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

PETITIONS

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

Coode Island chemical storage

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

The humble petition of Geelong residents and the undersigned citizens of the state of Victoria sheweth concern at and opposition to the proposed relocation of the Coode Island hazardous chemical storage facility to Point Lillias, near Geelong.

Your petitioners therefore respectfully urge that the Victorian government does not relocate the Coode Island hazardous chemical storage facility to Point Lillias which as an area of international environmental significance is an inappropriate site for port and chemical storage facilities.

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

By Mr Paterson (60 signatures)

Rosanna railway station

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

The humble petition of the undersigned citizens of the state sheweth their concern over the delay in installing automatic locking pedestrian gates at the rail/road crossings near Rosanna railway station. There have already been several fatalities and near misses in recent years and this situation is a cause of considerable community concern.

Your petitioners therefore pray that the government will urgently address the concerns of the community and install the gates promptly.

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

By Ms Garbutt (220 signatures)

PAPERS

Laid on table by Clerk:

Gippsland Southern Health Service — Report for the year 1994-95

Statutory Rules under the following Acts:

Fisheries Act 1968 — S.R. No. 140

National Parks Act 1975 — S.R. No. 139

Subordinate Legislation Act 1994 — S.R. No. 141

St. Georges Hospital and Inner Eastern Geriatric Service — Report for the year 1994-95

Subordinate Legislation Act 1994 — Ministers’ exception certificates relating to Statutory Rule Nos 139, 140

Tawonga District General Hospital — Report for the year 1994-95


TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

LEGAL PROFESSION PRACTICE (AMENDMENT) BILL

Second reading

Debate resumed from 15 November; motion of Mrs WADE (Attorney-General); and Mr MILDENHALL’s amendment:

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 1 per cent of the annual income of the Solicitors Guarantee Fund to be set aside for consumer education concerning legal services.’

Mr BATCHELOR (Thomastown) — I join the debate on the Legal Profession Practice (Amendment) Bill to support the amendment moved by the honourable member for Footscray. I do so because the key to this issue, which is a sensitive and difficult one in our community,
need to educate the consumers of the legal profession. Without that education we will see a continuance of the practice that has brought about the need for the emergency treatment of the principal legislation. Many people across Victoria are facing the tragedy of financial hardships because crooked solicitors are responsible for defalcations and losses of millions of dollars.

It is by no means true that solicitors as a whole set out to deceive, steal money or inflict great difficulties on working people, but it is true that some members of the profession do. In the old-fashioned vernacular, there are crooks in the profession who inflict considerable financial hardship on ordinary citizens by deceiving, cheating and stealing. The decade of greed in the 1980s resulted in an upsurge in those activities, and now the Solicitors Guarantee Fund, which was established to protect the citizens of Victoria from corrupt solicitors, has been completely drained of money. Some excesses have been so great that the fund’s liabilities far outweigh its ability to meet its current obligations. If it were not for the dramatic and urgent action being taken by the Parliament to provide an additional source of revenue, the crisis would be even worse.

Already the ability to meet the defalcation of corrupt lawyers is at crisis point because inadequate funds are available. It is a pity that so few corrupt solicitors get hauled before the courts. They leave behind a trail of tragic victims who have lost substantial amounts of money, including personal investments and their life savings, and in many cases their own homes.

I draw the attention of the house to a set of circumstances that clearly demonstrates what happens when solicitors who are loose with the law set out to deceive and exploit. This case occurred in the northern suburbs and affected people in my electorate of Thomastown. A corrupt lawyer and a corrupt builder set out to deceive people. We know of 14 families who have been affected, but some people have set the figure much higher than that. They suggest that this may be just the tip of the iceberg and that many more may be suffering financial losses as a result of a confidence trick that was played on people from a particular ethnic community.

One group of people has been more vulnerable and easier to exploit than others. My electorate has a large Macedonian community. Many of those people have been in Australia for 50 years or more. They have left behind the turmoil in their former country to help build this country. I am talking about people who have been prepared to use their hands to work hard in factories and in the sweatshops of clothing establishments and as labourers on building sites. In every sense of the word they have helped to build Australia with their own hands.

I know of one such family: Peter and Melva Ristevski, who owned a house at 12 Casey Drive, Lalor. If I elaborate on this case honourable members will see the difficulties caused by malpractice in the legal profession. The details will show how the family was left without its house and fighting a huge legal battle. This battle commenced in 1990, and the family is yet to receive the satisfaction, help and protection the Solicitors Guarantee Fund was designed to provide before it ran out of money. The Ristevski family has been told its case cannot be processed for that reason, which is a damming indictment not only of the way the government has plundered the fund but also of the way certain renegade and disreputable solicitors have carried out their affairs in years gone by.

The estimated $44 million in unfunded liabilities is staggering. When honourable members hear what has happened to certain people in the northern suburbs, particularly the Ristevski family, they will understand why the amount is so high — and they will wonder why it is not even higher. When I detail the circumstances the house will be appalled at the way unscrupulous solicitors have abused people’s trust in the legal system, which is created by decisions that are made in this Parliament. As legislators we are responsible for providing protection and comfort to people who become the unwitting victims of corrupt solicitors and abuses of the legal system.

In 1989 Peter and Melva Ristevski, who migrated from Macedonia nearly 40 years ago and who are elderly people with a poor command of English, owned their own home in Casey Drive, Lalor — and they owned it outright. It was a big home comprising 43 squares, but they lived there with two other families: their two married sons and their wives and children. Mr and Mrs Ristevski’s sons and their families eventually moved out of the family home and it became clear that the house was too large for the elderly couple and was too expensive to run for people on limited incomes. Mr and Mrs Ristevski decided to sell the house and move to a smaller property, and they hoped to use the balance of money left after the sale of their family home and the purchase of their new home as a
pension for their retirement. They approached various real estate agents and were made offers. In a sense, they were testing the market to establish the value of their home.

