because of the extent to which the Labor government had run the state into the ground, virtually bankrupting it. The government introduced the tax to get the people of the state to accept some responsibility for the disastrous actions of the Australian Labor Party when in government. The opposition has made no mention of the government getting rid of the Cain-Kirner tax. The opposition moaned, groaned, bitched and kicked until such time as it was withdrawn — yet it has not said one word about it.

The budget is of particular interest because for the first time for many years the state deficit is on track, with a surplus on the current account of $800 million and an overall budget surplus of $46.1 million. Still the opposition moans, groans and criticises.

The honourable member for Carrum, the opposition spokesman on education, has made the magnificent statement that only $124 million will be spent on education this year. He has not taken into account another $126 million that is being spent on work in progress. Next year a total of $250 million will be spent on education, a record for the state. The honourable member seems to have forgotten that.

The honourable member made broad-ranging criticisms of the new schools planned for the state, suggesting it represents pork-barrelling for Liberal seats. The money is going to growth areas that need those services. The people in those areas had the brains to realise that the only way they could get the state out of the terrible financial mess it was in was to elect Liberal or National Party members.

In my area this year funds have been allocated to relocate an existing school, the Lysterfield Primary School, to a new site. The honourable member for Carrum may criticise that, saying the school is in a Liberal-held but marginal seat; but the fact is that because of the vast growth in the area a new primary school is required.

The Park Ridge Primary School will soon have in excess of 1000 students. The Lysterfield Primary School is on a small piece of land. The school, which is over 100 years old and currently has about 130 students, is landlocked. Next year it will have up to 300 students. The school grounds cover around 6 acres, which is not sufficient to cater for the expected school population. In 1998 the school population of Lysterfield will have grown even further. If plans are not made to cater for the growth in the area's population, that school site would be very overcrowded and the nearby school, Park Ridge, would have in excess of 1000 students.

Another $3 million is allocated for stage 2 of the Rowville Secondary College. The college recognised the need for a second campus and a total of $4.7 million has been allocated for it. This college will have more than 1000 students. Because it is a rapidly growing area the second campus will soon reach saturation point, so we have had to put extra funds into that area. The government has recognised the needs of the school and has made plans to take care of the future students in the area.

The honourable member for Carrum as opposition spokesman for education last week raised a hue and cry in the media, saying that the government was promoting gambling throughout the schools. It was just unfortunate that the front page of the draft report happened to fall off the document before it was released. The honourable member was interviewed by Peter Couchman on 3LO after the Minister for Education had said quite clearly that it was only a draft document, had no substance and would not be accepted into the school curriculum. When the honourable member for Carrum was asked his point of view he back-pedalled at 100 miles an hour! Since the truth has been told nothing more has appeared in the media about this. This is typical of the member.

I had a great deal of respect for the honourable member when he was Minister for Police and Emergency Services but in opposition his contribution has been totally negative. He criticises everything and continues to attack the government on mere suspicion. I have served on the Crime Prevention Committee with the honourable member. Honourable members will recall that last year the committee went overseas to study sexual abuse of children and adults. This inquiry was of real concern to the members of the committee, and the honourable member for Carrum expressed similar concern. He recommended that the committee go overseas and also recommended a number of places that it should visit. A submission was made for the committee to receive funding to travel overseas but the honourable member took offence at one sentence in the seven-page submission to the extent that he resigned from the committee and then proceeded to berate and criticise it, taking every tack he could.

It is interesting to examine the record to see the contribution the honourable member made to the work of the committee. I found that out of a total
number of 12 hearings he attended only six. I do not know how many times he left those hearings early. Out of a total of 31 meetings he attended only 10. Out of a total of five site visits he attended only two. Out of two interstate trips he attended only one. I am greatly concerned by those statistics, which show the honourable member for Carrum did not attend meetings frequently, yet he criticised the committee. He made the recommendation that we travel overseas. We listened to him because of his expertise in this area as a former Minister for Police and Emergency Services. We accepted his advice but he chose to take exception to one sentence in the submission, resigned and then criticised and berated the committee.

I shall now return to other items in the economic statement. There were increased allocations in a number of health areas: $112 million was provided for hospitals and other acute health services. An additional $9.4 million was provided for child protection services and $80 million for other health and community service projects. The transport portfolio received $49 million for the refurbishment of Comeng suburban passenger trains, and $22.2 million was provided for the upgrade of suburban rail stations. I do not believe any member of the opposition would criticise the upgrading of railway stations. Industry services received another $37 million for infrastructure construction associated with the transfer of bulk chemical storage from Coode Island. That is terrific! The Queen Victoria Women's Centre will receive $4.7 million for its refurbishment. The police will receive another $8 million for a new Victoria Police Force operational safety and tactics training facility. The new Federation Square will receive $7.5 million for the demolition of the ugly Gas and Fuel towers. The city precinct strategic plan will receive $44.8 million. Those are just some of the funds provided for the inner Melbourne area. Funds totalling many millions of dollars are also provided for regional projects at Bellarine, Dunolly, Flora Hills, Geelong and Malmsbury, and for small rural hospitals at Stawell, Warrnambool and Warrigal.

The economic statement was brought down with a great deal of care. It is a good-news document, but the opposition continues to attack it. It is a responsible economic statement that has brought Victoria back into surplus in the current account. This is something that the former government could not achieve. As a result of this economic statement Victoria's credit rating has been increased to AA2. This upgrading will save Victoria millions of dollars. As a result of the government's long-term economic management the people of Victoria will be saved tens of millions of dollars in interest payments. Those who care to think back will realise that it was when the Labor Party was in government that Victoria's credit rating dropped. Only a month after the coalition was elected to government Victoria was downgraded once again.

The economic statement is a responsible one. There are no new taxes or tax increases, yet the government is still being criticised. However, when the federal government brought down its budget the situation was in reverse: it included new taxes, costs and charges. There is not a person in this country who will not suffer pain as a result of the federal government's budget. We will all have to pay more for the Medicare levy even though many people in this place will not use it because they have private health insurance. Certainly that is the case for those on our side.

The coalition government has been promoting small business. There have been no new taxes to affect small business because it realises that small business is the engine room of the state: it creates vital employment. The federal government increased company tax to the extent that it will adversely affect employment throughout the length and breadth of this country, but that was not greeted with criticism by any member of the Victorian opposition. It has shown that it was not concerned about making the state great once again. It has just criticised without substantiation. It has made a negative contribution from day one.

The federal government's overall policies must have an adverse effect on the future economics of this state and of Australia. The opinion polls show clearly that the people of Australia have not been conned by the federal budget. The opinion polls show that they have rejected Mr Keating and his government. The federal budget increased everything the state government has not increased. As I said, there are no new taxes and no tax increases in the economic statement. The commonwealth government in its latest budget has attacked every aspect of the way of life in Australia, yet there is no criticism of it from the state Labor opposition.

The opposition criticises the government for not introducing new taxes or for increasing existing taxes in the May economic statement. In all honesty, what else can we do? We bring down an economic statement that is fair and reasonable. It puts us back into surplus in the current account and the overall
budget. It takes care of people by removing the horrible Cain-Kirner $100 tax — and we get criticised. So far we have been criticised for everything we have done. Yet when we do something to benefit the people of this state, the Labor Party ignores the supporting comments of Victorians and simply kicks and moans.

I believe the autumn economic statement is very sound and reasonable. It is a credit to the Treasurer because he has had the intestinal fortitude to continue with a policy that was adopted by the coalition government in 1992. It was a policy that was going to cause pain — there is no doubt about it — but it is something we regretfully had to inflict on many people of this state.

However, only two and a half years later the rewards are starting to flow back to the state. Unemployment is dropping in Victoria at a faster rate than anywhere else. We have magnificent economic growth, which I believe is all due to the sound way the economic situation of the state has been treated. The government is still concerned about the high level of taxes in this state. However, as things improve those matters will be reviewed and considered. Nobody likes taxing people and nobody likes the pain it inflicts upon people, but that course had to be adopted as a result of the legacy left by the former government.

Victoria still has a Labor Party that simply wants to spend, spend, spend. It does not provide any figures to support that spending policy or any ideas on how it can be done without raising additional moneys. Again it shows that the opposition has learnt nothing from the decade that it was in government. The Labor Party has shown total, unrelieved fiscal irresponsibility.

I commend the Treasurer for the action he has taken. As a result of the economic statement brought down in this house three weeks ago Victoria has proceeded to move ahead. Everywhere it is showing up that it has been a responsible statement. The only ones to complain are members of the opposition. It is about time the people of Victoria became aware of the totally negative attitude of the opposition. It does not appear to understand the basic principles of economic management or accounting procedures. All the opposition knows about is how to spend money. The average person who tries to balance the books knows he or she cannot spend if the income is not there. However, from the comments of its members during this debate it appears that the Victorian ALP has not learnt a thing. It has been irresponsible. It has not shown any degree of consistency and it has certainly shown a total lack of fiscal and economic responsibility.

The points made on the bill by government members have been fair and reasonable. It has been a good economic statement. It has been accepted by the people of Victoria as a sound, sensible document. I regret that the opposition cannot see the benefits of the May economic statement. Again I commend the Treasurer on the work that he and his staff have put into the statement. With this economic statement behind it Victoria will continue to move ahead. Employment will continue to grow. The level of unemployment will drop. Once again Victoria will become the driving force of this country, subject of course to the commonwealth taxes which have recently increased.

I congratulate the Treasurer and commend the statement to the house. I trust members of the opposition will in the future make responsible comments so that the people of Victoria can appreciate the work that has been done to bring the financial affairs of the state back into the black.

Dr COGHILL (Werribee) — I am pleased to join this debate on the Appropriation (Interim 1995-96) Bill. To set the record straight for the honourable member for Knox and others, I should say that occasionally both sides of the house see benefits flowing from the activities of the present government.

I place on record my appreciation and that of my community for the recent decision of the Minister for Education to provide refurbishment funds for the staff and administrative upgrade of the Werribee Secondary College. This is a project which the local community, and the Werribee Secondary College council in particular, with my support and advice, have been developing for a number of years now. Indeed, the project could certainly have proceeded last financial year if not the year before had the minister seen fit to make the funds available then. Last financial year funds were made available for the design work to be completed so that as soon as the funds for the capital works were available tenders could be called within a week. I understand that has now happened.

The cyclic maintenance work which was undertaken by the previous Labor government will now be complemented by the staff administrative upgrade of Werribee Secondary College, which will add enormously to both the appearance and the
efficiency of the school. It will be of great benefit to the principal, Steve Butyn, the deputy principal and other members of the staff, but most importantly to the quality of education which will be available in Werribee through the Werribee Secondary College. Let it not be said again that members on this side of the house are totally negative about the May economic statement and are not appreciative of constructive actions taken by the government, even if they appear to be somewhat overdue.

The main issue I wish to spend some time discussing today is the approach being taken by the government to the future of the state-owned services, particularly the state-owned monopoly utilities operating in Victoria. It seems to me that the government has taken a very ideological position rather than actually thinking through what the implications are for Victoria in totality and for the Victorian community from its approach to these utilities, which has been privatisation no matter what the economic or social cost to the Victorian community may be. It seems to me, having listened to many government members in this debate, that there has not been a proper analysis of the implications of this policy. When I say 'proper' I mean with the application of some intellectual honesty and rigour to the analyses that have led to the policy position. It seems to me the policy position that has been taken by the government is no more constructive or well thought out than the somewhat sycophantic comments we continue to hear from David Edwards, the Executive Officer of the Victorian Employers Chamber of Commerce and Industry, who both before and since the election has come out with comments which cannot be seen, on the most charitable interpretation, as being in the best interests of the people his organisation purports to represent. They have simply been rhetoric aimed at supporting the rhetoric of the government, reflected by the rhetoric of the Treasurer and the other ideologues driving the economic policy of the present Victorian government.

When it comes to specific aspects of the utilities, such as the generating capacity of the electricity industry in Victoria, it seems to me that there is a quite different question involved, because that section of the industry is not a natural monopoly as compared with distribution. By their very definition, the five distribution companies in Victoria are natural monopolies. No-one seriously suggests that it is a practical possibility for there to be more than one electricity distribution system in any part of Victoria. No-one seriously suggests that even if it were physically possible it would be a wise use of the resources of the total or aggregate Victorian economy for there to be more than one lot of electricity wires providing electricity services to a particular street or premises. No-one would seriously suggest that that would be an option. The government has not suggested in its policy proposals for the future of Victoria's electricity industry that there would be more than one reticulation system serving a particular area or premises. That makes the point that it is, by definition, a natural monopoly. That part of the electricity industry will not be duplicated and will therefore not be subject to any effective form of competition.

The Treasurer might say that Victorians will relocate in order to take advantage of a better distribution system. But I put it to you, Mr Acting Speaker, that, firstly, that is an utterly unrealistic view of human behaviour, and, secondly, it would be a most uncompassionate view of the Victorian people to suggest that they should be prepared to move, let's say from Werribee to another area of comparable cost housing, just in pursuit of an electricity distribution service that might be offering a better service at that particular time — that is, better in terms of the cost or the service provided.

The reality is that people take many things into account when making locational decisions and they will not relocate simply because of a marginal difference in either the cost of electricity reticulation or the provision of a service by a distribution authority. People do not move as easily or readily as that. Nor should they be expected to do so. If we have any concern about the quality of life, we should not expect people to be pushed around simply in pursuit of some purported and temporary advantage so far as their electricity supply is concerned. The same argument can be mounted in respect of gas and water supplies.

It is unrealistic to suggest that by breaking up the electricity distribution system into five separate corporations somehow or other the ordinary consumer, the consumer who does not have the advantage of a strong bargaining position in the market through the consumption of bulk supplies of electricity, will gain an advantage.

My concern goes further than that. In selling the separate distribution companies, the government is pointing to the current consumption and revenue levels of each of the corporations. I have previously presented evidence to the house that certain consumption figures have been grossly inflated and,
as a consequence, the revenue from individual consumers has also been grossly inflated. I quoted the case of a domestic consumer whose actual consumption level appears to have been more than 16 per cent lower than the consumption level that was charged against that particular consumer. I have reason to believe that was not an isolated case. The fact is the meter was not read. A quite artificial and unrealistic figure was put on the estimated consumption of that particular consumer. It was not based on the consumer's previous consumption level. Had the consumer's previous account shown the consumption level to which I have referred, it might be understandable, and people might be prepared to excuse it. But in this case the consumption level was grossly in excess of the consumption for the equivalent period in the previous year and, worse than that, in that particular billing period the consumer had been absent from the dwelling for quite some time, so the consumption level could very well have been considerably lower than the equivalent consumption level in the previous financial year.

That suggests to me either the grossest incompetence or a conspiracy that has the effect of artificially inflating the apparent value of United Energy to prospective purchasers. Although that might be a budgetary advantage to the Treasurer in the short term, I suspect if it had misrepresented the value of United Energy to the bidders at the very least it would expose the Victorian government to a liability. It may be worse than that. It may well be that if the bidding process is found to be falsely based, because false representations have been made about the value of United Energy and its revenue and electricity consumption levels are significantly lower than those quoted to the bidders, the entire bidding process could be aborted.

The Treasurer appears not to be taking any particular interest in this. I suggest that he has a moral responsibility. He is as accountable to Parliament as he is to anybody else for the misrepresentation of the electricity industry to the bidders. It has to be acknowledged that in the past the Treasurer has not shown much respect for the Chair or the institution of Parliament. Nevertheless he must recognise that he has a responsibility to ensure that the distribution authorities are fairly and properly represented to the bidders.

I can cite other cases where the same issue has arisen; indeed, they are even more serious. I remind the house, and particularly the Treasurer, that it is now about six weeks since I put a question on notice on this subject on the notice paper. It remains unanswered. I understand it caused enormous flak in the electricity industry because the Regulator-General was asked to provide the answer and, in doing so, visited the authorities and turned up all sorts of rorts and irregularities which substantiate the point I made and which lay behind my asking the question on notice, raising the matter during the adjournment debate and raising it in the house today.

The electricity consumers of Victoria are being exploited and short-changed by the electricity distribution authorities established by the government. The government's document of December 1994 entitled Reforming Victoria's Electricity Industry, at page 67 under the subheading 'Small and Medium Businesses', states:

Small and medium business customers have for many years been paying electricity prices that are well in excess of their cost reflective level. In addition, the tariff structure for these customers is complex with a number of different tariffs available. The SECV has estimated that in total customers could be paying between $80 and $100 million more per annum than they could if they were paying the optimal tariff available to them.

It appears the government has done nothing to address this issue, which is having a major impact on the people the government claims to be concerned about. I have not heard David Edwards from VECCI speaking up about this issue.

I shall give an example how this affects industry and consumers who are closely aligned to the Liberal Party. The Comedy Theatre is located in the central business district. It has no opportunity to relocate to take advantage of better services or lower prices from another electricity distribution authority. The reality is it would be unreasonable and uneconomic for the Comedy Theatre to relocate to Werribee to take advantage of the electricity tariff available from Powercor Australia or to Footscray to take advantage of the electricity tariffs of Solaris Power. It is a nonsense and the Treasurer and the Minister for Energy and Minerals know it.

The Comedy Theatre is controlled by David Marriner, who is well known to the Liberal Party. As one would expect, the Comedy Theatre is a significant consumer of electricity. I understand it consumes most of its electricity under what is considered as the day rate, that is, it consumes most of its electricity up to 11 p.m. and relatively little
after that. David Marriner is well known to the Liberal Party and to the Minister for Finance.

The Comedy Theatre is an important small business and tourist attraction. It is an important source of revenue and economic activity in the entertainment industry in Victoria. A number of tariffs might be applicable or available to the entertainment industry. What is curious is that the Comedy Theatre is not on the lowest cost tariff available to it. The theatre is being ripped off by the Treasurer and the Minister for Energy and Minerals through their agency Citipower. The Comedy Theatre is on tariff E. If it were on tariff D it would pay a substantially lower rate for its electricity.

The question of tariffs is not a simple matter because it depends on the actual consumption of electricity that the theatre uses. However, its consumption rate is such that it would gain an advantage by being on tariff E rather than on tariff D. Tariff E is broken up into two sections: E1, which applies between 7 a.m. and 11 p.m. and E2, which applies between 11 p.m. and 7 a.m. the next day. As I have explained, tariff E is not particularly relevant for theatres like the Comedy Theatre because there is not much happening after 11 p.m. Usually the audience has left and there is some tidying up to do after the show, which would be at the lower tariff rate.

Tariff E1, which applies between 7 a.m. and 11 p.m., has a two-tier structure. The first tier is for consumption up to 5500 kilowatts per month at the rate of 21.85 cents. The rate then drops to 14.22 cents. So, if consumption was approximately 5500 kilowatts a month the electricity bill would be $1201.75. The evidence is that the level of consumption is in that range — not that I expect Mr Marriner to give me the precise figures.

The alternative would be tariff D, which has a single rather than a two-tiered tariff. Tariff D has a flat rate of 18.97 cents a kilowatt hour whether the consumption is 1000 kilowatts or 20 000 kilowatts per month. Assuming that the consumption was at the threshold level of 5500 kilowatts per month the tariff charged would be at 18.97 cents per kilowatt hour, and Mr Marriner would receive a bill for $1043.35 a month. Additionally, he would pay a monthly flat rate supply charge of $14.60. If the theatre used 5500 kilowatts a month he would pay $1043.35 cents and $14.60, which creates a differential of 14 per cent.

The friends of small business, the entertainment industry and tourism are exploiting one of the major theatres and entertainment centres in Melbourne to the extent of 14 per cent on its electricity. Honourable members would know from the figures I have quoted that the consumption rate would have to be much higher before there would be much advantage being on tariff E rather than tariff D. There is an advantage in theatres the size of the Comedy, Her Majesty's and the Athenaeum being on tariff D. Instead, the Treasurer, the Minister for Energy and Minerals and their distribution authorities are exploiting their friends in industry, especially the entertainment and tourism industries, by charging exorbitantly high rates for electricity. It is probably only a coincidence that the excess costs those industries are bearing proportionally approximate the excess charge made to the United Energy consumer I referred to earlier.

The government claims to be concerned about economic efficiency and lowering costs for industry yet it is ripping off its friends — and it cares nothing about it. In one of its own reports the government was warned back in December that small and medium-sized businesses were being overcharged by between $80 million and $100 million a year. The solution to that lies in quality of service and meter readers. When, for example, the meter readers go to the Comedy Theatre they can say to Mr Marriner, 'You are not on the best tariff. We can save you 14 per cent if you switch from tariff E to tariff D, which is the lowest and most cost-efficient option for you'. Instead of that the quality of the service provided by the distribution companies has been reduced.

Instead of retaining conscientious, well-trained company meter readers who can provide advice as well as read meters, the government has contracted out their work. The contract says that for so much an hour a person is paid to read meters, and that is all he is required to do. He is not required to help his customers save money or advise them on efficient energy consumption. That is one disgraceful aspect of the privatisation of natural monopolies. They are being turned into the worst sorts of monopolies, just as bad if not worse than the state-owned monopolies of the past.

If the government were seriously concerned about the efficiency of the Victorian economy and the prosperity of individual operators, it would be addressing these matters. It would be imposing performance requirements on the distribution authorities to improve their efficiency. Instead things are becoming worse. Old inefficiencies and areas of exploitation are being maintained — and
that is being made worse by meter readers who do not even know what they are doing. All they can do is read the meters; they cannot provide advice or quality service to their consumers, which is what they should be doing.

The privatisation of the electricity distribution companies is disadvantaging the Victorian economy as well as the people the Liberal Party claims to represent.

Mr Ryan (Gippsland South) — This bill marks yet another stage in the recovery of Victoria's fortunes after the previous decade under our Labor predecessors. The autumn economic statement, the foundation of this legislation, contains ample evidence of what happened prior to the Kennett government's election in October 1992 and what has happened since. Most importantly, it sets a framework for the future. One of the greatest challenges the Kennett government is facing is moving through this transitional stage, if you like. In some ways it is analogous to the well-known western strategy of pulling the wagons into a circle to keep the women and children safe while the Indians attack. That describes the first phase Victoria had to go through as the Kennett government assumed control — as opposed to moving outside that circle, making our way in the world and reassuming our proper place, not only today but in the time to come. I do not want to dwell on the first aspect of that analogy because in a sense it has been accommodated.

We came to government faced with two fundamental problems. The first was the terrible deficiency on our current account, including the prospective loss of $3 billion a year along with the compounding problems that sort of loss entailed and the need to take urgent action to arrest it. The second was the long-term debt, both the current account deficit and the unfunded debts and liabilities. Because of the actions of the government we have taken giant strides towards solving the first problem. We may not have a complete solution in place, but we have cauterised the loss and reached the point where, to the great credit of all Victorians, we have stopped the bleeding. We can now concentrate our efforts on maintaining that position and then addressing the longer term issue of our debt and unfunded liabilities problem.

I want to talk about outcomes. I do not want to address in any detail the actual content of the economic statement. If one gives it the attention it deserves, one sees a raft of figures that tell of what has gone before and what is to come. That is not the way I want to tackle my contribution. Rather, I want to talk about this legislation in terms of outcomes and of what they mean to Victorians at large and my constituents in particular. I am strongly of the view that politics is directly related to the impact of government policies on people on a day-by-day basis.

As I speak many Melburnians are making their way home through the traffic and Martin and Malloy are about to hit the airways on Fox FM. I am sure they are aware of their listeners as they go about their activities of the day. Those people are worried about where next month's mortgage payment is coming from, who is going to look after the school fees and whether they will have work to do next year. Those are the sorts of issues that trouble people each day.

It is particularly pertinent in this debate because the wonderful point about this legislation is that it reflects the government's policy. When people look at the way the government conducts its affairs and they see the legislation now before the house, they have confidence that there is a plan for this state to move forward. By degrees this government has dragged the state out of the depths it was in a couple of years ago, and, most importantly, it has charted a course for its citizens. The Premier often speaks of the need to prepare for the turn of the century and then for the further period until 2050.

One of the particularly interesting things I have seen happen in my electorate over the past couple of years has been the enormous growth in confidence. I have seen a turnaround in the way people in the economic sphere have approached the important role they have to play. The government unashamedly make no bones about its unstinting support for small business and the important part it has to play in the revolution of the state's fortunes.

It is in that context that I want to look around my electorate and see what is occurring with the development of industry, it gives me great heart to be able to relate that to the legislation before the house and see the effect the economic statement is having now and will have in the future.

Legislation of this nature should be measured in terms of outcomes. I relate my comments to a
statement of principles enunciated by a fellow named John Gault. He is employed within the bureaucracy of the government. He works within the office of the Minister for Industry and Services and he also works for the Minister for Regional Development.

Mr Gault runs a very interesting program, which is part of the Terry Laidler program on the ABC on Wednesday nights. Over the past two or three years he has presented on Terry Laidler’s program a segment on the management of Victorian-based small business enterprises. Mr Gault interviews small business operators and asks them to tell their stories as to how they go about establishing and conducting their business for the good not only of their own enterprises but for our state.

The way Mr Gault has developed that program is interesting to reflect upon in the course of this debate because it is relevant to it. From those 100-plus interviews Mr Gault has conducted he has distilled seven principles he says those people almost unfailingly follow for the purposes of their commercial enterprises. In a general sense he recites them in this way.

He says an analysis of the companies show they have a competitive edge and have identified a competitive advantage that they have in their particular industry. They then look to identify a goal as to where they want to go. They set out a plan as to how they are going to achieve it, and they then look at the people they have working around them. They have a commitment to the goal and to how they are going to achieve it, and they are very much focused on the export industry. Finally, and very importantly, quality assurance is an extremely important part of what they do. Those seven tenets have much to offer in the development of enterprise in our state. Again they are all issues upon which this legislation fundamentally has an effect.

I see that when I look around my own electorate. For example, the dairy industry and the Murray Goulburn factory at Leongatha. That enterprise now employs about 450 people and is the largest dairy factory in the southern hemisphere. In peak season when the dairy season is in full flow it takes about 2.8 million litres of milk per day for treatment. It produces a product worth about $90 million for export into the Asian rim each year and a further product worth $150 million for our domestic markets.

When I look at that sort of enterprise and the fact that it serves about 850 of Victoria’s 8300 dairy farms, I see a classic example of the sorts of basic principles as enunciated and demonstrated by the experiences of Mr Gault when interviewing many small enterprise operators and the way this government is able to cooperate with a business of that magnitude in furthering its goals.

The other important aspect that has been developed over the time I have been in this place is the significant part the government plays as a catalyst. A very important part of its job is to make sure that it works cooperatively with industry at large to ensure that it gets the best results to enable industry to develop for the benefit of this state.

When you look at what has gone on before in the conduct of the state’s affairs as opposed to the situation we now have in Victoria and when you look at the encouragement which flows through the operation of the matters detailed in the May statement and what this bill represents, you can see the marriage between government activity and the necessity for government to keep making a significant contribution to the development of industry. We have recently seen that happen in my electorate in the township of Yarram. An announcement has been made by Sunwood Timber Industries about locating a mill. There has been a marriage of all the various attributes to which I have referred.

Sundown Timber Industries is a strong Victorian company which in 1993 was one of the best performers in small business in this state. The resource in question is rated by the Victorian Plantations Corporation and will produce next year something of the order of 3000 cubic metres of pine. The wonderful point about that resource is that it is completely sustainable; it can be farmed just like any other product. It needs very little care and little treatment. I dare say you can hear it growing on a quiet night! More and more of it will be available to be processed in the passage of years. Yarram is a terrific township with a population of 2100. There are great people down there, as indeed are all South Gippslanders. They have a committed culture to commercial development and they do a great job of achieving it.

A further feature of the cooperation is the work done by the former Shire of Alberton which, when it received an expression of interest on behalf of Sunwood Timber Industries, was only too happy to cooperate with the company to enable its aim to be
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brought about. After the amalgamation process occurred on 2 December 1994 the newly structured Wellington shire has taken over that role and has done a terrific job.

In addition, we have the contribution to the end result of the Minister for Industry and Employment, Phil Gude, and the Minister for Regional Development, Roger Hallam. Those two ministers are about the best thing to hit country Victoria since the stump jump plough. Those fellows have done terrific work for the advancement of country Victoria.

When you look at the amalgam of all the effort that has gone in to bringing about the result that has so recently been announced it is, as I said, the classic example of government playing an important part by making a direct contribution, which it has done in this instance with this company. The government and the ministers I mentioned have acted as a catalyst in bringing together all the forces to see the end result of the establishment of that mill.

Let there be absolutely no doubt about the marvellous significance of that operation in Yarram: the township will benefit enormously from the initiative. The company will take only 50 000 cubic metres of the pine, and the question now is how to attract additional industries of a similar nature so the product can be further developed. We see again the very important part government is able to play in enabling that to happen. That type of development would not have happened two or three years ago because the company would not have had the confidence and the wherewithal to take the initiative it now has. The fact is that now the company is perfectly happy in Yarram, and that is the result of the very constructive efforts of the government.

I could range right around my electorate and look at a number of industries where that is so, but I will not go through them all. However, the one which represents a terrific opportunity in South Gippsland is aquaculture. The government does not have a fully developed and integrated policy on aquaculture. Much work is going on in South Gippsland through a committee I was instrumental in establishing. That committee will bring forward a report from the Victorian Institute of Marine Sciences this coming weekend. I look forward to briefing the Minister for Natural Resources next week about the content of the report. I also look forward to working cooperatively with the departmental personnel because the end result will be the establishment of an industry in South Gippsland that has tremendous potential. The industry has been in Tasmania for about 15 years, yet it has a value of about $60 million.

We do not have any industry of that nature in South Gippsland, save for a recently opened abalone farm. Apart from that, the great thing we have — and I relate this again to the seven issues that Mr John Gault has developed through his program — is a clear competitive advantage. We have the most pristine waters in the state at Corner Inlet, and they are recognised as such. The marvellous thing about this industry is that whereas industry in the general commercial sense can require a price to be paid from the environment because of its development, aquaculture is precisely the opposite. To enable aquaculture to happen there must be absolute pristine first-class quality water.

I believe we will see a happy outcome not only with the development of a multimillion dollar commercial enterprise of great significance for the local area but also with all that it will bring in the way of jobs and opportunities in the South Gippsland region, and the same thing will happen to the state's fortunes at large. That is another example of what has happened because of the government's contribution to refocusing the way in which industry approaches its initiatives throughout the state.

I shall conclude my comments by talking about the important issue of the way in which economic and tourism development, which are related issues, can be handled at a local level around our state. True it is that the government has set up a framework to enable that to happen. It must happen within a framework, because people have all sorts of initiatives and ideas about how they want to see things happen, but unless projects can be directed and assisted with input from experts in the area of proposed development, they may go off at a tangent and otherwise available advantages may be lost.

In my electorate this is an issue that has been grappled with. We had a dry run over this very thing within the City of Sale some four or five years ago. One morning we woke up to find that Esso Australia had announced it was going to withdraw all its administrative personnel from the City of Sale. One must bear in mind that the City of Sale comprises some 14 500 people and at that time Esso was directly employing about 200 families to provide administrative services to the company. A similar number of people were contractors to the industry. What we found was that the prospect
represented by the Esso move was that all those families would be withdrawn from our city.

Not surprisingly, it caused enormous concern. A group of us got together in Sale and started a promotional group. The local group's aim was to arrest the problem, concentrate on the maintenance of the industries we still had in the city and look for additional industries. Unlike the situation today we found that industry development was in a state of decline. Although we searched high and low and a great amount of work was done by many people to coordinate their efforts to bring new industry to the city, it was not able to be done because the commercial climate was not right.

The position today is very different. There are all sorts of opportunities on the go, some of which I have outlined, and there are others. It makes it all the more imperative to get it right in the sense of the structure that one has to have to encourage commercial development in the coming years.

In my view it should take the shape of something along these lines: in the final analysis, it is imperative that the municipality have an involvement with whatever structure is established to encourage commercial development. That is so for a number of reasons: often the first contact by a prospective business developer is with the municipality. One must ensure that one can tap into that straightaway. Furthermore, meaningful financial support must be available. Again, it is fair and reasonable that the ratepayers of that municipality share in what is immediately a burden and an advantage. I see the municipality's involvement as being important from that point of view.

The municipality already has about it an infrastructure of personnel and resources that lends itself to such things. It is important again that there be involvement of the municipality. I also strongly believe one cannot leave these important issues to local government alone. I cast no aspersion upon local government when I say that, but in my experience the fact is that there must be involvement of private enterprise to enable those things to be developed. Private enterprise by its very nature is much more proactive and able to be reactive to the opportunities which present.

It is important therefore that the resources be available through private enterprise to assist in achieving that important aim. That resource can be the people who are prepared to be involved and what they can bring to that process through their own business operations. It might be their training or an all-important pragmatic issue such as the physical capacity to supply rental accommodation. I do not believe it can be done without both elements. There must be an area as large as that which my electorate comprises, some 7000 square kilometres, a means whereby one can ensure an ongoing involvement of all the communities. It is important that people be able to claim ownership of that and to say that the economic and tourism development within their area is controlled by them.

In my electorate there are seven major population bases with differing populations. It is important in the scheme of things that there be a representative from each of those areas on whatever body is formed to control the issue of economic development. It is also important that all the small organisations in these cities and towns have continuity. When one looks around country Victoria — and my electorate is an example — one sees there is a plethora of groups such as chambers of commerce, various service clubs such as Rotary and Lions, retail trading groups and other groups that have disparate interests but are united in the aim of achieving better commercial development in their areas.

When setting up something which is intended to have the overall effect of assisting commercial development in one's area, one must have respect for and recognition of these small groups dotted around that are entitled to have a say and should have a say. I believe the ideal model is something in the nature of an entity which comprises in my electorate 10 or 11 people drawn from each of these population bases, allowing for the difference in population numbers, so that one might have one from one town and three from the city of greater numbers.

Those people should be assisted by representation from the municipality in the form of one of the commissioners now in place, but with the long-term view that it be a councillor. There should be an economic development officer from the municipality and, through a combination of those resources, the result would be about a dozen people who can act on behalf of all the area in question for the purpose of the twin economic development and tourist development roles.

It is essential that this body be incorporated because it must have a capacity to stand aside from the municipality. It must have responsibility in the sense
of financial accountability to the municipality because the funding to that body must come from that source, but it must have the ability to stand alone.

It must be able to criticise the municipality, if that is the thing to do. It must be autonomous, with people going interstate or examining whatever opportunities for development may present; and it must be able to pursue those things on its own. It is important that it have an affiliated membership from around its area.

It can do that in a couple of ways: it can have an individual membership, so on a fee basis it charges members of the organisation, or, and in addition, it can have a fee that is related to a club, entity or organisation such as a retail trading group. Once a structure of that nature is established it can operate as a focus amid economic development within that municipality or within whatever the area may be. That mechanism will allow a partnership between the private sector, local government and state government.

The state government also has a role to play in providing funding support and bureaucratic assistance through associated mechanisms. Financial support can be made available through those three sources. This group would have the capacity to take over the federal concept of the regional economic development organisations. That should be developed into something similar to the TAFE system. If the commonwealth wants to be involved in regional economic development in a meaningful fashion, it can allocate funds to local government which can then contract to this independent group to dispense with the man on the ground. Let there be no doubt that such a group knows best.

I return to my starting point. When you compare where we were at the time the Kennett government was elected and where we are now, you can see we have made huge gains. I make that statement in an apolitical way. In the dead of night nobody really disputes the fact that the state has made huge gains. The critical factor now in Victoria is to raise our sights and ensure we put in place an appropriate structure at all levels to make sure we can gather the advantages available to us and ensure we get the best results from them for time to come.

The important roles of government are delivery of the goods and services; looking after those who are not as fortuitous as others in the community; and, apart from anything else, ensuring job prospects are developed to the greatest degree possible. If we can satisfy those roles, we have satisfied the roles of government at large.

Mr BAKER (Sunshine) - My contribution to the debate will be brief. I was most amused to note that when he introduced his recent economic statement the Treasurer produced the line, 'When you’re on a good thing, stick to it'. When you pick up the racing analogy, the economic statement would be far better described as the case of the riderless horse which is first across the line at the Grand National. That horse has negotiated all the hurdles and it is there amid the cheering and fanfare as the horses cross the line. It may be first across the line but it gets no prize. In this context the Treasurer is the strapper of the riderless horse.

Meanwhile, the Premier plays the role of the spruiker running the merry-go-round for the kids in the ledger enclosure of the racecourse. He is doing the fizz and pop! It is a fair analogy. As I said, I was most amused when the Treasurer said, ‘When you’re on a good thing, stick to it’.

Already some of the broader consequences of running taxes and charges at the level they are still running them are coming home to roost in a competitive sense because the new Treasurer in New South Wales has already moved to reduce payroll tax. We should be concerned that he has done that deliberately to beat off any push from Victoria to win from New South Wales any business on offer.

Mr Ryan interjected.

Mr BAKER — I know about Foxtel. Our taxes and charges are still 15 per cent above the national average. The main component of those charges is still payroll tax and stamp duty, which are costs on business and are a barrier for entry to business. We should be quite alarmed about that because that will give New South Wales an edge and a club with which to give Victoria a real crunch in the competition that will develop now the Carr Labor government has taken office in New South Wales.

As the Leader of the Opposition detailed rigorously in his contribution, the Treasurer attempted to again obfuscate the real nature of his statement. For electoral and political purposes he tried to hide the true nature of the surplus, to keep the debt demon in its cage — only to occasionally give it a poke with a pointed stick!
Logically, some of that money should have been pulled out and used for social concerns, but some should have been used to decrease payroll taxes and charges on industry. From a purely business analyst's perspective, the Treasurer admitted that we are still rather light on for infrastructure spending. It needs something to kick it along.

I note that the honourable member for Gippsland South referred to some areas such as aquiculture, especially the export of eels to Asia. That would be terrific! They attract a premium price and are considered to be speciality products from which we can make a lot of money if the business is handled properly. We should be looking to develop our food, not agriculture - there is a big difference! We should be developing food, technology, science, education, arts - the sorts of things at which Victoria has traditionally been good; and we should not forget distribution. If we want a competitive edge, they are the things we should be concentrating on, but the statement does not build on those apart from a higgledy-piggledy, fizz-and-pop approach to development.

The Premier continues to pop up after he has leaked stories to the press and, rather rudely, abused question time. He is not prepared to make a ministerial statement to the house about what is happening. Such a statement by the Premier would allow some reasoned debate in this place. I would have been happy to praise the Foxtel decision because it fits that strategic package.

Elsewhere, we are again deficient in the areas I have hammered — that is, the provision of a heavy focus on the development of analytical skills and of languages within the schools. Let us forget about Japan and come back to one of the lesser tigers. Again I mention that in Korea every child learns English at the age of five and 60 per cent of children go to university. How can we still say in this day and age that we cannot do the same thing? The state that does it first will be the state that steals the march on everybody else. Given the composition of Victorian society, with its strong migrant tradition, sense of tolerance and sense of being cosmopolitan, Victoria should be the one!

That is what we should do above all else to give Victoria a competitive edge and to provide a better life for the next generation, who will have to live as internationalists and as regionalists in South-East Asia. Apart from having the mathematical, scientific, technical and analytical skills that are needed in the new technological society, they can best do that by speaking the languages of other countries. The greatest respect you can show another person is to learn his or her language. In the process of learning a language you gain an understanding of the culture of the country concerned, and so you are paying that person a compliment. We need to catch up quickly on some of the attitudes of our ancestors. I think there is an opportunity for a state government to get a mini Colombo Plan going in Australia with limited expenditure.

Honourable members have never heard me criticise the Premier, the Treasurer or any minister for taking a trip, and I will not do so. I am strongly in favour of members of Parliament taking trips. However, that is not the way the Premier behaved when he was in opposition. No-one was more politically conniving about criticising trips by members of the former government than he was. But we do not all have to sink to his level; we do not have to behave in that fashion. I applaud the Premier’s upcoming trip to Europe and his interest in the wool industry.

It would have been good if the Premier had allowed and encouraged debate by doing the decent thing our predecessors in this house used to do in the 1940s and 1950s. When they had a major trip to take, a major announcement to make or some major news to bring back home, they came into the house — they did not use question time — and made a ministerial statement. They said, ‘Let us see how good you are on the other side. I will go for 10 minutes and you can have 10 minutes in return’. In that way they generated reasonable debate and there was a sense of sharing.

Mr McArthur interjected.

Mr BAKER — I will ignore the honourable member for Monbulk in the way that everybody else does, including his own side. In fact, the other night someone on this side was betting on the kid’s chances of getting on the front bench. I think the odds were about 1000 to 1.

Mr Haermeyer interjected.

Mr BAKER — We won’t worry about him because all he does is interject. He never makes a contribution. We need to reach out and try to steal the march on some of our competitor states by dealing with the structural and cultural things that can actually lead to business in their own right. I am sure we have all been through university courses or schools where we were exposed to people from other countries and have maintained some of those
relationships. Some of the people I went through the business school at Melbourne University have now become very significant in Asian countries. There is a need to expand that process.

I have spent quite a bit of time travelling around the South Pacific in recent years and have been appalled to find — I criticise our national government, particularly the Department of Foreign Affairs and Trade, on this — bureaucrats in those countries still behaving like Carlton of the FO. It is instructive to compare their behaviour with that of the New Zealanders. In places like Fiji, New Zealand representatives are training everybody, from cooks and bottlewashers to people in the armed services and the lawyers. You might say at first glance, 'Well, how stupid are they?' They are not stupid at all because it means that as those people complete their courses and travel through the system they know what is required and who to contact. At the simplest level, if a person who trained in New Zealand goes back to his or her country as a chef and wants to buy books, tools and whatever else for setting up a restaurant, that person goes to where he or she was taught. It scales up through the professions and results in associations that produce business and trade.

There is a real opportunity for Victoria. We could do that better than any other state and it would not take huge dollops of dough; it would take just a little bit of strategic focus. Sure, we cannot start teaching children languages from the age of five tomorrow, but we can have a set plan for building it up. We have to catch up on 20 years in about 10, preferably — —

Mr Honeywood interjected.

Mr BAKER — Well, you are not doing it. It is not in the budget.

Mr Honeywood — It is in front of you.

Mr BAKER — It is nonsense. It is piddling stuff. You are not getting on with it. As I said before the honourable member for Warrandyte came into the chamber, in Korea every child learns English from the age of five. It will not be long before the same occurs in South China, India and Vietnam, yet we are still teaching people French and German at the age of 12!

Mr Honeywood — You're a fossil. You don't know what you're talking about.

The SPEAKER — Order! I have allowed the exchange across the table to proceed to a point where I now believe the house should come back to order.

Mr BAKER — Just to demonstrate the point I am making, an example of the associations that come through travel is made by my esteemed, venerable and much-loved colleague, the honourable member for Niddrie. After Gough Whitlam opened up our relations with China — I remind the house it was he who did so — as a young man my colleague went on a trip with a group of other young people. They met some young Chinese people at a similar sort of level. One of those young Chinese who have grown old gracefully is now the Vice-Premier of China in charge of the country's industry and privatisation program. When he comes to Victoria he goes out and stays at my colleague's house.

The Minister for Natural Resources may well laugh. The reason he is doing absolutely nothing about it is that he is absolutely gormless. If only the government would apply itself to some sort of strategic focus instead of the politics of the day! All government members are interested in is scoring a hit in the grubby politics of the day. I have not heard any government members make any sort of sensible or broader contribution in the time they have been in this house.

It is just amazing that when we are talking about the appropriation bill, the future of Victoria and the direction that will be taken, government members get up and do the same old stock speech. They poke the debt demon in the cage, talk about how wonderful it is that we now have a surplus and say that it is not big enough yet. What sort of result are they bragging about? The government has more debt than when it started.

We have heard nothing else. There is no spending of any consequence on infrastructure and the cost to business in Victoria is 15 per cent above the average cost elsewhere. Already Queensland and New South Wales are starting to turn the screw. Mr Egan's first response was to hit payroll tax, but this government is hanging on to the dough. Because this government has a Treasurer who has a counting-house mentality and does not really have any sense of strategic business focus, its approach is to sit on the money and, in an economic statement about six months before the next election, the Treasurer will pay some money off the debt. There will be a grand and eloquent gesture where the
Treasurer will pay some more money off the debt. That simple message will hang there as a political message — and, I admit, it will be a good political message. However, it will not necessarily be the best way of spending that money.

If the government really cared about strategic focus it would be thinking about putting some of that money into the avenues I mentioned, and I mean seriously putting it into accelerated programs to try to give Victoria a competitive edge. Politics is not about ideas, is it?

I recently read that Francois Mitterand, the recently retired French president, was once confronted with a bright young person who had come into the French Parliament about 20 years ago. The bright young person said, 'Francois, this is going to be great. This is the cathedral and citadel of ideas. Here I am, I've finally made it'. Mitterand looked at him sternly, curled his lip and said, 'Don't be silly; politics is not about ideas; it's a profession'. That is what the economic statement is. It is not just a riderless horse that is first across the line in the grand national and does not get a prize; it is the result of a very professional politically tailored strategy. There is no real economic strategy involved. Don't give us that nonsense. There is no strategic focus guaranteeing that Victorians will have better lives in the next 15 or 20 years. If that had been the case it could have had some good and honest minds actually pay attention to it.

On the social side of the ledger the government has abrogated any sense of responsibility whatsoever. It has failed to give the unendowed in our community a bit of a lift. It has been suggested — I believe it is probably true — that in modern liberal democracies and throughout the modern world the battle is no longer between capital and labour, the battle is over. The battle is now between the endowed and the unendowed. The endowed are defined as those who are on the private drip, employed in or hanging off the corporate bureaucracies or employed in the public sector. Those who have none of those options are out. Nobody seems to care about them much, including my own party.

My party has always had trouble with the unemployed. The trade union movement has historically always had great difficulty dealing with the unemployed because they are not union members. So nobody speaks for them except if there is the prospect of picking up a marginal seat with a few presents at election time. The unemployed are considered to provide a chance to pick up a few votes here and there. It is a serious problem and the economic statement indicates to me more than anything else that that is the case.

If those of you with any knowledge of economics apply lateral economic cost to social objectives and equal opportunity considerations, as Fred Argy said recently, it will be a very sad society because the losers can only lose more. He is hardly on my side of politics; in fact, he is more on the government's side of politics with his dry economics. He also said that he sees the application of private enterprise incentives and techniques to production as being much more efficient than public enterprise. Although I would argue at the margin about that, for the sake of argument, let's grant that assumption.

He also says that the private sector has been singularly unsuccessful at determining priorities and achieving effectiveness in its determination of social objectives because there are different applications for different purposes. That is what the government is doing and that is what the government does. It applies a lateral economic cost to everything and every activity.

It is starting to be seen in the lend-an-ear or lend-a-hand-type processes in dealing with homeless children. The reporting mechanisms and the people who used to lend a hand at the funded school, church or local club are gone. I refer to the old Sergeant Murphies, the sort who would lend an ear in the first place and pick up that there was a problem. Homeless children are a classic example of how, by applying lateral economic costs and electoral economic standards — —

Mr Gude interjected.

Mr BAKER — There will be an examination later and you will fail! You always fail! I think we are going to give you the LAP test, too. Will the answer be that the minister fell in the hole? The final option would be that the minister fell in the big hole. All the kids would have got that one right.

When all that is put together, the autumn economic statement is a pretty poor document produced by a professional politician, who is interested only in a narrow-range focus and playing within the arc for the next election. There is no sense of heart and there is no sense of real futurism in the document. There are just a few cheap stunts and the government says, 'Let's keep the cheap stunts going'.
The Premier is down there running the merry-go-round concession in the ledger for the kids. The Premier says, 'Give 'em a few rides. Here is another grand prix. 'Roll up, roll up, roll up! Every player gets a ride'. That's the Premier's worth, and that's about his speed. All he has ever done in his life is spruik, 'Roll up, roll up, roll up!'. And the Treasurer is a convert from counting-house economics. That does not fill you with a great sense of confidence about how Victoria will go forward! The Foxtel announcement was rudely leaked to the media and then run out in question time as a means of advising the Parliament. That is a great win because it fits in — —

Mr Thomson interjected.

Mr BAKER — The honourable member for Pascoe Vale would certainly agree with that, although it would have been better in Sunshine. But we'll still take it. It's a big win because it fits in with the new frontiers. It will bring the Murdoch family back to its home base, which I think is very important. They are not necessarily great friends of mine but they generate a lot of activity and will generate a lot more. If they can bring a few jobs back to their home city, we'll take them. We'll take all the flow-on and second and third-round consequences arising from that type of activity.

However, I repeat: the real gains — and I firmly believe this and I will keep on saying it until I leave this place — will come only from making sure that the next generation has an edge in scientific, technical and analytical skills and in languages.

Debate adjourned on motion of Mr GUDE (Minister for Industry and Employment).

Debate adjourned until next day.

Remaining business postponed on motion of Mr GUDE (Minister for Industry and Employment).

ADJOURNMENT

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

That the house do now adjourn.

Rail: Merinda Park station toilets

Mr PANDAZOPOULOS (Dandenong) — I raise a question for the attention of the Minister for Public Transport. The minister has spent a lot of money telling us about how he is moving public transport from a system to a service. Many of us wonder what sort of service the minister is providing. One service withdrawal we have had is the removal of staff from railway stations: because of that yesterday in Surrey Hills a pram was caught in train doors as a train was leaving a station. Another service withdrawal we have had is the closure of public toilets at unstaffed railway stations.

I am not sure whether the minister has considered the implications of what he has been doing as part of a massive cost-cutting exercise. We are moving from having a toilet system on our railway station platforms to having no sewerage system. The facts of life are that — particularly with colder weather coming — people waiting for trains need to relieve themselves, but the service has been withdrawn: the government is discouraging people from using public transport.

Out my way in the growth corridor where many families use public transport, public toilets have either not been built at new railway stations — which the federal government has funded the state to provide — or they have been closed without notifying the public, like those at the Hallam railway station.

The new railway station funded by the federal government in Cranbourne, the Merinda Park railway station, has no public toilets. I have had a number of phone calls to my office from residents in the area who very concerned about that. A story in the Cranbourne Independent of 10 May referred to the problem. People are relieving themselves near houses or on fences near the Merinda Park railway station. That is totally inappropriate and the minister is responsible. How does the minister intend to deal with the problem? Has he taken into account the fact that if railway station toilets are removed, a number of people will relieve themselves near the stations?

Parents have told me that they have allowed their children to relieve themselves near stations; but it is also becoming a growing problem with adults, and residents in the area are rightfully complaining. How does the minister intend to solve the problem? Will he, in accordance with rumours circulating around the Merinda Park station, try to solve the problem by planting lemon trees?
Women: changing room privacy

Mr E. R. SMITH (Glen Waverley) — I raise for the attention of the Attorney-General the possible illegal use of stealth video cameras.

The Family Council of Victoria of Queensberry Street, North Melbourne, through its legal committee chairman, Mr Bowen, has brought to my attention a very serious matter that has been brought to their attention. Recently it received a complaint from a representative of some young women working in a media-related agency in South Yarra about a magazine report of two-way mirrors with so-called stealth video cameras for the purpose of secretly spying on women. It all sounds a bit far fetched, but the matter has already been aired on Sydney television. One of those two-way mirrors has been fitted in one of the large Sydney department stores.

An advertisement for a two-way mirror apparently appeared in the February 1995 black label edition of Australian Penthouse. I did not know, but the black label edition is a pornographic edition for subscribers only. A group of young women is incensed by the advertisement, which says the two-way mirror is ‘perfect for perving’ and ‘ideal for security’. The women point out that the mirrors could be installed in women’s changing rooms and used for spying on young women, as the advertisement in the Australian Penthouse magazine suggests. A Sydney television program stated that a security guard employed by a large department store had been caught watching women in the changing rooms through the two-way mirror.

Some people might think this is amusing, but Mr Bowen and his organisation do not think so at all. I ask the Attorney-General to consider the matter brought to my attention. I ask her to make clear the government’s policy on protecting people from such spying and, if necessary, to prepare legislation that might control the activity. It is a great worry to young women that the activity reported on by Sydney television programs is occurring. I ask the Attorney-General to take urgent action.

Police: Tasty Club raid

Mr CARLI (Coburg) — In the absence of the Minister for Police and Emergency Services I raise with the Minister for Natural Resources a matter of concern to a deputation of constituents who came to see me about the lack of government action on complaints about a raid on the Tasty Club last year.

The club is frequented by gay men and lesbian women. During this appalling raid 463 people were strip searched over two and a half hours. A government report has been tabled on the raid.

My constituents are concerned about the apparent lack of action. The raid was criticised by numerous civil rights, gay and lesbian groups because it was very aggressive and, more particularly, because of the homophobic attitude of a number of the policemen. It involved a fairly basic violation of rights, and the actions of a number of the policemen were completely unacceptable.

On behalf of my constituents, I seek the following action from the minister. Firstly, I ask him to ensure that the people in charge of carrying out the bungled raid on the Tasty Club are no longer in a position to repeat their mistakes. Secondly, I ask him to ensure that measures are taken to send the police force the message that the police behaviour on that night in August must not be repeated.

This issue is of major concern. I know the minister took some initial action in calling for a report, but I ask him what other measures are in place to ensure that situation is not repeated. The raid has been reported around the world and reflects badly on Victoria and Australia. We know Australia is largely a tolerant society that accepts the living of various lifestyles. This raid has resulted in a great deal of bad — and I think unfair — press for Victoria. As I said, we are a tolerant society and we need to uphold that tolerance and defend people’s civil rights.

The raid was appalling, and the fact that the victims are homosexual makes it even more appalling. Clearly, other groups could have been involved. We need to ensure that such aggressive and homophobic behaviour is not repeated in this state. That demands putting in place measures to ensure that the police concerned do not repeat those actions as well as giving the clear and definite message that raids of that sort must not happen again.

Immunisation

Mr WEIDEMAN (Frankston) — I direct to the attention of the Minister for Local Government through the Minister for Natural Resources who is at the table the issue of immunisation, specifically for children at primary school, which I raised earlier this week with the Minister for Health and the Minister for Education. The amalgamation of councils has reduced the number of municipalities to 78. Because
councils have been responsible for immunisation, I am concerned that one of the areas in which councils may try to make savings and gain efficiencies by up to 20 per cent will be immunisation.

Earlier this week it was revealed that Australia’s immunisation level is no. 28 on the list of OECD country levels, which is a serious situation. Currently, approximately 52 per cent of Australia’s population is immunised against measles, whooping cough, diphtheria and other major infectious diseases.

During the 1980s in England there was bad publicity about a claim that people had suffered brain damage as a result of the vaccine pertussis and other vaccines. A survey found that only 1 person in 300 000 was affected, which is a small risk indeed when you consider that 1 person in 10 000 can have a reaction to and possibly die from penicillin or antibiotics which are given for serious infections.

In England during the 1980s there was an epidemic of whooping cough and many thousands of children were infected because they were not immunised with pertussis, with the result that hundreds died. I would hate to see, this winter or next, a serious epidemic similar to the one that took place in England, which had a rate of immunisation of approximately 60 per cent. A good rate of immunisation is 75 per cent and an excellent one is 95 per cent.

I urge the ministries of local government, health and education to get together to ensure that children in this state are protected, because there could be a serious cost for the state if no action is taken. It is important that this is made evident to the mothers in our community so that they will ensure their children are immunised.

**Housing: Olympic village**

Mr LEIGHTON (Preston) — I direct to the attention of the Minister for Housing in another place through the Minister for Natural Resources, who is at the table, a matter concerning Mrs Cynthia Jacobson of 9 Koitald Court, West Heidelberg. I ask that the Minister for Housing investigate whether Mrs Jacobson was promised a new house and, if she was, to take appropriate action to meet that commitment.

Mrs Jacobson owns a house in West Heidelberg that is in very poor condition. Recently a lot of attention has been paid to the area because of the announcement of the redevelopment of public housing in the Olympic Village. Mrs Jacobson owns her house but she has been receiving a lot of attention and publicity in the local newspaper, the Heidelberger.

As a result she had a telephone conversation with her local member, the honourable member for Ivanhoe, who is the Minister for Small Business. Subsequent to the telephone conversation she sent me a letter with notes of her discussions with her local member as follows:

Subsequently Mrs Jacobson says she received a telephone call from the honourable member for Ivanhoe and she has included in her note what was said. She says:

> I have been talking to some of my ministers and we will relocate your family. Interruption by me. Is that you, Vin Heffernan? Yes, we will pull down your house, build you a house on your land to the value of the house there now; anything over and above that value is your responsibility. Silence from me.

> Vin Heffernan, are you there? Yes. Did you understand what I said? I said yes and repeated the whole thing back to him. He said that is right, do you want me to look further into it for you? I said yes. Vin Heffernan said right I will get back to you.

> Dear Sir,

> I think Vin Heffernan should be made honour. I made an agreement he made with myself regarding my home.

Since then Mrs Jacobson has chased the honourable member for Ivanhoe without success. He simply refers her to the Honourable Bill Forwood, who is chairing the redevelopment committee. In a conversation she had with Mr Forwood he said to her, ‘Heffernan shouldn’t open his mouth if he can’t back it up’.

I ask the Minister for Housing to investigate whether the honourable member for Ivanhoe, quite extraordinarily, gave a commitment to rebuild a private house for this woman to avoid the bad publicity, and if so, what will the Minister for Housing and the honourable member for Ivanhoe
do to honour the commitment given to her and accepted in good faith?

**Buses: Nightrider**

Mr McARTHUR (Monbulk) - I raise for the attention of the Minister for Public Transport the excellent Nightrider bus service, which for the first time ever in Melbourne provides commuters with a 24-hour-a-day public transport service in this city, something that the Labor Party made all sorts of statements about but never attempted to provide. I ask the minister to examine the possibility of a route extension of the Nightrider bus service to provide a service particularly to young people who live in the Montrose area, in the foothills of the Dandenongs.

During question time yesterday the minister said there was to be an extension of the Croydon service to Lilydale. That is a welcome announcement. The Croydon service has the third-highest patronage of any service operating in this city. It is good to see that strong patronage is now to be recognised by an extension to Lilydale. It will provide better service to young people who travel from the Yarra Valley into the city for entertainment, particularly during the weekend.

I am interested in the route those buses will take when they move from Croydon to Lilydale. I ask the minister to carefully consider the possibility of the buses travelling along Mount Dandenong Road to Montrose and out along the Swansea Road to Lilydale. That would provide a good service to young people from Montrose and the foothills of the Dandenongs, around Kalorama and those areas. It would be very well received and supported by the young people in the area. It would provide them with a safe, economic method of getting back to their homes if they have been to the city for a move or to visit a nightclub. It would also reassure their parents that they could get back safely and securely. It would provide an alternative to their driving home, particularly as there is a danger when people go out for an evening's entertainment: they run the risk of having a few drinks and in that case they should not drive home.

The Nightrider bus service is now sponsored by the TAC and is called the Learn and Live Nightrider Bus Service. It will provide a worthwhile method of transport for young people or adults who go into the city for entertainment or for a meal to get back to their homes in Montrose.

**Point Lillias: archaeological survey**

Mr LONEY (Geelong North) - In the absence of the Minister for Industry Services I direct a matter to the Minister for Natural Resources. It is unfortunate that the responsible minister is not here to deal with the matter which is of some importance and sensitivity.

I refer to the report of the archaeological survey carried out at Point Lillias, which is the proposed site for the liquid chemical storage facility currently located at Coode Island as well as being a site of significance to the Wathaurong Aboriginal community. The recommendations of the report state quite clearly that:

Permits to conduct the necessary investigation should first be obtained from the Wathaurong Aboriginal community and AAV.

When I raised the matter during question time yesterday, it was disturbing to find that the Minister for Aboriginal Affairs had no knowledge of the report, even though it directly relates to his department and his responsibilities as minister. The report was delivered to the Point Lillias project unit some six months ago to ensure that any work carried out on Victorian Aboriginal sites is handled correctly and with sensitivity.

It is also reported to me by members of the consultative committee that Mr Peter Enderby, the project unit officer in charge of the environment effects statement, has been saying that a further survey can be carried out in conjunction with the construction phase, which is totally opposite to the recommendations of the survey.

The questions that arise from this are many, but they relate particularly to the role of the project unit. Will the minister advise the date on which the project unit passed on to him or briefed him on the contents of the report? Did it make him aware that his colleague the Minister for Aboriginal Affairs was in fact responsible for carrying out many of the recommendations included in the report? Why did the minister advise the date on which the project unit and not go across to Aboriginal Affairs Victoria, even though it clearly points out that Aboriginal Affairs Victoria should be involved and gives details of Mr Terry Garwood, the director of Aboriginal Affairs Victoria, and includes the address and so on, for furthering that matter?
Fishing: trout

Mr A. F. PLOWMAN (Benambra) — I raise for the attention of the Minister for Natural Resources the maintenance of fish numbers in Victorian trout streams, including those in north-eastern Victoria. I refer to the Mitta Mitta and Kiewa rivers, Nariel Creek and the tributaries of the River Murray, including the Upper Murray. The problem relates to the maintenance of fish numbers in the spawning areas of the creeks. It is fair to say that a size limitation is not necessarily the answer — that is, putting a size limit on fish that can be caught and kept. At present in streams like the Mitta Mitta and Kiewa, particularly the Mitta Mitta, fish weighing up to 3 kilograms can be caught. Those streams sustain very fast growth and therefore a size limit will not necessarily overcome the problem of the removal of large numbers of young fish.

Closing the fishing season in the spawning streams is not necessarily the answer. It may be the best way of managing fish numbers in lakes. Many anglers are able to catch extraordinarily high numbers of fish in spawning streams, not only to the detriment of other anglers fishing in those streams but also denuding the spawning streams as well as streams and lakes elsewhere. In other words, all the other fishing areas are adversely affected. In a single afternoon, up to 50 fish, weighing between 250 grams and 2 kilograms, were caught in the Snowy Creek. Up to 42 fish, all above 400 grams, were caught in Lightning Creek. That is far more than I could achieve; I am not sure about the minister's expertise in the area!

I ask the minister to review the current means of retaining fish numbers in these streams. I want the bag limit to be re-examined as a possible means of overcoming the problem of denuding streams of large numbers of young fish.

Workcover: court delays

Mr SEITZ (Keilor) — I raise for the attention of the Attorney-General a problem of one of my constituents which I am sure is affecting the constituents of other honourable members. I shall read a letter dated 1 May 1995 received by my constituent from a firm of solicitors referring to Workcover and the shortage of judges. The letter states:

We issued a writ on behalf of Mr Cehner in the County Court on 5 July, 1994. The writ was served on the defendants on 6 July, 1994.

On 29 July, 1994 we received a defence from the defendant's solicitors and also a notice for discovery. We informed the defendant's solicitors that there was no provision for them to discover in Workcover matters without the leave of the court. They therefore decided after much deliberation not to bother seeking leave of the court and as a consequence we served a certificate of readiness. The certificate was eventually returned to our office and the matter was set down for trial on 8 December, 1994. We are now awaiting the County Court to advise us of a pre-trial conference.

If the matter does not settle at a pre-trial conference it will be set down for trial. At this stage we cannot be sure when the matter will be listed for pre-trial conference.

We have been advised by the court that there is at least a six-month delay between the matter being set down and listed for pre-trial conference. If that is the case then we would not anticipate that Mr Cehner's case will be listed for pre-trial conference until June or July of this year. If the matter cannot be resolved at the pre-trial conference then we assume we will have the matter set down for trial in September.

At present there is a delay of at least nine months between the matter being set down and being listed for trial. We understand that delay is likely to increase.

I am concerned only two judges are dealing with Workcover listings each day. I ask the Attorney-General to increase the number of judges to deal with those matters because people who have suffered injury and pain are being jeopardised by waiting for their listing and they cannot meet their obligations — electricity bills, council rates and other relevant costs. I strongly urge the Attorney-General to seriously look at this situation and appoint more judges to deal with these cases.

Port Phillip Bay: Black Rock pumping station

Mr THOMPSON (Sandringham) — I raise for the attention of the Minister for Natural Resources the recent sewage outflow into the Yarra River. Within my electorate there is a sewerage pumping station in the vicinity of Ebden and Central avenues, Black Rock and within the past few years its supposedly fail-safe mechanism has failed on a couple of occasions. At one point it was thought to be sabotage. As a consequence of the fail-safe system failing, a number of constituents have had the unfortunate experience of swimming along the foreshore at Black Rock and finding they are
swimming among sewage, which is uncomfortable. One local athlete, Tony Lester, an outstanding amateur footballer who has represented Victoria on a number of occasions, regularly swims along the foreshore. It was a matter of great concern to him that he could find himself in such adverse circumstances.

Following the first discharge into Port Phillip Bay that came to my attention, a mechanism was set in place involving officers of Melbourne Water and the local council to ensure an informal alert system was established. If prior to the information network being made available through the local press there is a mid-week outfall of sewage into the bay, council officers can notify members of the local iceberg or early morning swimming clubs.

I ask the Minister for Natural Resources to try to ensure that that informal mechanism remains in place at the local government level and that the new officers are made aware of the network. Will the minister also ensure that in the light of the recent discharge of raw sewage into the Yarra River similar situations do not apply along the local foreshore, so that the interests of swimmers in my constituency continue to be well looked after?

**Responses**

Mr PESCOTT (Minister for Industry Services) — For the third or fourth time this week the honourable member for Geelong North referred to an archaeological survey that has been undertaken in the area at Point Lillias that is being considered for a bulk-chemical storage facility to replace the Coode Island facility.

Throughout the week the honourable member has attempted to create a stir about the way in which the matter is being handled. He is even now trying to make his own rules about how things should be done in an effort to get up an issue that should not be and is not an issue. If the honourable member continues in the same vein all he will do is cause distress and harm, particularly the members of the Aboriginal community in his constituency.

He started this process of innuendo earlier in the week by claiming there was a secret report. In an earlier contribution he described it as a secret report because it had not been published. In fact it is an interim report that had been discussed at an EES consultative committee meeting. It is not a report that has been kept away from the people involved in looking at the relocation of the bulk chemical storage facility at Coode Island. The report was also referred to at a public meeting in March this year. It is total nonsense for the member to pretend that the government is involved in some sort of cover-up.

In one speech the honourable member made — perhaps it was a quote he gave to the press — he even went so far as to say the government was attempting to force through the project in the hope that construction would begin before any controversy over artefacts surfaced. That is just a load of nonsense, Mr Speaker. The archaeological work is continuing. As I understand it, an ongoing consultancy is being worked through with the Aboriginal community, with the knowledge of people from the Aboriginal affairs ministry. The minister has not denied that members of his ministry know about what is happening at Point Lillias. The member is simply trying to erect hurdles for us to jump over, which is absolutely ridiculous. The fact is that the process is very open; a consultative committee comprising a wide variety of people is involved. Public meetings have been held so people can raise their concerns.

The honourable member for Geelong North would do better to get behind the project, as are his federal colleagues, so that the people of Geelong can enjoy the benefits of a major project in their area and so the chemical industry in Victoria can continue to be a major force in the country as a whole. The honourable member for Geelong North should stop casting around for a particular issue and, in the process, trying to stir up trouble.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Dandenong raised a matter for the Minister for Public Transport as did the honourable member for Monbulk; I will ensure that those issues are directed to him. The honourable members for Glen Waverley and Keilor raised matters for the attention of the Attorney-General, which I shall refer for her response. The honourable member for Coburg raised a matter for the Minister for Police and Emergency Services and that matter will be referred to him for comment, as will the matter raised by the honourable member for Frankston for the attention of the Minister for Local Government.

The honourable member for Preston raised a matter for the attention of the Minister for Housing. It concerned some commitment for a house to be provided. Obviously it is a matter that is now on the public record and one which the minister will investigate.
The honourable member for Benambra raised a matter for my attention concerning bag limits for trout, particularly in streams situated in north-eastern Victoria. One of the issues we all recognise is that certain waters in Victoria are cold enough for trout to breed. That part of the state is able to sustain trout populations in a way some other parts of the state are unable to do simply because of water temperatures. On that basis the honourable member described some significant takes of trout from that area, which suggests that those waters are successfully sustaining our trout population. Obviously, a considerable amount of work has been done on this question. I understand people in the area are concerned about the large trout takes. It is a matter I shall refer to the fisheries people so that I can provide a more comprehensive response.

The honourable member for Sandringham referred to a pumping plant at Black Rock and the number of operational failures it has had in the past year. As I understand it, the switching system has been redesigned in a way, it is to be hoped, that will preclude the discharge of effluent onto the beach when there is a failure. We must recognise that the overflow discharge was designed to disgorge onto the beach in the event of failure, and that is a matter of concern.

As I said during question time today, the initial response from the Port Phillip Bay study is that the quality of water in the bay is improving significantly. To that extent it vindicates the work that has been done to decrease the amount of effluent pumped into waterways, because eventually a measurable quantity of effluent will find its way into the bay system. As to the notification process, as it stands now any spills that occur are firstly advised to the EPA and to the water distribution business where the spill occurs. Both those organisations, the water distribution company and the EPA, have distinct responsibilities to rectify the occurrence and to deal with problems resulting from the failure. I will provide a more substantial response to the honourable member for Sandringham to reassure his constituents that there will not be a recurrence of that breakdown at Black Rock.

Motion agreed to.

House adjourned 5.21 p.m. until Tuesday, 30 May.
Tuesday, 23 May 1995

QUESTIONS ON NOTICE

Industry and Employment: alcohol purchases

(Question No. 134)

Mr PANDAZOPOULOS asked the Minister for Industry and Employment:

Since 3 October 1992 to date, what the details are of all alcohol purchased by the minister or his office, indicating, in respect of each purchase — (a) the date; (b) the value; and (c) the item?

Mr GUDE (Minister for Industry and Employment) — The answer is:

The Department of Business and Employment has advised that for the period 3 October 1992 to 8 December 1994 an amount of $702 was spent on alcohol purchased for my office. Beer, wine and spirits were the items purchased.

Roads and Ports: alcohol purchases

(Question No. 144)

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

Since 3 October 1992 to date, what the details are of all alcohol purchased by the minister or his office, indicating, in respect of each purchase — (a) the date; (b) the value; and (c) the item?

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

The following expenditure has been identified as used for the purchase of beverages including alcohol for the office of the Minister for Roads and Ports. Accounts records do not enable the easy identification of the detailed information being sought in respect of each item or purchase and to extract such data would involve an unnecessary cost and burden on resources.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$505</td>
<td></td>
</tr>
<tr>
<td>1993-94</td>
<td>$118</td>
<td></td>
</tr>
<tr>
<td>1994-95</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

Note: It should be noted that the purchases may also include soft drinks.

Finance: credit cards

(Question No. 291)

Mr PANDAZOPOULOS asked the Minister for Finance:

In respect of each department, agency and authority within his administration, whether he will provide full details of the use of credit cards by himself, ministerial staff and departmental heads since 3 October 1992, indicating in the case of each card holder — (a) the spending limit; (b) the type of authority required for purchase; (c) criteria for issue and usage; (d) total entertainment expenses, including — lunches, dinners and alcohol; and (e) a list of all instances where expenditure exceeded $200 per account, including — (i) the amount; (ii) the number of guests; (iii) the purpose of the function; (iv) the name of the service provider and (v) the date of service?
Mr I. W. SMITH (Minister for Finance) — The answer is:

My staff and department head have not been issued with credit cards. The following information relates to my use between 3 October 1992 and 31 January 1995 of a credit card issued for my use.

(a), (b) and (c) The spending limit, type of authority required for purchase and the criteria for use are contained in directions under the Financial Management Act 1994 and contained in the Financial Management Package (part 3.14).

(d) & (e) All the expenditure listed below relates to hotel accommodation, meals and telephone charges incurred during my government-approved overseas trip during June and July 1994.

<table>
<thead>
<tr>
<th>Hotel/Restaurant</th>
<th>Accommodation</th>
<th>Meals</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown’s Restaurant, UK</td>
<td>104.93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garden House Hotel, UK</td>
<td>524.63</td>
<td>2.52</td>
<td></td>
</tr>
<tr>
<td>Forte Crest Hotel, UK</td>
<td>156.14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chester House Hotel, UK</td>
<td>124.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hyde Park Hotel, UK</td>
<td>1775.09</td>
<td>330.06</td>
<td></td>
</tr>
<tr>
<td>Sheraton Algarve, Portugal</td>
<td>521.98</td>
<td>99.05</td>
<td></td>
</tr>
<tr>
<td>Restaurant Bar A Lagos, Portugal</td>
<td>133.91</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Universities: student enrolments

(Question No. 335)

Dr COGHILL asked the Minister for Education, for the Minister for Tertiary Education and Training:

In respect of figures provided by the University of Melbourne, referred to in newspaper reports published 5 March 1995, indicating the categories of schools attended by students who were enrolled in first year in certain courses at the University of Melbourne in 1994, what was the actual number and the percentage of students from each category of school who — (a) applied for places; (b) were granted places; and (c) successfully completed first year in each of the courses?

Mr HAYWARD (Minister for Education) — The answer supplied by the Minister for Tertiary Education and Training is:

(a) The university received 1818 first preference applications and 4465 total preferences for studies in law in 1994. Of this 4465, 2232 applications were from school leavers and 2233 from other applicants. The university received 1141 first preference applications and 2310 total preferences for studies in medicine. Of this 2310, 919 were from school leavers and 1391 were from other applicants. The distribution of these applications across types of school is not available.

(b) The number of students enrolled from different school systems in 1994 were:

<table>
<thead>
<tr>
<th>Total school leaver commencements:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent schools</td>
</tr>
<tr>
<td>Government schools</td>
</tr>
<tr>
<td>Catholic schools</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

School leaver commencements in the Faculty of Law:

<table>
<thead>
<tr>
<th>Independent schools</th>
<th>Government schools</th>
<th>Catholic schools</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>123</td>
<td>56</td>
<td>32</td>
<td>211</td>
</tr>
</tbody>
</table>

School leaver commencements in the Faculty of Medicine:

<table>
<thead>
<tr>
<th>Independent schools</th>
<th>Government schools</th>
<th>Catholic schools</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>154</td>
<td>80</td>
<td>35</td>
<td>269</td>
</tr>
</tbody>
</table>
(c) Information on the rate of successful completion of first year studies in each of these programs is not available. It is particularly pleasing to the government to note that since 1990 the number of students entering the Faculty of Law from government schools has increased by 65 per cent from 34 to 56, and the number entering the Faculty of Medicine from government schools has increased by 48 per cent from 54 to 80.

Children: developmental delay access

(Question No. 336)

Dr COG HILL asked the Minister for Community Services:

In respect of the provision of services for children meeting the criteria of developmental delay under the Intellectually Disabled Persons' Services Act 1986 as at — (a) 30 June 1992; (b) 30 June 1993; (c) 30 June 1994; and (d) the most recent date at which figures are available, respectively —

1. What was the number of children declared eligible for services?
2. What was the number of children for whom a general service plan had been provided?
3. What was the number of children for whom a family support plan had been provided?
4. What was the value of resources expended in total and per child over the previous 12 months for the provision of general service plans and family support plans, respectively?

Mr JOHN (Minister for Community Services) — The answer is:

1. The number of children meeting the criteria of developmental delay declared eligible for services at:
   (a) 30 June 1992 was 1151;
   (b) 30 June 1993 was 822;
   (c) 30 June 1994 was 613;
   (d) 24 April 1995 was 466.

   The reason for the decrease in the number of children declared eligible for services is a change in administrative procedures where children receiving early intervention services are no longer required to be registered under the IDPS Act.

2. Information regarding the number of children for whom a general service plan had been provided is unavailable. A general service plan is required prior to accessing Intellectually Disabled Persons' Services Act funded services only. It is not required for access to services provided by specialist children’s services or non-government early intervention services.

3. Information regarding the number of children for whom a family support plan had been provided is unavailable. Approximately 3300 children with developmental delay access early intervention services. Family support coordination is offered to all families using early intervention services regardless of whether they are eligible for services under the IDPS Act. Coordination may occur formally in the form of a family support plan or informally depending on the wishes of the family.

4. The value of resources expended in total and per child over the previous 12 months for the provision of general services plans and family support plans is unavailable. Approximately $6 million is provided to 44 funded non-government early intervention agencies. An estimated $900 000 of the total budget for specialist children’s services teams provides services for clients who are developmentally delayed (this is approximately 15 per cent of the clients for whom services are provided). The total amount expended on government and non-government services for 3300 children with developmental delay is approximately $6.9 million.
QUESTIONS ON NOTICE

Wednesday, 24 May 1995

QUESTIONS ON NOTICE

Premier: advertising

(Question No. 62)

Mr PANDAZOPOULOS asked the Premier:

In respect of each department, agency and authority within his administration, what the details are of all advertising undertaken since 3 October 1992 to date, indicating — (a) date of approval for each contract; (b) cost of each contract; (c) purpose of advertisement; (d) duration of advertisement; (e) where and when each advertisement was published or broadcast; and (f) to whom each contract was awarded?

Mr KENNETT (Premier) — The answer is:

I am informed that advertising undertaken since 3 October 1992 is as follows:

Department of the Premier and Cabinet (incorporating the offices of the Public Service Commissioner and the Ethnic Affairs Commission)

Details

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPC contribution, in conjunction with the Department of Business and Employment, to industrial relations community awareness program</td>
<td>200 000.00</td>
</tr>
<tr>
<td>Newspaper inserts — <em>Victoria on the Move</em></td>
<td>133 174.00</td>
</tr>
<tr>
<td>Radio addresses by the Premier during December 1992</td>
<td>86 109.00</td>
</tr>
<tr>
<td>DPC contribution, in conjunction with Treasury, to advise the public about the autumn statement of 1993</td>
<td>46 188.00</td>
</tr>
<tr>
<td>Other identifiable expenditure on advertising (including advertising vacant positions)</td>
<td>154 443.00</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$619 914.00*</td>
</tr>
</tbody>
</table>

* Expenditure charged to “General Advertising”. Advertising expenditure may have been charged to other accounts but the resources are not available to undertake an examination of thousands of vouchers to identify any such additional expenditure. Consequently this reply is provided in summary form.

Office of the Auditor General

Contractor | Contract | Cost
------------|----------|-----
Leeds Media & Communication | *Recruitment | $9794.54
| *Audit Review | $671.56
| *Invitation to forward information or submissions on performance | $1750.80
Hall Marketing & Communication | Art work — Recruitment | $289.50
| TOTAL: | $12 506.40

Office of the Governor

Contractor | Contract | Cost
------------|----------|-----
Doxa Winning Part | Open Day at Government House, 1993 | $250.00
Ethnic Affairs: advertising

(Question No. 83)

Mr PANDAZOPOULOS asked the Minister for Ethnic Affairs:

In respect of each department, agency and authority within his administration, what the details are of all advertising undertaken since 3 October 1992 to date, indicating — (a) date of approval for each contract; (b) cost of each contract; (c) purpose of advertisement; (d) duration of advertisement; (e) where and when each advertisement was published or broadcast; and (f) to whom each contract was awarded?