During this period they were approached by a home builder named Mr Jim Trajcevski, also of Lalor. Mr Trajcevski was a prominent member of the Lalor community and a wealthy businessman who had sponsored a national soccer league team. He was not only prominent in the Macedonian community, but was well known in the world of sport. He held himself up as a man of high repute, of substance and wealth and as someone who could be trusted. As we will see, he could not be trusted.

Through one of his companies, Zard Constructions Pty Ltd, Mr Trajcevski offered to purchase the home of Mr and Mrs Ristevski for $245,000, net of stamp duty, and build them a smaller home near his son's home for $180,000, including the land. The difference of $65,000 was to be paid to the Ristevskis by bank cheque.

Mr and Mrs Ristevski considered the arrangement and decided to sign a contract with Mr Trajcevski. He offered the use of his solicitors, Kyriacou and Kyriacou, of Bridge Road, Richmond. The solicitors were known to the builder and were supposedly of good repute and would provide a discount on their services. Mr and Mrs Ristevski took the advice of Kyriacou and Kyriacou and entered a contract for the arrangements agreed upon by the builder. On their instructions the contract had a clause which required the solicitor, Mrs Kyriacou, not to hand over the title for the land until the contract with the builder was fulfilled. Mr and Mrs Ristevski were prepared to give the certificate of title to the supposedly trustworthy solicitors on the basis that it was held in trust and would not be used for any other purpose. In fact, they made sure there was a clause in the contract to that effect.

Some months later Mrs Kyriacou contacted the family and told them she had executed the transfer of the title — suddenly the alarm bells started ringing. This arrangement was contrary to what was agreed and what was in the contract. The family instructed Mrs Kyriacou to reverse the transfer of title, but were subsequently told this could not happen. Some time later they were told that the builder, Mr Trajcevski, had contrived with the solicitors to mortgage the property with other solicitors who were friends of Mrs Kyriacou. The family subsequently learnt that solicitors McCracken and McCracken of Queen Street, Melbourne had accepted a mortgage on the property and had given the funds to the builder who was obligated to make the payments on the mortgage. Unfortunately for Mr and Mrs Ristevski, Mr Trajcevski ceased paying the mortgage and McCracken and McCracken commenced proceedings to recover the money.

In shock and disbelief, the Ristevskis went to another firm of solicitors, Kenyons, in High Street, Preston, who had 10 days in which to respond to the matters raised and take legal action, but they failed to respond until the twelfth day, which was too late. McCracken and McCracken proceeded with their actions and, through the sheriff's office, the Ristevskis were evicted from their family home. They have no access to their money; they have incurred substantial legal expenses and the tragic events have had a significant impact on the health of the elderly couple and other members of the family. Mr and Mrs Ristevski were forced to move into the home of one of their sons, who has three young children. The combination of grandparents and a young family makes life difficult in a small family home.

We have sought help from the Law Institute of Victoria and, in particular, the then secretary, Mr Robert Cornall, who has dealt with the matter sympathetically and compassionately. The real problem, as I said earlier, is that the Law Institute cannot proceed with action through the Solicitors Guarantee Fund, because there is no money in the fund.

The Ristevskis entered into the contract in 1990 and were forced out of their home some time later. Their life savings built up after years of labouring in a factory environment, helping to build Victoria, have gone, largely because of the actions of the legal fraternity. The government must take action to ensure that there is always money in the Solicitors Guarantee Fund. It is clear that some members of the legal profession cannot be trusted.

Mr Seitz — They are a bunch of crooks.

Mr BATCHELOR — Yes, they are a bunch of crooks. Not all of them, but a significant number of them are and a significant number of them carry it out in a substantial way. I turn to the case of the Ristevskis. In a letter to me their son states:

As my parents are low-income earners they could not afford to rent a property so I offered them to live in my small home until such time that the matter was
rectified. Thankfully they accepted my offer as they were near suicidal.

As time went on my parents continued to find it difficult to sustain their living costs and so sold a lot of their furniture at fire sale prices.

Since leaving their property my parents have had severe bouts of depression. They both cry at times and usually complain of being ill. At times, my mother gets so depressed she vomits.

Adding to this it has also affected by brother’s family and my family so much that I have approached a doctor to assist me as I have been feeling ill —

because he cannot bear to see his patients suffer any longer. That is a dramatic but honest explanation from the son of the Ristevskis as to how this matter has had an impact on their health, not to mention the loss of the family’s assets, the plundering of their home by a connivance between the solicitors of Kyriacou and Kyriacou and the builder, whose principal was Mr Jim Trajcevski.

Mr Jim Trajcevski is no ordinary small-time crook; he has just got out of gaol after serving eight months for sales tax fraud. He has had a series of companies set up throughout the northern suburbs developing land and building homes, caravans and furniture. Whatever he has lent his hand to he seems to bring about financial rack and ruin. He has broken the law, cheated and stolen. Because he continued to do that he landed himself in gaol because of sales tax problems.

What has happened to Mrs Kyriacou? She has had her certificate to practise law removed from her. That is what has happened to her for perpetrating this huge fraud on ordinary working people living in the northern suburbs. The Ristevskis were vulnerable, economically poor, not well equipped in their understanding of the forms of the legal profession and the underpinning of our legal code, and certainly did not have a good command of English. Nonetheless, nothing has happened to the perpetrators of this matter. We have a swag of victims out in Thomastown, Lalor, Mill Park and Bundoora who have had their life savings squandered and who face the real prospect of losing their homes.