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

I am informed that:

The response to this question has been incorporated in the information relating to the Department of the Premier and Cabinet in the response to parliamentary question no. 62.

Sport, Recreation and Racing: alcohol purchases

(Question No. 154)

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

Since 3 October 1992 to date, what the details are of all alcohol purchased by the minister or his office, indicating, in respect of each purchase — (a) the date; (b) the value; and (c) the item?

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

(a) 12.8.93
(b) $87.15
(c) Purchase of beer, wine and spirits for press function.

Sport, Recreation and Racing: stress-related leave

(Question No. 251)

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

In respect of each department, agency and authority within his administration for each year from 3 October 1992 to date, respectively, what the details are of all stress-related leave, indicating in the case of each section — (a) the number of days taken; (b) the estimated cost; and (c) the total number of staff in the section?

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

Sport and Recreation Victoria
No stress-related leave was awarded to staff during the specified period.

National Tennis Centre Trust
(a) 10 days
(b) $1663.76
(c) 65
Premier: media research and public opinion polling
(Question No. 256)

Mr PANDAZOPOULOS asked the Premier:

In respect of each department, agency and authority within his administration, what the details are of all media research and public opinion polling conducted since 3 October 1992, including — (a) the title of each poll or item of research; (b) the date approved and duration of contract; (c) cost; (d) the personnel conducting the project; (e) whether it was put to tender; (f) recommendations made; and (g) any actions taken by department or minister?

Mr KENNETT (Premier) — The answer is:

I am informed that:

Department of the Premier and Cabinet (including the offices of the Public Service Commissioner and the Ethnic Affairs Commission)

(a) Victorian Attitude Monitoring Study:
(b)—(e) The State Tender Board approved on 15 January 1993, a three-year tracking project by AMR Quantum. Expenditure on this project to 8 December 1994, is summarised below:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure</td>
<td>41 000</td>
<td>164 000</td>
<td>82 000</td>
</tr>
</tbody>
</table>

(f)—(g) Not applicable.

There has been no media research or public opinion polling undertaken in the following agencies: Victorian Relief Committee, Office of the Ombudsman, Office of the Auditor General and Office of the Governor.

Ethnic Affairs: media research and public opinion polling
(Question No. 277)

Mr PANDAZOPOULOS asked the Minister for Ethnic Affairs:

In respect of each department, agency and authority within his administration, what the details are of all media research and public opinion polling conducted since 3 October 1992, including — (a) the title of each poll or item of research; (b) the date approved and duration of contract; (c) cost; (d) the personnel conducting the project; (e) whether it was put to tender; (f) recommendations made; and (g) any actions taken by department or minister?

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

The response to this question has been incorporated in the information relating to the Department of the Premier and Cabinet in the response to parliamentary question no. 256.

Sport, Recreation and Racing: media research and public opinion polling
(Question No. 284)

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

In respect of each department, agency and authority within his administration, what the details are of all media research and public opinion polling conducted since 3 October 1992, including — (a) the title of each poll or item of research; (b) the date approved and duration of contract; (c) cost; (d) the personnel conducting the project; (e) whether it was put to tender; (f) recommendations made; and (g) any actions taken by department or minister?

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

No media research or opinion polls have been conducted by agencies or authorities within my administration.
Sport, Recreation and Racing: credit cards

(Question No. 316)

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

In respect of each department, agency and authority within his administration, whether he will provide full details of the use of credit cards by himself, ministerial staff and departmental heads since 3 October 1992, indicating in the case of each card holder — (a) the spending limit; (b) the type of authority required for purchase; (c) criteria for issue and usage; (d) total entertainment expenses, including — lunches, dinners and alcohol; and (e) a list of all instances where expenditure exceeded $200 per account, including — (i) the amount; (ii) the number of guests; (iii) the purpose of the function; (iv) the name of the service provider and (v) the date of service?

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

No credit cards usage occurred over the specified time by the individuals nominated.

Recycling and resource management

(Question No. 332)

Mr THOMSON asked the Minister for Natural Resources, for the Minister for Conservation and Environment:

1. What action the minister has taken to monitor the effectiveness of 15-year timber licences in encouraging value adding?
2. Whether the minister has any evidence that the issue of 15-year licences has led to value-added investment; if so, whether he will provide that information?
3. What action the minister has taken to implement the trees for profit project, launched in July 1992 with the objective of funding plantations for salinity control and land degradation?
4. What action the government has taken to meet the national targets set by the Australia and New Zealand Environment and Conservation Council for reduction in waste going to landfill?
5. What percentage reduction in waste going to landfill was achieved in 1993 and what the anticipated reductions are for 1995 and 2000?
6. What action has been taken to encourage local councils to introduce measures to increase the recycling participation rates of householders and businesses?
7. What action has been taken to develop a program for phasing in of durable kerbside containers to replace the bag system; indicating, what council or industry contributions have been obtained to encourage early implementation?
8. What steps have been taken to encourage industries involved in the use of recovered materials and those businesses with a low rate of recycling for their products to contribute to programs designed to increase participation rates?
9. What action has been taken to develop educational programs and promotional materials which focus on maximising recovery of products with economic and job creation potential?
10. What action has been taken to develop material recovery facilities to provide a focus for the stable development of the recycling industry by ensuring efficient sorting and supply arrangements for reprocesses, with output of quality materials?
11. Whether the government has undertaken an evaluation of any unfair restrictions on the use or pricing of virgin material versus recycled product; if so, what was the outcome of that evaluation?
12. What action has been taken to maintain a viable collection industry by encouraging local councils to increase the level of service fees paid to collectors to reflect the savings made in (i) land fill costs; (ii) savings in waste collection; and (iii) transport?
13. What action has been taken to encourage industry to provide transitional assistance to the collection industry concerning the replacement of the 750ml refillable beer bottle?
14. Whether the government has taken any action concerning the proposal for a requirement for a 50 per cent average secondary fibre content in all newsprint sold in Victoria; if so, what action has been taken?
15. What action the Environment Protection Authority has taken to enter into industry waste reduction agreements to ensure that waste reduction targets are met?
16. Whether the government has introduced purchasing policies to give preference to environmentally preferred products, including materials made from recycled inputs; if so, what action has been taken?
17. What action has been taken to encourage local councils or industry to give preference to environmentally preferred products?
18. What the outcome was of investigations by Vicroads to identify road making applications where use of recycled concrete is suitable?
19. Whether Vicroads has taken action to increase its own use of recycled concrete inputs for construction purposes; if so, what action has been taken?

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

Questions 4 to 17 are the responsibility of the Minister for Conservation and Environment, who has advised that the answers to these questions can be found in the annual reports of the Waste Management Council, the Recycling and Resource Recovery Council and the Environment Protection Authority. Questions 18 and 19, concerning Vicroads, are the responsibility of the Minister for Roads and Ports and should be directed to that minister.

Questions 1, 2 and 3 fall within my portfolio. The answers to these questions are provided below.

1. There is a provision in the long-term timber licence conditions to vary the kinds of timber supplied in accordance with the licensee's capacity and performance to add value to the timber cut. The Department of Conservation and Natural Resources (CNR) has undertaken assessments of the value-adding performance of sawlog licensees in some forest management areas (FMAs) on three occasions since the long-term licences were issued in 1987, and at least once in all FMAs that supply ash and other non-durable sawlogs. The assessments demonstrate that there has been a substantial increase in both the number of licensees who have invested in drying kilns and other value-adding facilities and in the proportion of the total output of hardwood sawn timber that is being 'value-added'. Adjustments to the kinds of timber supplied to licensees have been made in accordance with the results of these assessments.

2. The issuing of 15-year sawlog licences at regionally sustainable yield levels and the granting of licence renewals after a minimum of five years to licensees undertaking new investment have given licensees confidence to invest in value-adding processing. So far, 40 licensees have had their licences renewed for a further 5 years to facilitate plans for new investment in value-added processing. Since 15-year licences were granted in 1987, there has been major investment of about $41.5 million in the construction of kilns (60 kilns now built or underway), reconditioning facilities, pre-driers, laminating plants, expansion of planning and moulding plants, refurbishment of dry milling facilities, new storage sheds, seasoning year extensions and extra air-dried stock.

3. The trees for profit program was initiated in 1991 to develop commercial tree plantations and woodlots as an integral part of activities designed to control land and water degradation. The program is comprised of two components: a research program and a business program. The research program is focusing on irrigated tree growing in the Shepparton irrigation region and is administered by the Trees for Profit Research Centre which is based at the University of Melbourne. The business program is the sole responsibility of Treecorp Pty Ltd, a company based at Colac, which establishes and manages tree plantations.

Since its inception, the trees for profit research program has:
- established eight research and demonstration plantations which are irrigated with water of varying salinity contents from a range of sources, including deep and shallow groundwater and wastewater;
- published seven research reports and several brochures;
- established links with the CSIRO research initiative 'Rejuvenating the Murray-Darling Basin Environment and Forest Products Industries';
- expanded the membership of the research board to include representation from New South Wales state forests;
- in a related venture, 70 hectares of eucalypt plantations have been established for groundwater recharge control in the Warrenbayne area and a further 60 hectares will be established this year.

Treecorp Pty Ltd, the program business operator, has reported that it has established 1000 hectares and that a further 1000 hectares are scheduled for 1995.

The trees for profit program research and demonstration sites are being developed and used for farm forestry extension and training activities undertaken under the farm forestry program. Adoption of farm forestry in the north-east area will be boosted substantially from 1995 by an incentive scheme being developed by CNR.
QUESTION ON NOTICE

Thursday, 25 May 1995

Community Services: alcohol purchases

(Question No. 138)

Mr PANDAZOPOULOS asked the Minister for Community Services:

Since 3 October 1992 to date, what the details are of all alcohol purchased by the minister or his office, indicating, in respect of each purchase — (a) the date; (b) the value; and (c) the item?

Mr JOHN (Minister for Community Services) — The answer is:

I advise that in respect of purchases of alcoholic beverages since 3 October 1992 to date an amount of $1414.05 has been expended for hospitality functions including departmental and Christmas receptions, entertainment of visiting dignitaries, and functions in relation to the International Year of Indigenous People in 1993 and Year of the Family in 1994.
Tuesday, 30 May 1995

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 2.07 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Freeways: tolls

Mr BRUMBY (Leader of the Opposition) — I direct my question to the Premier, the highest taxing Premier in Victorian and Australian history. In light of his oft-repeated pre-Election promises to reduce taxes and charges, how does the Premier justify slugging Victorian motorists four times for using Victorian roads through the doubling of motor registration charges, the 3-cent-a-litre Better Roads levy and the introduction of freeway tolls, as well as $30 to install a transponder, representing an all-up massive tax hike for the average freeway user of more than $1000 a year? That makes you, Premier, the highest taxing Premier in Australia's history!

Mr KENNETT (Premier) — I welcome the opposition leader's question. As with most issues he raises here or any public stance he takes outside this place, the opposition leader is clinging — —

Mr Micallef interjected.

Mr KENNETT — TheLeader of the Opposition is clutching at straws. I remind the Leader of the Opposition that the process concerning this very important project will be completed in the next six to eight weeks. He has made some predictions that may or may not be right; time will tell. Until that work is completed — —

Mr Brumby interjected.

Mr KENNETT — I can't continue to apologise for the Leader of the Opposition if he does not understand what was said both yesterday and today: the process for determining levels of payment for tolls will be carried out over the next six to eight weeks.

Mr Brumby interjected.

Mr KENNETT — The way the electronic devices are to be dealt with — whether they will be sold, et cetera — is also a matter to be determined. That will be decided and made public in the next six to eight weeks. I trust the Leader of the Opposition can actually wait until that happens before he makes a bigger fool of himself than the public already assesses him to be.

City Link project

Mr FINN (Tullamarine) — Will the Premier advise the house of the benefits to Victoria arising from the construction and completion of the Melbourne City Link project?

Mr KENNETT (Premier) — I thank the honourable member for his constructive question and suggestion.

Honourable members interjecting.

Mr KENNETT — I remind the house that:

Linking Melbourne's discontinuous freeway network are strategic transport projects which are extremely important in creating jobs and reducing the cost of transport freight in Melbourne. A range of funding options is possible, including direct or indirect tolls.

The person who spoke those words was not myself or any member of this government, although obviously a person who showed great foresight in understanding how the freeway roads that do not link today have to be addressed. Those comments were made by a member of the opposition in another place, the Honourable David White, in 1992 when he and the preceding transport minister, Mr Jim Kennan, who fled this place, both recognised and both had as part of ALP policy — —

Mr Sandon — You're really going bad when you're quoting us.

Honourable members interjecting.

Mr KENNETT — You are dead right; you are so dead right! If ever there were a party made up of absolute nondescripts, you lot would have to be it! But before you lost the election, some of those who
pulled the strings, such as the Honourable David White in the other place, were advocating the need for any responsible government to link the freeways and saying that in order to pay for it there should be either direct or indirect tolls.

Mr Brumby interjected.

Mr KENNETT — Here we go again — mouth, mouth, mouth! What we now have in this state for the first time — —

Honourable members interjecting.

The SPEAKER — Order! The Chair does not want to eat into question time, but if the Leader of the Opposition keeps asking questions across the table I am bound to pull him up. I ask him to remain silent.

Mr KENNETT — What we now have is the approach to the conclusion of a process that started under our predecessor, the former Labor government. It had not only put the work out to tender but had whittled the tenderers down to two. This government took over where the previous government left off and allowed both Chart Roads and Transurban to be the final competitors for this very important infrastructure project.

This process, if it is successfully concluded in the next few weeks, will see contracts signed by the end of August and work started in early 1996 and completed in early — —

Mr Seitz interjected.

Mr KENNETT — In the year 2000? It will probably be just before the election in the year 2000, thank you for asking. And given that you look as though you failed in your federal bid, you’ll still be here to be part of the opening!

This project will not only put an end to the increasingly regular bottlenecks on the Tullamarine Freeway and the South Eastern Arterial, it will connect parts of Melbourne’s existing freeway network that, because of planning decisions, have never been connected. It will also provide enormous safety and environmental benefits because it will be possible to drive without stopping from one side of the city to the other, which will prevent a lot of traffic congestion and atmospheric pollution. It will also be possible to drive from Gippsland to Wodonga without passing through a traffic light. This is without a doubt — —

Mr Brumby interjected.

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

Mr KENNETT — The Leader of the Opposition has no vision whatsoever. It is quite clear that the opposition has opposed all the major projects the government is now putting into place — every one of them. In not one case has the opposition recognised that there is a responsibility to the community to advance either the infrastructure or the public assets of this state.

This project, with total costs in the order of $1.2 billion to $1.7 billion, is the largest public infrastructure project undertaken in Australia. It is supported not only by this government but, I am very happy to say, by the Prime Minister and the federal government, who have been working very closely with us on it. To date the only people who seem to be opposed to it are those who sit on the other side, who cannot come to grips with the need to both find solutions to some of the current challenges and frustrations and to meet the challenges that will confront this community in the future.

This project will be overwhelmingly supported by Victorians because it will give them opportunities that do not exist now. It will also be a major fillip to transport operations that continually use our roads to deliver goods and materials.

Given the comments from the other side, one can only be disappointed that they have still, despite the announcement yesterday, failed to understand that this is an opportunity of playing a constructive role. They see their role as being solely political and for today and tomorrow. Based on the way they have conducted their affairs in the past two and a half years, their comments will continue to fall on deaf ears!

City Link project

Mr BRUMBY (Leader of the Opposition) — My question is of the Premier, the highest taxing and charging Premier in Australia’s history — —

The SPEAKER — Order! I have already told the Leader of the Opposition that there are strict guidelines for the asking of questions, and throwaway lines like that are not in order.
Mr BRUMBY — I refer the Premier to yesterday’s announcement of the City Link project. Is it not a fact that the Premier, the Minister for Roads and Ports in the other place and other senior ministers have consistently stated that the project would be fully funded by the 3-cent-a-litre Better Roads levy introduced in May 1993, so that by introducing tolls to fund the City Link the Premier, the Minister for Roads and Ports and other ministers have again lied to the people of Victoria, making this Premier the highest taxing Premier in Victorian and Australian history?

Mr KENNETT (Premier) — The Leader of the Opposition is now clearly and absolutely in desperation mode, making some claims that I suggest are clearly not true. He says the Treasurer, the Minister for Roads and Ports and I have repeatedly claimed that the infrastructure would be provided by the 3-cent levy. I challenge the Leader of the Opposition to provide evidence showing where we have consistently said that would be the case. Put up or shut up!

Stamp duty: share transfers

Mr LUPTON (Knox) — Will the Treasurer advise the house of the action the government is taking in response to the moves made by the Queensland government on stamp duty?

Mr STOCKDALE (Treasurer) — The house will be aware that in the budget it presented last week the Queensland government announced it was breaking the uniform national pattern of stamp duty on share transfers, which had previously seen all jurisdictions levying duty at the rate of 0.6 per cent of the value of shares — that is, 0.3 per cent for each of the parties to a transaction. Queensland reduced the rate to a total of 0.3 per cent, leaving the other states with little option but to make similar adjustments.

The house will also be aware that following consultation the other state and territory governments yesterday announced that they would uniformly reduce their rates to match the new rate introduced by Queensland. In announcing that Victoria will also reduce its stamp duty rate to 0.3 per cent the government supports the general thrust of making Victoria’s and Australia’s transaction duties more consistent with the rates of those overseas jurisdictions with which we compete.

It is estimated that around 20 per cent of our share market activity has moved offshore to take advantage of lower duty rates in other jurisdictions. This national change will benefit Australia by improving its international competitiveness. On the other hand, it is not a model for significant taxation reform. Queensland has budgeted to collect in the order of $17 million from this stamp duty next year. Victoria collects around $200 million and New South Wales collects in the order of $250 million to $260 million, reflecting the fact that the major focus of Australian share trading is on the stock exchanges of Melbourne and Sydney.

It is obviously not desirable for major initiatives to be introduced by very small players in a major area of economic activity. For that reason the government is proposing not only to reduce the stamp duty rate but also to take measures in the next sessional period to protect Victoria’s position by establishing a new nexus connecting the state incorporation of companies where the transactions attract duties below the new national standard. That will be designed not so much to prevent any further change in stamp duty rates as to ensure that New South Wales and Victoria have an opportunity to negotiate the basis on which such changes are made and, in particular, to bring the commonwealth government into discussions on those matters. We have made efforts in the past to have this reform undertaken on a national basis, recognising its importance. The commonwealth government has chosen to stand aside from the reform. I believe those protective measures will give us the bargaining position to secure a proper basis for the implementation of any further stamp duty reforms.

As was pointed out in the recent autumn economic statement, I also advise the house that, given the medium-term budget strategy it is pursuing, the government is not in a position to absorb the shock of $100 million in lost revenue that was unforeseen at the time of the framing of the budget and the forward estimates. Accordingly, Victoria and New South Wales are proposing —

Mr Sandon interjected.

Mr STOCKDALE — We all know what a state your government brought Victoria to. We don’t want to rely on you for advice. If we did we would go back to where we were!

The government will increase the tobacco franchise fee to 100 per cent, and New South Wales and the ACT will also move in concert to 100 per cent. As a result, Queensland will be the only state with a franchise fee that is not at the new national standard of 100 per cent. Nobody takes any pleasure in
increasing taxes. When it was framing its economic statement the government did not expect any increases in taxes. Indeed, we said we did not propose to rely on tax increases. This has been forced on us by the Queensland government, which next year will benefit from subsidies from New South Wales and Victorian taxpayers to the tune of $144 million. Although we might not reach consensus with the opposition on a number of issues, I hope that these reforms, which are designed to protect Victoria's budgetary position, will have the support of both sides of the house.

**Freeways: toll transponders**

Mr BRUMBY (Leader of the Opposition) — Will the Premier advise the house whether all Victorian motorists will be required to purchase electronic transponders and have them fitted to their vehicles? What consequences will be suffered by those Victorian motorists who use the new freeway system but who do not have transponders installed?

Mr KENNETT (Premier) — I thank the temporary Leader of the Opposition for his question. I wish him all the best in his career after his leadership stint, and I wish Sherryl all the best for the future! Because I am one of the Leader of the Opposition's greatest supporters I shall give him some advice. He ought to get rid of Mr Hull from his office if this is the best Mr Hull can do — another failed member of federal Parliament, putting up these questions —

Mr Brumby interjected.

Mr KENNETT — Hull?

Honourable members interjecting.

Mr KENNETT — Hull?

The SPEAKER — Order! I ask the Premier to ignore interjections and come back to the question.

Mr KENNETT — The Leader of the Opposition is clearly not up to the job. He is obviously in defensive mode today. Mr Hulls is not up to the job. I guess he will not get Niddrie —

Honourable members interjecting.

The SPEAKER — Order! I presume the honourable member for Albert Park was about to raise a point of order. I ask members on the government benches to come to order.
income for farmers and has therefore denied small business operators the opportunity of making sales. The drought has had multiplier effects in communities throughout the region.

Last night the federal government announced a $40 million drought aid package, $34 million of which will go to New South Wales and approximately $6 million of which will come to Victoria. It is reasonable to say that farmers in the drought-affected areas of Victoria feel slighted by the announcement because it really means they have been hung out to dry by the federal government. I would have thought last weekend’s Victorian ALP country conference would have made a lot of noise about the need for federal government initiatives to support the Victorian farming community. However, opposition members have been more silent on this matter than they have on any other matter I can think of. No doubt they have done nothing on the subject, and they feel embarrassed and belittled by the fact that their federal colleagues have done so little.

Mr Baker — You did not argue the case properly! You were hopeless — you failed!

Order! This is the second occasion on which the Chair has had to ask the honourable member for Sunshine to remain silent. There will not be a third time.

Mr W. D. McGrath — The honourable member for Sunshine never argued a case at all when he was the minister responsible for agriculture. In fact, he let the agriculture department allocation slip by 30 per cent!

I intend this afternoon to encourage the Premier to take the matter up with and enlist the support of the Prime Minister and to persuade the federal government to provide further support. I also encourage the Leader of the Opposition to do a bit of lobbying.

An honourable member interjected.

Mr W. D. McGrath — He could do something, you are right! I encourage the Leader of the Opposition to lobby his federal colleagues on behalf of Victorian farmers. The Premier will encourage the Prime Minister to provide greater support, particularly to farmers in the region stretching from Bendigo to the north-east and down through Donald. That includes the areas represented by the honourable members for Benambra and Murray Valley, both of whom continually raise the effects of the drought on their regions. He will try to get a better spread of commonwealth assistance to match the $30.3 million provided by the state government.

It is important that the farmers who meet the eligibility criteria receive the full 100 per cent interest subsidy on new working capital and existing debt. Victorians farmers whose applications have been approved by the Rural Finance Corporation are currently receiving approximately $5400 each in interest subsidies to assist them through this particularly difficult time. I ask the Prime Minister to intervene to ensure that Victoria gets a fair share — that is all we are asking for — of the federal government’s drought aid. The $6 million announced last night reflects the federal government’s lack of care about what happens in Victoria and is totally inadequate in providing the support needed by farming families to cope with the effects of the drought of the past 12 to 18 months.

Minister for Public Transport

Mr Batchelor (Thomastown) — I refer the Premier to the disgraceful conduct of the Minister for Public Transport in visiting Mrs Perry in Wonthaggi two days after the funeral of her late husband and threatening to put her out of business. In light of the automatic ticketing debacle, will the Premier investigate whether the minister has been neglecting his public duty to pursue personal gain?

Mr Kennett (Premier) — The Victorian public could be given no better illustration that the Victorian Labor Party is without scruples and has sunk to new depths than this question, which has absolutely nothing to do with government business and which has been asked by an individual whose own public performance has been given the thumbs down by everyone bar the Labor Party.

The honourable member for Thomastown has by his question indicated clearly that he is prepared to misuse Parliament in a way that is beneath contempt. I can only suggest to him that he will not forget what he has done today.

Honourable members interjecting.

Order! I warn the honourable member for Springvale. He must obey the rules of this house. The Speaker is on his feet and the honourable member should remain silent.
Small business: First Place

Mr SPRY (Bellarine) — Will the Minister for Small Business inform the house of progress achieved so far in assisting small business development in Victoria through the First Place one-stop shop initiative in Spring Street?

Mr HEFFERNAN (Minister for Small Business) — I thank the honourable member for Bellarine for his question. Of course, he would have worked in the private sector and so understands it and keeps a close watch on it.

The Yellow Pages small business index released today shows once again that Victoria is leading small business confidence in this country. A net 60 per cent of small business proprietors surveyed said they were confident about their prospects for the next 12 months. Business confidence is increasing; it was 41 per cent three months ago and it has now risen to 60 per cent. That is a reflection of what the government is doing in supporting small business.

As of October last year, 225 people had used First Place each week. By December last year that had increased to 358 per week. Last month it had increased to a record 793 people per week. Last month it had increased to a record 793 people per week. That is a record increase in the use of the services we are providing to the small business sector. A recent customer survey of 100 clients showed that 42 per cent of the people using First Place intended to start their own businesses; 26 per cent were existing business proprietors; 19 per cent were students who took part in courses supplied by First Place; and 3 per cent were business service providers who visited First Place to obtain information. The survey also showed that 100 per cent will use the facility again; 95 per cent found the information relevant; 92 per cent said the information was easy to find; and 98 per cent found the staff helpful.

I am pleased to announce to the house that, as a customer service — which is what it is all about, and the public sector has to learn it is about customer service — First Place will now be operating on Saturdays to supply its services to the private sector. That reflects a change of attitude among public sector staff and a recognition that they, too, have to supply a service to the community.

Minister for Public Transport

Mr BATCHELOR (Thomastown) — When the Minister for Public Transport visited Mrs Perry of Wonthaggi earlier this year, two days after her husband’s funeral, and asked her to sell the stock of her nursery, gave her only seven days to agree and said that unless she agreed he would run her out of business, was the minister seeking to use his position as a minister to pressure a grieving widow, was he acting in his capacity as a local MP or was he acting as a private profiteer?

Mr Gude — On a point of order, Mr Speaker, it is quite clear that the honourable member for Thomastown is seeking to misuse the forms of the house for what could be described only as pretty shoddy politics. If the honourable member wishes to raise a matter that has direct relevance to government business, surely he ought to do that in an appropriate fashion, without all the unnecessary and irrelevant peremptory remarks.

Mr Batchelor — On the point of order, Mr Speaker, it is clearly relevant to the minister’s duties and his capacity to continue acting as a minister for the house to know in what capacity he carried out his visit to Mrs Perry.

The SPEAKER — Order! I have heard sufficient on the point of order. I rule the question out of order.

Honourable members interjecting.

The SPEAKER — Order! I do so because the honourable member for Thomastown has not been able to demonstrate to the Chair that the question has to do with government administration.

Mr Thomson — On a point of order, Mr Speaker — —

The SPEAKER — Order! Is this a new point of order?

Mr Thomson — It is relevant to the question asked by the honourable member for Thomastown.

The SPEAKER — Order! I have already ruled on that point of order. Unless the honourable member for Pascoe Vale has another point of order I will not hear him. I will listen to another point of order.
Mr Leigh interjected.

The SPEAKER — Order! I warn the honourable member for Mordialloc. I will take action against him.

Mr Thomson — I put it to you, Sir, that the honourable member’s question was in order.

The SPEAKER — Order! Will the honourable member for Pascoe Vale assure the Chair that he has a fresh point of order that does not refer to the point of order already resolved?

Mr Thomson — Mr Speaker, the question of members being able to ask ministers whether actions they take are carried out in the course of their ministerial duties is a fundamental question for consideration by Parliament during question time. I put it to you that any member is entitled to ask ministers questions of that character. Therefore the honourable member for Thomastown should have been allowed to ask his question. It is a most important question, and I ask you, Sir, to reconsider the ruling you have given.

The SPEAKER — Order! I direct the attention of the house to May, 21st edition, which states at page 289:

(vii) Ministerial responsibility. Questions to ministers must relate to matters for which those ministers are officially responsible. They may be asked for statements of their policy or intentions on such matters, or for administrative or legislative action. A number of decisions from the Chair have closely defined the interpretation of this rule of ministerial responsibility.

I do not wish to change my previous ruling.

Planning: Carlton Football Club

Mr THOMPSON (Sandringham) — Will the Minister for Planning inform the house whether he has received any recommendations in respect of the Carlton Football Club?

Honourable members interjecting.

Mr MACLELLAN (Minister for Planning) — Obviously the mention of football in the winter is enough to inflame the house. The Carlton Football Club has made an application for planning approval to rebuild part of the ground that necessarily included an application concerning a small section of parkland outside the immediate club area. The panel appointed to consider the submission and objections — and there were many of them — to the proposed planning amendment has completed its work after an exhaustive hearing.

The panel report has been made public. It has been considered by the Melbourne City Council commissioners at a committee meeting. The commissioners have taken the preliminary view that rather than abandoning the amendment they will recommend a modification of the amendment. They have not accepted the panel report but are suggesting a variation on the advertised amendment. I will give consideration to the recommendation when I officially receive it early next month.

Director of Public Prosecutions

Mr MILDENHALL (Footscray) — I refer the Attorney-General to the Premier’s comments on 3AW on 20 April this year when he said in relation to telephone calls he made to the Attorney-General on 2 August 1993 that he had a recollection that the Attorney-General said, ‘I have someone with me. Can you ring me back?’ Is it not a fact that it was the Attorney-General’s husband, Mr Peter Wade, who answered the phone that night?

Mrs WADE (Attorney-General) — There seems to be no end to the trivial detail that the opposition is seeking about the events of 2 August 1993. I have answered dozens of questions on the subject: I have said everything relevant to the subject and I have nothing further to add.

Food processing: investment

Mr A. F. PLOWMAN (Benambra) — Will the Minister for Industry and Employment inform the house of the silent revolution currently under way in the processed food industry in Victoria?

Mr GUDE (Minister for Industry and Employment) — I thank the honourable member for Benambra for his question because, in contrast to the style of question we have had from the other side of the house all day today — trivial, irrelevant and not on the issues of the day — the honourable member has struck on one that is very important to the people of Victoria for a number of reasons.

Shortly after the Kennett government came to office the Premier announced a very clear direction in its support for the food industry and established a food industry advisory group that involves the Minister
for Agriculture and me and is run by the honourable member for Swan Hill. Since then an enormous amount of effort has gone into trying to facilitate food industry projects in this state. In the past two years there has been over $800 million worth of investment in the Victorian food industry.

The good news is there, but there is more good news to come. Currently some $200 million worth of additional projects are under consideration, which will generate more job opportunities for Victorians. It is an indication and a recognition by the marketplace that Victoria is the creative food bowl of Australia and that industry is recognising the opportunities.

It is appropriate for the honourable member for Benambra to raise the question because over 50 per cent of all the investment has been in country Victoria. That is a very good outcome, particularly in the outreaching parts of the state that require additional support for jobs and job opportunities, particularly those related to the agriculture industry.

There is more good news. The investment equates to an annual export production of around $1.5 billion; that is part of the reason why over the past two years Victoria has almost doubled the annual increment of Australia. It is a recognition by business of the quality of agriculture and of the men and women of Victoria and their capacity to reap the benefits of their products in a way that will enhance the wellbeing of not only the state but also of individuals and agribusiness.

The development in this area is mirrored in a number of other industrial sector areas, but as they are not relevant to the question I will not go into them. However, it indicates that at present there is a positive investment climate in Victoria, which is in stark contrast to the anti-business strategies and policies of the previous Labor government and the current state opposition.

Mr Batchelor — On a point of order, Mr Speaker, I wish to raise with you a very serious matter that relates to the standing orders that address the question of when and how many visitors may visit this Parliament.

Today a set of circumstances arose that led to a series of what can only be described as disgraceful incidents. They clearly indicated that today this Parliament ceased to be a democratic institution where members of the public may come to visit the parliamentary chamber and see debated legislation that has been brought on, albeit quickly and in special circumstances, that will directly affect their community and possibly even affect them as individuals.

I understand that a limit was placed on the number of people who could enter Parliament today, although vacant seats were available in this chamber.

Honourable members interjecting.

The SPEAKER — Order!

Mr Batchelor — I also understand that in extraordinary and exceptional circumstances people were searched before coming into the visitors gallery. I put it to you, Mr Speaker, that this decision was arbitrary; it was intimidatory and it was antidemocratic. I have been in this Parliament on numerous occasions and have not seen it happen before. I noticed that when Mr Ron Walker was the Premier’s guest here he was not subject to a search.

I would like to know under what circumstances and for what reasons law-abiding citizens who wished to enter Parliament to hear legislation debated in this chamber today were subjected to the humiliating experience of being searched and why the number of people who wanted to come in here was limited. It is antidemocratic and against all the fundamental principles that this institution stands for. It is a sad day when these events have occurred. I would like to know under what standing orders and on whose authority the actions were instituted and carried out.

Mr Thwaites — On the same point of order, Mr Speaker, earlier today and prior to question time I desired to bring into this place a number of guests who happen to be constituents of mine from the seat of Albert Park. I was told by the Serjeant-at-Arms that that would be agreeable and that the people could come in. I then went to ask a group of those constituents — not a large group — to come into the house so that they could witness the proceedings of this place. I was met with a closed door: the guards at the door said they were instructed that no-one was to be allowed in.

It seems that there is not proper communication between the Serjeant-at-Arms and the guards because the last conversation I had with the Serjeant-at-Arms was to the effect that I would be able to bring guests into this place provided I was responsible for their conduct; to which I indicated that I would be and that the people who came in
would behave properly. However, the guards in question apparently had some other instruction from another source — perhaps the honourable member for Cranbourne, who was hanging around giving gratuitous advice, trying to stop people coming into this place so that citizens of Victoria were denied access to Parliament. As a member of Parliament I was denied the right to have my constituents come in, and the whole Parliament has been thrown into disrepute.

The SPEAKER — Order! No further points of order. I will deal with the point of order before the Chair. The honourable member will resume his seat.

Mr Dollis — There is further — —

The SPEAKER — Order! While this is all fresh in my mind, let me say from the outset that the responsibility was mine. Several things were drawn to my attention. Firstly, there was a demonstration outside.

Mr Micallef interjected.

The SPEAKER — Order! If the honourable member for Springvale makes so much as one more peep I will name him!

It was drawn to my attention that there was a demonstration outside the Parliament, of which the Parliament had no knowledge.

In those circumstances the house tends to go into defensive mode, given some experiences of the past. I told the Serjeant-at-Arms that he was to instruct the protective service officers to do their duty to protect the house from demonstrations inside the building.

I cannot agree with honourable members, especially the honourable member for Thomastown, because the galleries were booked out. My recollection was that there were three — —

Honourable members interjecting.

The SPEAKER — Order! If the house does not want to listen to my explanation I will move on to other business.

There were three school groups that had booked some months ago, as is the practice with this Parliament. We adjudged there would be room for four or five places in the lower galleries, and those places were all taken up. When I gazed up at the gallery from the Chair I have to say that I saw the place was full.

As far as the rest of the afternoon is concerned, the standing practice of this house has been that a number of people can be selected from those taking part in any demonstration outside to come into the house, and that will be adhered to.

As far as the searching of individuals coming into Parliament is concerned, we had an unsavoury episode some weeks ago when people had banners and other paraphernalia secreted about their persons, which is in breach of standing orders. Because responsibility for the security and good order of the house lies squarely on the shoulders of the Speaker and in turn that authority is passed on to the Serjeant-at-Arms; we both carried out our duties, as prescribed by the precedent and practice of the house.

Mr Dollis — I raise a further point of order which relates to the rights of individual members and in particular whether the word of an honourable member in relation to his or her constituents is one that people working in this place will take. When the word of the honourable member for Albert Park was given, he was prepared to vouch individually for a number of persons.

Mr S. J. Plowman — His word!

Mr Dollis — His word is equally honourable to yours, Minister! Don’t you come in here and tell us what it is about!

The SPEAKER — Order! I shall deal with this point of order. With the greatest of respect, the Deputy Leader of the Opposition is either twisting the words of the Speaker or not listening. The Speaker’s decision revolved around the number of places available in the gallery and nothing else. It would not have mattered if the honourable member for Albert Park had vouched for 20 people: we would not have been able to get them into the gallery. As always, we have been giving precedence to school groups that booked in two or three months earlier.

Mr Dollis — With respect, Mr Speaker, I was not questioning your previous ruling but was raising a further point, and if you would allow me to finish you may be able to rule on the point of order in the full context.
As I was saying before, the question was in relation to the capacity of a member of this house to vouch for particular individuals. The honourable member for Albert Park was asking that a number of people be allowed to come into the vestibule, and as inappropriately as the question of the availability of space was dealt with, it was dealt with. The honourable member was quite satisfied that his guests be allowed into the vestibule, and that upon completion of question time they be given some priority in seating to allow them to observe the debate relating to matters in which they were interested.

My question was whether the word of the honourable member for Albert Park in allowing his constituents to enter the vestibule is an appropriate word or whether the word of some members of this house will be taken for granted while that of others will be doubted in perpetuity. Either there is one rule for everybody here or we had better rewrite the rules.

The SPEAKER — Order! The self-righteous indignation of the Deputy Leader of the Opposition does little for his case. There is room in the gallery now, and I issued instructions before question time that those persons who wish to witness what happens in this house after question time will be accommodated. I do not uphold the point of order.

PETITIONS

Protection for homeowners or occupiers

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

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

The humble petition of Victorian Country Combined Pensioners Association Inc. and the undersigned citizens of the state of Victoria sheweth:

1. A felon or intruder entering a house illegally should not be able to claim compensation for damages received to themselves.

2. If an intruder or intruders die or dies from injuries received in the illegal entry, the occupier should not be charged with murder or manslaughter.

Your petitioners therefore pray that the government see fit to change the law to protect the homeowner or occupier as the innocent.

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

By Mr Spry (2602 signatures)

Obstetricians and gynaecologists for country areas

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

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

That there is a serious shortage of specialist obstetricians and gynaecologists in country Victoria.

Your petitioners therefore pray that the government investigate what support can be given to country areas to obtain the services of specialist obstetricians and gynaecologists.

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

By Mr Kilgour (2890 signatures)

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr PERTON (Doncaster) presented Alert Digest No. 7 of 1995 on:

Business Franchise (Tobacco) (Amendment) Bill

Water Industry (Amendment) Bill

National Parks (Yarra Ranges and Other Amendments) Bill

together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

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

Bass Planning Scheme — No. L36

Bright Planning Scheme — No. L40
Brighton Planning Scheme — Nos L23, L25
Buninyong Planning Scheme — No. L51
Caulfield Planning Scheme — No. L26
Doncaster and Templestowe Planning Scheme — Nos L81, L83
Greater Bendigo Planning Scheme — No. L26
Malvern Planning Scheme — No. L35
Oakleigh Planning Scheme — No. L39
Pakenham Planning Scheme — No. L93
Shepparton City Planning Scheme — Nos L56, L57
Shepparton Shire Planning Scheme — No. L75
Springvale Planning Scheme — Nos L77, L78
Surf Coast Planning Scheme — Nos R22 Part 1, RL23
Swan Hill City Planning Scheme — No. L18
Tamworth Planning Scheme — No. L64
Warragul Planning Scheme — Nos L30, L31
Wonthaggi Planning Scheme — No. L23

Statutory Rules under the following Acts:
Bees Act 1971 — S.R. No. 56
Road Safety Act 1986 — S.R. No. 60
Subordinate Legislation Act 1994 — S.R. No. 59

Subordinate Legislation Act 1994 —
Ministers’ exemption certificates in relation to Statutory Rule Nos 56, 59
Minister’s exemption certificate in relation to Statutory Rule No. 60

The following proclamations fixing operative dates were laid upon the table by the Clerk pursuant to an order of the house dated 27 October 1992:

Constitution (Court of Appeal) Act 1994 — Whole Act on 7 June 1995 (Gazette No. S41, 23 May 1995)

AUDITOR-GENERAL

Ministerial portfolios

The Clerk presented report of Auditor-General on ministerial portfolios, May 1995

Laid on table.

Ordered to be printed.

JOINT SITTING OF PARLIAMENT

Royal Melbourne Institute of Technology
Deakin University
Swinburne University of Technology

The SPEAKER — Order! I have received the following communication from the Minister for Tertiary Education and Training:

Section 7(2)(h) of the Royal Melbourne Institute of Technology Act 1992, section 7(1)(d) of the Deakin University Act 1974, and section 7(2)(g) of the Swinburne University of Technology Act 1992 provide for the appointment to the respective councils by the Governor in Council of three persons 'who are members of the Parliament of Victoria recommended for appointment by a joint sitting of the members of the Legislative Council and the Legislative Assembly conducted in accordance with the rules adopted for the purpose by the members present at the sitting'. The persons currently holding appointments to the respective councils under these provisions are:

Royal Melbourne Institute of Technology
Hon. Gerald Ashman, MLC
Hon. David Evans, MLC
Ms Sherryl Garbutt, MLA

Deakin University
Mrs Ann Mary Henderson, MLA
Hon. David Ernest Henshaw, MLC
Mr John Francis McGrath, MLA

Swinburne University of Technology
Mr Phillip Neville Honeywood, MLA
Mr Noel John Maughan, MLA
Hon. Robert Stuart Ives, MLC
The terms of appointment to these positions is three years and all are due to expire on 30 June 1995.

I seek your agreement to convene a joint sitting of members of the Legislative Assembly and the Legislative Council so that persons can be recommended to the Governor in Council for appointment to the respective councils under these provisions.

Yours sincerely
Haddon Storey, QC, MLC
Minister for Tertiary Education and Training

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

That this house meets the Legislative Council for the purpose of sitting and voting together to choose members of the Parliament to be recommended for appointment to the councils of the Royal Melbourne Institute of Technology, the Deakin University and the Swinburne University of Technology and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 31 May 1995, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Council acquainting them with resolution.

CENSURE OF SPEAKER

Mr BATOIELOR (Thomastown) — I desire to move, by leave:

That the house censure the Speaker for acting to protect the Minister for Public Transport by disallowing a question seeking to clarify the role of the minister in the actions of his ministerial responsibilities.

Leave refused.

BUSINESS OF THE HOUSE

Program

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

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Friday, 2 June 1995:

Australian Grand Prix (Amendment) Bill

Business Franchise (Tobacco) (Amendment) Bill

Electricity Industry (Amendment) Bill

State Deficit Levy (Repeal) Bill

Infertility Treatment Bill

Treasury Corporation of Victoria (Housing Finance) Bill

Grain Handling and Storage Bill

Superannuation Acts (General Amendment) Bill

Water Industry (Amendment) Bill

Water (Amendment) Bill

National Parks (Yarra Ranges and Other Amendments) Bill

Health Services (Metropolitan Hospitals) Bill

Land (Miscellaneous) Bill

Medical Practice and Nurses Acts (Amendment) Bill

Road Safety (Miscellaneous Amendments) Bill

 Appropriation (Interim 1995-96) Bill; and

Stamps (Further Amendment) Bill.

Mr BATCHELOR (Thomastown) — I oppose the government business program for this, the last week of the parliamentary sittings. It clearly indicates to Parliament the real intent of the government’s overall legislative program. The motion moved by the Leader of the House requires the house to deal with some 17 bills during the remainder of the sittings. For the balance of the week the house will be asked to consider, debate and vote on 17 pieces of legislation that are certainly not housekeeping-type measures. The bills that were introduced during the early part of the sittings were often housekeeping, tidying-up-type measures. But in the dying moments of this parliamentary sittings we are confronted with a timetable that requires us to debate and pass a large number of significant, substantial bills.

I ask you, Mr Speaker, to cast your eye down the list and take in just what the house will be asked to consider in these remaining four days. The Business Franchise (Tobacco) (Amendment) Bill has had added significance because of the recent announcement by the Treasurer. The Electricity Industry (Amendment) Bill goes to the heart of the most controversial political subject in Victoria at the moment — the sale of our electricity utilities. The Infertility Treatment Bill has attracted widespread legal interest, large amounts of correspondence and,
as I understand from government members, continual lobbing by members of certain organisations. The Grain Handling and Storage Bill is important for the people of rural Victoria. The water bills discuss the break-up of Melbourne Water and how that body will be set up for subsequent privatisation. The National Parks (Yarra Ranges and Other Amendments) Bill talks about important and contemporary green issues, and the Stamps (Further Amendment) Bill has been brought in to complement the changes in the Business Franchise (Tobacco) (Amendment) Bill. I refer not only to those bills, which we have had some prior notice of, but to the Australian Grand Prix (Amendment) Bill. The minister will give his second-reading speech today yet the bill is to be forced through this house by the end of the week.

The opposition objects to the government's business program. It will be not only speaking against it but voting against it. It is a complete abuse of parliamentary processes and an attempt by the government to treat the opposition in the same way as it treats members of the Victorian public — with complete and utter contempt.

Mr DOLLIS (Richmond) — I also oppose the government program for the rest of this week, for one fundamental reason: when we started the session we had an initial debate about what constituted an appropriate way of governing Victoria, how Parliament should be treated and whether the government should structure its program both to enable members to debate legislation properly and to avoid in the last week what is taking place here, with 16 or 17 pieces of legislation — —

Mr Gude — There were 14 last week.

Mr DOLLIS — Yes, 14 last week, yet the government was struggling in the initial stages of the parliamentary sittings to have enough. At the same time we know the government program was changed — it has been cut and pasted a number of times — to suit the arrangements being made by individual ministers to make certain that the parliamentary program did not operate properly.

The reality is that at the end of the sittings we will always have a number of bills over and above the usual number debated during the sessional period. But never have we witnessed a sessional period that has been so mismanaged — mismanaged in that very few pieces of legislation were debated in the first few weeks, mismanaged because today we will see the incredible example of a second reading of a bill that the house will be asked to debate within the next three days.

The government is showing total disrespect for parliamentary business. It is disrespectful because the government is refusing to arrange the parliamentary program so that we have appropriate time to debate legislation; disrespectful because the government has brought down an economic statement yet a large number of members will not have an opportunity to make their contribution to debate on an economic document that is important to the people of Victoria; and disrespectful because the opposition will not get a chance to explain in detail its concerns and those of the Victorian people about the economy.

The government's program lists 16 or 17 pieces of legislation that are expected to be debated in the next three and a half days — expected to be fully debated, with government and opposition members participating and making sense at the same time.

At the start of the sessional period we told the government that the way it managed the program in the first three or four weeks would inevitably mean that towards the end the legislation would pile up. When the magic time comes on Friday, the guillotine will be applied and everything will go through, irrespective of whether debate has taken place.

The government has mismanaged these parliamentary sittings. We ask the government to reconsider the way it organises the business of this place, the way it arranges legislation for us to debate. We hope when we come back next sessional period the legislation the government wants to pass will be arranged so that every week is given equal weight and every bill has a certain number of speakers so that every member who wishes to participate in a debate or wishes to criticise has the opportunity of doing so. We should not have a situation like the one we are witnessing today.
Ms MARPLE (Altona) — I think all members when they come into this house believe they are part of a democratic system. Unfortunately today has shown that we are very close to not being part of a democratic system. If it has not already happened, today shows it is happening. Not only do we have 17 bills that we should be able to debate in full — many of them are of a serious nature and we want to spend some time on them — but we have a bill that none of us has yet seen, a bill that has a retrospective provision, a bill that will take away the rights of people who have been affected by the grand prix at Albert Park.

This is a very sad day. It was sad for me as I was at the door of Parliament House today asking permission for five friends of mine to come into Parliament. If I had wanted them to be here to observe during question time I would have asked the attendants at the door of the house who look after the numbers who can go into the observation areas, but I asked at the front door. Usually at the front door you are asked whether you can vouch for the visitors, you do so, and they are allowed to come in. That was all I asked: could I bring in people I had known and worked with —

Mr Steggall — Mr Speaker, on a point of order, the question before the Chair relates to the government business program for the week. I suggest that the utterances of the honourable member for Altona have no relevance whatever to that. If the honourable member wishes to continue travelling down the path she is proceeding along, there are appropriate methods by which she can do so.

Ms MARPLE — On the point of order, I believe this matter is fundamental to the management of this sitting week. At the very top of the Notice Paper we have a bill whose title indicates that we are going to talk about the grand prix. Today there have been happenings in this place that are indicative of what is really being put before us now: that we are not going to have a debate. I was not able to ask if I could bring my friends into this place.

The SPEAKER — Order! If the honourable member for Altona would like to apologise to the Chair, I will hear her and the matter will be dismissed. If she does not, I will name her.

Ms MARPLE — Mr Speaker, if you take offence, I apologise.

We have before us a number of bills that many of us wish to speak on — in particular the bill we have not yet seen. As you know, Mr Speaker, it is traditional that a bill is brought into the house and sits on the table for 14 days to allow us to scrutinise it and to discuss it and to have other others, including the public, look at it. That will not happen this week. The Australian Grand Prix (Amendment) Bill will be read a second time. Because all the bills must go through by the time stipulated by the government, the guillotine will be used and that bill will be passed. We do not know if we will have debate on even that vital bill.

The number of bills should be halved so that we can debate them. Perhaps we should come back next week to debate them. There is certainly debate in the community about the grand prix, the people the bill is aimed at and the retrospective nature of the bill. Our form of democracy is under threat by the provisions of this bill — or at least we believe it is, because we have not yet seen the bill.

I have no doubt that Victorians have lost faith in the ability of democracy to survive in this place. The program that is before us is part of that 17 bills, one of which we have not yet even seen and which the people of Victoria are not able to look at or debate. It is a disgrace.

Mr BRACKS (Williamstown) — I oppose the government business program. The early part of the sessional period was characterised by a lack of government business; now there is an oversupply of government business. The work of the government has been shoddy, as has the drafting of bills. The Judicial Remuneration Tribunal Bill exemplified the government’s mismanagement at the start of the sessional period. That bill was amended on the spot in this place because it had not been drafted properly. It was amended a second time in the other place because it had not been properly drafted. When it was returned to this place it had to be amended a third time because of poor drafting. A great deal of time was wasted because the bill had been poorly drafted — even though that was complementary legislation.
We are expected to consider 17 bills during the last week of the sessional period, which is an abuse of the proper processes of debate and discussion. A number of the bills are important, including the Business Franchise (Tobacco) (Amendment) Bill, which will be debated tomorrow. That bill will be amended to impose a further increase in taxes. It is an important piece of legislation that requires consideration and debate. The reform of the electricity industry will be debated, and the Leader of the House should recognise the importance of the Electricity Industry (Amendment) Bill.

The Infertility Treatment Bill is important, but we will not have enough time to debate it because of the absence of due process. The same is true of the Water Industry (Amendment) Bill, which is another attempt at reforming one of our key utilities. The National Parks (Yarra Ranges and Other Amendments) Bill is important, as is the Health Services (Metropolitan Hospitals) Bill, which will abolish or amalgamate hospital boards. That is an important reform, one that requires significant debate. A bill that is yet to be seen will introduce retrospective legislation to overcome another government bungle. Again, there has been no due process. That bill should be allowed to lie over and considered in the spring sessional period.

We have not had the opportunity to fully debate the autumn economic statement. Members on both sides of the house wish to speak on that matter. The improper flow of information, the lack of due process and the rushing through of bills will have significant ramifications for the laws of this state and for our public utilities, some of which have existed for 75 years, providing services and building infrastructure. Making changes such as those in the last week of a sessional period in the absence of due process and without allowing due consideration of their ramifications is not proper.

Amendments are to be introduced that the opposition has not had time to digest.

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

Mr BRUMBY (Leader of the Opposition) — I too oppose the government business program. I do so because the process of public debate is being treated with contempt. The manager of government business in this place has grossly mismanaged the business of the house. The government shows contempt for the parliamentary process and for free debate. We saw that today when people were excluded from the public gallery during question time. Only a few weeks ago the Leader of the House was eliminating days from the sittings calendar because, he said, the house did not have enough business to debate. Now we find that in the last week of the sittings we have only four days to debate 17 bills, many of which are of significance and warrant at least a full day or two day’s debate.

The electricity bill provides for the wholesale selling-off of electricity utilities, yet the time allowed for debate will be limited to a few hours. We will not be able to go into the committee stage to analyse the bill in the way it deserves. Other important bills include the State Deficit Levy (Repeal) Bill and the Infertility Treatment Bill, which is of major concern to many. That involves major moral and ethical issues, yet we will have only a matter of hours to debate it.

The Grain Handling and Storage Bill is significant, yet we will have no time to debate it fully because of the government’s mishandling of the proposal. We will not have an opportunity to properly debate the national parks legislation, which creates a significant national park on the outskirts of Melbourne and which has ramifications for tourism opportunities and environment protection. That bill will be debated for only a few hours. The Health Services (Metropolitan Hospitals) Bill is also important because the government is seeking to control hospital boards by amalgamation, thus taking away people’s rights to access and participation. Again, only a few hours of debate will be allowed on that bill.

We have already seen the impact of the government’s so-called water reforms, as a result of which rates are increasing dramatically. The government is by far the highest taxing government in Victoria’s history. The government has treated Parliament with contempt in a range of ways, not just by curtailing debate on legislation. We have not heard a ministerial statement on the Hilmer reforms. Reforms of that significance are important enough for either the Premier or the Treasurer to make a ministerial statement and provide an opportunity for debate.

We have not had a ministerial statement on the casino. It is probably the largest single private sector development in the state, and there has been an extraordinary growth in state gambling revenue. No programs have been put in place to help those affected by gambling. The government has not said one word on the issue. The government has invested
hundreds of millions of dollars of taxpayers money in the automatic ticketing machine system. We have not had a ministerial statement on it or an opportunity to debate it publicly.

The government has announced its City Link proposal, but there has been no ministerial statement on the extent to which Victorians will be punished for using the road system. People will be taxed four times through increased motor registration, the 3-cent-a-litre Better Roads levy, the imposition of tolls and $50 for each transponder.

We never get enough opportunities for debates on general business — for example, the motion standing in the name of the honourable member for Morwell, which is listed as item 3, notices of motion, and deals with country petrol prices. Country members should hang their heads in shame. Their government has had a report on those matters since December 1993 but has washed its hands of its responsibility to country Victorians. We would like to debate what the government is doing about country petrol prices. The government has had nearly three years to do something about them, but it has done absolutely nothing. You have washed your hands of your responsibility to country Victorians! We oppose the government business program.

Mr TANNER (Caulfield) — The Leader of the Opposition has just given us a perfect example of the opposition's contempt for Parliament. As a former member of federal Parliament the Leader of the Opposition would be aware that each week as a matter of course that Parliament often passes more bills than the number listed in the motion, and the federal opposition is allowed far fewer hours of debate than are allowed the opposition in this house. By saying that the government is treating the Parliament with contempt the Leader of the Opposition simply demonstrates his own contempt for the intelligence of all honourable members.

The Leader of the Opposition also reflected on you, Mr Speaker, by claiming that you deliberately excluded people from the chamber during question time, even though you had pointed out to the house that you did so because there was insufficient room available. I suggest to the Leader of the Opposition and his colleagues that if they want people to attend question time they should book days or months ahead, as do other honourable members.

The SPEAKER — Order! The question before the Chair is that the motion proposing the government's legislative program be agreed to. I put it to the honourable member for Caulfield that he is now straying from the question.

Mr TANNER — The Leader of the Opposition implied that the house does not sit for an appropriate number of hours. In 1990 and 1991, the last two years of the former government, the house sat for 486 hours and 496 hours respectively. By comparison, in 1993 and 1994, the first two years of this government, the house sat for 680 and 623 hours respectively. It is pure hypocrisy for the Leader of the Opposition and his colleagues to claim that the government has not allowed sufficient time for debate on legislation. The fact is that although during the past two years the house passed only a small number of bills in addition to the number passed during the preceding two years — 250 to 236 — there have been many hundreds of additional hours of debate. The Leader of the Opposition and his colleagues are trying to mislead the public.

Finally, it needs to be impressed on the Leader of the Opposition that the hypocrisy he has shown in claiming that the practices of the house are somehow out of order reflects badly upon his participation in the activities of the federal government, which regularly introduces and pushes through federal Parliament a greater number of bills than is proposed here while allowing the federal opposition proportionately far fewer hours for debate on those bills.

House divided on motion:

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AUSTRALIAN GRAND PRIX (AMENDMENT) BILL

Tuesday, 30 May 1995

Motion agreed to.

AUSTRALIAN GRAND PRIX (AMENDMENT) BILL

Second reading

Mr McNAMARA (Minister for Tourism) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Australian Grand Prix Act 1994 by clearly defining the declared area of Albert Park and making a number of other provisions to support both the Australian Grand Prix Corporation and the committee of management of Albert Park — being Melbourne Parks and Waterways — carrying out works necessary to improve Albert Park and facilitate the holding of a formula one grand prix in the park.

Since December 1993 when the Premier announced that Melbourne had won the right to stage the Australian Formula One Grand Prix at Albert Park considerable progress has been made to ensure the event will be conducted successfully in Melbourne in 1996.

The Australian Grand Prix Corporation and Melbourne Parks and Waterways have already carried out considerable work in Albert Park and the initial results of this work are now on show to the public with the successful opening of the new Lakeside Drive earlier this month. There has been only positive publicity for this upgraded area of the park with its boulevard of palms along the lake, and this is only an early indication of the further improvements that will be developed in the park prior to the commencement of the first grand prix.

The purpose of the bill is to confirm the government's commitment to the work now occurring at Albert Park to allow the conduct of the grand prix and the continuing upgrade of the park by clarifying a number of technical legal issues that have arisen in relation to the Australian Grand Prix Act. The bill removes all doubt about the position and commencement date of the declared area. This is necessary following a decision by a magistrate on 24 May 1995 that questioned the validity of the original declared area notice published in the Government Gazette on 3 November 1994.

Although the government has received legal advice that the magistrate's decision is likely to be overturned on review, the government believes it is appropriate to immediately clarify any confusion over the issue to ensure the works program can continue in Albert Park. The bill provides the committee of management of Albert Park with similar fencing powers to those provided to the Australian Grand Prix Corporation. This is important to ensure the safety of the public and the staff and contractors of the committee of management working on the improvements to Albert Park. The committee of management is also provided with similar powers to the Australian Grand Prix Corporation to temporarily close roads in Albert Park with the consent of the minister administering the Crown Land (Reserves) Act 1978.

The bill provides that a reference in section 458 of the Crimes Act 1958 to an offence includes a reference to an offence against a regulation made under the Australian Grand Prix Act 1994. This should help rationalise the procedures used by police in providing for the effective operation of the Australian Grand Prix (Works) Regulations 1995, which are designed to ensure an appropriate degree of safety of persons in the declared area of Albert Park. The bill also confirms the operation of the Australian Grand Prix (Works) Regulations 1995 published in the Government Gazette on 11 May 1995.

To further ensure that the grand prix works and the improvements at Albert Park can be completed
without any doubt as to the validity of any parts of the act, this bill will ensure that anything done or purported to have been done before the commencement of this bill in accordance with or under the authority of the Australian Grand Prix Act 1994 is deemed to have been done on the basis that the declared area is as described in this bill.

Opposition members interjecting.

Mr Seitz — Shame! Disgrace!

The SPEAKER — Order! The Chair is worried that the honourable member for Keilor will have apoplexy!

Mr McNAMARA (Minister for Police and Emergency Services) (By leave) — The government’s position is that the debate be adjourned until Friday of this week.

An opposition member — A disgrace!

The SPEAKER — Order! The government has moved that the debate be adjourned until next Friday. The Deputy Leader of the Opposition has moved that the words ‘Friday next’ be omitted with the intention of putting in another time.

The Deputy Leader of the Opposition, on the question and the amendment.

Mr DOLLIS (Richmond) — We have seen an extraordinary event in this house: the government has brought in a very important piece of legislation that profoundly affects the rights of Victorian citizens, and it cannot be rushed through this house in the way proposed by the Deputy Premier.

So honourable members may understand, the bill proposes to retrospectively impose the sanctions of the criminal law on Victorian citizens. It proposes to make acts — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition should know full well that the debate before the Chair is about the question of time. Although he may refer to the contents of the bill in passing, he may not canvass the clauses and content of the bill.

Mr DOLLIS — Although I will endeavour not to deal with the bill itself, I will say that this is a very important piece of legislation. It deals with the question of retrospectivity and proposes to make acts done lawfully by Victorian citizens unlawful. It is a further contentious attack on the democratic rights of Victorian citizens.

The SPEAKER — Order! The Deputy Leader of the Opposition is straying from the bill. He must concentrate his words on the question of time, because the question before the Chair is the government’s motion that the debate be adjourned until Friday next and the Leader of the Opposition’s amendment that it be given additional time. They are the narrow confines of the debate.

Mr DOLLIS — Mr Speaker, in dealing with your ruling and contributing within the narrow confines
of the debate I must outline why the opposition is proposing the extended time and why it is impossible over the next three days for both the opposition and the people of Victoria to scrutinise this piece of legislation.

The SPEAKER — Order! If the honourable member goes down that track, there will be no problem.

Mr DOLLIS — Thank you, Mr Speaker. In that regard I am saying that by its proposition to debate a bill such as this by Friday the government — and in particular the Deputy Premier — is displaying a contemptuous attitude and making a contemptuous attack on the people of Victoria. It is as simple as that.

The rights of ordinary Victorians are being taken away with this legislation. If appropriate scrutiny is to take place by which we can examine the legislation, and if the people to be affected by the bill are to be given time to make their contributions and perhaps suggest to the government and the Deputy Premier that they are wrong, three days is not enough.

It is a most disgraceful attempt to guillotine and push through legislation that fundamentally changes the legal rights of people: rights that the people of this country and throughout the world have fought for, rights that are fundamental if a democracy is to function properly and rights that are fundamental for the functioning of this house.

It is impossible for the Deputy Premier to argue logically that the bill can be dealt with in the next three days; it is impossible for him to provide the briefings that are required; it is impossible for us and the community to get legal advice on the bill and it is impossible to deal with the concept of retrospective legislation.

I hope the Deputy Premier is aware of the significance of the bill that he has introduced and understands what he is doing and what he is asking us to do in three days. It is impossible for the opposition to consider a bill like that in such a limited time.

The reality is: the Victorian community, irrespective of whether the Deputy Premier believes it or not, has a right to comment before debate on such an important piece of legislation and to seek advice on the bill, including legal advice on the complex issue of the retrospective imposition of the criminal law. It is a very important part of the debate and it cannot be dealt with — —

Mr Perton — On a point of order, Mr Speaker, this is a narrow debate on the question of time. Although the lead speaker does have some latitude, the Deputy Leader of the Opposition has just made a proposition that the bill retrospectively imposes criminal sanctions. A clear reading of the bill indicates that it does not do that.

Mr Haermeyer interjected.

Mr Perton — If the honourable member for Yan Yean would keep quiet and allow me to make my point of order: it is a narrow debate on the question of time. I put it to you, Mr Speaker, that the Deputy Leader of the Opposition is making a proposition that is clearly wrong in law and is irrelevant to the debate, and he should be brought back to order.

Mr DOLLIS — On the point of order, Mr Speaker, the honourable member for Doncaster has precisely proved the point we are trying to make. He said that this bill is a complex piece of legislation that requires more than three days.

The SPEAKER — Order! The Chair has already outlined that it is a very narrow debate. I am not prepared to uphold the point of order raised by the honourable member for Doncaster. It is one of those decisions in which the Speaker's ruling could go either way. However, I ask the Deputy Leader of the Opposition to come back to the question of time.

Mr DOLLIS — Thank you, Mr Speaker. Returning to the question of time, the fundamental point is that the time the government is arguing should be allocated for debate on this bill is three days. The opposition suggests that three days is not enough for the bill to be properly scrutinised and debated.

The opposition has not even received a briefing on the bill. I wonder whether the Deputy Premier has organised any of these matters. Tomorrow is Wednesday. After that we have a day and a half to examine the advice the government gives us, get independent legal advice on the bill and deal with its constitutional aspects. It does not give us time to consult with the very people who will be affected by the bill. If the government had any decency and was interested in fair debate and in the rights of people it would not be arguing that Friday is the day when the legislation must be debated.
The Leader of the Government introduced a program for this week that contained 17 pieces of legislation — and this is pertinent to the question of time — that must be debated, including this very important and fundamental legislation. Moreover, we have still to complete the debate on the autumn economic statement. I ask government members how we can logically deal with the economic statement, the other legislation to be debated and the complexity of this bill.

I repeat that this legislation has a retrospectivity clause. I warn the Deputy Premier that no government in the history of Australia has ever introduced legislation that makes a lawful conduct unlawful, and that is why we need time.

The SPEAKER — Order! The honourable member is canvassing the bill and I ask him to come back to the question of time.

Mr DOLLIS — We need time because it is important for us to examine whether the government is legislating in the interest of a private developer or a car race, or whether it is legislating in the interest of the people of Victoria. It is a fundamental point that must be examined. We cannot scrutinise the legislation in the amount of time that we have been given.

I do not believe the Deputy Premier understands the bill. The brutal reality is that the government has chosen to bypass the legal processes of this state. I am coming back to the question of time. It is important, within the narrow confines that you, Mr Speaker, have directed we may debate the question to make it absolutely clear that, and I repeat: no government in the history of this country has introduced legislation that makes a lawful conduct unlawful. We cannot examine it within the time that has been allocated.

I shall conclude so other members may also contribute to this important debate, which deals with the democratic rights of the people of this state. It is a debate that goes to the core of why members are elected to this house. It deals with the fundamental question of the government using its absolute power for its own sake, and clearly shows that the Deputy Premier and the government have a total disregard for the law of this state. On the question of time, it is impossible for us to prepare our case in the next three days.

Mr Perton interjected.
up with from opposition members over a long period. If the honourable member for Richmond said 'and I repeat' once, he must have said it at least 30 times.

This legislation is fairly simple. It is validating legislation that has previously been passed by Parliament. I remind the house that that was a very long debate. There was a great deal of opportunity for consultation on the issues and the heart of this legislation that the honourable member is referring to. I suggest that three days is more than ample time.

The honourable member during the course of his contribution indicated that he would like a briefing. He can have a briefing this afternoon if he is prepared to be here. He should not go scurrying off as he did last Friday because the Labor Party had a conference in Bendigo and two-thirds of its members, including the Leader of the Opposition, were not prepared to be here to debate bills. You gave up time to debate legislation last week and we had to filibuster to keep Parliament going because you hypocritical lot weren't prepared to be here to debate the issues! Don't give us that hypocrisy, that diatribe of rubbish that you go on with!

As for the pretend heart-wrenching final quote from the Deputy Leader of the Opposition, if we hear that once more during this sessional period we will all walk out at the sham of it. It is unbelievable rubbish that you go on with!

The legislation brings into proper sequence legislation that has been dealt with by the house previously. A number of people are facing charges as at 24 May, and if there is to be any retrospective benefit, it is an amnesty that has effectively been given to those people as a consequence of this legislation passing and the potential doubt, although we do not concede it, that has been created as a consequence of a magistrate's decision.

Mr Dollis interjected.

Mr GUDE — The Deputy Leader of the Opposition says, 'How dare they!'. They dare what they choose! I have no doubt the magistrate did the best he could, looking at the issues and deciding them as he saw it. However, other people hold different views, such as the Crown Solicitor and a number of others.

Mr Dollis interjected.

The SPEAKER — Order! The Chair gave the Deputy Leader of the Opposition a great deal of protection during his speech. I ask him to remain silent and return the courtesy.

Mr GUDE — Thank you, Mr Speaker, but I do not really need the protection, because being mauled by the Deputy Leader of the Opposition is like being beaten to death by a wet tram ticket!

The government believes the principal legislation is proper legislation. But the bill will be debated in Parliament this week and passed properly and appropriately so that there is no community doubt about the matter. It was raised in Parliament as soon as it was raised in the courts. As reported by the media the Deputy Premier, who is also the Minister for Tourism, told the house and through it the community that legislation would be introduced forthwith. I introduced the bill on behalf of the Deputy Premier, who has given his second-reading speech today.

The issues that go to the heart of the bill were canvassed in the long debate on the principal legislation. The bill introduces nothing new; it simply involves a process of validation. The Deputy Premier has shown his preparedness and willingness to brief the opposition. If that is what members of the opposition genuinely want this afternoon, one wonders what excuse they will have for not being here for the remainder of the day! Three days is more than adequate to deal with the matter. I support the adjournment motion moved by the Deputy Premier.

Mr BRUMBY (Leader of the Opposition) — The opposition opposes the proposed adjournment period moved by the Deputy Premier and supported by the Leader of the House, the Minister for Industry and Employment. When the minister gets up and says that after personally examining the legislation he believes it is simple and worth supporting, we worry. He is the minister who consumed the bottle of Scotch while writing his industrial relations legislation.

The SPEAKER — Order! The Chair cannot let the debate go on in this fashion. The debate is on the question of time.

Mr Gude — Mr Speaker, in the interests of accuracy I have never consumed a bottle of Scotch in my life.
Mr BRUMBY — It is common knowledge around this place that the minister consumed well in excess of one bottle of Scotch on that occasion, which, of course, created problems with his appalling legislation.

That is also the problem with this legislation, which is why Parliament needs proper time to consider it. It is retrospective legislation and takes away the rights of Victorians. It has been rushed in without the opposition being afforded a briefing. There has been no consultation. The bill is to be debated on the Friday of a sitting week in which not just 1 or 2 or 3 or 4 but 17 pieces of legislation are to be rushed through the house. In introducing this grubby little piece of legislation the government shows its absolute contempt for people’s rights. That is what this is — a grubby little piece of legislation!

Mr Rowe — On a point of order, Mr Speaker, the Leader of the Opposition has been waffling on for over 2 minutes. Not once has he mentioned the question of time. I suggest you bring him back to the question, because he is debating the bill.

The SPEAKER — Order! The Chair has to allow a member time to build a logical case. I understand the Leader of the Opposition is doing just that — that is, building a case for more time. There is no point of order.

Mr BRUMBY — I repeat: Parliament deserves more time to consider and scrutinise the legislation because it is retrospective and removes people’s rights. The opposition deserves the right to properly scrutinise the legislation and members of Parliament have a right to be briefed on it. Their handling of the matter illustrates the contempt the minister and his government have for Parliament. Despite the lack of prior consultation and the absence of any briefings, the legislation is to be pushed through on Friday.

On the question of time, everybody knows two-week adjournments are normal practice in this place. There are times when the opposition will obligingly cooperate and allow a shorter adjournment — as will be the case today with the Business Franchise (Tobacco) (Amendment) Bill. That bill is a tax avoidance measure that has been made necessary by new information that shows the existence of massive tax avoidance in Victoria. Whenever it is necessary the opposition is happy to cooperate and act responsibly. But when, for example, retrospective legislation takes away people’s rights, on behalf of the people of Victoria we will demand sufficient time to consider and scrutinise its impact. The bill and its principal legislation contain draconian measures that take away people’s rights. If as a member of Parliament you were not concerned about people’s rights, why would you bother? After all, Parliament makes laws that affect people’s rights.

I will tell you why we want more time to consider the bill. Honourable members should consider the people of Albert Park, Middle Park, St Kilda, Prahran and the surrounding areas and think about the attacks by this government on their rights. Firstly, their local councils have been taken away. They have no local government representation to stand up for them; and again, on the question of time —

Government members interjecting.

Mr BRUMBY — Government members are showing what imbeciles they are: there is no local government representation in the area. Those people deserve to be properly briefed on and informed about the legislation — and they need more time. Appeal rights to the Supreme Court have been taken away. Again, those people need time to examine what other rights the legislation takes away. Mr Speaker, you removed the right of the people of Albert Park to observe question time today. They were not entitled to see question time; they were not entitled to sit in the public gallery.

The SPEAKER — Order! Reflections on the Chair are disorderly.

Mr BRUMBY — There is no reflection on the Chair. The opposition moved a motion of dissent from and censure of your ruling today, which I believe Parliament should be debating. I am sure you would encourage a debate on that, Mr Speaker. The members on that side of the house will not.

The residents of Albert Park have no automatic right to just compensation. If someone puts a freeway outside the Premier’s house and takes away his front yard, his urban amenity and his general quality of life, he has the right to appeal and seek just compensation. But if you live down in Albert Park that right has been taken away.

Mr Perton — On a point of order, Mr Speaker, I am testing the balance of probabilities. I suggest the Leader of the Opposition is now debating the merits of not only this bill but the principal act. It is clearly not a speech on time. I ask you to rule him out of order.
The SPEAKER — Order! I uphold the point of order. I ask the Leader of the Opposition to come back to the question and the amendment before the Chair.

Mr BRUMBY — I have been endeavouring to speak on the question of time. The point I am making is that the residents of the area, who are profoundly affected by the grand prix, deserve — indeed they are entitled to — a reasonable period in which to look at the proposed legislation and to assess its impact. That is what we are saying today. There is nothing unusual about what we are saying today. The regular, normal, accepted, common practice in this place is for a debate to be adjourned for two weeks after the second-reading speech has been delivered. One could probably argue for a longer adjournment for this bill because it affects a section of the Victorian community that has been discriminated against. The rights of these people have been so affected that they deserve, need and warrant extra time in which to consider the legislation.

A couple of other points about rights underlie our reasons for asking for time for the people in the area. They no longer have the right to enjoy being in a public place — —

The SPEAKER — Order! The Leader of the Opposition is now canvassing the bill. He must come back to the question of time.

Mr BRUMBY — For that reason they deserve more time in which to consider the bill. The people of the area have no right to be heard. That right has been taken away, and they now need time to look at the bill. They have no right to information about the grand prix. This is a secretive, authoritarian government, as the Auditor-General points out.

Mr Perton interjected.

Mr BRUMBY — The honourable member for Doncaster interjects, but the question we want answered is: why weren't you here to vote on the Equal Opportunity Bill?

Honourable members interjecting.

The SPEAKER — Order! There are too many interjections from government benches. I ask the honourable member for Doncaster to remain silent, and I ask the Leader of the Opposition to address the Chair and ignore interjections.

Mr BRUMBY — On the question of time, we argue strongly for more time for the bill to be considered. There have now been probably a dozen examples of legislation being brought in and rushed through in the dead of night by this government with subsequent amendments having been necessary because the government mucked it up. We saw it with the legislation relating to industrial relations and the casino, and now we are seeing it with this legislation.

The way to get legislation right, to ensure there are no unforeseen consequences, is to allow proper time for debate and consideration. I repeat: the accepted practice in this and other Parliaments is to have a period of two weeks for consideration of a bill after the minister's second-reading speech has been delivered. That is what ought to be done. Then the legislation can be properly debated. It is about people's rights. Last week we saw legislation on equal opportunity rushed through.

Mr Perton interjected.

Mr BRUMBY — The Parliament would like to know where the honourable member for Doncaster was last week. Why didn't he vote on the equal opportunity legislation?

The SPEAKER — Order! The Leader of the Opposition is out of order. He must return to the question of time.

Mr BRUMBY — I repeat that we believe a substantial length of time should be allowed for proper consideration of the bill. No arrangements have been made for a briefing, people's rights have been removed and we want to ensure there is no further removal of people's rights.

Some terrible things have happened to people at Albert Park. People have been arrested for being in a public park. People have had hundreds of thousands of dollars taken off the value their properties because of the damage caused by compaction of the soil. People have not had the right to protect their interests. This Parliament is fundamentally about protecting people’s rights. To do that properly we need time to look at proposed legislation. We oppose the adjournment period.

Of course we understand the government has the numbers and will push the bill through on Friday. I can only appeal to the sense of reasonableness, fairness and responsibility of the minister to ensure that there are proper and full briefings and that any
other legal advice the government has is made available to the opposition and members of Parliament generally so that when the debate does occur on Friday at least it will be conducted in the full and proper knowledge of all its consequences.

Mr PERTON (Doncaster) — The debate generated by the opposition is full of cant and hypocrisy. The Australian Grand Prix (Amendment) Bill is a very short piece of legislation. It does what bills introduced by the former state Labor government did, what bills introduced by the current federal Labor government do and what occurs frequently in every commonwealth jurisdiction. Occasionally an administrative action is found to be invalid by a judge or a magistrate making a free decision. In this instance a magistrate has found that a declaration made by the administration has been improperly made in light of the precise technicalities of the act. I recall the former Premiers, the Honourables John Cain and Joan Kirner, and the Prime Minister, the Right Honourable Paul Keating, having all brought in bills generated by the opposition.

The Deputy Leader of the Opposition talked about retrospective criminal sanctions. A cursory examination of the bill shows that in fact there is an amnesty, that there is no continuation of proceedings — —

Mr Dollis — Amnesty from what?

Mr PERTON — I will answer the question: an amnesty from prosecution. This is an extremely generous offer — —

The SPEAKER — Order! The Chair cannot allow the Honourable member for Doncaster to canvass any more issues in the bill.

Ms Marple — Shame!

The SPEAKER — Order! The Chair has very acute hearing. I ask the Honourable member for Doncaster to concentrate on the question of time.

Mr PERTON — I address precisely the argument put by the Deputy Leader of the Opposition to indicate why there should not be an extension of time. The bill is validating legislation. It prospectively allows works to continue in accordance with the intention of the Parliament as expressed in the Australian Grand Prix Act.

In respect of criminal proceedings, the government has the option of taking the magistrate’s decision on appeal and then proceeding with prosecutions against the residents of Albert Park. There is no — —

Mr Pandazopoulos — Mr Speaker, on a point of order, you have previously asked the Honourable member for Doncaster not to debate the bill. The honourable member is debating the provisions of the bill. I am sure honourable members would like to hear an explanation from the Honourable member for Doncaster of his whereabouts last week when the Equal Opportunity Bill was voted on.

The SPEAKER — Order! I warn the Honourable member for Dandenong, if he will give me his full attention, that he may not include throwaway lines in points of order, especially when they reflect on the behaviour of members. He will remember that.

Honourable members interjecting.

The SPEAKER — Order! I was placed in the same position in dealing with a similar point of order involving the Deputy Leader of the Opposition. It is very difficult for the Chair to know whether the honourable member has strayed from the question of time because members use provisions of the bill to support their arguments. At this stage I do not uphold the point of order, but I ask the Honourable member for Doncaster to confine his remarks as far as possible to the question of time.

Mr PERTON — In brief, Mr Speaker, debate on this bill does not need a long adjournment. It is a typical piece of legislation brought in by governments in every commonwealth country.

Mr Hamilton interjected.

Mr PERTON — I take objection to the interjection of the Honourable member for Morwell. It again demonstrates the absurdity of the Honourable member for Morwell — —

Mr Hamilton interjected.

The SPEAKER — Order! The Honourable member for Morwell has a great reputation in Gippsland as an outstanding thespian. I ask him to put his talents away and remain silent.

Mr PERTON — This is a typical piece of legislation where there is the common law and the courts and the judiciary have full freedom to make findings against government. These things happen.
Governments often introduce validating legislation that is dealt with on one or two days notice.

Mr Andrianopoulos interjected.