Recently, some of these victims came together in a court action and fought through the Supreme Court to have their matters considered. It was a huge financial and emotional burden on them. I believe 14 of them came together and collectively committed themselves to some $500 000 in legal fees to prevent the forces of the law on the side of the banks and the accountants from taking away their homes.

In this case we had not only a rogue solicitor and a rogue builder but around the periphery there were despicable operations in stealing and cheating people out of their homes and life savings. One sees a group of professionals, including lawyers who are in there like hyenas, attacking the debris of the fallout from these big legal battles. McCracken and McCracken — who according to information I have been told are friends of the Kyriacous — obtain and exercise the right of chucking people out of their homes that they owned outright because they entered into a mortgage that was arranged for them corruptly. In this case it was Mrs Kyriacou who had provided the financial and legal advice to the corrupt builder, Mr Jim Trajcevski.

The Ristevski matter highlights in dramatic detail what happens when the legal profession, through a few not bad apples but rotten, putrid, stinking apples, seeks to take advantage of ordinary people. But the circle of rottenness does not end there. I should not create that impression because there is a second ring around the Ristevskis.

While people experienced in the law are able to protect themselves and appear to distance themselves from the core of corruption, they are as guilty as the others. They are there on the periphery wallowing in the deceit, the law breaking and the illegality of stealing homes from ordinary working people. That is what they are doing.

This Parliament should not only support the action to provide recompense and financial protection for people who have had their homes ripped off them by corrupt solicitors but it should also pick up the point made by the shadow Attorney-General and support the education fund. In this matter we have people from a particular community who are vulnerable, elderly and are not in a position to re-earn the money stolen from them. They have come to Australia and have made their personal contribution and now the country which has adopted them and used their contributions is not returning the favour and the investments they have made in Australia.

These people are missing out. We need to have an education program that brings to the attention of ordinary people the advantages of our legal system and how it can protect you. The program should
also warn people against those in the legal profession who are crooks and who seek to steal.

The opposition also asks the Attorney-General if the Ristevski matter can be looked into. Their case is one and there are others where people have had their homes plundered by Mr Trajcevski and Mrs Kyriacou. This is a serious matter and it has been going on for months. Some people have estimated that as much as $9 million or $10 million has disappeared.

Mr Trajcevski and Mrs Kyriacou have used the legal profession and the bankruptcy laws to avoid proper scrutiny and accountability. We have out in the northern suburbs a group of people who have been tragically ripped off not only by people from their own Macedonian-speaking community but by people from other non-English-speaking communities. It is a real tragedy and it needs a thorough investigation by the Attorney-General and decisive action by the police. You cannot have all these homes threatened; you cannot have people’s homes taken away from them by corrupt lawyers without those crooks being called into account.

My appeal is that some commonsense prevails and that the money be provided to the Solicitors Guarantee Fund. The Solicitors Guarantee Fund should follow up the Ristevski matter and resolve it as quickly as possible. I also ask for the Attorney-General to take up the other matters raised in my contribution today. I ask that she not only have the matter investigated but that she ensure that police will crack down with full force on these fraudulent operators.

Debate adjourned on motion of Mr PERRIN (Bulleen).

Debate adjourned until later this day.

CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL

Second reading

Debate resumed from 26 October; motion of Mr COLEMAN (Minister for Natural Resources).

The SPEAKER — Order! I have examined the bill and in my opinion it is a private bill.

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

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Mr DOLLIS (Richmond) — The purpose of this bill is to allow a new lease to be agreed between the City of Melbourne and the Carlton Cricket and Football Social Club to provide for a grandstand development and extension of the use of that ground for activities of a cultural and educational nature. The bill will amend the Carlton (Recreation Ground) Land Act 1966, in which year a 40-year lease was signed for that ground.

The proposed extension of the grandstand into Princes Park is strongly opposed by the local community. This bill is an integral part of a three-stage process involving a planning scheme amendment and a new lease between the City of Melbourne and the Carlton Cricket and Football Social Club. The opposition strongly supports the continuous use of the Carlton ground as a local Australian Rules football and district cricket venue, with some community access. There should be no debate about the use of the ground: it is supposed to be a place where Australian Rules football can be played in winter, where cricket can be played in summer and to which the community can have access.

This bill will significantly extend the Carlton ground and will alter the use to which the ground is put, without the government demonstrating the need for or appropriateness of such changes. Indeed, the minister’s second-reading speech is marked by the lack of attention to detail. The implications are significant for the future of Princes Park. Having read the second-reading speech one could be forgiven for thinking the purpose of the bill is insignificant. With or without the current redevelopment of the Carlton football ground, football matches that would attract large crowds will continue to be transferred to the Melbourne Cricket Ground.

During the amendment to the planning scheme process, the Carlton football club provided information that a capacity crowd for football matches has been recorded only once in the past two years; and the crowds have exceeded 75 per cent of the ground’s capacity on very few occasions during that period. What is the real intention of the bill? The government has failed to answer that question.
Therefore, I desire to move:

That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until the government — (a) provides copies of a detailed traffic and parking plan that has been prepared, including the impact on Princes Park and park users; (b) investigates a more appropriate proposal not requiring the removal of existing trees; (c) provides specific information on impacts of any proposed extension of use beyond AFL football and cricket; and (d) makes public details of the agreement between the Carlton Cricket and Football Social Club and Optus'.

It is reasonable that the opposition should move that motion because the bill represents an intrusion into Princes Park. There has been a change in the capacity and use of the ground in the past few years; currently, it hosts 22 Australian Football League (AFL) matches per year plus cricket matches in the summer. The reasoned amendment has been moved because the bill also represents a change in the nature of the ground's use, and the economies do not appear to stack up unless there is a significant increase in the intensity of the use of the Carlton recreation land and a wider use of facilities.

In his second-reading speech the minister says the proposed redevelopment has gone through a lengthy public process, including the exhibition of a proposed planning scheme amendment and panel hearings. Indeed, the minister has again failed to tell the full story.

What happened with the Carlton recreation ground proposal for a planning amendment scheme is that community objections went to the panel appointed by the Minister for Planning. The suggested amendment states:

The amendment has the following key features:

- the construction of a new grandstand at the eastern end of the Carlton football ground to accommodate a net increase of 10 500 spectators;
- increase playing field length by 6 metres and extension of the east boundary by an average 12 metres which results in the excision of approximately 2490 square metres;
- the construction of four 58 metre-high light towers plus supplementary lighting on the John Elliott stand;
- greater use of the John Elliott stand facilities than currently permitted.

The amendment seeks to insert a new clause 135-5 into the local section of the Melbourne planning scheme which:

- removes the requirement for a planning permit, including urban conservation provisions, provided development is generally in accordance with the concept plan;
- requires a development plan to the satisfaction of the responsible authority including details relating to a number of issues such as architectural details, landscaping, use of new buildings, car parking and traffic management, staging, wind conditions, scoreboards and access for the disabled; this plan may be amended with the responsible authority's consent;
- a bank guarantee to ensure park reinstatement;
- capacity limits of 42 500 to be reduced to 38 500 after lights are approved by the responsible authority;
- lights to be turned off by 11.00 p.m. and light spill not to exceed 22 lux.

The panel recommendations included the grandstand not encroaching beyond the current reserve at ground level; cantilever extending no more than 4 metres over the park; spectator capacity of Carlton recreation ground to be no more than 35 000; the introduction of a traffic and parking management strategy for all activities at the Carlton recreation ground for any event over 20 000 patrons expected; night use be prohibited; no permanent light towers be permitted; and special events should not be held at the Carlton recreation ground.

After consideration of those recommendations, the panel found:

... that the cumulative effect of the proposed intensification has the potential to adversely impact on this urban conservation area and parkland to an unacceptable degree.

The proponent's justification of the intensification of the use based on environmental capacity was unsubstantiated.

The final amendment approved by the minister was different in a number of important respects, including the following provisions: the grandstand is not to encroach; the erection of light towers is not
CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL

Thursday, 16 November 1995

permitted; spectator capacity shall not exceed 35,000; there are to be no more than six special events in any year, three of which can occur at night — that is an event where there are no fewer than 7500 paying patrons; a traffic management plan is to be prepared; payment of $250,000 or a bank guarantee for reinstatement of the park is required; the City of Melbourne and the lessee must enter into an agreement requiring the lessee to make a financial contribution of $250,000 to the council; and there is to be a 16-metre cantilever.

Issues of parking at the Carlton Football Club have long been a problem. Anybody who has used the ground will understand that on rainy days there is a problem with car parking. The mess that cars leave is extraordinary. For the benefit of residents of the area and for the sake of this debate it would be useful to bring into this house a number of photographs I have that clearly show the problem to alert the minister to what I am talking about. The first photograph shows how the park looks on a rainy day; the next shows it looking like a lake once the cars have left.

Mr Coleman interjected.

Mr DOLLIS — These are the problems that we tried to resolve with legislation. The next photograph shows the extraordinary amount of damage that is done to the park. It is a pity that the photographs cannot be incorporated into Hansard for the record.

No-one opposes improvements being made to the football ground, assuming that one takes into consideration the fundamental problems that are created by increasing the number of certain events that should not be increased. No-one objects to football and cricket being played there. Games should be played at the park, but suddenly, contrary to the recommendation of a panel, there will now be six night events that have nothing to do with football or cricket.

Even with the increase in seating the big games will not be played at the ground because it does not have the capacity for the big games; they will be shifted to the MCG. One must ask why the government is introducing this legislation that will eventually destroy another piece of parkland. There would not be one member in this house who would not wish the Carlton Football Club ground to be used for the purposes for which it was created: for football, for an excellent football club, and for young people to use the ground for cricket. Even those of us who do not support the Carlton football team would have to say that its performances of late have been extraordinary.

The ground should not be abused by turning it into an entertainment area. I do not know whether the minister understands the significance of the legislation, but what the government has failed to understand is that the problems it will create as a result of this legislation will be catastrophic.

It is important to compare and contrast the recommendations in the panel's report with those that the government eventually adopted. The issue of parking at the Carlton football ground has been a longstanding one. On match days the area within a radius of a kilometre or more around the ground is affected: people park at the zoo; at Coles in Brunswick; in church car parks and in residential streets. The government's capital city policy document states:

The use of parkland for parking, or for other physically or visually intrusive uses, will be gradually reduced through the provision of alternative facilities.

The government cannot make one announcement after another that it will do this or that for Melbourne and then introduce bill after bill that contradicts the so-called big picture when the opposite takes place.

The Carlton Football Club proposed an amendment to the Melbourne Planning Scheme which became subject to a panel report. The City of Melbourne commissioners largely ignored the report and put forward an amendment, which the minister then approved. Again we have an unelected group of commissioners — people who do not represent the residents, the very people who use the Carlton ground — going against an independent panel report. The amendment does not make sense when one considers the purpose for which the ground was built and for which it should exist. It is another case where people who do not have representation at a local level have been walked over. I am prepared to bet my bottom dollar that if there were an elected group of councillors in that area the government would not be introducing this legislation and that there would not be arrangements taking place that are nonsensical when it comes to football. The legislation has very little to do with football but a lot to do with the destruction of another park.

There is ample photographic evidence that the parkland is used by a large number of people: if the
Parks are for people; they are not created for cars. We have made this point with regard to the grand prix, and it is about time the government understood that cars have very little to do with parks: parks were created for human beings.