Mr PERTON — The honourable member for Mill Park was in this house when under former planning minister Roper some 600 acts of Parliament were brought into question by a Supreme Court decision. This Parliament dealt with an amendment to the constitution in a matter of days. This bill is hardly of any moment. It deals with a technical defect in the gazettal of a notice. There is nothing unusual about the legislation, and there is no retrospective imposition of criminal proceedings or sanctions. People who are currently at risk of prosecution will no longer be at risk.

The minister has offered a full briefing to the opposition. Members of the Albert Park community are well resourced with legal advice. Not only are they certainly capable of analysing the legislation within 24 hours, I would have thought they had the legal resources to do it within an hour.

As Chairman of the Scrutiny of Acts and Regulations Committee, and I note that at least one other member of my committee is in the house, I give an undertaking to the house that our legal officers will examine the bill. Assuming that both parties are available, I shall call a meeting of the committee before the day on which the legislation is enacted.

This is not an extraordinary piece of legislation, it is an ordinary piece of legislation. The honourable member for Morwell was here under the last government and would remember that his government was placed in the position of having to validate legislation in this place. I would have thought his hypocrisy and the intemperate words he has been using were inappropriate. One can hardly make a comparison between this piece of legislation and the events he refers to in World War Two. I am ashamed of the honourable member for Morwell. I thought he had more talent and more sense.

We are coming to the end of the sessional period and an unexpected decision has been made by a magistrate. This legislation should be dealt with quickly.

Mr MILDENHALL (Footscray) — On the question of time, Mr Speaker, the government has well and truly established its rule in this place that the shorter the time frame the more significant the legislation. Members will recall the terrible days of late 1992 and early 1993 when horrific fundamental and structural bills were rushed through this place. We have the same rule applying today.

The honourable member for Doncaster called this a bill to rectify a technical amendment. The bill will have significant ramifications for Victoria and will affect hundreds of thousands, if not millions, of people as they go about their daily lives. Polling has shown that at least a third of Victorians oppose the event the bill is designed to protect. About half the Victorian community actively opposes the Australian Formula One Grand Prix at Albert Park. More time is required to consider the bill and to examine its implications.

Given the recent announcement of the 500 cc motorcycle grand prix, the Victorian community should have the opportunity to compare the cost and benefit of both locations. The legislation of which this bill will form part was carpeted by the Scrutiny of Acts and Regulations Committee. It was the committee’s worst and most adverse report on a piece of legislation, yet this bill will also affect people’s rights. There should be reasonable opportunity for consultation and examination of the bill.

Many Victorians must closely consider their personal fates as a result of the passage of this bill. There have been more than 250 arrests at Albert Park, and the fate of each one of those persons is affected by the bill. They should have the opportunity to consider legal advice and to work out what might happen to them as a result of the bill being passed. They should have the right to talk to their local members and to make comments and express views about the desirability of the bill.

Given the extraordinary load of business facing this Parliament over the next few days it will be virtually impossible for that process to occur by Friday, when the bill is to be debated.

People who either own or rent the dozens of homes that have been affected by the compaction work also need time to consider the bill. Given the public speculation about how this bill might affect them, they should be given the opportunity to consult not only with their legal advisers but also the community organisations that represent their views both in public debate and in negotiations with government. More time is needed for that process. The situation where compensation for people wronged has depended on the personal fiat of the Premier is extraordinary. The government should
have allowed more time to rectify the anomalies that already exist in the legislation. Those anomalies have been criticised and discredited by the Scrutiny of Acts and Regulations Committee and the Victorian public in general.

There is reference in both the bill and the second-reading speech to section 458 of the Crimes Act. The bill not only deals with fencing off areas, it deals with people's rights, with the procedures of arrest and with the rights of people who might be either employees of the Grand Prix Corporation or members of the police force. Thousands of Victorians have made their views known about the event being held at Albert Park. They should have the opportunity of considering the impact this legislation will have on their ability to make their views known, their ability to protest and their right to dissent. Those rights will be eroded by this legislation.

This amending legislation will have an impact on people's rights to dissent and to walk in what was formerly a local park but which is now a formula one grand prix track. Those rights are fundamental, which is why the bill should be dealt with at some length. I point out to the house that the Supreme Court does not now have jurisdiction to hear matters arising from activities at Albert Park that are conducted in the name of the grand prix, such as enforcement and restraint and the right to compensation.

Parliament has a fundamental obligation to take the time to examine whether there is a system in place to protect Victorians by ensuring an appropriate balance of legislative rights and powers. Three days is not sufficient time to allow learned individuals, members of bodies such as the Victorian Council for Civil Liberties and others to discuss the issues with their local members of Parliament or to debate in appropriate forums whether this latest incursion into the rights of Victorians is appropriate.

I suspect a closer reading of the bill — if we have the time — will reveal it to be as disgraceful as the principal act. The people's elected representatives need sufficient time to properly carry out their responsibilities in considering the bill, subjecting it to proper scrutiny and commenting in this place on its desirability. Instead, the bill is being rushed through Parliament.

Mr McNAMARA (Minister for Tourism) — I make it clear to honourable members that the procedures for advising and briefing the opposition on the bill will be same as those followed for any other bill. The tradition of this house has always been that, once a minister has given his second-reading speech, briefings on the bill are available to the opposition on request. The government had not received a formal request for a briefing before today. It has now received a request from the Deputy Leader of the Opposition, and I have advised him across the table that he can have a briefing as soon as discussion on the period of the adjournment is complete.

I point out that this is not the first time the matter has been raised. On Wednesday of last week, in answer to a question from the Leader of the Opposition, I said that following a decision of a magistrate on that day the government would introduce legislation to deal with the issues concerned. In that sense the general content of the bill was then made known to the opposition and to the public.

The bill simply addresses a number of issues that are necessary to the completion of the work at Albert Park. On Friday of last week, while I was attending a police ministers conference in Tasmania, the Leader of the House introduced the bill on my behalf. On Thursday of last week a notice was reinstated ensuring that the activities of the grand prix authority and work it had been carrying out could continue, and that is already in operation.

There seems to be some confusion between the Leader of the Opposition and his deputy. The Deputy Leader of the Opposition argued for a three-week adjournment yet the Leader of the Opposition subsequently called for a two-week adjournment. By a process of attrition we are getting close to Friday! I assure the Deputy Leader of the Opposition that he will be given an adequate briefing and that if further briefings are needed they will be provided. The government wants to be sure the opposition is fully aware of what is in the legislation.

There is ample time between now and Friday to deal with the range of technical issues the bill addresses. The opposition will be made aware of what is proposed. At the end of the day all sensible people will wish to ensure that the upgrading of Albert Park continues.

Mr Dollis — On a point of order, Mr Speaker, the Deputy Premier may enhance his contribution to the debate by addressing some inconsistencies. I wonder whether it would be possible for ——
Mr McNAMARA - On the question of time, it is important for the future of Victoria - and for the future of tourism in particular - that we ensure the upgrading of Albert Park continues and that what was a fairly tatty facility less than a year ago is turned into an attractive facility that will be used not only by Melburnians but also by people from all over Victoria and overseas. It is important to upgrade the buildings that were not even sewered, relying instead on septic tanks.

Mr TANNER (Caulfield) - I move:

Motion agreed to.

Ayes, 59

Ashley, Mr
Bildsten, Mr
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Dean, Mr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Heffeman, Mr
Henderson, Mrs
Honeywood, Mr
Hyams, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kennett, Mr
Kiigour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr

Plowman, Mr A.F. (Teller)
Plowman, Mr S.J.
Reynolds, Mr
Richardson, Mr
Rowe, Mr (Teller)
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr

Noes, 24

Andrianopoulos, Mr (Teller)
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Carli, Mr
Coghill, Dr
Cunningham, Mr
Dollis, Mr
Garbutt, Mr
Haermeyer, Mr
Hamilton, Mr

Leighton, Mr
Loney, Mr
Marple, Ms
Micaleff, Mr
Mildenhall, Mr
Pandazopoulos, Mr (Teller)
Sandon, Mr
Seitz, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr
Wilson, Mrs

Motion agreed to.

The SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the motion.

Those who wish to support the amendment of the Deputy Leader of the Opposition should vote no.

House divided on omission (members in favour vote no):

Ayes, 59

Ashley, Mr
Bildsten, Mr
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr

McNamara, Mr
Maughan, Mr
Naphine, Dr
Patterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Phillips, Mrs

Plowman, Mr A.F. (Teller)
Plowman, Mr S.J.
Reynolds, Mr
Richardson, Mr
Rowe, Mr (Teller)
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr

Noes, 24

Andrianopoulos, Mr (Teller)
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Carli, Mr
Coghill, Dr
Cunningham, Mr
Dollis, Mr
Garbutt, Mr
Haermeyer, Mr
Hamilton, Mr

Leighton, Mr
Loney, Mr
Marple, Ms
Micaleff, Mr
Mildenhall, Mr
Pandazopoulos, Mr (Teller)
Sandon, Mr
Seitz, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr
Wilson, Mrs

Motion agreed to.

The SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the motion.

Those who wish to support the amendment of the Deputy Leader of the Opposition should vote no.
Mr BRUMBY (Leader of the Opposition) — The opposition opposes the legislation and opposes it very strongly.

Government members interjecting.

Mr BRUMBY — Government members interjecting now in such an inane way will come to wish that they had not supported this legislation, which will provide for the selling off of the whole of the Victorian electricity industry.

Most of that industry will be sold off to foreign owners, as we are seeing at the moment with the bizarre situation where one of the principal bidders short-listed to buy United Energy happens to be a company fully owned by the French government.

Here we are in Victoria with the SEC fully owned by the people and the government of Victoria; yet the Kennett government is proposing to sell it off overseas, not to a private sector company or a world trader but to a company fully owned by the French government.

This is a government that is selling off virtually every conceivable asset owned by the state. It has sold off the TAB at a price well below its actual market value.

Mr S. J. Plowman interjected.

Mr BRUMBY — What a stupid interjection from an idiot minister! What was the maximum price, you idiot, you fool? What was the maximum —

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! All members will restrain themselves, including the honourable member for Springvale.

Mr BRUMBY — The minister does not even understand how he cost the taxpayers of Victoria more than $100 million, because the maximum price he set was $2.75 a share when today it is $3.15. Minister, even if you had sold at the maximum, you cost the taxpayers more than $100 million and you don't even understand it, do you? You are so thick and so stupid that you don't even understand!

The ACTING SPEAKER — Order! It looks as though it is going to be one of those days. I would
have thought that the Leader of the Opposition had
had his shot! I ask him to turn his sights on the bill
before the house and concentrate upon that.

Mr BRUMBY — It is important for the people of
Victoria to understand what privatisation is costing
them. It has cost the TAB the federal tax
compensation because the government sold it before
that matter had been negotiated, and that was
$460 million. Setting the sale price well below
today’s market price on the stock exchange cost
hundreds of millions of dollars: more than
$20 million in transaction costs and consultancy fees.
If that is all added up, we see that the cost to the
Victorian taxpayer through this sale exercise is in
excess of $600 million, and it has gone forever.

Mr Rowe interjected.

Mr BRUMBY — The honourable member for
Cranbourne interjects, but he might like to know
that at the moment in Britain where all the assets
have been sold — Telecom, British Power, water,
and the post — the British current account deficit is
the largest it has ever been. The 8.5 per cent
value-added tax is about to be increased to 17.5 per
cent because Margaret Thatcher so ruined its
economy, made it haemorrhage, that the fiscal
deficit is the largest in history. Britain’s family farm
and the family silver have been sold, there is no
income stream and the deficit between revenue and
expenditure for the current conservative British
government is the largest it has ever had. It has no
more assets to sell, although it is considering selling
the nuclear power stations. It has no income stream
to garner from its own resources, but it has an
extraordinary gap that it is bridging by increasing its
value-added tax by 8.5 per cent to 17.5 per cent.

If the Victorian government is re-elected, which it
will not be, what will happen is that as a result of the
privatisation of the SEC there will be higher prices
for electricity, reduced services and higher taxes to
raise revenue because of that lost through the sale of
Victoria’s assets. Mark my words, that will happen
here because that is what happened in Britain and
elsewhere around the world under similar programs.

We have seen it happen already with the sale of
Centaur at a special price to the mates of the
government through the National Party. Heatane
Gas was sold off and the price of gas has increased.
Government members who represent country
electorates such as the honourable member for
Bendigo West and the member who represents
Wodonga — he has made such a big impression in
this place that I do not know the name of the seat —
should know what has happened to the price of gas
in the bush, but they don’t know! The honourable
member for Bendigo West and other country
members, including members of the National Party,
would not have the faintest idea, but I will tell them
what has happened: the price has gone through the
roof because the government sold off Heatane Gas.

Throughout this long debate the Premier has never
given any justification of why it is necessary to sell
the SEC. In January on the Peter Couchman Show on
3LO the Premier said that he was selling off the SEC
because the next day some inventor might invent a
new way of generating electricity that would make
the SEC’s assets worthless and therefore they had to
be sold off. Isn’t that a great explanation of why the
SEC is being sold off? The Premier suggested that a
mad inventor somewhere out there might invent a
new way of generating electricity and that will make
the SEC worthless. What a great line that is!

Can you imagine when the Dodgy Brothers were
overseas meeting with merchant bankers in France,
the United Kingdom and the United States and they
were asked, ‘Why are you selling the SEC?’ The
Premier and the Treasurer would have said, ‘We
think that perhaps tomorrow someone is going to
invent a new way of generating electricity and the
SEC will be worthless and so we have to sell it off.’?
What a great sales line that would be, and judging
from the offers that have been made that is exactly
the line they used.

We were given a second reason why the SEC should
be sold, and that was because of debt. The
government said it had to sell the SEC because it had
$9.5 billion in debt. One of the people used in the
SEC advertising campaign was Mr Ian Leslie. He
had also been in a campaign representing
Woolworths. In his promotion of Woolworths he
described it as a great Australian company. It
happens that Woolworths makes $300 million a
year, which happens to be about the same level of
profit that is made by the SEC. What is the
difference between Woolworths and the SEC? The
answer is: there is none! If Woolworths is a great
Australian company, why isn’t the SEC a great
Australian company?

The SEC has debt, but when one looks at the
Auditor-General’s report that was tabled today one
sees it shows there has been a substantial reduction
in SEC debt that has taken place over recent years.
There has been no increase in debt. In fact the SEC is
a highly profitable and viable organisation that is
returning a dividend of about $300 million per annum to the people of Victoria.

The third reason why the SEC must be sold is a new version of the yellow peril: the threat from the north! The Premier said, 'We have to sell off the SEC because the New South Wales and Queensland power industries will come marching over the border and put our SEC out of business.' What nonsense! For a start the New South Wales and Queensland industries are totally publicly owned and the opportunity for power exchange between the states is only 10 per cent. If you take out what is taken up through peak period load exchange, particularly through the Snowy River scheme, the opportunity for real free trade between New South Wales and Victoria is about 1 per cent of available capacity. I cannot see the electricity industries marching down from the north to take out the Victorian industry.

Also, until this government was elected the price of electricity in this state was the second lowest in Australia. Only since the government has been in power has the price increased considerably, with a 10 per cent increase in charges and a doubling of the service charge, so that Victoria is now ranked no. 5 compared with its earlier position of no. 2.

We need to look at the decisions the government has made and what they have already cost the Victorian taxpayer on the sale of the SEC. We have seen the annual budget of the Treasury's state-owned enterprises unit running at $105 million; the additional costs associated with establishing the management structures for the 12 new electricity companies at $40 million per annum; identity advertising for new distribution companies at $10 million per annum and an electricity privatisation advertising campaign of $1.8 million. That is just the tip of the iceberg because when the government goes ahead and sells off the distribution companies the transaction costs alone to the Victorian taxpayers will be in excess of $400 million.

A number of other costs will result from the government's privatisation programs. There is an impact on Victorian electricity consumers because prices have already increased dramatically. Even if you believe the government will deliver on its promises to reduce the cost of electricity in real terms by the year 2000, the average family will be at least a net $189 worse off in the year 2000 than it would have been if electricity tariffs had been maintained at 1992 levels.

There are costs not only for consumers and taxpayers but also for the environment. The government's privatisation program entails significant environmental costs that will affect bushfire mitigation, renewable energy and a range of other matters.

The impact on the state can be recorded in a number of ways, the first of which is the losses resulting from selling assets at less than their full value. As we have previously remarked, a number of different values have been placed on the SEC. Dr Troughton originally valued a fully integrated SEC at between $19 billion and $23 billion. In contrast we have heard conflicting statements by the Premier, the Treasurer and others, who first gave it a value of about $13.5 billion. On 9 March the Premier told the house the SEC was worth up to $14 billion. A leaked cabinet document said the value was about $12 billion. We would like to see tabled the independent valuations prepared by the Auditor-General concerning the accounts that have been prepared for each of the five distribution companies. Those should be released publicly.

The second element is the transaction cost. I have already said that if the sale of the whole of the SEC were conducted on the same basis as Tabcorp — 2.9 per cent of total sale proceeds — the transaction costs for the SEC sell-off would be around $400 million. That would be equivalent to the best part of three $100 home taxes, and that additional cost would have to be met by the Victorian people. In addition, we would also be losing an ongoing income stream.

If you look at the projections of SEC profitability you will see that in the next financial year earnings before interest and tax could be as high as $1.8 billion. Given an interest bill of around $900 million, that would mean the SEC would have some $900 million available for distribution as dividends or to repay debt — that is, the equivalent of about six $100 home taxes. That would make it the second largest source of Victorian revenue, a very large income flow indeed.

The fourth cost to the Victorian public will be the loss of a publicly owned asset. Once it is sold it will be gone forever. You will not be able to get it back. We have seen that happen in Britain with essential assets such as British Telecom and the postal and water services. They have all gone. They have been sold off, and the British will not be able to get them back.
The other loss affects our ability to improve the future of Victoria. As I have said, the SEC is profitable, it is competitive and it is able to compete in a national market. In those circumstances, providing as it does an essential service, there is no justification for selling it. The dividend flows and profits from the SEC help pay for many of the services which Victorians so urgently and desperately need, such as education, health services, ambulances and so on. They are the things that make our community a better place to live in. I again refer to the British example: a government that sells off assets such as those and loses the income streams they produce is inevitably forced to impose new taxes to compensate.

In an environment in which the state’s revenue base has become ever narrower over the years and the major source of revenue growth comes from gambling, it makes no sense whatsoever for governments to sell off profitable, essential utilities, thereby further diminishing the state’s revenue base and further restricting future revenue options.

The government’s changes to electricity generation, for example, have done little to assist Victorians. The impact of those changes on the pooling system provides only limited scope for competition between generators. The potential for expansion into Asia has already been reduced. Selling existing electricity businesses off to overseas companies rather than creating new ones will do very little to assist that expansion. The changes to the generation system will reduce our ability to compete on the national grid. Each of the generators will be competing against the larger Pacific Power, which has multiple generators. Pacific Power will have considerably more influence in the marketplace than the individual generators.

Consumer choice will also be affected. Those large businesses that are not able to deal directly with the generators will have fewer choices. This is a catch-22 situation. Businesses that cannot get security of supply from individual generators will have to go through the pool — but only because the government has created an industry structure for individual generators. Consumer prices will be higher because there will be no real competition at the generator level. The opposition strongly opposes this legislation. It is bad for state finances; it is bad for state sovereignty; it is bad for consumers; it is bad for the environment; and it is difficult if not impossible to see anything good flowing from it.

The state Labor Party released an alternative policy at its party conference just over a month ago. Labor’s policy is to keep the essential assets of water, gas and electricity in full public ownership. The SEC is efficient and competitive and will be competing in a national grid. Under public ownership it will be better able to properly meet and service the interests of the government and the taxpayers. On this and other matters opposition speakers will continue to highlight those points. The report of the Auditor-General that was presented today provides a glowing endorsement of the reforms that were initiated by the previous government and made by the SEC under full public ownership.

I will comment on the debt because the Premier seems to have an obsession with it. The SEC adopted a no-new-debt policy: between July 1990 and June 1993 it reduced its debt by more than $1 billion, or 12 per cent. So under full government ownership the SEC massively reduced its debt and reduced the size of its workforce considerably. As a result we had an efficient and profitable asset by world standards. Victorians will have a very simple choice at the next election. If people want to vote to sell off all the state’s essential utilities, they will vote for the Kennett government. If they want to keep the SEC, Melbourne Water and the Gas and Fuel in full public ownership, they will vote for the Labor Party.

The SEC is a great Victorian asset. The government has suggested that the sale of the SEC is somehow necessary because of the Hilmer reforms. That is absolutely untrue. It is a further example of this government’s lies and misrepresentations, which we hear daily. Hilmer is about competition, and we on this side of the house are on about a more competitive Victoria, including a competitive electricity industry.

We can achieve that with a fully government-owned SEC competing in the national grid, providing essential services to Victorians and doing it at a price through which the benefits of productivity improvement are passed on to consumers and not grabbed in higher profits for overseas investors. The Hilmer report is not about privatisation. New South Wales, Queensland, South Australia and Tasmania are not privatising their electricity industries. For goodness sake, Electricite de France, one of the bidders, is fully, that is 100 per cent, owned by the French government! So the French government is not selling off its electricity industry, either.

The only people who are doing that are the short-sighted money grabbers, the Kennett
government. The highest taxing government in Victoria's history wants to tax motorists four times by doubling their motor registration fees, imposing a roads levy, hitting them with tolls and then charging them for transponders! The story is the same in electricity. Once the industry is sold off, the price goes up. Look at the evidence overseas in water — look at it wherever — the price goes up. But worse still, the government has to find the money to replace the dividends. The estimate for the SEC for next year is $1.8 billion, with the potential to distribute $900 million through dividends. Where is the government going to find that money? From the six home taxes or a value-added tax or more taxes on gambling? Whatever it is, the government needs to put more taxes on Victorians to make up for the loss of revenue from the SEC.

The opposition strongly opposes this legislation and will continue to oppose it in the community, where there is also strong opposition to the legislation. It is about time the government took the views of Victorians seriously. They do not want the SEC sold off, particularly at fire sale prices, to overseas buyers. Labor will force a sell-down. In government we will not accept an overseas majority shareholding. We will force a sell-down, and we will ensure there is a majority Australian shareholding. We will ensure that the state's finances are protected, that consumers and the environment are properly protected and that the interests of Victorians generally are properly protected.

That is the first interest, not looking at foreign buyers, not looking after particular lobbyists. Our interest is with the Victorian public and our responsibility is to the people of Victoria.

Mr McLELLAN (Frankston East) — I had no intention of speaking on the Electricity Industry (Amendment) Bill, but some of the things that have happened in previous years need to be put to members of the opposition because they have very short memories. Under a former Labor government many parts of the SEC and other utilities were sold off to overseas investors. During the time of the former Labor government Mission Energy bought 40 per cent — I understand it now has 49 per cent — of the SEC. I remember when the SEC's vehicle fleet was sold to Lindsay Fox; the overburden was sold to Thiess and Roche; the Victorian government's share of the Portland smelter was sold to the Japanese, with a whopping $200 million subsidy; and the electrical workshops went to Siemens, a German company.

It is sheer hypocrisy for the Leader of the Opposition to talk about the money going to overseas investors. The fact is that every year $1100 million is going overseas — it is called interest! The Leader of the Opposition talked about the benefits of the dividends. Over 10 years the Labor government took out of the SEC something like $1.3 billion in dividends. Did it retire debt? Not on your nelly! Not 1 cent did it use to retire debt! The SEC debt level rose from 1982 to 1992.

Mr Hamilton interjected.

Mr McLELLAN — You raised it by over $5 billion. What the opposition has said about the SEC is sheer hypocrisy! The government has undertaken to reduce costs to Victorian consumers with a reduction of 8 per cent for residential properties and 22 per cent for small business. The government will be saving $260 million a year in the difference between what we are now paying in interest and what will be there at the end of the program. We still have the brown coal deposit in the Latrobe Valley and we still get $50 million in royalties from it. That is not being sold; it still belongs to the people of Victoria.

If you lived on the state border and had an extension cord long enough to go over the River Murray so that you could buy power from New South Wales, you could buy it for 30 per cent less than Victoria's electricity. All honourable members know that in 1982 Victoria had the cheapest electricity in Australia, but by 1992 that was no longer the case. The government might have added 8 or 9 per cent to the cost of electricity, but that does not alter the fact that after 10 years of Labor government the SEC has become debt-ridden, and that debt will not be reduced or removed without privatisation. I am confident the program that the government is embarking on will produce the necessary savings to the community.

I do not share the views expressed on the experience of the English sell-down and increased prices. My brother-in-law, who has been living in London for some time, told me that when privatisation occurred prices initially went through the roof but electricity is now in real terms cheaper than it was before privatisation.

I have no fear of escalating prices. What I fear is a massive blow-out of wages of senior executives, but I am sure the government will address that problem. The generation and supply companies will be scrutinised and monitored by the Regulator-General.
ELECTRICITY INDUSTRY (AMENDMENT) BILL

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That is a mechanism Britain did not have, which is why prices there went through the roof. In Victoria prices cannot go through the roof because the Regulator-General will make sure that does not happen.

I will not waffle on for a week about the bill. I understand the opposition has a few more speakers on it. I support the sale of the SEC. I support the privatisation program. I will be looking forward to seeing real savings for people in my electorate, and particularly for small businesses. If a person who runs a small business can save 22 per cent on energy costs, he or she can employ more people. In the business I had my electricity costs were astronomical, security lighting alone costing $1000 each quarter. Had those costs not been so high, I probably would have taken on another apprentice.

Mr Hamilton interjected.

Mr McLellan — I had six apprentices. The cost of electricity to small business is something we all need to bear in mind. Many people out there are paying enormous electricity bills. It has always been a source of irritation to me that a person with a small shop pays an enormous electricity tariff compared with the tariff for the supply of electricity to a residence. Many of the small shops in Frankston, for example, run a couple of fluorescent lights and have jugs to make coffee and that is about it. They do not use a lot of power, but over the years the burden of electricity charges on those small businesses has been astronomical. It is about time somebody addressed that problem. The government's program will address it and will reduce costs to small businesses by 22 per cent. That is no small amount; it is an enormous amount of money. Imagine what it will do for the big department stores. I hope the benefits are reflected in the prices of goods. If tea-leaving in supermarkets can be stopped, a further benefit might be enjoyed.

I support the bill. I would like to see privatisation happen more quickly than is proposed in the government program, but obviously it will not because it takes time to work these things out.

Mr Hamilton (Morwell) — I support the opposition's strong opposition to the Electricity Industry (Amendment) Bill. The second-reading speech commences:

This bill represents the culmination of 18 months work in restructuring the SEC into a dynamic group of companies, each operating to commercial principles and each able to deliver superior quality services to its customers.

The bill is about the final step in privatisation. We should now stop using the expression 'SEC'. It is amazing how 75 years in history gets ingrained into the memory cells and whenever we talk about the electricity industry we talk about the SEC. It was part of the fabric of Victoria. Everybody knew the SEC and everybody abused the SEC, including me on a number of occasions — especially past chief executive officers, general managers and a few others.

It should be written into the record that this 18-month process has already cost $76.3 million. That is an enormous amount of money in anybody's language. At page 228 the Auditor-General's report of May 1995 says that the Electricity Supply Industry Reform Unit has been responsible for $25.3 million of that expenditure and industry company expenditure has been responsible for the other $51 million. Costs associated with the reform unit are likely to increase to approximately $35 million in the 1995-96 financial year:

... due principally to an anticipated acceleration of the government's privatisation plans.

We should not be fooled; this has been an expensive exercise. They are the costs the Auditor-General has found out about and they probably do not include government advertising costs being incurred in other parts of the budget sector.

Tremendous costs have already been incurred in selling something we own. The honourable member for Frankston East should get out into the country to find out whether people care about having an SEC. They do care. If there is one single issue that people in the bush will change their vote on, it is the sale of their electricity company, the SEC. That is what the honourable member should realise. For him to run through a set of visions in hindsight about what did and did not happen in previous years is utter rubbish!

He talks about the cost of electricity going down. One has only to talk to any electricity customer in Victoria — any domestic customer — to learn that household electricity bills have increased. Only a fool would say that the price of electricity has been reduced. In this legislation the government is saying that it will not let prices rise any higher and they will be brought down. If electricity prices have gone through the roof and they are brought down
halfway, the consumer is still paying a lot more than he did in the first place. The people of Victoria are not fools; they understand the tricks statisticians get up to and the false arguments that are put about costs and prices. We all know we are paying more for electricity and none of us is foolish enough to believe we will be paying less when the whole of the electricity industry is privatised.

If ever there were an act of faith and ideology, this is it. The Auditor-General’s report says exactly that. It is not Keith Hamilton, the honourable member for Morwell raising these doubts; the Auditor-General has raised the same doubts. We are talking about an act of faith in the belief that everything in the garden will be beautiful. Why? Because the private sector has this wonderful competition. The government is already showing in the bill that it is nervous and that it must be careful to ensure there is real competition. The government is stuck on the horns of a dilemma: whether to have competition or low prices. It is saying it is better to have false competition by limiting cross-ownership than it is to have a real lowering of prices.

Competition is wonderful, but it has to be false because the government cannot have one company owning more than 20 per cent of another company because that might be a private monopoly. If the private monopoly delivers cheaper electricity prices, what happens to the basic argument? That inconsistency puzzles me. The government cannot have it both ways. If the bill is designed to ensure Victorians get the cheapest possible electricity, why do all the impediments to having an efficient company need to be put in the way? The answer may be that the French electricity company might want to buy a structurally integrated unit but the government will not let it.

The end result might be cheaper electricity but the bill says it cannot be done because there is something wrong with that. We all know what happened when the federal government was examining media cross-ownership. It decided 15 per cent was too big for cross-ownership by Packer or Murdoch, whoever it was. One of them can win $26 million on the roulette tables. I cannot imagine what winning $26 million would be like. They are the sorts of games those people play. They make this government look small. The federal government had a 15 per cent rule about media cross-ownership and then said, ‘We will let it go to 17 per cent because Mr Packer or Mr Murdoch want to get a bigger share’.

One of these days economists will speak in plain English, not the jargon they normally use. The bill more or less says this government is not quite as careful as the federal government and it will go to 20 per cent for the cross-ownership limits. We have all seen the diagrams in newspapers that show that a company owns such and such a company, which is a wholly owned subsidiary, and somebody else has bought into it. One never knows who owns what, who is paying or how much they are paying.

The point has been made that it is extremely difficult for governments — let alone this government, which wants to get out of the business world and let the private sector run it — to have any real control. That is a basic problem with the bill. Not only is there the problem of inconsistency but there is the problem of implementing the spirit, let alone the letter, of the bill.

I will be generous enough to give the government some credit for the changes it made in restructuring local government. As part of those changes the government said, ‘There will be one rating system throughout Victoria’. Previously some municipalities had used site value, where the rate was determined on the value of the site; some had used capital improved value, where the rate was determined on the capital improved value of the land; and others had used net annual value, which was what the rent revenue would be, all things being equal. So now our rates are assessed using capital improved value — except for the electricity generation companies!

The government could have insisted that every ratepayer in the Latrobe Valley should receive a refund and not have to pay rates because CIV rates paid by the generating stations in the valley would be more than the total rate revenue of the Shire of Latrobe. But you cannot do that because this is the private sector! All things must be conducted evenly and equally except in respect of the privately owned generating companies. They do not have to pay the rates that I have or anyone else in the valley has to pay. They can do a sweetheart deal!

In fact, the bill provides what is to happen if agreement on the size of the rate cannot be reached between the local council and a new privately owned generating company — and they will not agree because the companies will say, ‘The government will provide an arbitrator and we will end up with some sort of deal’.

Mr S. J. Plowman — Some settlement.
Mr HAMILTON — Some settlement. That is really saying that the true value of the rate will never be paid by the generating companies because they will always be able to weasel out of it. When that happens, as happens when anyone dodges paying tax, the end result is that other taxpayers pay more. Governments inevitably end up getting their share and do not care — especially this government — where they get their money from.

Look at what the government is getting from gambling. I would like to know what Ron Walker's profit from the casino is. He is not in Business Review Weekly's list of the 100 richest people, but I can imagine that when he gets the profit from all his operations he will be up with Packer, Murdoch and company. At least he is still an Australian citizen!

Poor, honest ratepayers in the Latrobe Valley will end up being ripped off by the new privatised companies. It is no wonder the opposition is a bit upset about that. We would benefit from privatisation if the companies acted like other businesses, but they have not done that. The minister says we will get a lot more dollars, but we did not end up getting too much money when the power station agreement was made. In fact the government had to step in and divide it up in any case.

It seems that although the government believes it should keep its fingers out of other people's pockets sometimes, if it appears it will grab profits from some of the big privatised companies, it steps in and protects those companies. It is absolutely unbelievable!

The concept of a free market is a joke. There has never been a market yet that was free. You even have to pay for things at Paddy's market: sometimes you can bargain and other times you can't. Rather than having free competition between the companies, the government steps in and protects them from having to pay their dues to municipalities and putting in their fair share. This morning in question time we had absolute insanity on this issue. Because Queensland reduced stamp duty paid on share transactions the government has decided it has to do the same thing. So it will reduce charges paid by traders on the stock market, by those at the big end of town at the top end of Collins Street — the white shoe brigade. It won't be long before the white shoe brigade comes in here with brown paper bags — and the government will look after them.

The result is that ordinary Victorians get hit to make up the $200 million gap. The one saving grace in all of this, if it can be called that, is that only people who smoke are hit. I am thankful that I have not had a cigarette since 1 January this year, so I will not be contributing any dollars to the government's coffers on that score. I am not a non-smoker; I just have not had a cigarette.

It is all too easy to get stuck into the powerless and to help the powerful, yet that seems to be the way business operates. John Elliott once skited that he paid only 3 cents in the dollar in tax, yet workers in the Latrobe Valley pay 35 cents in the dollar. There is no fairness or justice in that. This bill will reinforce the injustice.

We are giving the executives of the five generating companies and the five distribution companies exorbitant salaries: $270 000 to the chief executive officer, $80 000 to the chairman and $60 000 to other members — and they already have other businesses. Is there anything productive about sitting on a board? It is not bad if you can get it; we would all love it. I can show honourable members 30 000 of my constituents in the Latrobe Valley who would love to sit on the board for a couple of days to get their share! We have a tendency to let the fat get fatter and the poor get leaner. An obscene result of the whole privatisation agenda is that at one end the fat cats get great increases while at the other end not only has the number of workers been reduced, the salaries of those remaining have also been reduced. We will soon get to the stage where people work for nothing! These are the negative impacts of the government's actions.

I turn to page 216 of the Auditor-General's report released today, which states:

Evaluation of the extent to which the expected benefits of the reform program are achieved will, in many instances, not be possible in the short term.

There is no way of evaluating that in the short term. The Auditor-General, who has all the power, understanding and information that ordinary people cannot get, considered it appropriate to make that statement. The report goes on:

In fact, the full impact of reforms —

I think 'reform' is a bad word to use in this context because it usually means something good; I would rather replace it with 'change' because we do not know whether it will be good or bad —
particularly on the level of prices and the quality of services, is unlikely to occur until the next century ...

The government is saying, 'Trust us. Believe us. Believe in this great privatisation and free-market model'. This is a trust-me bill! Yet the Auditor-General confirms my firmly held but not empirically based opinion that these things are not able to be worked out by the Treasurer or by Dr Troughton because they are based on things that have not been done anywhere else in the world.

Not one other place in the whole world has ever done anything as stupid as this. A natural monopoly, an essential service, is being not only sold off but broken up into little tiddly bits and sold off and it is expected to compete with New South Wales and Queensland, which have been smart enough to say, 'We will stay vertically integrated'. This great experiment, this great farce, is being perpetrated on the people of Victoria by a government that not even its own Auditor-General says he has faith in, and we do not know the result — although we have a pretty good idea of the result: complete and utter disaster.

The Auditor-General's report goes on to say:

This automatic sensitivity of subject matter —

that is, the privatisation —

coupled with the inability to clearly quantify the extent of achievement of benefits in the short term, has led to widespread debate, in political, media, academic and other quarters of the community.

So it is not just the opposition but also the academics who are concerned. One need only examine what the economic and social commentators and even the Auditor-General's report say to realise the extent of the concern. The Auditor-General goes on to say:

It is fair to say that, as a consequence, this issue has generated considerable debate within the community.

Of course it has, because a fundamental part of our fabric is being changed forever. That is what it is all about.

The Auditor-General raises a few questions that ought to be raised and debated. As we all know, there has been tremendous downsizing in the electricity industry. It is true the downsizing started under the previous government; there is no debate about that. Let me assure the house that I was just as angry and opposed to it when the previous government was in power and doing the same sorts of things as I am now. There is no favouritism at all. I got done then, and it is likely I will get done again, but I have become a bit more resilient.

Dr Coghill interjected.

Mr HAMILTON — No, never defeatist, just more resilient — I will bounce back. The Auditor-General's report continues:

Key areas of debate ... have centred on:

the ongoing viability of individual generation and distribution companies;

The debate has not been taken into that area. Will it be possible for the Hazelwood power station to compete successfully with Yallourn W? It depends a bit on another part of the Auditor-General's report, which talks about there being some arbitrary redistribution of the debt. The government has said, 'We will give you a little bit, we will give you a little bit, and if you don't squeal too much we will take a bit off you,' and we have got what is in fact a very false redistribution of debt. When they were formed the distribution companies — which seemed to be the prize the private sector wanted to get its grubby little hands on — said they did not want all that debt associated with them, so the government took some of it off and whacked it back on the generation companies. That made the distribution companies seem like even bigger prizes.

These companies are relatively small, particularly compared with those in the United Kingdom. The number of customers in Victorian residential areas is 1.6 million; you can add the others up in hundreds. We have a very small and widely distributed group of electricity users in this state. Is it any wonder that people living in Mildura, Mallacoota, Portland or the Pyrenees are concerned about how they will be able to get electricity at realistic prices? Honourable members who speak to their constituents should ask them what is happening already: if you want to get a new connection made you are charged through the roof and you have to pay up front. The companies have already got into this greedy, grabbing, money-hungry idea — and they are not even privatised! In fact, from the way some of the
distribution companies have been acting, we might be pleased to have some benevolent dictator running them later on. They are certainly trying to get everything they possibly can out of it.

The Auditor-General says that a few deals have already been done under what has been called the old tariff. Customers like the Point Henry and Portland aluminium smelters have already done big deals to assure electricity supplies at a set cost for baseloads exceeding about 5 megawatts. That was the size of the original generators, but now we have big ones of 500 megawatts. Some 46 customers who have demand loads exceeding 5 megawatts, 330 who have demand loads exceeding 1 megawatt and 1500 who have demand loads exceeding 250 kilowatts have already done deals and bought into the system.

The Auditor-General’s report says:

We who have demand loads exceeding 250 kilowatts have been given the ability to do deals that result in the cost of their electricity being subsidised by other users. Don’t let anyone be green enough to think into bed with them we have ever since we have been in bed with them we have been raped.

The point I make is important. For political and business reasons the big, strong and powerful have failed to negotiate a price with the SECV, usually below the cost of supply and therefore subsidised by all other customers, as part of a strategy to entice large corporations to invest in the state.

We all knew when everybody was rushing to get into bed with aluminium smelters that they were the last ones you would want to get into bed with, and ever since we have been in bed with them we have been raped.

The honourable member for Morwell expressed acknowledgment that the opposition sees electricity generation and distribution as a source of revenue for the government. That has been one of the great failings not only within Victoria but throughout Australia with government attitudes to electricity generation and distribution. It is the reason that sometimes over the years there has been featherbedding in such companies with employment being tucked away in certain geographical areas.