The commissioners made an amendment that totally contradicted and ignored the report that was presented, but the minister approved the amendment. The club, the council and the government have from the start misled the community about the proposals, plans and negotiations for the lease. Also the intention and proposed use of the legislation are not explained. It is important to refer to the panel report and the amendment that stipulated certain requirements regarding parking and traffic management.

I shall go to the report because it is important to show in this debate the huge contradiction that exists, why the government should not be considering this legislation and why it should take our reasoned amendment into consideration. It is important and, for once, the government should agree because there is considerable logic in what we are proposing. The community fully supports that move. With regard to traffic and parking, the report states:

The panel is of the opinion that on parking and traffic grounds, the proposal is significantly deficient, and sufficient work has not been done to adequately investigate the likely parking demand for night football or other significant events. The panel is not satisfied that a prima facie case has been established that parking and traffic issues are capable of being resolved.

The panel is of the opinion that the proponent has not adequately considered the long-term adverse impacts of increased use of the Princes Park grounds for car parking and he has not addressed the question of providing adequate alternative facilities as is included in Victoria’s capital city policy.

Again an independent panel report is saying to the government, the council and the commissioners that the government’s capital city policy requires certain things to be done. This is the so-called big picture; but it told the club that what it is proposing will basically contradict and have a negative effect on this very policy. This is not the opposition saying this, Mr Acting Speaker; this is an independent panel report. The traffic and parking management plan says:

A traffic and parking management plan must be prepared to the satisfaction of the responsible authority in accordance with the following requirements:

(a) Preparation of a parking and management strategy which for crowds of varying levels up to a capacity, show how parking for stadium patrons will be facilitated to cover events held on:

weekends — day and evening
weekdays
weekday evening

The plan must include, for each possible event time, details of:

the total expected car parking demand;
the number of cars to be accommodated within Princes Park adjacent to the stadium;
the availability of on-street parking in the immediate area, which could accommodate patron parking;
the locations of an external car parking facilities to be used on a shared basis including the availability of parking at times of events, agreement from the owner/operator to usage of the facility, project methods of transfer of patrons to the stadium and methods of promotion;
details of proposed parking management schemes in residential streets within the close proximity of the stadium.

(b) Preparation of a public transport access plan showing details of additional services required to cater for crowds of various sizes for the three nominated time periods.

It goes on to say:

The traffic and parking management plan must consider both traffic management and parking requirements for events from 20 000 patrons to 35 000 patrons at 5000 patron intervals, and that the traffic management plan includes:

assessment for local parking and public transport use;
parking and access management at Princes Park;
CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL

Thursday, 16 November 1995

parking management in affected residential areas;
public transport supply and operation;
park and ride schemes;
traffic management for Royal Parade between Brunswick Road and Grattan Street;
protection of the residential area immediately to the east from pedestrians after night events; and
the plan should be negotiated and agreed (or arbitrated) prior to approval of the amendment.

Parking in the park is a problem — there is no argument and no debate about that. Anybody who has ever used that park during or after a football game, or on a rainy day, will understand what that means. The park is not an appropriate parking place. The park’s main use is for recreation and sport. That is what the government should be addressing; that is what the government should be doing. It is estimated that about half a million people jog in and around the park annually. There are also 47 other user groups including schools and sporting clubs. Once again, if the minister and the government had taken some time to compare the situation between the MCG and the Carlton Recreation Ground they would have found the following before agreeing to the bill and doing a bit of research.

The available information highlights five railway stations in and around a 1-kilometre radius of the MCG. Considerable public transportation is available to get people there — rail and tram lines and bus routes. Compare that with the two stations servicing the Carlton Recreation Ground: one near the zoo and the other one right up Sydney Road. So there is considerable insufficiency in terms of public transport. I suggest to the minister that that means people will drive their cars.

Again I give this information for the minister’s consideration. Car parking facilities are supposed to exist in and around the park, but the Barkley Square car park is full of shoppers on a Saturday afternoon, as the minister will see. The reality is that there is no available space. Worse than that: if you examine the build-up in a 100-metre parameter around the grounds of the MCG, you see that there is no residential area — nothing. Compare that area with the Carlton football ground where you immediately have residential areas, and if you go up to 100 metres you find a considerable build-up of residential places, let alone what you find in a 1-kilometre radius. All the people who live around the park have cars to park and families and friends who visit them. The area therefore is already overcrowded. Parking is a problem at normal times, let alone when a piece of legislation increases the number of events that have very little to do with football or cricket.

The effect of this legislation is that another piece of parkland will be taken from the people. Even after the cars have gone, as I have clearly shown to the minister, the destruction of the parkland will have been so considerable that by the time the next game comes it will not have recovered and the vicious circle will start all over again.

The Melbourne City Council authorised the removal of trees on 21 September. At least 15 large trees are immediately affected. They will have to be cut down to allow the new stand to be built. Not only will the football ground be destroyed, but trees that have been there for years, that are essential to the children and the community that use the park, will be cut down.

As a condition of the Minister for Planning’s approving the planning scheme amendment L160 it was a requirement that the club provide the City of Melbourne with a bank guarantee of $250 000 as recompense for damage to the park. I ask the minister whether he has any evidence that such a bank guarantee or security deposit has been provided, because the residents have raised with the opposition the concern that this condition has not been met. Let me remind the minister that this is a condition the Minister for Planning gave as a result of his giving approval to an amendment that he should never have approved.

In concluding the debate, the minister must at least satisfy Parliament that that condition has been met because there is no evidence of it. The opposition has received information that no such bank guarantee security deposit has been provided. Residents have raised their concerns with the City of Melbourne and the Minister for Planning. At this stage the Minister for Natural Resources should be able to give an undertaking to Parliament that that condition has been met because it is of fundamental importance to the park and residents of the surrounding area.

The original proposal was that there be a 12-metre encroachment into the park, the panel recommended that there be a 4-metre cantilever, and the bill refers to a 16-metre encroachment. A redevelopment
within the existing boundaries with a 4-metre
cantilever would result in 2500 fewer people being
accommodated and overall the stands would be able
to accommodate 32 500 people. The new stand as
proposed, with its minimal overhang, would hold
14 500 people and overall the stands would
accommodate 35 000. The argument for the
alienation of parkland is not well made because,
either way, the changed capacity will not
significantly alter a decision on whether to hold a
game at Carlton football ground or transfer it to the
MCG or Waverley — it will still not be possible for a
big game to be played at Carlton.

What is the government doing with the bill? The bill
has nothing to do with Carlton Football Club. The
ground should be there for football and the Carlton
Football Club should be allowed to continue its
proud history. Its players have displayed the skills
necessary to win a premiership. The bill has little to
do with — —

Mr McArthur interjected.

Mr DOLLIS — The honourable member has a
habit of entering the chamber and interrupting the
proceedings without having listened to what has
gone on before. The bill has little to do with Carlton
Football Club and little to do with cricket being
played at the ground, but it has a considerable
amount to do with events other than football taking
place — events that will have a detrimental effect on
the parkland and people living in the surrounding
area.

As I stated before I was interrupted, the ground’s
increased capacity will not significantly alter
decisions on whether to transfer a main game to the
MCG or Waverley because large games still will not
be able to be held at Carlton.

Clause 4 of the bill adds cultural and educational
purposes to the purposes for which the lease may be
granted. Significantly, in its hearings at the planning
process stage the panel had only a copy of the draft
lease, which limited the use of the premises ‘to sport
or recreation or social activities or purposes
connected therewith’. The submission from the
social club indicates that 49 events per year will be
held, currently 22 football matches a year are held at
the ground and the most recent draft lease refers to
35 events involving more than 7500 patrons, and
includes educational and cultural activities as
permitted uses. Clause 29.1 of the draft lease, dated
9 November 1995, lists permitted uses as follows:

Despite any other clause in this lease, the social club
may not use the premises for any purpose other than:

(a) sport, recreation and social activities; and
(b) education and cultural activities; and

purposes connected therewith including the erection of
improvements.

The football club is being turned into something
other than a football club but the proposal is
deficient. If the aim is to turn it into an
entertainment venue, space for parking and other
facilities should be provided and the location must
be appropriate — for example, public transport
must be available. More importantly a park made
for people — not cars — should not be destroyed.
The government has a habit of turning parks from
places where families and other people can enjoy
themselves into areas that cars go through.

I turn to the comments of the panel on the alienation
of public open space. It states:

The panel did not accept the proponent’s argument
that the proposal represents a modification in
recreational function only, with public access to the
stadium being offered to a greater number of
spectators. Rather it considers that the use by any
member of the public of the amendment site will be so
restricted by its enclosure as to amount to alienation of
public open space.

The panel believes that a compelling case should be
presented to support the loss of increasingly valuable
public open space but it has not been demonstrated
that there is any community need to justify the
proposed alienation.

I emphasise the last point of the independent panel.
If an independent panel has reported to the
government that no need in the community’s
interest has been demonstrated to justify the
proposed alienation, why is the bill before the
house? Why was an independent panel appointed to
carry out research, talk to people and come up with
conclusions when, simply because it is convenient,
the minister ignores the recommendations? Why
does the government act in a way that encourages
people to look for sinister motives and begin to think
this could be another deal?

I ask a fundamental question: why does the
government appoint panels and then not listen to
their recommendations? By appointing a panel and
dismissing its findings and recommendations, the
CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL

Thursday, 16 November 1995  ASSEMBLY  1271

The government has made controversial what was a non-controversial issue.

The panel's findings are clear. It further states:

The panel sees the amendment as facilitating the operational needs of the proponent and the AFL to provide entertainment on a commercial basis.

A football ground will be turned into an entertainment ground! Basically a park is being destroyed for commercial reasons that have nothing to do with football or other sports. A place designed to be enjoyed by the local community is being destroyed just to make the football ground an entertainment venue.

If the intention of the government is to establish an entertainment venue, it should find an appropriate site. If the intention is to stage big operas, the venue should include parking facilities and public transport access. The government should not destroy another park, for God's sake! The panel concludes:

This represents a corporate need which cannot be described as a community need.

It is important to recognise that we are talking about a corporate and not a community need. I would have thought football was about community interests and involvement. The government basically seems to consider corporate interests to be of greater value than community interests. If that is the case, the minister should have the honesty and decency to indicate to the house and the community that that is where he stands.

Schedule 1 of the draft lease, dated 9 November, defines football matches as follows:

- football matches including, without limitation, soccer, rugby and any Australian Rules matches including, without limitation, AFL matches.

AFL matches are not special events for the purpose of the list if they are commenced and completed before sunset, so the purpose of the bill is to redefine things to allow any sporting event to be held. If the government thinks the Carlton football ground should be used for events other than football or as a venue for things other than sport it should come out and say so; and if it believes those activities are in the interests of the community it should indicate where the interest lies.

The government should not try to say this is an insignificant bill. It should not say the bill should go through because it enables an increase in size and improves the seating facilities in and around the park when the fact is the purpose of the bill is entirely different and there has been a defect in the planning process.

Crucial conclusions and recommendations of the panel have been ignored, and additional uses have been suddenly slipped in by the responsible planning authority and approved by the Minister for Planning. It is a shoddy plan at best and an abuse of process at worst. Suddenly we have an alteration of the original intent. A panel report has been thrown away and a group of unelected commissioners has reconsidered various matters. More importantly, the minister has not taken into consideration what he should have taken into consideration — what is in the independent panel report.