In the case of Victoria the Latrobe Valley benefited greatly but the rest of the community paid not only an immediate huge price for electricity but an indirect and far more insidious one because of the effect upon employment. The increase in employment in the Latrobe Valley for the relative few resulted in job opportunities for a far greater number throughout Victoria being correspondingly reduced.

In support of his case the Leader of the Opposition spoke of the United Kingdom and made disparaging comments about the financial situation of its government. However, I remind honourable members that it was under a succession of Labour governments in the United Kingdom that that country went to such a low economic ebb.
Mr Hamilton interjected.

Mr TANNER — The honourable member for Morwell should listen, because that was why at the time Mrs Thatcher and the Conservatives had such a large majority in the UK Parliament. The United Kingdom public was being absolutely crushed beneath the economic mismanagement of that succession of Labour governments. Such bad management of the UK economy resulted in no more international credit being made available to the United Kingdom in the mid-1970s, and the control of its economy was placed under the International Monetary Fund (IMF).

The Labour Prime Minister of the United Kingdom of the time, Mr Callaghan, saw that taking the control of the UK economy away from the UK government and the ideologues of his own party and placing it under the IMF was the only way that he and the UK economy could survive in the late 1970s; but even that did not save his government when it finally went to the polls and Mrs Thatcher's Conservative government was swept into power with an historic and overwhelming victory. It is a shallow argument by the Leader of the Opposition now to come forward and apportion the problems of the United Kingdom government and its economy to Mrs Thatcher's government; the problems go back to UK Labour governments of the 1960s and 1970s that crushed the UK economy.

What the Leader of the Opposition and the honourable member for Morwell have not addressed are the reasons why reform is necessary. There are four key reasons for the reform of the Victorian electricity generation and distribution. One is the lack of competitive pressures in Victoria. The monopolistic position of the old SECV led to inefficiency and poor work practices and to Victoria's overall cost of supply of electricity in 1992-93 being $9.44 per megawatt hour which, at the time, was 40 per cent higher than Queensland's, which was $6 per megawatt hour.

Another reason is that there was overcapacity. Prior to being elected to Parliament, in the late 1980s the honourable member for Morwell gave evidence to an inquiry by the former Natural Resources and Environment Committee about the need for a further power station development in the Latrobe Valley. However, because of poor work practices and inefficient generation from existing stations the community had to go into a further $2.5 billion debt to build another power station. If the present efficiencies in Victoria's power stations being achieved under this government had been achieved back in the 1980s the $2.5 billion expenditure on a new station would not have been required.

Additionally, in Victoria unfair tariff structures have been in place with high prices and cross-subsidies which have not only led to unfair burdens on various sections of the community but have had the far more insidious, indirect effect of reducing employment opportunities and therefore employment throughout the state.

Harking back to the opposition's attitude that electricity generation and distribution can be milked as a revenue source for the government of the day, there was political interference in electricity generation and distribution. This government has set out to remove that political interference.

I wish to quash one further concern that has been brought forward by opposition members. The removal of political interference does not mean that community service obligations by electricity generation and distribution companies in Victoria will cease. The government will ensure that agreements are negotiated directly with the companies for community service obligations to continue, and if they do not continue, the government will provide them.

More directly, coming to the concerns raised by the honourable member for Morwell in his contribution, we need to look at the tariff situation. In summary the honourable member stated that the competition envisaged by the government will be no more than discrimination in favour of some of the big users of electricity. For the information of the honourable member for Morwell I point out that that is not the case. The government has given guarantees that maximum uniform tariffs will be maintained across the state until the year 2000, residential consumer tariffs will be frozen in real terms until July 1996 and there will be a 2 per cent real reduction on 1 July 1996 and a 1 per cent real reduction each year thereafter until the year 2000.

The tariffs for rural residential customers will be held at a level comparable to tariffs for metropolitan residential consumers. Pensioners will receive on average a 22 per cent reduction in their power bills. Similarly, over the next four years small and medium sized business customers will have total reductions of 22 per cent in their electricity tariffs.

Therefore the proposal by the Minister for Energy and Minerals and the government for electricity
ELECTRICITY INDUSTRY (AMENDMENT) BILL

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restructuring across Victoria will result in great long-term benefits for the Victorian community not only of this generation but of future generations.

I urge opposition members to understand that although an enormous change is being implemented, their apprehension and concern is not well founded. They must struggle to adapt to change and not be conservatives who are not prepared to accept change that must inevitably occur.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Dr COGHILL (Werribee) — Last Friday in debate on the appropriation bill I drew attention to some of the problems with the government’s present administration of the electricity industry and the inefficient and poor service that is provided to electricity consumers under this minister’s administration, which has expressed itself in inflated bills, with consumption levels and revenue that are vastly in excess of the electricity consumed. In the inner city area a number of theatres, including the Comedy Theatre, are on inappropriately high rates and they could be paying anywhere in the order of 14 per cent in excess of their correct tariff.

Almost two months ago in a question on notice which the minister has failed to answer I raised with him crucial issues about the administration of his portfolio and the performance of the five distribution authorities which are his ministerial responsibility. I ask the minister during his reply to answer my question on notice. If he is unable to do that he should explain to the house and to the public just why he has been unable to provide this important answer.

Mr S. J. Plowman interjected.

Dr COGHILL — That is interesting. The minister appears to be unaware of the question on notice since March which asks him what the numbers and proportions of electricity bills that do not relate to the actual meter readings but which have some other basis. I asked him to indicate a number of subsidiary matters arising from that central point.

One would have thought that if the minister were on top of his portfolio I would have received an answer by now.

During the course of the debate last week the Treasurer, by interjection which I do not believe was recorded in Hansard, accused me of not having read the documents relating to the government’s electricity reforms. It is certainly true that I have not read all of the documents and there is probably no-one, even the Treasurer himself, who has read all the documents. However, I have read enough.

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc is out of his place and disorderly.

Dr COGHILL — I have read enough to have grasped the concept behind the minister’s and the government’s policy on the reforms of the electricity industry. It is curious to see the way it believes this open-wires policy will somehow produce real competition when it comes to the largest number of consumers, the domestic consumers.

Mr Hamilton — There are 1.6 million!

Dr COGHILL — There are 1.6 million domestic consumers. There is no evidence in the documentation that I have read from the minister which establishes how this open-wires policy with the five distribution companies will lead to an improved service for the domestic consumers. There is plenty of evidence about the way large consumers will be able to use their market strength to their personal market advantage, but there is no evidence that the domestic consumers will be similarly advantaged.

All of the evidence seems to show that this reform is structured so that the big companies will become more powerful and more advantaged in the way electricity services are provided in Victoria, and yet again the minnows, the ordinary consumers, will be disadvantaged and unable to command any sort of market advantage in the same way. Consequently, it will be the domestic consumers who subsidise the large consumers, who by their market strength will be able to use their significant negotiating strength to obtain lower tariffs and better services for themselves.

It seems that the minister’s policy, yet again, is another bit of abstract theorising, of which in the past I have accused the Premier of being guilty. I believe the Premier and I might have had an interchange along those lines a number of years ago. The minister’s and the government’s policy appears to be a hope that this will be the consequence of their policy proposals and of the legislation of which this bill is part.
There is no evidence in any of the government’s own publications that shows the reforms will benefit consumers. That typifies the problems we have in our type of democracy. We have a majoritarian system that tends to promote adversarial debate. That is different from the consensus-style democratic systems that have been so successful in Europe and other jurisdictions. One consequence of our majoritarian system is that the policy pendulum swings from one extreme to other, rather than our agreeing that the truth lies somewhere in between. The result is a fad such as this, which says the solution to the perceived problems of the electricity industry is to privatise it in the name of competition — even though the minnows, the domestic consumers, are not to have access to it. The government has not produced any evidence to suggest that such competition as there is will advantage domestic consumers.

I had hoped the minister would have taken this issue seriously, although we have seen no evidence of that so far. One can only hope that in his closing remarks the minister will produce some hard evidence to show what the government is doing, why it is doing it and what the results will be. We do not want to hear about hopes or assertions; we want to hear solid evidence based on either experience elsewhere or calculations that clearly demonstrate the outcomes domestic consumers can expect.

That gives rise to a number of aspects, the first of which relates to the liability of the directors of the new public corporations. The minister’s legislation — both the principal act and the amending bill — does not provide for effective director liability. All it says is that the minister can at his discretion try to recover any costs or improper profits for which the directors have been responsible. That can be contrasted with what is being done in New South Wales — and, in particular, what was done under the Greiner government.

Under the Greiner government the corporatisation of public utilities — as distinct from their privatisation — was done properly. The New South Wales government introduced the same disciplines as those applying to private sector directors, so they had to perform. Given its commitment to the virtues of the private sector — and I admit there are some — one would have expected the government to have modelled its electricity businesses on the large private corporations. But it has not done that. Instead it has provided a specific and limited form of director liability that is nowhere near as extensive as the liability of directors of private sector corporations.

In addressing corporatisation the Greiner government made the directors of its public sector corporations as liable and as accountable for their actions on behalf of the New South Wales community as the directors of large private sector corporations. This government has run away from that, which is a telling illustration of what could and should have been done. Again one hopes that the minister will take some interest in the issue rather than keeping his head down, scribbling and chatting to other people.

Mr S. J. Plowman — He may even be writing down some of the things you are speaking about!

Dr COGHILL — I am delighted to hear that; and I hope he is. More to the point, I hope the government will take those points into account and tell the Victorian public why it has not gone down the New South Wales road of making the directors accountable and as liable as their New South Wales counterparts. On the face of it the evidence shows that the government is not fair dinkum about backing up its rhetoric with effective action.

Other aspects of its restructuring of the electricity industry also illustrate the government’s ambivalence and inconsistency. It has exempted government-owned electricity corporations from both the Freedom of Information Act and the jurisdiction of the Ombudsman. No rational explanation has been given for either decision. If a wholesale corporatisation of those companies ensured that they would be as accountable as their private sector equivalents, one could have understood the argument without necessarily agreeing with it. But instead we have a stupid halfway house — the worst of both worlds. Electricity industry bodies are being ostensibly established as private sector corporations, yet in reality they are not. On the other hand, they cannot be treated as public sector bodies. They have been placed in some sort of never-never land, where they cannot be effectively controlled or administered and where they do not have to meet the same standards of accountability and liability as the private sector.

The government says the Regulator-General and his act offer the safeguards and protection we need. But the bill shows the government’s inconsistency and ambivalence, and it offers no explanation of what the government is doing and will do. Let us hope the minister explains why the government has forgone
the opportunity to issue statements of policy that are binding on the Regulator-General and why the ability to use that power will be removed from the Regulator-General’s act.

Mr S. J. Plowman interjected.

Dr COGHILL — The minister says he does not want me meddling. I presume he means the future Labor government rather than me because, as the minister is well aware, I will not be part of it. I will, however, be a part of the Victorian community that will be subject to this legislative regime. That gives me an interest in the matter — as well as my interest as a member of this house for the time being. Although that power is to be withdrawn from the legislation, the statements issued up until its proclamation will remain effective. We need to know why. Why is the legislation not being made retrospective? What statements are currently in place? Why is the minister being left with the power to make further statements between now and the date on which the new act comes into operation and what statements does he propose to make? If the minister tells us no new statements will be issued, at least we will know the government’s intention.

One can only assume that the government has some particular statements in place which it, for its own reasons, wants to be binding on the Regulator-General, rather than freeing him from that constraint, and similarly that it may have in mind some further statement or statements by which it wishes to bind the Regulator-General and which it wants him to be bound by until there is a change of government in Victoria and the incoming government can have the opportunity of repealing those statements but not substituting new ones.

The minister owes the house an explanation of that; the government owes the electricity industry an explanation on those matters; the government owes consumers an explanation on those matters; and of course it owes the bidders an explanation. Because the content of those statements, binding as they are on the Regulator-General, affects the regime in which the successful bidders will be required to know such things. They must know what those statements of government policy are which will bind them at the closing date of their bids and which would bind them if they were to be the successful bidders. The minister has an obligation to inform this house and through this house to inform a wider audience. The effect of the legislation will be that when the provisions of the principal act are no longer operative the Regulator-General will be bound by the provisions of the legislation as to the purpose and powers of the particular bodies, in this case, the electricity bodies.

It is instructive, in the absence of any statements, to look at what the requirements might be. Looking at the Electricity Industry Act, one sees there is no requirement on the electricity industry to be sensitive or caring or compassionate or even interested in the interests of domestic consumers. Where is the requirement in the legislation that the distribution industry or the generating authority, VPX or any of the other elements of the electricity industry have a responsibility to domestic consumers? It is simply not in the legislation on my reading of it. I challenge the minister to provide the evidence and the detail of where it is in the legislation. So far as I can see there is nothing in the legislation that will guide the Regulator-General on any responsibility of the electricity industry or any element of it to respect the interests of domestic consumers.

The minister might say that the interests of domestic electricity consumers are being served by the cap that is being put on tariffs. I have no doubt every consumer, myself included, will welcome the ceiling that has been put on tariffs and the slight reductions which are legislated to occur, which are l-a-w, law, so far as tariffs for domestic consumers are concerned. There is no guarantee of what will happen in 2000, only five years away, and nothing in the legislation indicates to the house or the public that there is a binding legislative requirement on the electricity industry to be sensitive to domestic consumers’ interests and particularly to community service obligations.

In his contribution the honourable member for Caulfield said he was confident that the government would be sensitive to those community service obligations and would see that they are observed. I have no doubt he is confident of that, but let us have it in l-a-w, law, rather than allowing it to be at the whim of the minister or the government of the day, no matter how well meaning they might be. The fact is that there is nothing in the law of Victoria that commits the electricity industry to observing its community service obligations. It is simply something the minister may or may not negotiate with the electricity industry and something the minister may or may not incorporate in statements of government policy issued prior to the coming into operation of this legislation. Those are serious reservations about the way the principal act will operate after this bill comes into operation.
As for community service obligations, it seemed almost as if the honourable member for Caulfield was thinking only of price, although in fairness to him he did not articulate that. In a way that is one of the worries we have, that there is no articulation by this government of what it really means by 'community service obligation'. Of course every consumer would like prices to be lower; there is no question about that. But that is not itself a community service obligation.

When those who are entitled to concessions are given them, those concessions are considered to be part of a community service obligation. We would certainly want it to be written into law, rather than simply being the policy of the minister and the government of the day that those concessions be offered. Of course they would be offered only on the basis of negotiation between the minister and the particular distribution authority.

But community service obligation surely goes far beyond that. Surely it includes things like quality of service, not just the voltage and the physical measures of the electricity supply but the reliability of supply. Already, Mr Deputy Speaker, as I am sure you are aware, in a number of areas, particularly in parts of the United Energy distribution area, major concerns have been expressed about the reliability of supply. There are major concerns because there have been too many interruptions. The problem is not just with the interruptions; the problem is with the time it has taken for power to be restored, for repairs to be made to broken lines or damaged substation facilities or whatever the particular problem might be. There has been, at least on anecdotal evidence, a significant decline in the standard of service provided by the distribution authorities, particularly United Energy, as compared with the State Electricity Commission.

These are matters that ought to be protected by the government in the public interest. Yet, as I have explained, what we are having is the worst of both worlds: the government is farming these things out as if they were private sector organisations, but the government is not establishing the accountability and liability directors would have if they were genuine private sector organisations.

There are real concerns about the capacity of this legislative regime to meet the government's stated objectives and the shadow Minister and the Leader of the Opposition have spoken about other matters of concern. I will not go over that ground again.

I call on the minister to address the problems I have raised tonight and in particular to provide an answer to the question on notice which goes back to March and which asked simple but important questions about how the distribution authorities are operating; whether they are misrepresenting the levels of consumption, the levels of supply they are providing and the levels of revenue they are receiving; and what steps are being taken to overcome the discrepancies between the consumption levels being recorded on accounts in the billing period and the actual consumption levels as revealed by meter readings.

These are all important points. I ask the minister to ensure that the house, the public and the prospective bidders for the various elements of the electricity industry are properly informed and are not subject to lack of information or misrepresentation so far as those important aspects of the industry are concerned.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I thank the Leader of the Opposition and the honourable members for Frankston East, Morwell, Caulfield and Werribee for their contributions to the bill. The main theme of the contribution of the Leader of the Opposition was to ask the Victorian public to vote for the ALP at the next election. If that is the best he can do in a privatisation debate — this is the first true bill on privatisation — I feel sorry for him. The honourable member for Morwell would accept that we have had a debate on privatisation and restructure with every bill that has been introduced. This is the first bill that contains clauses that allow the Treasurer to sell shares in the electricity corporations, and it is the first privatisation bill that has been introduced. Victorians would be shell shocked — which I understand they are about the performance of the Leader of the Opposition — if, on the basis of his contribution tonight, they were expected to vote for him and his party.

Mr Bracks interjected.

Mr S. J. PLOWMAN — They tell me Steve Bracks is waiting in the wings. I almost feel sorry for the Leader of the Opposition, because he is still defending his position on Tabcorp. He says that I am a fool, but he still says he did not cost the taxpayers of Victoria $120 million by his and his party's actions to subvert the Tabcorp float. It is his right to say that I am a fool, but all the leading writers in the Age, the Herald Sun, the Australian and the Australian Financial Review agree with me. I think all
honourable members have read what the Age has said. I believe my contention is well and truly backed up.

The Leader of the Opposition was roundly condemned by the media and the thinking journalists at that time. If he is still holding to that line he should think again. His actions with the Tabcorp float cost the state money. It is a strong incentive for the government to avoid such undermining of a float. We want to obtain the best possible price for Victorians for any asset that is sold.

The Leader of the Opposition talked about selling to foreign bidders. Although it is the strong desire of the government to sell to Australian companies, it is apparent that Australian companies are much more interested in being joint venturers and going into partnership with overseas bidders than they are about coming up with bids that would be acceptable to the people of Victoria. The government wants to get the best value for the assets it sells. Not only does that apply to the electricity industry, it applies to every asset we may consider selling in the future. In this case we wish to get the best possible price for the Victorian public. Also, the government wishes to have substantial Australian participation. The Treasurer and I have made it clear in public statements that if an overseas bidder buys 100 per cent of one of our electricity corporations, over a period we would want to see a sell-down of a substantial interest in that electricity corporation in Australia for Australian participation. If there is not to be a joint venture from the start, we would want to see share opportunities provided to allow for Australian participation.

The Leader of the Opposition says the Labor government will do that, but we are doing it already. We have made it clear to the bidders that that is what we want. We are also making it very clear to bidders, no matter from where they come, that we want them to provide an opportunity for share participation by the work force. I do not mean participation only by the management of the corporation; the work force should also have a share in the ownership — ownership should extend from management to the shop floor.

Mr Hamilton interjected.

Mr S. J. PLowMAN — The honourable member for Morwell says, 'We won’t have any workers left’. He is well aware of the substantial loyalty and support of the work force in the Latrobe Valley to the new corporations and their enthusiasm about getting into the private sector.

When the honourable member for Werribee was making his contribution I interjected that we do not want the opposition meddling. The object of privatisation is to get these organisations away from government meddling. Government meddling in the past — principally by the former ALP government, but I accept that the government previous to that was not entirely innocent — was such that the former Labor government asked the SEC to pay more in dividends than it earned in profit. It required the SEC to borrow more so that it could pay dividends to the government. That is the sort of meddling on which we do not want governments to embark. Building a new power station should be left to commercial decision making, not political meddling.

The Leader of the Opposition has also been trumpeting around the country that prices will increase. He ignores the price path already determined by the government. It has been made clear to this house and to the public that there will be a 9 per cent reduction in real terms to domestic consumers by the year 2000, and a 22 per cent reduction to small businesses, which are the engine room of the economy and employment in the state.

The Leader of the Opposition completely ignored the effects of competition, which will drive prices down even further, and the role of the Regulator-General in looking after consumer interests. For his interest and the interest of the house, section 157 of the Electricity Industry Act states that:

The objectives of the Office under this Act are —

(a) to promote competition in the generation, supply and sale of electricity —

we accept that competition drives efficiency, which drives down prices, and —

(b) to ensure the maintenance of an efficient and economic system for the generation, transmission, distribution, supply and sale of electricity.

(c) to protect the interests of consumers with respect to electricity prices and the safety, reliability and availability of electricity supply.

He should consider that. It concludes:

(d) to facilitate the maintenance of a financially viable electricity supply industry.
When trying to frighten people around Victoria by saying that this is a terrible bogey, the Leader of the Opposition simply ignores the fact that those provisions will protect the consumer, drive prices down until 2000 and drive prices and efficiency after 2000.

The Leader of the Opposition talked about the sale of the Heatane Gas division and the increased prices of LPG since that sale. He ignored the fact that following the deregulation of the LPG industry by his federal colleagues the market is now determined principally by the Saudi Arabians and an increase in LPG prices would have occurred whether Heatane was privatised or not.

When talking about privatisation in the industry the Leader of the Opposition ignored the fact that the first instance of privatisation in Victoria was the sale by the previous government of the Loy Yang B power station to Mission Energy. The honourable member for Morwell will recognise that that has been a success with desirable flow-on effects to Loy Lang A, other power stations and the industry as a whole. He is chuckling; I am sure he would be happy to accept that I am right.

The Leader of the Opposition also omitted to recognise, as was so eloquently put by the honourable member for Frankston East, that privatisation of the truck fleet, electrical workshops, overburden area and so on was carried out by the previous Labor government. He also said that Queensland had no privatisation. He will have to get a better speech writer or someone else to do his research because he completely overlooked the privatised Gladstone power station. The arguments of the Leader of the Opposition fall down because he does not back them with facts.

The thrust of the opposition's argument is that this is a fire sale, that the government will accept any price because it wants to get rid of these organisations. The government has made it clear that this is not a fire sale and that it will not sell below what it believes is a reasonable price for these organisations. I am pleased to advise the house that the government has received very strong bids for the first sale, which will be the forerunner of others.

When the Leader of the Opposition said Victoria will lose an income stream he overlooked the fact that the industry has a $9.5 billion debt to service and that the sale price will not only cover the finance charges on that debt but will also cover the dividend stream, so Victorian taxpayers will be relieved of debt servicing charges and the government of the day will receive additional money.

Mr Baker interjected.

Mr S. J. FLOWMAN — Here speaks the voice of wisdom. He mucked it up in a big way! The Leader of the Opposition talked about lies and misrepresentations. Accusations of lies and misrepresentations can be laid squarely at his doorstep when one considers his contribution to this debate and what he has said to people around the state. He should reconsider his actions in misleading the people of Victoria.

I would like to refer to much more of the speech of the Leader of the Opposition. He overlooked endorsement by his federal colleagues — the Prime Minister and the Treasurer — who said that Victoria is leading the field and who strongly supported what is being done here.

The honourable member for Morwell talked about the rates issue. It is a pity I do not have more time. I say only that if the power companies were charged full rates, the huge increases in the incomes of local government bodies would have to be paid for by electricity consumers. The honourable member for Morwell wants a reduction in electricity charges, yet he is prepared for huge increases in local government revenues to be paid for by electricity consumers. He cannot have his cake and eat it, too! If he accepts that the former government's Loy Yang B legislation had a similar provision to the provision in this bill, it is reasonable to say this bill will also work well in the electricity industry in Victoria.

House divided on motion:

Ayes, 58

Ashley, Mr  Maclellan, Mr
Bildsten, Mr  McNamara, Mr
Brown, Mr  Maughan, Mr
Clark, Mr  Naphine, Dr
Coleman, Mr  Paterson, Mr
Cooper, Mr  Perrin, Mr
davis, Mr  Perton, Mr
Dean, Dr (Teller)  Pescott, Mr
Doyle, Mr  Phillips, Mr
Elder, Mr  Flanagan, Mr A.F.
Elliot, Mrs  Flanagan, Mrs S.J.
Finn, Mr  Reynolds, Mr
Gude, Mr  Richardson, Mr
Hayward, Mr  Rowe, Mr
Heffeman, Mr  Ryan, Mr
Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

That progress be reported.

Committee divided on motion:

Ayes, 57

Ashley, Mr
Bildsten, Mr
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Dean, Dr
Deyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Heffernan, Mr
Henderson, Mrs
Honeywood, Mr
Hyams, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kennett, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGath, Mr J.F.
McGath, Mr W.D.
McLellan, Mr

Noes, 20

Andrianopoulos, Mr
Baker, Mr
Bracks, Mr
Carli, Mr (Teller)
Coughill, Dr
Cunningham, Mr
Garbutt, Ms
Haermeyer, Mr
Hamilton, Mr
Leighton, Mr

Noes, 19

Andrianopoulos, Mr
Baker, Mr
Bracks, Mr
Carli, Mr (Teller)
Coughill, Dr
Cunningham, Mr
Garbutt, Ms
Haermeyer, Mr
Hamilton, Mr
Leighton, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr BRACKS (Williamstown) — The opposition does not oppose the State Deficit Levy (Repeal) Bill. It welcomes it. However, although we support the legislation, it is important to note that the bill is about two years and two budgets too late. The government not only promised that the $100 deficit levy would be temporary, but last year also predicted a surplus for the full financial year of $392 million. Yet evidence from its own objective Niemeyer report showed that in November last year the government more than realised, it had exceeded, its target for the whole year.
Not only is the bill two years too late, if we look at the projections the Treasurer made in the budget for last financial year we will see that he predicted a surplus in a full financial year of $392 million. The objective evidence from the Niemeyer report showed that by November last year — in about five months — the government had exceeded its projected surplus for the whole year of $392 million and had achieved a surplus of over $400 million.

Given that the surplus target was reached in the first five months of the year, we should have seen not an autumn economic statement but a spring economic statement and had achieved a surplus of over $392 million. Given that the surplus target was reached in the first five months of the year, we should have seen not an autumn economic statement but a spring economic statement and had achieved a surplus of over $392 million.

The state deficit levy has now been in place for three years and has been prepaid by the Victorian public for the next 12 months. When the budget was in surplus and the expenditure settings were such that the government had reached its target, the state deficit levy was one of the most unfair and unjust levies that has ever been raised in this state. The act is regressive and did not attempt to enforce the principle of taxation that has been around in Australian federal and state governments since Federation: to have a progressive tax regime where possible. The act is regressive legislation that sought to place the burden unfairly across the whole of the Victorian community — across all households, whatever their income, whatever their status and whatever their capacity to pay. The legislation was in place for two years too long. Objective evidence shows clearly that the levy could have been taken off before the rate notices went out at the end of last year.

We do not need any more evidence to show that this government is the highest taxing and highest charging government in Australia. This is a bipartisan issue: the opposition and the government agree on that because the Treasurer, at page 5 of his speech on the autumn economic statement, said:

we are not yet able to afford a sustainable reduction [in] our taxes —

His own accounts show that that is not the case —

which are still the highest in Australia.

In an extraordinary way the Treasurer has admitted that Victoria has the highest taxes and charges of any state in Australia. It is admitted in the economic statement. We are bipartisan on that issue. We agree Victoria has the highest taxes and charges in Australia, and so does the Treasurer. He had the capacity and the ability to change the settings. He knew when he framed the budget last year that he would achieve a surplus greater than $392 million, but he kept this regressive and unfair tax on each homeowner in Victoria, which kept the tax rate artificially high. He did that so he could tell the Victorian public in the lead-up to the election year that there would be some expenditure relief, and it could be in health, education or community services.

The Treasurer was dishonest to keep those revenue settings when he knew he had achieved in 5 months of the year what he had set out to do in 12 months. The home tax was supposed to be a one-off charge, but it was charged three times.

The government has its priorities all wrong when it comes to outlays and expenditure. There is capacity by the government, as has been shown numerous times in this house, to reduce waste on mismanagement and advertising on its pet projects in order to achieve its outcomes. We have only to look at industrial relations to see that the government has wasted more than $7 million on a High Court case to prevent public servants moving to federal awards and that it has its priorities wrong. There has been further evidence of the government spending approximately $50 000 a day in the industrial relations court, not to oppose public servants moving to a federal award, because it lost that case, but simply to delay, frustrate and slow up the process.

To spend $50 000 a day simply to slow up the move of public servants to federal awards must on any assessment of what is fair and reasonable in expenditure and outlays be seen as a waste of money. To spend $7 million and then a further $50 000 a day for two Queen’s Counsel, two instructing solicitors and other counsel is a complete waste of money across the whole of the government sector because these costs are apportioned across each government department.

When examining the government’s inability to be frank and honest with the Victorian public we need only look at its priorities on expenditure such as the Melbourne City Link project. Day after day in the Herald Sun and the Age there are two-page spreads of paid advertising by the Melbourne City Link project.
Authority trying to convince the public that it should pay for the roads and should have tolls levied over and above the taxes it already pays such as the 3 cent levy to pay for the road system. This is an example of the misplaced priorities of the government.

The Treasurer is right: there is no disagreement. There is absolute agreement on both sides of the house that Victoria is the highest taxing and highest charging state in Australia. One need only look at the collection of taxes over and above the $100 levy which add to a total tax bill of approximately $2000 a year to see that. They are the extra taxes, some indirect and most regressive, that are a burden on each Victorian household. We need look only at electricity charges, which over the life of each Victorian household. We need look only at electricity charges, which over the life of this government have increased by an average of $107 a year for each family.

The SPEAKER — Order! The Chair is having some difficulty. It has looked at the bill and finds that it has only four clauses. If the honourable member wants to continue on his tack he must relate his remarks to one of the clauses or purposes of the bill.

Mr BRACKS — I am relating my remarks to clause 3, which repeals the state deficit levy, and I am arguing that the repeal of this levy is two years too late and that there are expenditure settings and outlays and revenue-raising methods that would have enabled the government to repeal the levy either 12 months or two years earlier. That is the premise on which I base my comments.

The SPEAKER — Order! The honourable member may continue.

Mr BRACKS — As well as the state deficit levy of $100 which has been placed on every house owner in Victoria since 1992, whatever his or her income and capacity to pay, there are other indirect taxes, which are another burden on Victorians.

The government has imposed on average $107 per annum in electricity charges on the Victorian public. Gas charges were increased in November 1992, July 1993 and July 1994 by $41 on average each year. There was an increase in water charges, based on an annual water bill of $530, of approximately $111 per family per annum. The home tax, a regressive tax, was imposed for two years too long — certainly on objective evidence, when one examines the government’s Niemeyer report, for one year too long. The increase in taxes on cigarettes was $271 per annum. The removal of the holiday leave loading added a cost of $26; the Tattsloot tax, $5; and insurance stamp duty, $24. The cost of motor vehicle registration, which is one of the bases for revenue to the government’s roads project, was doubled, which added another $70 per annum to each household’s expenses. Other increases include public transport fares, $192 per annum; bank debits tax, $35; petrol levy and franchise fees, $125; kindergarten fees, $240; TAFE fees, $100; and taxi fares, $270. These estimated annual increases in taxes, charges and fees total approximately $1950.

That is the total take, of which the $100 home tax is part, and that is the objective evidence which the Treasurer in his autumn economic statement quite rightly says makes Victoria the highest taxing and highest charging state in Australia. We need only look at the current issue of tolls, about which the government will be seeking to talk —

The SPEAKER — Order! The honourable member is straying from the bill.

Mr BRACKS — The government has done two things wrong. It chose to repeal the levy two years too late — in fact one year too late!

Honourable members interjecting.

Mr BRACKS — I will say that as many times as is required, because it is true, and there is no argument from the government about why the Treasurer did not choose to repeal the levy 12 months ago or certainly by the end of last year. A misrepresentation has occurred. All Victorians who paid their rates in December last year or January this year and who prepaid the $100, 12 months ahead, now find that the levy is repealed. If the government were honest with the Victorian public it would return a portion of the $100 from the date the repeal occurs rather than collecting it when the settings have changed and expenditure and the revenue base of the government show it had a significant surplus.

The opposition supports the repealing of the legislation. It wishes it could have happened sooner, that some of the more honest government members could have forced their parties into making the decision earlier than they have. The bill is clearly part of the government’s election timetable. The government has dragged this out for as long as possible, enabling it to abolish the $100 levy as close as possible to the election, which can be held anytime after October this year. If the government had wanted to be fair to the Victorian public it
would have abolished the levy according to its economic rather than its electoral timetable. Going by its economic timetable, the government should have repealed this legislation at least 12 months ago.

Mrs HENDERSON (Geelong) — I am pleased to support the State Deficit Levy (Repeal) Bill. I am also pleased that the opposition supports it; I would have been surprised if they did not. The government has consistently said the $100 levy would be abolished as soon as the state achieved a sustainable current account surplus. I have listened to the honourable member for Williamstown roll out one of the old Labor Party speeches and we became used to hearing during these sittings. I remind him that the $100 levy was introduced as a direct result of the critical financial situation imposed on Victorians by the previous government. After 10 years of Labor Victoria was left with the highest public debt in the state’s history. When Victorians drove the Kirner government out of office the interest bill was increasing at an alarming rate. The community was absolutely outraged at Labor’s financial mismanagement. I remind the honourable member for Williamstown that they were outraged that the state’s assets had been allowed to run down and that the Labor government had no capacity to manage its financial affairs. It certainly had no capacity to take the hard decisions to turn around the state, the demise of which it was responsible for.

I acknowledge that paying the levy has been difficult for some people and that it has not been popular; however, most Victorians refer to it as the Cain-Kirner levy. Although many people have found it difficult to pay, many of my constituents understand the reason for its introduction and have been prepared to make the sacrifice to contribute to the rebuilding of Victoria. The budget sector deficit would have increased enormously if Labor’s policies had not been overturned by the Liberal government when it came to office in October 1992. The result would have been a further increase in the interest on our already unacceptably high debt. The government would have had less money available to contribute to community services, education and health. The policies that have been introduced since the coalition government came into office in 1992 have not only stabilised Victoria’s financial position but also reversed the trend for which the previous government was responsible. The Treasurer’s autumn statement announced that the government’s budget strategy is working. The current account is in surplus one year ahead of the target.

While in office the Cain and Kirner Labor governments did enormous damage. Most Victorians cannot forgive them for the financial mess they left the state in. If Victoria had the same budget sector debt and interest ratios as New South Wales it would be spending around $1000 million less on interest every year. That would mean $1000 million more could be spent on necessary services. For many months I have listened to members of the opposition carping and moaning — the honourable member for Williamstown did the same thing tonight — talking Victoria down and opposing everything that is good for the state. I am proud that this government has turned Victoria around. For the first time the state budget is on track for a surplus on the current account. The legislation will repeal the state deficit levy when it comes into operation on 1 July 1995.

Commentators and the community at large have acknowledged that Victoria is truly on the move. We are now seeing investment in the state, and the government is addressing the $600 million worth of unattended maintenance and infrastructure problems in our schools as a result of 10 years of Labor neglect. Under our budget strategy $124 million is being spent to upgrade our school buildings and create new infrastructure.

I take this opportunity to acknowledge the community’s contribution to rebuilding the state and turning its finances around. I particularly acknowledge the contribution made by the people in my electorate, who, in paying the levy, understand why it was introduced. They know they have contributed to the wellbeing of the state. It gives me pleasure to commend the bill to the house.

Mr BAKER (Sunshine) — I am delighted to join the debate in a spirit of cooperation. I am also delighted to be at the funeral of what many on both sides of the house believe to be one of the most iniquitous and regressive taxes ever levied on the citizens of Victoria. The government has made it clear — I am sure successive government speakers will continue to poke the debt demon — that the levy was imposed purely in response to the economic situation inherited by the incoming government. However, as we said at the time, that in itself was no justification for imposing such a flat and regressive tax on the citizens of Victoria.

The essential inequity of the tax is best summed up by the fact that ordinary battlers in Sunshine, Cranbourne, Berwick, Geelong, Frankston East, Frankston South, Box Hill and, dare I say it, Melton had to pay the full tote odds, exactly the same tax as
the wealthy and the well endowed in some of the more salubrious suburbs of Melbourne, such as Toorak, Malvern, Hawthorn and Camberwell.

That is only at first glance, but worse than that and the thing that really galls me and really galled me at the time is that for people who were able to run the house and the costs associated with running the house through either a family business or a family trust, and therefore were able to write it off for tax purposes, it was actually less than $100, because they got the tax shield. If I remember the formula correctly, it was $1 \times t$, with $t$ equaling the tax level. Those people were paying $61, $62 or $63, if I remember the tax level at that time. That is an appalling result.

I remind the house as we come here to bury this iniquitous tax — certainly not to praise it, Mr Acting Speaker — that this was laid to bear on the head of every citizen in Victoria on a discrete, in the mathematical sense of the word, basis or a precise basis, with the exception of the advantaged group I mentioned. It is peculiar, isn’t it, and it indicates to me something of the nature and character of this government and the single, limited focus of this government that it was the first tax measure it manufactured to deal with the economic crisis it had manufactured in the community’s mind. It manufactured that crisis very successfully through skilful manipulation and an especially skilful election campaign. It had built up the debt crisis; it had fed the debt demon to the point where it became overwhelming in the public mind. The debt demon is still there, and the government still takes a pointed tax it could find, the flattest, most regressive tax it could find, the flattest, most regressive tax it could find, the flattest, most regressive tax it could find.

If I remember correctly, I said at that time that the Roman emperor Tiberius had a dictum about taxation which was: a good shepherd shears his flock; he doesn’t skin it. I suppose you could add to that: he doesn’t beat it to death. This was a poll tax, but it was not new tax. If you read the history of taxation you will find that the Roman emperors invented every tax known to humankind and applied them. But I think I also warned that Verres, the emperor who introduced the poll tax — his name probably has the same root as veritas, which in Latin means truth — was the one who brought down the Roman Empire because the provinces, if I remember my history correctly, revolted against the tax.

So in microcosm all these years on, in modern Victoria, there was an outcry from the people. You will remember the significant demonstrations. In more recent times, since my younger days on the Nation Review have left me, I have not been involved in demonstration politics, but there was a sense of wrath, indignation and hurt in the general community at the unfairness of this tax. It meant that everybody’s nan and pop had to pay the same as John Elliott, but, as I said before, if he was getting the tax shield on the $100, they actually paid more, and on a proportional basis it certainly did not fit modern notions of taxation. They, I think, in economics relate to what is known as the marginal utility of money theorem.

The Treasurer is in here now! For the benefit of the Treasurer, who has no economics knowledge and shows accounting house mentality in his job, I will explain what the marginal utility of money theorem

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STATE DEFICIT LEVY (REPEAL) BILL

Tuesday, 30 May 1995 ASSEMBLY 1915

My esteemed and learned colleague the honourable member for Williamstown has detailed rigorously and eloquently the reasons why this tax was allowed to linger longer than it ought; he has done that admirably and I congratulate him. I was the shadow Treasurer when this dread tax was imposed upon the people of Victoria. If you go back and read the record you will find that I warned at that time that the history of governments in the matter of taxation — from the days of the Roman emperors — was and is that once politicians impose a tax they are extremely loath to remove it.

I would add to that now, in addition to the comments and observations made by my colleague the honourable member for Williamstown, that once a method of taxation becomes available in the minds of governments and Parliaments and Politicians — with a capital P — and once it is established that you can actually impose it and survive by riding out the angst that the imposition of any new tax brings forth from the community, the betting is that some future government, whether it be of persuasion A, B or Z, will be tempted to reach out for that tax again.

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The Treasurer is in here now! For the benefit of the Treasurer, who has no economics knowledge and shows accounting house mentality in his job, I will explain what the marginal utility of money theorem
basically means: those with the deepest pockets pay more. This tax did anything but do honest service to that dictum. That dictum and that principle have been accepted — —

Mr McArthur interjected.