No definition has been produced of what is an educational or cultural activity. Perhaps in his concluding remarks the minister can enlighten the house on what the bill means. This is important, Minister! What does an educational or cultural activity mean so far as this bill is concerned? Does it mean rock concerts or religious crusades or Amway-type selling conferences or opera? What does it mean?

The minister should at least define educational and cultural activities so that people who live in and around the ground and those who think the amendment may improve the status and nature of the Carlton Football Club know what the term means. Will we have some religious festival taking place there? Will we have salesmen in their thousands using the football ground? What is the minister planning to do by introducing the bill?

Without having access to the full facts at the minister's disposal, the panel that considered amendment L160 found against expanding the use of the ground. I again place the evidence on the record so people who may one day read the report of this debate and look for the logic behind the government's legislative mechanism will find there is none.

Under the heading 'Need for a multi-use entertainment centre' the report states:

A major part of the proponent's case was devoted to establishing the need for a multi-use entertainment centre at the Carlton recreation ground.
The proponent called Mr P. Lacey of Management Services, to establish a need for the proposal. Mr Lacey is a policy, planning and management consultant, specialising in the area of recreation and sports management. He was requested to undertake an investigation to determine whether;

- there is an increasing demand for the provision of sporting, cultural and entertainment activities at night;
- whether the Carlton recreation ground would be an appropriate venue for such night activities;
- whether there is a need for the Carlton recreation ground to be upgraded for night activities, and the immediacy of that need.

Mr Lacey’s report played no part in the proponent’s decision-making process to proceed with the amendment because it was prepared after the exhibition.

Mr Lacey highlighted the potential gap in the supply of venues in Melbourne able to accommodate crowds of between 25 000 to 75 000 patrons. He said that should the Carlton recreation ground not be upgraded, then its role as a venue for major sporting and cultural events will diminish ... But its role as a sporting venue will not diminish because it will continue to be the ground for the Carlton Football Club. We will continue to have games at Carlton for so long as there is a capacity to get the crowds in and games will still be shifted to the MCG or Waverley Park when they cannot be played there.

I turn to the question of cultural events and the argument that the bill has been introduced to turn a football ground into something else. The report continues:

Mr Lacey did not provide a critical analysis to justify the need for the proposal.

I point out to the minister that again a so-called expert was unable to provide a critical analysis that justified the need for the proposal and instead attempted to rationalise the demand for another night venue. The report continues:

Although invited by the panel to provide details of what events the proponent intends to hold during night and at special events, this information was not supplied.

In recent times, the only four special events of significance which have been held at the Carlton recreation ground — the Fenech fight (24 000 spectators), rugby (31 000 spectators), Soccer International (16 700 spectators), and the Aida performance (60 000 spectators over 3 nights) — were easily able to be accommodated within the present capacity of the ground.

If you have every bit of evidence, including an independent panel report, recommending certain steps, why bring in legislation that does not make any sense? That does not make sense unless you have some hidden agenda that you are refusing to explain. There is evidence to indicate that what is taking place is unnecessary and will result only in the destruction of the park.

The types of special events that have taken place until now can easily be accommodated within the present capacity of the ground. Little evidence was produced to suggest that over recent years Carlton Recreation Ground has performed any increased significant role as an entertainment centre. Nor does the evidence identify a need for that type of use at the facility.

The report continues:

If, contrary to the panel’s view, the community need for the multi-use entertainment facility is seen to outweigh the community need for public open space, then amenity criteria must still be satisfied. In other words, the impacts of the proposal must be weighed up against the need for the proposal. It is to these amenity impacts that the panel now wishes to turn.

The fundamental point the panel is making is that the impact of the proposal must be weighed against the need for it. At no stage in either the second-reading speech or any comment it has made has the government been able to demonstrate that there is a need for the proposal we are debating.

You have to show the logic. Why are you doing it? The report says there is no need; and, more importantly, it says the impact of any proposal must be weighed against any need for it. Have you done that, Minister? If you have, perhaps you could enlighten us at the conclusion of the debate. There is also a question about the financial viability of the proposed development. The proponent has not revealed the cost of the development, its source of finance or the level of use required to provide a return on the investment. In short, there does not seem to be a basic business plan. Because the
proposed merger between the Carlton and St Kilda football clubs has not come off, none of the promised additional money will be available. Although there are a number of leases, we must ask why we are making these amendments when logic, the evidence and everything else, including the independent panel’s report, tells us that we should not be.

Another question the minister may be interested in answering is whether there is an obligation to hold soccer or rugby games for a pay TV audience? If that is the case, the minister should tell the Parliament, because it is not a crime. If that is part of your plans, tell us and tell the community so that proper planning can take place and a proper examination of any proposal can be made. In that way you can move forward with the support of the community — and if you do not have the community’s support you can look for alternatives. At least critically examine every possibility so that you have a full and thorough understanding of what you are doing.

Mr Coleman interjected.

Mr DOLLIS — It is you who needs to answer these things, Minister; the Chair will be unable to provide the information. I very much doubt that the minister understands the legislation, has any idea of the amending bill he has brought in or has gone through and read these reports. Later on the minister can tell us whether he has bothered to sift through the considerable amount of evidence or whether he has just brought in a piece of amending legislation thinking that he will argue that it is unimportant and innocuous and in that way get it through.

If that is what the minister and the government intends to do with the bill, that ought to be out in the open and there ought to be an opportunity for a full and open debate. Because we have not been given all the information, the parliamentary process has been subverted. Even in this forum we are not being given the opportunity to know what is being proposed for the Carlton Recreation Ground and, therefore, what we are being asked to vote on. I suggest to the minister that the government is being grossly negligent. If the bill is passed Princes Park and the Carlton Recreation Ground will be affected for more than 40 years.