Mr BAKER — I see the new Geoff Leigh is in here! That’s what they say about him: he is the Geoff Leigh of 1992, and going about as far! As I was saying, the dictum has been held to be true by most modern governments in the Westminster tradition. The first tax this government reached for was this poll tax. It says something about — —

Mr McArthur interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Monbulk is out of his place and disorderly.

Mr BAKER — It says something about the nature of this government that it reached out and clutched at that tax. Trying to be a little fair about it and laying off — I have said this before — there were and are not many tax options available to state governments. The Treasurer and I are in splendid agreement about that, but I notice he has not taken up the cudgels in any major public way, especially in recent times, to try to do something about providing a different range of tax options for state governments to provide more progressive taxation. Most of the tax options available are extremely regressive.

Of the others, payroll tax — which was agreed to by the more sycophantic minds on both sides of the house — is a tax on either employment or business initiative.

I for one will be pleased not to have a tax of the kind we are putting away today. As I have said and will continue to say, I am interested in pursuing options that enable us to get rid of payroll tax — but that can be done only at the national level. Most of our competitors in South-East Asia do not have a tax of that kind. It is a barrier, acting as a disincentive to businesses from those regions. Even though the constitutional centenary is coming up, along with all the fur and fluff that surrounds it, nobody is seriously talking about doing something to adjust the tax regime so that the states have other options.

Everybody across our three tiers of government kicks the same dog. This was an example of a state government kicking that dog. Local government, which has no constitutional authority, which whinges and moans about it and which is unlikely to get any, lives only through the legislation and regulations of the state government. It has long been accepted as custom and practice that household rates are its major form of taxation revenue. There was great concern in the local government community when the government decided to ignore that custom and practice, albeit for what it claimed would be a short time.

In his second-reading speech the Treasurer said he believed the repeal was a promise honoured — although there are varying shades of that. He claims that when he announced the tax he told the house it would be withdrawn when the budget returned to surplus. In the suburban newspapers of the time the Premier said something else.

Mr Finn interjected.

Mr BAKER — You won’t be here. I reckon they’ll be waiting for you. Are you going home tonight? I bet you’re not; I bet you’re staying in town. The toll bells for thee!

The ACTING SPEAKER — Order! The honourable member for Tullamarine is out of his place and disorderly.

Mr BAKER — Alas, poor Tullamarine, we knew him, Horatio! The promise was honoured in varying shades — with varying sleights of hand and various tricks with mirrors in the two or three budgets the Treasurer has produced. He is a master of obfuscation. We are aware of the various one-offers that characterise this Treasurer’s economic statements. Firstly, it was the superannuation payment. In his second budget even he had the candour to admit there was an underlying surplus, yet still he failed to honour his obligation at the appropriate time.

We are gathered here to see off this appalling and iniquitous tax, which marks the end of a black period in Victoria’s history. I hope no future government will pull it out and dust it down again. I sincerely hope both sides of the house use the opportunity for major constitutional change — and I include my federal colleagues, although not with a great deal of hope at the moment — to do something to establish a sensible taxation regime for this country. If my reading serves me well, in Canada the roles and powers of the federal and state governments are clearly defined. The Treasurers meet quarterly to discuss how national economic
strategy will proceed. Their taxation regimes are matched to their various outgoings and responsibilities.

One does not have to be a Rhodes scholar or an economic guru — although I suspect it would help, given that economics is not known as the dismal science for nothing — to work out that there is a significant imbalance between revenue and outgoings. The taxation options available to state governments do not work. They are socially inept and do not allow opportunities for progressive taxation. They are also significant imposts, acting as disincentives to business and to the creation of employment. I am delighted to join all members of the house in supporting the bill.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

INFERTILITY TREATMENT BILL

The SPEAKER — Order! As a statement has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be carried by an absolute majority of the house.

Government amendments circulated by Mrs TEHAN (Minister for Health) pursuant to sessional orders.

Second reading

Debate resumed from 4 May; motion of Mrs TEHAN (Minister for Health).

Mr THWAITES (Albert Park) — The opposition does not oppose the bill, although it has some concerns about particular provisions. This important legislation will regulate the procedures for the treatment of infertility and research using human reproductive material and surrogacy. The bill replaces the Infertility (Medical Procedures) Act 1984.

The Standing Review and Advisory Committee on Infertility, generally known as the Waller committee, made numerous recommendations for a review of the current act and in many respects the bill is based on those recommendations, although in others it departs from the majority view of the committee. It should be emphasised that the regulation of the treatment of infertility and research using human reproductive material is an area of great complexity on which very different views are held; and, I would imagine, held by members on both sides of the house.

The opposition, like the government, has spent considerable time trying to get a reasonable balance on the issue. Some months ago the opposition conducted a hypothetical on the issues of surrogacy and IVF, and I found it a quite fascinating experience. When one hears, on the one hand, infertile couples talking about the real difficulties they face and, on the other, people who have been involved in adoption discussing the difficulties that children often face when their genetic parentage is not clear, one gains a real understanding of the complexities and problems faced by legislators in trying to achieve an appropriate balance. The opposition believes that on the whole the government has reached the appropriate balance in the bill.

The bill sets up a new authority, the Infertility Treatment Authority, with broad powers, including power to grant licences to hospitals to carry out research and IVF treatment; the approving of doctors, scientists and counsellors; the approving of specific research projects; and the keeping of a central donor register. The authority will have up to seven members appointed by the minister, the only requirement being that members have a diversity of expertise and experience. Under the current arrangements there is more specification of the type of qualifications and experience members of the committee should have.

The bill also establishes a Standing Review and Advisory Committee with two main functions. The first is to give advice to the minister and to advise the authority whether specific research projects should be approved. Essentially the structure of the legislation is such that both the authority and the committee must review proposed research projects. Although the authority has the final say, the committee makes recommendations to it, and I understand the minister indicated in her second-reading speech that unless a research project is approved by the committee it will not go ahead.

The committee will have a wide representation with up to 14 members chosen from specific categories of people, including those who have carried out and taken part in IVF treatments and children born as a
result of those treatments. The appointment to the membership of the committee of children born out of the IVF process is an important addition and is supported by the opposition. Membership of the committee will also include members of religious bodies and people with qualifications in philosophy, medicine and child welfare will play an important role.

Concerns have been raised that the authority will, in a sense, take over many of the functions previously carried out by the Waller committee and that the make-up of the authority may mean that the broad representation currently on the committee will no longer exist. We cannot really say whether those concerns are valid until the authority is appointed. However, I am confident that the minister will ensure that the authority and committee have a wide-ranging membership and that the social and philosophical approach taken by members of the Waller committee will also be taken by members of the authority.

I have received a detailed briefing on the bill from members of the department and from the minister's advisers. That briefing was most helpful. It is a complex bill and it would have been difficult for me or others to come to grips with it in the relatively short time we have had available without that sort of detailed briefing.

The bill is a large document and it has been suggested it is also repetitive. That is partly because every procedure and every item of research referred to in the bill has to be accompanied by a range of consents from all parties involved.

The SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

Sitting continued on motion of Mrs TEHAN (Minister for Health).

Mr THWAITES (Albert Park) — The point I make is that a number of provisions relating to consents that have to be obtained and information that has to be given are in a sense repetitive. I suppose the bill could have been drafted so that it did not include that repetition, but the importance of proper consents and proper information being given to all parties probably required it.

Treatment procedures are a most important feature of the bill. They include fertilisation procedures and donor insemination. Fertilisation procedures can be carried out only by an approved doctor in licensed premises and donor insemination can be carried out only in licensed premises by either an approved doctor or another person, provided that person is in the charge of a doctor who is licensed under the scheme. In all cases doctors must be satisfied that the requirements of divisions 2, 3 and 4 are met. Those requirements relate to counselling, consent and information.

IVF Friends, which represents a number of people who have taken part in infertility treatments, has written to me and all members of Parliament setting out its point of view about IVF treatment. It makes some points that probably should be recorded:

Around 2000 couples a year seek treatment with Monash IVF. Medical treatments and success rates are improving year by year. Data ... shows that 40 per cent of IVF patients and 70 per cent of GIFT patients will become pregnant after 3.4 treatment cycles ...

IVF Friends is clearly in favour of the process and of, if you like, expanding the range of IVF treatments. In its letter to parliamentarians it makes a number of requests. One is:

That IVF patients be represented on the Standing Review and Advisory Committee on Infertility by the appointment of an IVF patient.

Essentially that request has been met in the bill by giving such a person a place on the standing review committee. The next request it makes is:

That access to identifying information from the central donor register be based on equal rights for both parties, so that neither can access without the other's consent (similar to the New South Wales Adoption Information Act 1990).

That request has not been met in the bill because — I will come back to this later — it provides that children born of IVF can obtain identifying information about the donor even if the donor does not consent. The opposition supports the government on that provision. Like the government, on this issue the opposition believes the most important priority is the interests of the child, which ought to be more important than the interests of a donor who may not wish to be identified. The next request IVF Friends makes is:

That de facto couples be granted access to IVF treatment.
The opposition certainly supports IVF Friends on that point, and I shall come back to that. The next request is:

That altruistic surrogacy be permitted.

Once again the bill does not fulfil that requirement. Again the opposition is on the side of the government in opposing altruistic surrogacy. As I said, IVF Friends represents an important group of people: those who are involved in the IVF program.

The Monash IVF group has also sent to members of Parliament results of a Morgan Gallup poll on IVF that is of some interest and assistance in this debate. According to the group the Morgan Gallup poll revealed widespread support for IVF among Australians. Some 81 per cent of people who took part in the poll approved of the IVF method for helping married couples who cannot have children.

A number of other issues were raised in the survey. They relate particularly to the use of embryos and research into embryos. For example, respondents were told that when a couple has a test tube baby treatment surplus or extra embryos are created — an embryo being before the formation of the baby. It then listed some ways embryos could be used. Some 64 per cent of Australians who responded to the survey indicated they would be satisfied if the couple could donate the surplus embryos to other infertile couples; 51 per cent were satisfied with the couple discarding the surplus embryos; 46 per cent believed the embryos could be used in medical research; and 58 per cent said the embryos could be used in research to prevent medical diseases.

The fact that the Morgan poll shows the public as being fairly evenly divided on these issues gives some indication of the difficulties legislators face in coming to an appropriate balance. Interestingly, the Morgan poll found that some 52 per cent of Australians approved of surrogacy and 36 per cent disapproved. Once again the public view was fairly evenly split.

Before moving on to the issue of research, I refer to clause 5, which contains the guiding principles to be followed in administering the legislation. These are the principles Parliament is indicating ought to be followed in giving effect to its intention in passing the bill. The first principle is that:

The welfare and interests of any person born or to be born as a result of a treatment procedure are paramount.

In other words, the interests of the child are paramount. The opposition certainly supports that as the primary goal of this legislation. The second principle is that:

Human life should be preserved and protected.

The third is that:

The interests of the family should be considered.

The fourth is that:

Infertile couples should be assisted in fulfilling their desire to have children.

The bill also points out that these principles are listed in descending order of importance and must be applied in that order. The opposition believes they represent a reasonable list of guiding principles and are set out in the appropriate order of importance. There is some concern that the clause will not come into operation when the act receives royal assent. The clause providing for the commencement of the act, clause 2, states that, except for section 5, part 1 of the act will come into operation on the day the act receives royal assent.

Given that these principles are so fundamental to the proper carrying out of infertility treatment it is the opposition's view that it would have been preferable for the principles to commence when the rest of part 1 of the act commences — that is, on the giving of royal assent. I can see no reason why the principles should not guide the transition period between now and when the whole structure of the act is established. That would mean that over the next 12 to 18 months we would have those principles guiding the various practitioners in the field.

It is not merely an academic point: quite clearly there are differences of view. There is no doubt that some of the practitioners in the field would have a different general view perhaps from that of the government and the opposition as to the approach to IVF and to research. Given that all three parties seem to support the guiding principles, it is our view that they ought to be implemented now and govern the transition period.

I turn to perhaps one of the most vexed questions: surrogacy. It is an issue people and governments are grappling with not only in Victoria but around the world. There is a demand for surrogacy; there are couples who are unable to have a child and who
therefore look to all alternative means of having a child. One of those means is surrogacy.

There have been some highly publicised cases, both in Victoria with the Kirkman case and overseas, where surrogacy has been prominent in the media. Sometimes the stories have been positive; but unfortunately sometimes they have been quite tragic, like the Baby M case and other cases in the United States of America. In 1985 a report prepared by the Family Law Council chaired by Mr Justice Fogarty recommended that surrogacy be prohibited at a national level. No specific legislation has been introduced, but the Family Law Act provides that the birth mother is the legal mother of the child.

A number of countries have been concerned about the international practice of surrogacy and surrogacy arrangements across international borders which could avoid local laws. For example, the Canadian government is seeking to achieve an international ban on preconception arrangements, which would prevent people travelling overseas to evade local laws prohibiting surrogacy arrangements. The Canadian government held a royal commission into new reproductive technologies which in 1993 released its report entitled Proceed with Care. The royal commission carried out a thorough legal, ethical and social examination of the issues surrounding reproductive technology. Some of those ethical considerations considered by the royal commission provide a useful guide for us in Victoria when framing policy.

The royal commission established and set out a number of principles that should guide reproductive technology. The first principle is individual autonomy:

Actions or decisions that affect people's health, bodily integrity, security and identity require informed consent. A qualification to the principle of individual autonomy is that it ought not include the freedom to harm others or to force or coerce them, or to undermine social stability.

The bill seeks to implement that principle by having fairly detailed requirements for information and for consent for all parties involved in the various processes, both in infertility treatment and in research.

The second principle established by the Canadian Royal Commission is equality. It would give particular emphasis to groups who have experienced discrimination in the past. The legislation before us does not show a great deal of adherence to that principle: indeed, it discriminates against de facto couples. I will come back to that later.

The third principle is respect for human life and dignity:

This specifically includes human tissue and all forms of life. This could also incorporate protection of the vulnerable and refers to children but also to the state's responsibility to protect vulnerable adults. Vulnerability to exploitation may arise from a range of circumstances including from a person's socioeconomic status, disability or membership of a minority group.

There is certainly a demonstration of that respect for human life and dignity in the limitation on the carrying out of certain research, and also in a number of the other provisions in the legislation.

The fourth principle is non-commercialisation of reproduction:

This is interpreted to include the exchange of goods or money and treating human beings as commodities. This legislation not only prohibits commercial surrogacy but makes it an offence. The opposition supports that and believes that we do not want to see a situation where human reproduction becomes something that is on the market for purchase or sale. The legislation is supported in that regard.

The fifth principle is appropriate use of resources:

Reproductive technology expenditure must stand in line with all public health or public policy spending priorities of the community. Those priorities are not a matter for this legislation. The opposition simply makes the point that IVF technology and IVF procedures are expensive. As we are dealing with an area of limited resources in the health system the expenditure in the area must be weighed up against expenditure in other areas of the health system.

The sixth principle in the Canadian royal commission is accountability:

This includes responsible use of public and social power by medical researchers and practitioners involved in reproductive technologies and practices. Researchers and practitioners must be held accountable
because of the social significance of reproductive technologies and their uses.

The method of accountability in this legislation is via the authority, and all research must be approved by it; in a sense the approved scientists and others are answerable to that authority. It offers a good deal of accountability and really makes the authority responsible for the proper conduct of research in the area.

The overarching principle adopted by the royal commission in Canada, which this bill also adopts, is the primacy of the interests of the child. That is something we must never forget.

That is a good place to lead into the vexed question of surrogacy. It is really the primacy of the interests of the child that dictates the reason why the opposition and the government have not supported surrogacy. Of course there will be many cases where surrogacy is successful and where a child could be born into a happy, loving and stable relationship as a result of a surrogate arrangement.

However, the problems that could occur outweigh the benefits. Child welfare organisations have strongly opposed surrogacy in general terms because of those problems. No doubt all members have received the open letter from a number of child welfare organisations referring to some of the problems of surrogacy. The letter states:

Child welfare organisations are opposed to surrogacy, whether commercial or non-commercial ... on the following public policy grounds: surrogacy does not promote the welfare and interests of children and legislation does not require the welfare and interests of the child to be the paramount consideration in such matters; a child —

born of a surrogate arrangement —

is deliberately created to meet the needs of adults — the child thus becomes a commodity; surrogacy demeans women by using their bodies and their reproductive functioning as a means to other people’s ends; the negative and long-term effects of relinquishing a child at birth on the mother have been well documented by research; surrogacy is destructive to the children of birth mother as it separates them into different families — and has a particular detrimental impact on her existing children who see their brother or sister being ‘given away’.

Most of these organisations are critical of altruistic surrogacy. Some of them have indicated that altruistic surrogacy can be worse than commercial surrogacy because of the particular pressures that can be put on the surrogate mother in an altruistic arrangement. The classic example is a sister-sister relationship where family pressure can be put on a particular woman who is giving birth to a child on behalf of a relative. As the child welfare organisations have indicated, the potential for coercion is even greater in this situation. It is much easier to give back $10 000 than it is to destroy the hopes of one’s sister.

Ironically, on this point there is an article by Carl Wood and Peter Singer in the Medical Journal of Australia of 17 October 1988 which supports commercial surrogacy because it is likely to be less of a problem than altruistic surrogacy. I believe a figure of $50 000 was suggested as an appropriate amount. The article refers to early cases of surrogacy in the case of Abram in the 16th chapter of the Book of Genesis. The article states:

Because Abram’s wife, Sarai, had borne him no children, he lay with his wife’s handmaid, Hagar, who bore him a child. The procedure of surrogacy by natural sexual intercourse has been performed countless times with little documentation of its effects, although it is interesting that Sarai, Abram’s wife, dealt harshly with the surrogate, Hagar.

That demonstrates one of the problem that the government and the opposition are concerned about. Often surrogate arrangements do not turn out the way people had hoped.

Another factor that influenced me in reaching a view on surrogacy — it was not a view that was an immediate or knee-jerk response — was the opinion of Professor Louis Waller, the Chairman of SRACI. He made strong arguments against allowing surrogacy. In an article in the Herald Sun of 22 July 1993 Professor Waller set out a number of the problems. He said:

There have been some much-publicised refusals to relinquish, or attempts to recover, babies born to be handed to another woman. There were also problems of rejection.

For example, in Michigan Judy Striver gave birth to a boy with severe birth defects, whom the commissioning father rejected.
INFERTILITY TREATMENT BILL

1922

ASSEMBLY

Tuesday, 30 May 1995

You have a situation where a surrogate mother had gone through an arrangement and had given birth and the supposed father rejected the child. As Professor Waller pointed out:

We had grave doubts whether any surrogacy arrangements are in the best interests of the child.

The final recommendation made by the committee was:

... that surrogacy arrangements shall in no circumstances be made at present as part of an IVF program in Victoria.

The article then proceeds to talk about the well-known case in Victoria of Maggie Kirkman and her sister, Linda, which was a surrogacy arrangement that took place whereby Linda gave birth to the child, which was then adopted by Maggie and her husband.

The opposition to surrogacy has not come only from the Victorian committee but has been nationwide. The Joint Meeting of Commonwealth, State and Territory Health and Welfare Ministers has essentially opposed surrogacy arrangements, so there is a nationwide opposition to the introduction of surrogacy in Australia. That is the opposition’s view, and it also appears to be the government’s view.

The concern that some people have expressed to me is that the legislation does not go far enough in its limitation on altruistic surrogacy. Certainly commercial surrogacy is prohibited and is made an offence, but the only prohibition in the bill on altruistic surrogacy is to make the surrogacy arrangements void so they cannot be enforced at law. The opposition believes that is appropriate. The problem is that if a surrogacy arrangement is made there seems to be no sanction to prevent that occurring. Indeed, it appears that the Kirkman situation could occur again in Victoria, but there are ways in which sanctions could be imposed on altruistic surrogacy without taking the full step of making it a criminal offence.

It is the opposition’s view that the most appropriate way would be through the licensing system and that doctors and others involved in IVF programs should not be allowed to continue if they have been involved in a surrogacy arrangement. That may be an appropriate limitation without going to the stage of making criminals of those involved in surrogacy arrangements. It may provide real sanctions to prevent a more widespread practice of altruistic surrogacy.

I also mention that real concerns have been raised with me about clause 8 in this regard because it is not particularly restrictive of surrogacy-type arrangements. I ask the government over the next year or so when the legislation is being reviewed to consider whether altruistic surrogacy should be examined. If there are widespread occurrences perhaps there should be some form of sanction to protect the rights of children, which is what we are about. It may be that the opposition’s concerns and those expressed to me by other groups are not well placed, but if we see an explosion of altruistic surrogacy it may be that something will have to be done.

I turn to the donor register. The current legislation requires the keeping of a central register as well as a register documenting hospital procedures. That system has not worked particularly well and, if anything, has been honoured more in the breach than in the observance. The opposition supports the establishment of a central donor register under the control of the Infertility Treatment Authority.

The bill makes a very important reform. It provides that on reaching 18 years children born through in-vitro fertilisation may obtain identifying information about the donor parents without the donors’ consent. The notification of that information will have to be communicated to the donors. It may well be that as a result the number of donors will dry up, but so be it. When a photograph showing the Minister for Health donating blood appeared in the Herald Sun certain people on this side of the house suggested I should become a donor — but I did not act on their suggestion!

It is important that the interests of the children are paramount. That is why we must give children access to that information. No doubt each member will have recently received a letter from a child born through IVF seeking information about that child’s parents. That emphasises the seriousness of the matter and highlights the desire of many people to discover their genetic histories. We have to come to grips with that and understand its importance.

We have retrospectively applied provisions affecting the communication of information to adopted children, something the bill does not address. We are applying this provision dealing with children born through IVF prospectively. The balance is difficult to achieve because many children want and
need that information. Although the legislation is an important first step, it may well be that Parliament will have to consider whether to take the next step, which the adoption legislation has taken, and allow children to gain that information, even though it would be retrospective.

The opposition is very concerned about the limitation on de facto couples gaining access to IVF treatment. The bill limits access to married couples only, precluding de facto couples. The federal Sex Discrimination Act prohibits discrimination on the ground of marital status. The opposition believes the bill breaches the federal act. Because the commonwealth constitution provides that commonwealth legislation overrides inconsistent state legislation in the same area, the opposition believes the attempt to limit IVF treatment to married couples and to exclude de facto couples will not only breach the commonwealth legislation but be ineffective.

Many de facto couples who have lived together for many years in loving and stable relationships have for one reason or another chosen not to be married. Should those people be denied access to the IVF program while married couples are allowed access? The opposition believes they should not be excluded because it is unfair and discriminatory. Recently I received a letter from a constituent, saying:

My partner, Mark, and I decided two years ago to show our commitment to each other by having a baby, but we have had problems with conceiving. The IVF program was recommended by our doctor, but we are not legally married, so we can’t go ahead with it.

My relationship with Mark began five and a half years ago, and we don’t feel the need to prove our love and commitment with a marriage certificate. We live together, share decisions, expenses and a joint account, and hold family health cover, as a married couple would.

We don’t understand how the same laws that permit abortion and financially provide for single parents can disallow unmarried couples onto the IVF program. Our relationship is no less prone to breakdown than that of a married couple.

I am 30 and Mark is 31. We are both responsible, caring people who want to start a family without having to get married or go interstate. We would like the same basic rights as childless couples living interstate.

That is just one indication. I have received other letters from de facto couples who are being denied access to the program and who are therefore being discriminated against in breach of the federal Sex Discrimination Act.

I will briefly refer to the provisions relating to research. The bill regulates research on zygotes and embryos. Approval from the authority and the committee is required for all research. As I understand it, zygotes can be deliberately formed for research, but only if all the necessary approvals have been given. Destructive research using zygotes can be approved providing the research is stopped prior to syngamy. Post-syngamic embryos cannot be formed for research purposes. The only research permissible is on embryos which are fit for transfer and which have been formed for use in treatment procedures.

Like many other issues in the legislation, it is a matter of great ethical difficulty. The Standing Review and Advisory Committee on Infertility was split on the issue.

In a sense the bill is more limited than the existing legislation in the range of research that can be approved, although my understanding is that as a matter of practice there will be very little difference. That of course relates to research on embryos. At least some people would say the current legislation allows some destructive research on embryos, whereas the bill prohibits it. As members of the house are no doubt aware, there was effectively a moratorium on such research following considerable public controversy five or six years ago. So that has not been included.

In it its report to the Minister for Health the Standing Review and Advisory Committee on Infertility opposed post-syngamy embryo implantation but a majority supported the view that the committee, now the authority, could do some research on embryos, which this bill does not allow. IVF practitioners have written to me and no doubt to the minister supporting that position and indicating that that type of research could help in the treatment of infertility in the future. That research would be only up to day 14 and on one view at least would not raise the ethical problems that later research on embryos would certainly raise.

The opposition is not opposing the bill on those grounds. Once again it is a question of balance, and on balance, given all the other provisions in the bill, we are prepared to accept the provision.
That concludes the major points I wanted to make, save for one about clause 85 raised in the report of the Scrutiny of Acts and Regulations Committee. This provision once again removes the jurisdiction of the Supreme Court in relation to a number of matters. The Scrutiny of Acts and Regulations Committee raises concerns about one clause and found that it was unable to say that the exclusion was appropriate and desirable in the circumstances.

Ms Marple — Again.

Mr THWAITES — Yet again. The legislation provides that any decision of the authority on the approval or non-approval of these experts is completely non-reviewable. In her second-reading speech the minister referred to that issue concerning clause 164 and explained the reasoning behind it. The committee said in relation to clauses 98, 99, 106 and 107 that it is not clear that there is a need to remove the jurisdiction of the Supreme Court.

Once again we have a situation where it may be that the draftsmen or parliamentary counsel or someone else are so concerned to remove the jurisdiction of the Supreme Court that they have gone overboard. They do not realise that the jurisdiction of the Supreme Court to review actions of authorities is limited. It can do so only if there has been some illegal act by an administrative body or a failure to apply natural justice or some breach under one of the other limited grounds of judicial review. The opposition certainly is not suggesting there ought to be an appeal mechanism or a rehearing of decisions made by the authority. However, if the authority has gone wrong, if it has acted in a way that has precluded natural justice or is biased or has acted in some other way that is illegal or inappropriate, there ought to be at least a right to a review by the Supreme Court.

It seems that the government has got into the habit of removing the jurisdiction of the Supreme Court for just about anything. It is unnecessary and inappropriate. I hope the government will consider some form of amendment of that part of the clause to give people a right to access the Supreme Court where the authority has gone wrong in such a way that judicial review is appropriate.

To sum up, the opposition does not oppose this bill. It believes that overall it provides a reasonable balance between the competing interests. It makes the interests of the child paramount, and the opposition certainly supports that. The opposition also supports the provisions relating to surrogacy, except that in relation to altruistic surrogacy the provisions are too loose and could lead to a growth of altruistic surrogacy through the back door, so to speak. Finally, the opposition is opposed to the limitation of IVF to married couples only and believes de facto couples ought to have access to the program.

Dr NAPHTHINE (Portland) — I begin my remarks by saying that the contribution by the honourable member for Albert Park on the Infertility Treatment Bill was thoughtful, well considered and well presented. The bill relates to the kind of difficult area that from time to time we need to address as a Parliament. The contribution of the honourable member for Albert Park reflects the way Parliament can work in a bipartisan manner to get the best outcome for the people of Victoria.

I emphasise that the bill deals with areas that can be extremely controversial. They involve a range of difficult moral, ethical and legal issues that we have to address as members of Parliament and members of the community. When you read material from other states in Australia and other countries, you find that legislators and ethics committees across the world are grappling with the very issues we are addressing here.

Victoria was one of the first legislatures that considered the issue of reproductive technology. It was addressed in the 1984 act that followed the initial Waller committee investigation. At the outset I pay great tribute to the work done by the Standing Review and Advisory Committee on Infertility under the previous leadership of Professor Louis Marks, QC, who is now the chairman. During that time a range of members of the committee have made significant contributions to the debate and have led the debate in Australia and in many cases across the world.

I also put on record the thanks of the government to officers of the legal unit of the Department of Health and Community Services, who have made an excellent contribution to the drafting of the legislation. It has been a very difficult area in which to draft legislation, as is obvious from the size of the bill. The complications of the issues have to be addressed in a legal sense. It is very difficult to translate simple decisions into law. We can say that the principle we want to adopt is this, but it is difficult to turn it into laws that are effective and give good and unambiguous effect to the decisions we have made as a matter of policy. Pauline Ireland
and over recent years Di Scott have done an excellent job, with the assistance of parliamentary counsel. I express our thanks particularly to Di Scott. I was pleased to hear the honourable member for Albert Park acknowledge the excellent briefing Di Scott gave him and his party.

When debating a bill such as this it is important to recognise the enormous scientific and technological advances in the treatment of infertility that have taken place over the past 20 years. Procedures are now being undertaken that many people would not have thought possible a few years ago. Certainly our fathers, mothers, grandparents and grandmothers would never have thought some of these things would ever be on the agenda. Not only are they now on the agenda, but they are seen as a routine part of an array of treatments for people with fertility problems.

Although infertility figures vary, statistics produced by a Canadian royal commission show that somewhere between 1 in 7 and 1 in 15 couples suffer infertility. A significant percentage of people desire to have children but find it difficult to do so because of physical abnormalities, the effects of disease or other conditions.

It is important that we try to do the best we can to assist apparently infertile couples who desire to have children. The first IVF child was born in the United Kingdom in July 1978, and shortly thereafter IVF children were born in Australia and India and other places around the world. In-vitro fertilisation has become routine, although it can still be traumatic for the families involved. We must not forget it is still an intricate procedure that requires a great deal of medical skill on the one hand and a strong commitment from the couples involved on the other.

Recent times have seen the development of the GIFT procedure, the micro-injection of sperm and other techniques. They include the use of more immature eggs, obviating the need for women to undergo super-ovulation procedures. We owe a great debt to pioneers such as Bob Edwards and Patrick Steptoe in the United Kingdom and, in our own country, Carl Woods and Alan Trounson. We recognise that although advances such as those are significant we have to strike a balance that is often difficult to strike between the advances of medical science and what the community expects and will permit.

We have heard about the controversy surrounding the recent passage of voluntary euthanasia laws in the Northern Territory. Similar moral, ethical and legal issues arise when one talks about reproductive technology and research on the early stages of what we call human life. We must try to strike that balance.

I make no bones about the fact that the legislation is relatively conservative compared with the legislation passed by other Parliaments around the world. I believe we have done good things in some areas while adopting a conservative strategy that reflects the attitudes of the Victorian community. The honourable member for Albert Park quoted research by the Morgan organisation showing a great degree of support for IVF in this state. At the same time, surveys throughout Victoria show a great deal of concern about the research medical scientists are carrying out.

I will refer to a number of specific clauses to emphasise the changes that are being introduced. Clause 5 refers to the guiding principles, which were originally included in the terms of reference of the standing review and advisory committee. Clause 5 states:

(1) It is Parliament's intention that the following principles be given effect in administering this Act, carrying out functions under this Act, and in the carrying out of activities regulated by this Act —

(a) the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount —

that is the most important guiding principle —

(b) human life should be preserved and protected;

(c) the interests of the family should be considered;

(d) infertile couples should be assisted in fulfilling their desire to have children.

(2) These principles are listed in descending order of importance and must be applied in that order.

They were the guiding principles in the development work done by the standing committee, and they are the guiding principles of the legislation. As the honourable member for Albert Park said, they are principles that all parliamentarians endorse.

Clause 8 refers to access to IVF, defining the persons who may undergo treatment procedures. Under the 1984 act people who wanted to undergo IVF had to wait 12 months to prove their infertility. It is clear that many cases of infertility can be confirmed easily and that the 12-month waiting period is an overly cautious and unnecessary impediment. This bill
removes that 12-month waiting period, freeing up couples' access to the IVF program.

Under the 1984 legislation two separate doctors had to be involved. The doctor who was treating the infertile couple had to refer them for assessment by a second doctor, who then carried out the IVF procedures. That caused added discomfort for the couple concerned, especially if they had confidence in their treating doctor and he or she was capable of providing the IVF treatment. It did them not good to be told, after building up confidence and trust in their doctor, that he or she was not allowed to proceed any further with the treatment because the legislation said a second doctor had to be involved. That provision was inserted in the principal act as a check to ensure IVF was not used indiscriminately.

Some 10 or 11 years later we are more confident that checks and balances such as those are no longer necessary. The treating doctor can now take the couple through the procedure, diagnose the infertility and so on. That is a significant step forward.

The third area of change to access I wish to highlight concerns genetic abnormalities. Under the previous legislation access was available for couples who wanted to use IVF to avoid a serious genetic problem in a child such as haemophilia or motor neurone disease and arguments ensued about what was a serious genetic abnormality or problem. The government has simplified the situation. The bill provides that if such an abnormality is identified in a couple by a specialist with qualifications in human genetics and there is an identified potential for that couple to have a child with a genetic abnormality, that couple may use IVF to avoid it.

The fourth area is quite different, new and important. It concerns access to couples who are seeking to use reproductive technology to avoid the passage of a disease. There may be no genetic abnormality but a disease such as an HIV infection — it can also occur with other viral diseases — in the male partner which, if it were to be transmitted to the seminal fluid, may contaminate the potential offspring and cause the couple to give birth to a child having the disease. It is appropriate to use IVF to avoid the passage of such diseases. The bill makes significant improvements in access to IVF.

Another area covered by the honourable member for Albert Park was access to information by people born as a result of donor gametes, whether it be artificial insemination using donated sperm, the use of donated eggs, or donated eggs and sperm in the form of zygote or embryo. All those techniques are now being used and the issue becomes one of the right of access a person born as a result of those donor gamete procedures has to identifying information about the donor.

Although the current act provides access to non-identifying information about the medical histories and other aspects of donors, it is limited and there is currently no right of access to identifying information. The bill seeks to broaden access to non-identifying information and to provide access to identifying information for people born as a result of the use of gametes donated after the proclamation of the legislation. The honourable member for Albert Park rightly stated that the measure is prospective: it applies to children born two or three years from now who, when they are 18, may seek that information. It does nothing about retrospectively providing access to information for people who were in the past or may now be born as a result of donor gamete procedures.

A 17-year-old constituent of the honourable member for Bellarine has written a very well-presented letter to all members of Parliament arguing the case for access to information about her genetic origins, drawing attention to the need to consider the matter. However, a balance had to be struck between the presumed right of access and the right of the people who donated gametes 15 or 20 years ago who, under the strict rules that then applied, were advised clearly there would be no future right of access to identifying information about them.

Because the bill gives top priority to the interests of the child in these cases, the government has remedied that situation for the future. The support of a wide range of groups which have been involved in advocacy for people born as a result of these donated gamete procedures and which have recognised that this is the first time this sort of step forward has been taken in legislation anywhere is gratifying.

The government also intends to work with the new Infertility Treatment Authority to encourage people who have donated under the old rules to participate in providing access to information. If people such as the young lady from the electorate of Bellarine approach the authority under the act seeking access to information, the authority will do all in its power to seek out the donor and encourage that person to provide the requested information. However, that
will not be compulsory, and this significant step forward recognises the rights of former donors.

The honourable member for Albert Park referred to the respective responsibilities of the Infertility Treatment Authority and the standing review and advisory committee. We need to divide the roles of the two bodies. The authority has seven members appointed by the minister. Clause 123 requires the minister to seek persons with a diversity of experience and expertise to carry out the functions of the authority. In her wisdom and to provide a proper balance, the minister will appoint people experienced in medical science, people who have an understanding of the ethics of the issue and people who are qualified to administer the authority.

In the United Kingdom the authority is responsible for the administration of the act. Our authority will take over much of the role currently undertaken by the department concerning the monitoring of licences, the registering of doctors and medical scientists and the running of the central registry. As the honourable member for Albert Park said, the central registry has not been run well. To a great extent that has not been the fault of the department but because of inadequate regulations. The bill addresses that problem.

The standing review and advisory committee has been maintained in the bill and to some degree enhanced. The bill broadens the membership of the committee and provides opportunities for a broader range of people to be involved, including people born as a result of fertilisation procedures and artificial insemination and people who are involved in the programs and undergo IVF and reproductive procedures. It will continue to be a broad-based committee comprising people with a range of expertise, opinions and views on the issues involved. It will feed directly to the minister, providing her with community-oriented and expert input on the issues, and will also act as a means of providing checks and balances on research. There are two different roles to be undertaken and it is important that they are recognised.

Improved counselling arrangements are also addressed in the bill. A letter of 17 May from Melbourne IVF states:

As infertility counsellors currently approved under the Infertility (Medical Procedures) Act we congratulate the review committee on the proposed Infertility Treatment Bill. We particularly welcome the shift in guiding principles giving priority to 'the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount'.

The letter further states:

Counselling has under this bill been extended to cover all couples, their donors and spouses, thus ensuring an equitable service for all concerned.

It is important to recognise the role of counselling. The honourable member for Albert Park referred to the Canadian royal commission, and I commend it to all honourable members as being a well-executed and comprehensive review of the whole area.

The honourable member for Albert Park also referred to the need for people involved in these programs to be adequately informed and given proper advice and counselling to enable them to make informed decisions. These are not easy decisions to make. The counsellors have an important role to play in ensuring that couples who are undergoing these procedures are aware of what the procedures involve, what the risks are and what the probability of success is. All those issues are important. Extending the role of counsellors is an important step.

Another important step is that the bill allows the embryo biopsy procedure. The technique has been developed in recent years and there was some uncertainty under the previous legislation about its role. In simple terms, embryo biopsy is a technique where one cell is removed from a four or eight-cell stage embryo — the cell is not viable in itself — and is tested. At this stage basically all it can be tested for is the sex of the embryo. For many sex-linked diseases, such as haemophilia and motor neurone disease, which are linked to the male chromosome, it is possible to discard the male embryos and implant only female embryos to guarantee that the children born as a result of the procedure will not carry those dreadful diseases. I think we all regard that as a big step forward.

I hope in future we can further develop and refine the technique so that we are not crudely basing selection simply on sex but can actually look at the genetic make-up and pick out the genetic material associated with those diseases and either correct it or discard only those embryos actually carrying the diseases. Indeed, just to provide an absolute safeguard, clause 50 makes it an offence to select embryos on the basis of sex alone.
The bill is very comprehensive and I have touched only on parts of it. Some areas relating to research and surrogacy need to be considered. Those areas have been well canvassed by the honourable member for Albert Park and I do not intend to canvass them, save to repeat what the minister said in her second-reading speech about research — and I certainly endorse it in terms of surrogacy: we need a national approach in some areas. There is a need for national debate and, indeed, uniformity.

The honourable member for Albert Park referred to the 1991 decision on surrogacy by the then Australian health and community services ministers. Unfortunately, although the decision was made in 1991 little or no action has been taken to implement the decision at the state level. Debate is occurring about what is appropriate research in this area of infertility and the role of research on embryos: whether we should have rules that say research should not occur after syngamy, 22 hours, or 14 days or some other rules. These are significant issues that need to be debated at a national level and national rules need to be developed.

In conclusion I refer to an editorial in the Age in August 1994, which states:

With 2000 births to its credit over 14 years, the Monash in-vitro fertilisation program has good cause for celebration.

It then refers to debate about future development of legislation in this area and says of the government:

Its review of the legislation must be based solely on expertly informed ethical considerations and the long-term health and welfare of women and children involved in IVF.

I am pleased to hear the opposition supports the bill. The government has sought to put the interests of children that are born or intended to be born as a result of reproductive technologies to the forefront in the bill.

As I said, it is a difficult area in which to legislate and I am sure many people will have had to address their consciences when dealing with it. I thank the SRACI for its contribution over many years to the development of the legislation and its draft bill, on which much of this bill is based. I also thank departmental officers, particularly Di Scott, for their work.

This is a good bill that deserves the support of Parliament.

Ms GARBUUT (Bundoora) — I want to make some comments about the bill without canvassing all the issues my colleague mentioned in his excellent contribution. This is an important bill covering complex matters resulting from high technology medical advances in areas involving basic human values.

Like the Equal Opportunity Bill debated last week, this bill reveals some deep philosophical divisions in the coalition, this time about de facto couples and their access to in-vitro fertilisation programs. We know there was much debate in the coalition party room but it is unfortunate that the broader community was not allowed into the debate. The bill suffers from that lack of consultation outside the coalition party room. It is unclear and contradictory in parts and unworkable, and it has been criticised for that.

It begins with guiding principles which are very good and which we support, but unfortunately they do not come into effect on the day the bill receives royal assent and there is some ambiguity. We wonder whether the government believes in them and about its commitment to them.

The major area of concern is the access to the IVF program by de facto couples. It is clear that preventing such access is in breach of the Commonwealth legislation and is therefore probably not enforceable. The government’s view is not shared by the IVF groups. I refer to comments made by the Clinical Chairman of Melbourne IVF, Dr John McBain, as reported in the Sunday Herald Sun of 19 March:

Dr McBain said it was ludicrous that a marriage certificate should dictate whether a couple were suitable to be IVF parents, and he questioned whether marriage was the only indicator of a stable relationship.

‘Especially nowadays, when 40 per cent of marriages end in divorce. We can’t kid ourselves that marriage is any guarantee of stability,’ he said.

That touches on the basis on which we should be selecting couples for suitability for the IVF program. The suitability should be decided according to objective criteria, based on things such as stable relationships, the maturity of both partners and the ability to provide for the child’s upbringing. Those
criteria should be applied to everyone, regardless of whether they are married.

That is following the guiding principle which puts the priority on the welfare of the child before anything else. If we were to apply that guiding principle here, selection would not be based on discriminatory provisions or particular biases that come from the coalition party room but on the suitability of the couple according to objective criteria. It may well be that some married couples do not meet those objective criteria while some de facto couples do, but they are the bases on which selection should be made. Instead, the bill reflects biases of members of the coalition parties that are quite clearly discriminatory and in breach of the federal Sex Discrimination Act.

Counselling should be fundamental to any IVF policy, and that is provided for in the bill. However, I believe it should go further. The first counselling any couple should undertake should be on coping with the issue of infertility, not on the IVF program and whether or not it is acceptable for them. Having a child, whether through IVF or other means, is not a cure for infertility; the issue still remains and has to be worked through, preferably with counselling.

The counselling should be independent of the IVF program. It should not be part of and should not inevitably lead into the IVF program; it should be provided by independent counsellors. The first series of counselling should be about the issue of infertility.

The prevention of infertility should be a major commitment of the government as part of its policy on IVF. There should be an emphasis on increased research and prevention of disease which leads to infertility. I do not see that reflected in this bill — maybe it is not the place for it — and I have also not heard any comments from the minister about the issue. That is of fundamental importance to the whole issue.

Counselling should be independent of the IVF program because part of it should be about whether couples should go into the program: whether IVF will suit couples or whether there are other options couples should consider. It is unlikely that that sort of independent choice would be encouraged if counsellors were part of the IVF program itself.

Counselling should also be provided if the IVF program fails. We know that there is a very high failure rate within the IVF program and that many couples are disappointed. There also needs to be adequate independent counselling at that time. That is not provided for in the bill.

I will talk a little about surrogacy. Like many others around the country and around the world, I am an opponent of all forms of surrogacy, both commercial and altruistic. Most of the discussion that has gone on in the media and within the coalition party rooms has concerned altruistic surrogacy; I have not heard anyone propose that we legalise commercial surrogacy.

The issues are very well canvassed in the open letter headed ‘Surrogacy: and access to birth information’ that all members of Parliament would have received last year when the whole issue was first aired and it looked as though we were going to deal with the bill at that stage. The letter is from the Victorian Child Welfare and Children’s and Family Services Organisations, a very distinguished list indeed. The signatories of the bodies it represents are: the Children’s Welfare Association of Victoria, the National Children’s Bureau of Australia/Oz Child, Baptist Social Services, Salvation Army, Wesley Central Mission, Jewish Family Welfare, Good Shepherd Youth and Family Services, Catholic Family Welfare Bureau, Melbourne City Mission, the Mission of St James and St John, St John’s Home for Boys and Girls, Copelen Child and Family Services, Mission to Streets and Lanes and Social Responsibilities Committee and the Anglican Diocese of Melbourne.

That is a very distinguished and comprehensive list of organisations involved in welfare, particularly children’s welfare, who are unanimous in opposing all forms of surrogacy on public policy grounds. In particular, they mention that altruistic surrogacy may have more problematic than commercial elements.

They go to the issues of family relationships and say that often altruistic surrogacy can destroy families. The pressures on a woman in a family from sisters and other family members to have a child can be enormous, and the pressures to continue with an arrangement are harder to resist than in commercial surrogacy. Often it is easier to hand back a cheque and say, ‘I have changed my mind; I am keeping the baby’. There may be legal problems, but handing back the money is easier than resisting the rest of the family’s pleas to hand over the child to the sister that has dreamed of a baby and has not been able to have one. Instead of just losing money, the people
involved in surrogacy can lose their families and all their contacts, so their whole life is affected.

Surrogacy is also very confusing because of the relationships it creates for the child. There can be a situation where a child might have three separate mothers: the genetic mother, the biological mother and the caring mother. It is very distressing for a child to sort out those relationships.

An honourable member interjected.

Ms GARBUTT — That is right. Then you have that sort of complexity with the father as well. It is very distressing for other children. We have heard of families in America in which the existing children of the surrogate mother have been badly affected. I was concerned to read the personal testimony of Lori Jean from the United States in which she tells of her experiences when she had a child for her sister. I will not go through it all, but in it she made the following moving comment:

We did as we thought we had to and what we thought at the time was right, gaining strength and insight too late that there was no goodness in giving away a child. The baby I promised was theoretical. The baby I wanted to keep was real ... I thought I could give my sister her very own baby, but I gave her my very own baby.

I found that to be very moving. All the members of that woman's family have suffered, including herself, her husband and her existing children. The separation from the rest of her family, for whom she thought she was doing a favour, was complete: that family has been destroyed.

Although the government says that the bill will prevent altruistic surrogacy, there are fears and doubts that it may not be effective in doing that. I quote the concerns of Mr Tonti-Filippini, who has made some analysis of the bill:

It should be noted that surrogacy arrangements and the use of reproductive technology procedures to achieve surrogacy are not unlawful under the bill. The bill represents a considerable relaxing of surrogacy law especially given the changes to section 8. All forms of non-commercial surrogacy become lawful except where the woman carrying the child uses her own ova and her husband's sperm.

It is of major concern that it could be allowing altruistic surrogacy, despite the fact that its intention was clearly not to do so. The government has been silent on taking steps to act against professionals who assist in altruistic surrogacy: doctors, lawyers and so on. Their being subject to disciplinary measures like being struck off the list and prevented from practising would be an effective way to prevent their participation in altruistic surrogacy. It probably reflects the coalition's divisions about whether it should prevent altruistic surrogacy; I am concerned that it may allow it by backdoor methods. I support my colleague in asking the government to monitor this provision closely and to bring back the legislation if it does not achieve its aims.

I refer now to the central register, which is supported by the opposition. It will be an improvement as long as it is enforced. Registers are required now but they are not kept. It is important that access be allowed to identifying information and that donors know that will be provided when a child of the program reaches 18 years. It will change the nature of those who become donors. This has been found all over the world when donors are advised that identifying information will be given out when the donors are mature men, often with families. It is important that donors know what they are doing and that they are able to accept and make that commitment.

However, I am concerned about the silence regarding children already born as a result of these procedures. They remain the only children in the state without access to information about their genetic backgrounds. At a minimum, everybody needs information for health and medical purposes. Our experience with adoption shows that people are desperate to know about their parents and their families. We should learn from our experience of people who have searched for decades to find their natural parents even though they have had good relationships with their adoptive parents. The need to know is most compelling.

The Adoption Act allows retrospectivity, and reuniting families has been successful. Donors are in a similar position to relinquishing mothers, who in earlier days were guaranteed that their names would never be passed on, but society has changed. We have learned a lot. Changes in the Adoption Act allow for retrospectivity. There have been few problems and it has worked well. It has been hailed as landmark legislation.

However, the bill is silent on retrospection, even if non-identifying information is available, which is another question altogether. The government must bite the bullet on this issue. It cannot allow this small
group of people to reach maturity and to be the only people in Victoria, and perhaps in Australia, who do not know about their backgrounds. The government must face up to the issue and take some action.

The opposition does not oppose the bill. I shall not go into further detail because it has already been well covered by my colleague.

Mrs TEHAN (Minister for Health) — I thank honourable members for their positive contributions. It is one of the hallmarks of this Parliament that at its best we do have bipartisan support for these difficult, sensitive, ethical pieces of legislation that come before Parliament from time to time. I am particularly pleased by the contribution made by the honourable member for Albert Park, the shadow Minister for Health, because he has picked up the sensitivity of the issues. He has seen the need for a balance in these difficult ethical issues and has supported the government regarding the priority of the welfare of the child in this type of legislation.

I also thank the honourable member for Portland for his contribution and, more importantly, for his input into the process and the substance of the bill virtually over the two and a half years of this government.

We inherited this legislation. It had been introduced as world-first legislation in 1984 by the former Labor government and was amended in 1987. In about 1989 there were some concerns about the clarity of the requirements, especially in terms of the possible area of experimentation and the then health minister in another place, Caroline Hogg, referred these concerns back to the Standing Review and Advisory Committee on Infertility (SRACI). That committee has been one of the strengths of the legislation. It was an integral part of the initial legislation which arose from a review headed by Professor Louis Waller. Under the guidance of Professor Waller until 1993, the committee has been the monitor, arbiter and guide of the legislation, its implementation, its amendment and its review in 1989 and 1990, and then of its suggested amendments that have, in the main, been picked up in the rewrite of the legislation currently before the house.

On the retirement of Professor Waller it was necessary to find someone to succeed him, which was a difficult task. However, I was delighted when a retired Supreme Court judge, His Honour Mr Justice Ken Marks, accepted my invitation to head SRACI. Again, Mr Justice Marks has given leadership in this sensitive area over the past couple of years.

I commend the members who have worked on the committee for holding the values that are so important in this legislation in terms of representing and putting forward the community aspect of this area, for the advice they gave to me, and I am sure I can speak for former ministers, and for the representation they have given on behalf of the community.

I have no doubt that the community has confidence in the legislation because of the role of the SRACI. The committee provided the former government and then the Kennett government with a rewrite of the legislation which required consideration by the coalition health committee. Again I commend those members, under the leadership of the honourable member for Portland, the parliamentary secretary, for the two and a half years work which brought the legislation before us tonight. They met extensively with all the interest groups — there are many — and looked at the whole issue of reproductive technology and its implementation. Each and every one wished to make a contribution tonight although they were precluded by time, but they have made a real contribution by ensuring that the principles of the legislation represent the community’s views and the priority focus on the wellbeing of the child arising from the technology is endorsed by legislation. I commend the committee for its contribution.

When technology is applied to an area as sensitive as reproduction and you seek to encompass that in legislation it requires a composite of expertise and drafting that is second to none. I commend, as the honourable member for Portland has, and indirectly the honourable member for Albert Park did, the legal unit of the Department of Health and Community Services, particularly Pauline Ireland, who worked on the initial stages of the bill, and when she went to the Department of the Premier and Cabinet, Di Scott, who has seen the legislation through to this stage.

They worked assiduously with parliamentary counsel. This is the 10th draft of the legislation, which has been continually looked at and considered. A huge amount of time, effort, dedication, commitment and skill was contributed by the draftspeople who worked on the legislation. There is no doubt that it required a great deal of balance.
As the honourable member for Portland said, we have seen remarkable advances in medical technology over the past 10 years, much of which has widened our understanding of the basic components of human reproduction. The advances have been earthmoving, given what one would have anticipated 20 years ago. Scientists and researchers tend to move forward at rates faster than the community can accommodate. I am reminded of a book published some years ago entitled One Slumbering Sentinel written by I. Weeramantry. It examines the legal, legislative and community process that are applied to scientific and medical research. In previous years we have not been able to keep up with technology or have it match society’s readiness to understand and accept. We are still moving ahead in this complex area, with science and research addressing many of the problems that seemed insoluble 50 years ago.

We have addressed fundamental ethical values, especially as they relate to human life and its very beginning — and, given the debate in recent days in the Northern Territory, its end. We have found a balance between what is scientifically possible and what is ethically, humanely, morally and socially acceptable. That was the challenge put to those who developed the legislation, and it has been met by those who have debated it this evening.

The legislation meets that challenge. It achieves the right balance through the adoption of the guiding principles. The predominant principle is the need to put the interests of the child first, followed by the need to preserve and protect life, the need to consider the interests of the family and the need to assist infertile couples to fulfil their desire to have children. If the legislation meets those key principles while assisting infertile couples who wish to create children, the outcome of the substantial work done over the past two and a half years will have been worthwhile. Some of the technical amendments reflect the finetuning of the legislation over the past couple of weeks as people have considered the words that best reflect the principles. Little or no changes have been made to the substance of the principles.

In conclusion I thank all those who have been involved in bringing the legislation to its conclusion. I especially commend those who will continue to play a key role in its implementation — the current members of the SRACI and those who will be brought onto the committee as the licensing authority is set up. I ask that the scientists, doctors, researchers and others involved in implementing the legislation do so in the same spirit in which it has been debated tonight. Infertility poses real problems for couples who are unable to have children naturally. The very best technology and research has enabled their problems to be addressed. If these reforms are addressed as we hope we will be in the fortunate position of combining the very best in research with the high ethical understanding and sensitivity that is required.

I commend the bill to the house.

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed next day.

JOINT SITTING OF PARLIAMENT

Royal Melbourne Institute of Technology

Deakin University

Swinburne University of Technology

Message received from Council acquainting Assembly that they have agreed to joint sitting to elect members to the council of Royal Melbourne Institute of Technology, the council of Deakin University and the council of Swinburne University of Technology.

Remaining business postponed on motion of Mr GUDE (Minister for Industry and Employment).

ADJOURNMENT

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

That the house do now adjourn.

TNT Ltd shares

Mr THOMSON (Pascoe Vale) — I raise a matter for the Attorney-General, and in her absence ask the Minister for Industry and Employment to pass it on to her. It concerns the administration of the national companies and securities legislation and correspondence from the Country Estate and Agency Company Pty Ltd to a Mr K. H. Remington, who might be recognisable to people who were here before 1988, making an unsolicited offer to purchase his shares. The offer was to purchase shares in TNT.
Ltd at $1 per share, advising him that he simply had to sign between the x's on the enclosed transfer and enclose his certificates.

Given that the TNT shares were valued at the time at $1.88 rather than $1, clearly this unsolicited offer by Country Estate was a try-on. TNT subsequently advised shareholders that the offer price was well below the current market price and that the Corporations Law allows any member of the public to obtain a copy of a company's register of members.

In my view it is most unsatisfactory that companies are able to send out such unsolicited offers to purchase shares at well below their market value. They are misleading offers; they can cause distress to shareholders and in particular they can cause distress to older people. I understand, having made some inquiries of TNT, that there are examples of older people who instructed brokers to simply acquire shares at much less than their true market value.

In view of the distress unsolicited offers to purchase shares can cause to older people and others, the Attorney-General ought, as part of her role under the national companies and securities legislation and as part of the operation of the Australian Securities Commission, look at what action might reasonably be taken to protect shareholders from receiving unsolicited offers of this character.

Bendigo: amalgamated heath services

Mr TURNER (Bendigo West) — The matter I raise for the Minister for Health concerns heath services in the Bendigo region. I believe — and I am sure the minister will concur — that last Friday was a rather historic day for health services in the Bendigo region. On that day the Bendigo hospital board and the Anne Caudle Centre board gave notice of their intention to merge into a single board. This merger has occurred over a period of nine months during which both boards have been meeting and extensively investigating the best way health services can be provided to the Bendigo region. As a result of this decision, the new group will be known as the Bendigo Health Services Group and will principally take on the scope of activities to cover the following service delivery areas: rehabilitation, extended care, acute care, psychiatric care, and some primary health care services.

We will now have one provider of health care for the Bendigo area primarily covering the old functions of the two institutions that have existed for many years in the Bendigo area. The organisation will have a budget of more than $90 million. In all such exercises there are always some people who see them as backward steps. Certainly this government and the board members who, barring one, voted unanimously to bring in this process, see it as a forward step to health services in the Bendigo region.

The only disappointment is that, as normal, the prophet of doom and gloom, the honourable member for Albert Park, has seen fit to enter the debate, and as always he is a knocker. He has to some degree put a little bit of that behind him and has ventured to believe that this is not the best way to go. We all know he is short on facts and loose on the truth.

We have already seen some fantastic services provided in the Bendigo area. There have been increases in services and some $10 million worth of expenditure by this government. In 1989 the Labor Party tried to achieve the same level of service provision but failed. As honourable members would know, this government does not fail in any venture it sets out to do. I ask the minister to outline the prospective health services for the Bendigo region, the benefits to the community, the extra service provision, the extra throughput and all the benefits for health that will flow from this historic decision that took place in Bendigo last Friday.

Campaspe: rural feedlots

Ms MARPLE (Altona) — I raise an issue for the attention of the Minister for Conservation and Environment in another place and ask the Minister for Natural Resources to either answer my query or to pass it on to him. It concerns the ability of the EPA to protect the environment and assist residents when feedlot enterprises are set up in rural areas.

The particular case I wish to highlight is that of the residents of Wharparilla, which is close to Echuca and is now part of the new Shire of Campaspe. The residents have had a long battle with Gilbertson's, which has a feedlot in the area. It appears that that feedlot has by and large been functioning in an illegal manner, both on the original site and the extension of the feedlot. This area is zoned rural residential. Honourable members can imagine what it has been like for those who bought their small blocks out in what they thought was open space and the fresh air of the countryside to find a feedlot built right next door. The councils of both the former Shire of Rochester and the present Shire of...
Campaspe have attempted to restrict this development in what the local people believe is an inappropriate situation.

Mr W. D. McGrath — On a point of order, Mr Speaker, I wonder whether the honourable member might like to outline to the house why she is raising this matter in this forum because the details of this particular feedlot were before the AAT. I am not sure whether or not the AAT has completed its hearing.

The SPEAKER — Order! The AAT is not a court of law. There is no point of order; the honourable member should continue.

Ms MARPLE — The issue relates to the EPA. Although I acknowledge the government is hell bent on making Victoria the major state in Australia for feedlots, there are many environmental issues connected with them. I feel sure the residents and others want to know how the EPA can give unbiased advice to the residents and shires on environmental issues connected with feedlots when the Minister for Conservation and Environment is in the process of cutting back staff.

Can the minister assure us that his department, through the EPA can give independent advice to all Victorian residents — and this applies to residents, not only in the Shire of Campaspe but across Victoria — be they individuals concerned about the environment or large companies increasing or opening feedlots in Victoria, that it is not simply there to act as a referral body that is forced to back the government's push for feedlots?

Education: industry links

Mr KILGOUR (Shepparton) — The matter I raise for the Minister for Education concerns an exciting new project that we will have in Shepparton in the future. We recently saw the formation of the Shepparton Education Board, under which principals and other interested members get together to promote the future direction of education. From that has developed a Northern Industry Education Board. Members of industry are linking with people in education to ensure that people who go through our education system and enter the work force have a full understanding of what is required in industry.

The board involves the clever food people from the Goulburn Valley quality council, the city council and the councils of Campaspe, Strathbogie and Moira.

From this board has come the Partnership of Excellence conference that is to be held in Shepparton in September. Can the minister see his way clear to supporting the conference on quality principles that are rapidly being implemented in Goulburn Valley businesses, particularly in the good food industry? It is important that our school leavers are adequately equipped to enter this environment. What better way to do that than to implement quality principles in our school curriculums and administration?

The major aim of the conference is to develop an understanding of the quality concept of education and also to generate awareness of benefits that can be gained in education by the adoption of a quality philosophy. The Partnership in Excellence conference will assist in the implementation of quality programs in schools and in establishing stronger links between education and industry. The top quality speakers that have been booked are renowned both nationally and internationally. More than 700 teachers will attend the conference. It is a massive undertaking by the northern industry education board.

I ask the minister whether he can provide some support for the conference by supplying a part-time executive officer for the northern industry education board to help in administration as well as some tangible support to ensure that the top quality speakers are able to be contracted to attend the conference. It is a first in Victoria. I am sure the minister will want to get behind it and ensure the conference is a success. I ask the minister to look into the situation to see whether the department can support the northern industry education board in the development and running of the conference.

Football: player safety

Mr FINN (Tullamarine) — I direct to the attention of the Minister for Industry Services — —

Mr Haermeyer — On a point of order, Mr Speaker, I was up at the same time as the honourable member for Tullamarine.

Honourable members interjecting.

The SPEAKER — Order! I have to differ with the honourable member. He was slow in getting to his feet. I looked around and the only person on his feet was the honourable member for Tullamarine.
Mr FINN — In the absence of the Minister for Industry Services, I direct to the attention of the Minister for Health a matter that relates technically to the Occupational Health and Safety Act as it pertains to protecting Victorian footballers, particularly when they are interstate. I point out that the act is relevant to footballers because the field is very much a footballer's workplace, particularly when the footballer moves into the realm of professional football.

Mr Batchelor — Mr Speaker, on a point of order, I was listening to the contribution of the honourable member for Tullamarine. He indicated that he was raising a matter that related to the application interstate of the Occupational Health and Safety Act. My understanding of the jurisdictional boundaries is that the act does not apply interstate. Other acts may apply interstate, but they are not matters of administration for a Victorian minister. So the honourable member cannot have it either way, and you should call the honourable member for Yan Yean.

Mr FINN — Mr Speaker, on the point of order, I was going to ask the minister whether after examining the act he could contact his colleagues interstate to ascertain whether similar matters could be raised in their jurisdictions.

Honourable members interjecting.

The SPEAKER — Order! The Chair is in some difficulty. It is hard for the honourable member for Tullamarine to convince the Chair that he is not asking the minister to take some action interstate. Is that what the honourable member for Tullamarine is asking?

Mr FINN — No. I am asking the minister to examine the act as it pertains to Victoria. Obviously that act would have no jurisdiction in other states. I am asking him to approach his ministerial colleagues in other states with a view to bringing — —

The SPEAKER — Order! The honourable member cannot ask for legislation during the adjournment debate. Does the honourable member for Thomastown wish to raise another point of order?

Mr Batchelor — The point of order I wish to raise is that the honourable member for Tullamarine clearly requested that the minister deal with a matter interstate, which is clearly out of order.

Police: air wing

Mr HAERMeyer (Yan Yean) — The matter I raise for the attention of the Minister for Police and Emergency Services concerns the future of the rotor wing operations of the police air wing. Since the minister answered a question in the house on this subject last week it has come to my attention that something like six of the pilots in the police air wing have either applied for or have actually accepted positions interstate as police helicopter pilots.

The minister seemed to be a bit at odds with himself about whether the air wing was to be sold off to Lloyd Aviation or to some other private contractor. This is a matter of serious concern to the Victorian community because the police are vehemently opposed to contracting out the air wing, particularly where the use of pilots other than sworn police officers is concerned.

That really comes to the fore when you get into serious operational situations where the helicopters have to fly into a siege, perhaps like the situation we saw recently at Fawkner or Doncaster. In such circumstances a decision has to be made at some point about when the helicopter goes into the situation, how far it goes into it, what it does when it gets there and when it pulls out. That judgment is likely to be made in a very different way by pilots who are not actually sworn police officers.

It is important that the police maintain total and absolute operational control of what goes on in a police operation, including decisions about the use of police helicopters. We can have no confidence that that will occur under a private contractor. As I say, apparently six police pilots have indicated that they have applied for positions in other states. That situation exists because of the uncertainty that has been created by the minister’s refusal to confirm, deny or in any way clarify the future of the police helicopter wing.

I ask the minister to clarify the situation before we lose any more police pilots. They are experienced officers and we do not want to lose them. The minister’s public indecision may mean that in the end, irrespective of what is decided, we may have no police pilots left.

CFA: national medal

Mr COOPER (Mornington) — The matter I direct to the attention of the Premier concerns a calculated slight against female volunteer firefighters with the
Country Fire Authority in the awarding of the national medal for emergency services. The case I bring to the Premier's attention concerns a Mrs Bette Jones who has been a volunteer firefighter with the Moorooduc brigade since December 1953. She and her husband have together operated the base radio for the Western Port group since that time, so for more than 40 years they have operated that base radio, which is at their home. They operate it 365 days a year, 7 days a week, 24 hours a day, so they are certainly dedicated to volunteerism and to the Country Fire Authority.

The Western Port fire brigade group recently nominated Mrs Jones and her husband for the national medal. One of the major conditions for award of the national medal is that the recipient must have served diligently for at least 15 years and have served or been ready to serve the primary function of the organisation. Nobody would deny that both Mr and Mrs Jones have achieved that aim. The nomination of Mrs Jones was rejected. It was then resubmitted with the strong support of local CFA members and with the full support of the board of the CFA. However, it was still rejected.

The interesting aspect about the rejection of the award of the medal to Mrs Jones is that the secretariat awarded the medal to her husband. She and her husband have been doing identical voluntary tasks for the CFA for the past 43 years. It appears the award secretariat in Canberra is practising sexism of some kind because a male firefighter has received the national medal, but his wife, who has been doing identical tasks, has been rejected twice for the same award.

I ask the Premier to take up the matter with the Prime Minister. Some pressure should be brought to bear upon the award secretariat — —

Mr Batchelor interjected.

Mr COOPER — You may think it is a laughing matter, but it is sexism. I will direct your remarks back to the Western Port brigade of the CFA — then see what they think of you!

This matter affects a large number of female firefighters in the CFA. While the honourable member for Thomastown may not think — —

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

Intellectual disability services

Ms GARBUTT (Bundoora) — I wish to direct a matter to the attention of the Minister for Community Services, but I note that he walked out of the chamber after the last division. Nevertheless, I hope he will answer this question.

A Government Member — You always say that.

Ms GARBUTT — He is never here, that is the problem. The matter concerns services for those with intellectual disabilities. This matter was raised with me by two advocacy groups, Housing and Tenancy Rights for People with Intellectual Disabilities (AMIDA) and Victorian Advocacy League for Individuals with Disability (VALID). Their concern is that further budget cuts of 1.5 per cent across all departments on the basis of continued and increased productivity savings will amount to a $3 million cut from the budget for those with disabilities in addition to the $47 million already cut from those services in the past two years.

That means the Department of Health and Community Services is planning to close day programs or accommodation services. The executive officer of VALID, Kevin Stone, states:

Budget cuts have already cut the guts out of intellectual disability services — this budget will deliver the death blow.

To insist on productivity savings ... which has over 6000 people waiting for various forms of support is the most cold-blooded act of government I have seen.

AMIDA states:

People will be on the streets because of this. People are suffering because of the cuts to services already.

If day programs are affected people will be forced onto the streets during the day and if they have behavioural problems they may get into trouble ... If proper support isn't provided for people with intellectual disabilities their life and liberty will be at risk. What is more important: money or peoples lives?

Following these massive cuts no further savings can be made in disability services. The quality has been reduced in accommodation programs; the rosters in the rehabilitation unit have been cut paper thin; experienced and untrained staff on short-term contracts now form the majority of staff — all that has led to poorer services.
Cuts have led to such poor services that the Kew Cottage Parents Association is taking legal action. Further cuts in the pipeline can lead only to closures. Information from within the department says the next stage will be doors closing on services. I ask the minister to clarify his intentions. Will services close their doors?

**Sturt Street, Ballarat**

Mr JENKINS (Ballarat West) — I ask the Minister for Health to direct to the attention of the Minister for Roads and Ports in the other place traffic problems on one of the most beautiful thoroughfares in the world — that is, Sturt Street, Ballarat.

Most members would well know the divided carriageway with a garden median strip between the two lanes along Sturt Street between Pleasant and Greville streets. From that point westerly the road becomes a standard four-lane road with a central median strip dividing the two lanes east and west. There are sets of traffic lights at the intersections of Sturt Street and Lydiard, Doveton, Dawson and Drummond streets.

The confusing situation for motorists is that vehicles travelling across the four streets mentioned have to stop at the down lane or up lane when facing a red stop sign. When they get to the Pleasant Street intersection a vehicle turning right can go through the red light; there is no stop sign because the street tapers back to a normal carriageway.

There has been a great deal of confusion for motorists at the intersection of Pleasant and Sturt streets because vehicles travelling across those streets have to cross at the red signal, but those turning right can give way and go through the red light.

**A Government Member** — What about fire trucks?

Mr JENKINS — Fire trucks certainly go straight through! It is confusing for motorists. I have witnessed many close shaves at this intersection. The situation can be solved if the intersection of Pleasant and Sturt streets were standardised with traffic signals further east down the Sturt Street promenade. Four 'Stop on red signal' signs could be installed, which would solve the problem. It would save confusion, lives and vehicle damage to motorists and pedestrians in this precinct.

**Automatic ticketing machines**

Mr BATCHELOR (Thomastown) — I direct to the attention of the Minister for Public Transport the delays in and bungling of the introduction of the automatic ticketing system for Melbourne's public transport system. I have been told from within the industry that it is a very wide-held belief that the Onelink consortium was coached from within the PTC during the bidding process on the best way of being the successful tenderer. People liken it to another casino-type tendering process.

It has been alleged that Onelink was advised to drop its price because the technical evaluation of its system or of its bid was extremely low. If they continued with it at that level, they would not be successful. They were told they had to have a dramatic price differential or they would not be successful.

Between the opening of the tenders on 1 March 1993 and their closure on 10 May 1993, the PTC kept issuing additional instructions to the tenderers which these tenderers had to factor into their bids. There were at least 17 — —

Mr Leigh — On a point of order, Mr Speaker, the honourable member for Thomastown seems to be looking down at something that may be documentation. I ask him if he is reading it and if it is documentation to make it available to the house because it would be appropriate for the house to have what he has so the transcript can be checked?

Mr BATCHELOR — I am referring to my handwritten notes.

The SPEAKER — Order! There is no point of order.

Mr BATCHELOR — There were 17 instructions issued by the PTC during the tendering process. There may well have been more and the issuing of these multiple instructions during the tender process provided the wherewithal or opportunity for the Onelink consortium to actually drop its price to ensure that it would be the successful tenderer. As we know, they were successful.

I ask the minister to institute a full, open, public inquiry into this tendering process on the basis that the industry assessment was clearly not fair, not open and was clearly not the sort of process that should be operating in Victoria. Already the reputation of the Victorian government has been
sullied through other tendering operations and we see yet again that the tendering for the automatic ticketing system in Melbourne was not according to what should have been the case.

**Responses**

**Mr KENNETT (Premier)** — The honourable member for Mornington raised the issue of Mrs Bette Jones, a long serving member of the Country Fire Authority. Together with her husband, she has served the authority for 43 years in a voluntary capacity, providing invaluable service to the community — as do all the volunteer members of the CFA throughout the state. Most of them do not require recognition, but from time to time the system allows us to pay tribute to those who serve the community.

As I understand it, Mr Jones has recently been recognised with an honour from the Award Secretariat in Canberra. That is administered bureaucratically, the award finally being bestowed by the Governor General on behalf of the Australian government. The honourable member for Mornington asks why both Mr and Mrs Jones should not be recognised, given that they have done similar work for more than 43 years. I am not aware of all the details, but I shall pursue them on behalf of the honourable member for Mornington. This is a case where a letter to the Prime Minister and the Award Secretariat in Canberra is in order. I shall be happy to take up the matter on behalf of the honourable member because Mr and Mrs Jones have contributed like work in a voluntary capacity for 43 years — and having done the same work they should both receive the same recognition.

I shall have great pleasure in taking up the matter. I ask the honourable member for Mornington to give me some further information to enable me to compose a letter to the Prime Minister and the Award Secretariat.

**Mrs WADE (Attorney-General)** — The honourable member for Pascoe Vale raised the issue of unsolicited offers to purchase shares. I understand the matter was raised with him by Mr Remington, who received an offer to purchase shares at $1 each whereas the current value being $1.88. This has been a constant problem for elderly shareholders with small parcels of shares, who often receive unsolicited offers. I am aware of the matter and have asked a member of my staff to refer it to the Australian Securities Commission. The honourable member for Pascoe Vale said TNT had already written to shareholders alerting them to the true value of the shares. No doubt that will assist those who may have been concerned about what to do with the offers.

I have not followed up the issue for a number of years so I am not sure whether a mechanism exists within the commission to deal with this sort of problem. However, now that it has been raised with me I shall follow it up and advise the honourable member.

**Mrs TEHAN (Minister for Health)** — The honourable member for Bendigo West raised the amalgamation of the Anne Caudle Centre and the Bendigo Hospital. The voluntary merger of those two historic Bendigo health institutes is a remarkable achievement, one that heralds a new era for health services in Bendigo.

It will serve the people of Bendigo extremely well. It is the first step in providing a continuum of care that should be the aim of any health system. The continuity of health services in both the metropolitan area and various large provincial cities has often been held back by individual agencies focusing on their individual roles rather than working coherently. The fact that the two boards of management recognised that the interests of the Bendigo public would be best served by their coming together represents a remarkable step forward. It shows a commitment to the health system and a preparedness to put the service of their communities ahead of their individual interests.

I have been watching the progress of the amalgamation over the past nine months. It has been assisted by the knowledge, commitment and input of the honourable member for Bendigo West. He has been a sounding board for various members of the community. The liaison between the department, the regional office and the individual boards has been enhanced by his commitment to ensuring the provision of health services that adequately serve the people of Bendigo.

The benefits that will flow from the voluntary amalgamation are spelt out in press release issued today by the Bendigo Hospital and the Anne Caudle Centre:

The Anne Caudle Centre and the Bendigo Hospital have voluntarily agreed to merge as from 1 July 1995. Also commencing from this date the majority of psychiatric services will be auspiced by the new organisation.
Tuesday, 30 May 1995

The new organisation, which will be known as the Bendigo Health Care Group, is described as the single largest health organisation outside the metropolitan area, having a budget in excess of $90 million per annum.

Such an organisation will therefore be well positioned to successfully compete for services and other resources with other aggregated health care agencies that will merge in Melbourne and elsewhere.

There is no doubt that the merged organisation will be good for Bendigo because more comprehensive clinical services will be provided, more health specialists will be attracted to the area, and the leakage of patients from the Bendigo region can thus be addressed.

The recent histories of the Bendigo Hospital and the Anne Caudle Centre show that services have been expanded. They now include critical care, renal dialysis, chemotherapy and oncology, day surgery, diagnostic cardiology, ophthalmology, audiology, radiology and diagnostic facilities. They also include an Aboriginal liaison officer, a hospital-in-the-home program, alcohol and drug withdrawal programs, neurology and neurosurgery, and psychiatric services.

The people of Bendigo now have an opportunity to enjoy a continuum of care. In recognition of the advances that have been made in this first major merging of services in Victoria, the government has said any savings that are achieved will remain with the amalgamated service to further enhance its service provision. The government has agreed to fund a business plan for the amalgamated service, at the same time supporting the costing of the information systems that will be required to incorporate the two centres.

The main outcome is that there is a means of ensuring there will not be a drift of the people of the Bendigo region to services outside Bendigo and the region. While Bendigo Hospital has seen a growth factor of more than 4 per cent over the past couple of years, it is looking to an expanded target for the next financial year, which again the government is willing and pleased to be able to provide through the Department of Health and Community Services to the new Bendigo Health Care Group. That will give a real opportunity for services at Bendigo to be enhanced and expanded to attract more specialist services and more specialists and to ensure the people of Bendigo can be treated in their own city.

I am sorry the shadow Minister for Health, the honourable member for Albert Park, has been less than positive in his comments on the proposed amalgamation. He seems to have a predilection to take the very worst scenario he can imagine and present it to the public. This is a good arrangement for the people of Bendigo. Both boards of the Ann Caudle Centre and the Bendigo Hospital should be congratulated, as should the honourable member for Bendigo West. The outcome will be exceedingly favourable. It is a step other hospitals and health agencies will be watching with great interest and, I have no doubt, following in a short time. In the meantime the amalgamation as proposed, with the new Bendigo Health Care Group coming into operation on 1 July, will continue to give expanded and enhanced services to the people of Bendigo.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Altona raised the question of the Wharparilla feedlot and the EPA’s control over some of the issues concerned. The honourable member will be aware that a working party has been established aimed at trying to build up the number of feedlots in Victoria to allow Victoria to capitalise on that industry. The working party is addressing the question of siting and some issues relating to effluent treatment.

The Wharparilla feedlot is one of the early feedlot operations in Victoria. The Shire of Campaspe has taken a continuing interest in its operation. As was noted by way of point of order taken by the Minister for Agriculture, this matter as I recall has been tested in the AAT but as I understand it is not yet fully determined. On that basis, we need to wait on the outcome of the AAT hearing. Suffice it to say the EPA is well enough staffed to deal with these issues.

The EPA has adequate staff to deal with applications to establish these feedlots as they are made. It is a question of this feedlot being one of the early feedlots established before the guidelines were put in place. I will take up the matter with the Minister for Conservation and Environment and ask him to respond directly to the member.

Mr HAYWARD (Minister for Education) — The honourable member for Shepparton raised the Northern Industry Education Board and a conference it will organise in September entitled Partnership in Excellence. The conference will focus on the concept of quality, its application in schools and students’ understanding of the concept of quality. That will be very relevant to their work opportunities in the future. I thank the honourable...
member for bringing the conference to my attention. The honourable member is a tireless advocate of schools in his electorate and promotes their interests constantly.

The honourable member asks whether the Directorate of School Education could support the conference in giving part-time executive officer assistance and possibly some tangible support. I will be happy to take those matters up with the Directorate of School Education and investigate ways in which it could support the conference. The conference is worthy of support. I will advise the honourable member of the outcome of my inquiries at the earliest possible time.

Mrs TEHAN (Minister for Health) — The honourable member for Yan Yean raised with the Minister for Police and Emergency Services the fixed air wing service. I will direct that matter to the minister's attention.

The honourable member for Bundoora raised with the Minister for Community Services a general matter concerning budget cuts. I have no doubt the Minister for Community Services will advise the honourable member for Bundoora of the advances made in the provision of services for people with intellectual disabilities under the Kennett government, the additional funding made available over the past 2.5 years, the improvement in moving people out of institutions and into settings more appropriate to them and the improvement in the provision of services for people with intellectual disabilities. There is no doubt the whole focus on community and health services under the Department of Health and Community Services has improved dramatically with the advent of the Kennett government and under the leadership of the Minister for Community Services.

Finally, the honourable member for Thomastown suggested that he was raising a matter with the Minister for Public Transport. I do not know whether he actually raised a matter with the consideration of the minister. As I heard it, the speech was based totally on rumours, allegations and maybe. It was not based on facts or anything of substance but related to rumours that have been circulating, things he had heard and suggestions he had proposed. As far as there is any factual basis to the matters raised, I am sure the Minister for Public Transport will give this the consideration it deserves. Certainly based on my assessment, it was another example of the honourable member for Thomastown clutching at straws and creating problems. He certainly had no basis for the matters he raised.

Motion agreed to.

House adjourned 12.39 a.m (Wednesday).