If the minister has not read the evidence, including the reports, if he is not aware of the considerable debate that has taken place on the destruction of the park, and if he is not convinced by the photographic evidence he saw today showing what the legislation will do to the park, there is only one way forward. If the minister has any integrity and any capacity to understand fundamentals, he must take the opposition’s reasoned amendment into account, because it would enable the government to do what we have been suggesting it should do for some time. I repeat the reasoned amendment:

That all the words after ‘That’ be omitted with the view of inserting in place thereof the words ‘this house refuses to read this bill a second time until the government — (a) provides copies of a detailed traffic and parking plan that has been prepared, including the impact on Princes Park and park users; (b) investigates a more appropriate proposal not requiring the removal of existing trees; (c) provides specific information on impacts of any proposed extension of use beyond AFL football and cricket; and (d) makes public details of the agreement between the Carlton Cricket and Football Social Club and Optus’.

That would be a reasonable step forward. Take it, Minister, and make certain that the community has at least some confidence in your ability to draft legislation and govern based on a full knowledge of the facts. Not only do I suggest that the minister does not understand the legislation, but I also suggest that the government is once more trying to deceive the people of Victoria with an unnecessary and destructive bill.

Mr COLE (Melbourne) — I support the reasoned amendment and oppose the bill. During the 10 years I have been in public life — three years on the Melbourne City Council and seven years in this place as the honourable member for Melbourne — there seems to have been one overwhelming constant: my side has always been at odds with the Carlton Football Club.

When we were in government I was at odds with the then Premier, John Cain, about decisions relating to the Carlton Football Club and the activities that could take place at the ground. The other constant was that whenever we stood up in support of the local residents we were accused of being opposed to the Carlton Football Club and not liking football. I may not barrack for Carlton; but we certainly do not oppose the Carlton Football Club’s right to exist, to use the facility and to look to its long and short-term objectives.

The residents of the area have mounted an effective, worthwhile and sincere campaign on the issue, which has been well outlined by the shadow
Minister for Planning, the honourable member for Richmond, whose electorate borders mine and whose people are also affected by the proposal. When those people were mounting their campaign, it was said that they were just against football. Of course, that is not the case at all. They have legitimate concerns, which they have sought and are seeking to raise.

It is also unfortunate — and you cannot help but draw the conclusion — that Carlton is no longer just a football club. I do not confine my remarks just to Carlton, because in the past I have been critical of my own club, North Melbourne, for becoming involved with business interests. When you look at the business interests that have been and continue to be involved with the Carlton Football Club — as well as the Australian Football League — you cannot help but feel that the little people, the local residents, are being downtrodden and pushed aside in the interests not of the Carlton Football Club, which everybody supports, but of big businesses such as Optus — and calling the Carlton Recreation Ground Optus Oval is the most pernicious term you could ever use! Those types of businesses are taking over because of the massive amount of money in football these days.

But with all the changes that have taken place, on one estimate the amount of money they will pay the Melbourne City Council for the lease of the facility will be about as much as they pay one of their bootstudders. Those are the sorts of problems we are now confronted with. Major business organisations worth millions of dollars are paying paltry sums to lease Crown land. Residents and members of Parliament — me in particular — are fighting these proposals. But one important issue has come out: we are fighting big business, not just a football club.

Unfortunately, the most important issue in the whole procedure, as the honourable member for Richmond has pointed out, is that there has been no planning process. We can say unequivocally that the reasoned amendment and our attitude to the alienation of parkland are correct; but more importantly, the independent panel said that on planning grounds it should not go ahead.

The independent panel was not appointed by the Labor Party or the residents. The panel came up with a view which was contrary to what the minister and the council wanted to do. The minister and the council ignored the panel and looked after the interests of the Carlton Football Club.

I turn to the Melbourne City Council. As the local member I discussed the issue with the municipal planners. After the panel’s decision I was informed that they worked out what they believed should be done, and came up with a recommendation to include the views of the residents and the panel and the needs of the football club. I also believe the most important and overriding consideration was what the minister intended to do anyway. In the final event that is probably what happened.

In my humble opinion the planners did not give objective advice consistent with the recommendations of the panel. As the lessor of the property the council should not have allowed the proposal to go ahead in any form unless substantial and further consultation was allowed to take place. Again it highlights one of the most fundamental problems we have experienced with undemocratically elected councils. The Melbourne City Council is probably one of the most undemocratic councils I have ever had the misfortune to observe over the past two years. Some of the things that have occurred have shocked me. It is not just a question of whether a decision is right or wrong. It is a question of the process adopted and the lack of democratically elected officials. Perhaps these unelected officials can make decisions, perhaps they can be decisive, but their voice is not the voice of the community. The voice of the residents has not been heard.

An independent panel made a decision on this planning issue and the panel was overruled, not by the residents but by the people in power — the commissioners and the minister. In his contribution to the debate the shadow Minister for Planning said that if the City of Melbourne had elected councillors a totally different decision would have been reached. That is quite possibly true. It is also possible that due to the strength and force and power behind the Carlton Football Club that may not have occurred. At least there would have been a more reasonable consultative process for the residents of North Carlton, bearing in mind that they have been shoved across to the City of Yarra, which is another tragedy. Local residents could have approached their councillors and asked them to represent their interests, and if the councillors didn’t they would have been turfed out at the next election.

The Chairman of Commissioners of the City of Melbourne is Kevan Gosper. There is no doubt that he is a supporter of the government. He is the head of the jockstrap economy of the state and country. Mr Gosper has not been objective on this issue or on
any other issues affecting the municipality. He has
used his position to push vested interests rather than
looking after the interests of the residents and, of
course, the interests of Princes Park.

Time and again in making decisions he has taken a
position that has not involved any community
consultation. It is difficult to get an appointment
with him to put forward the views of the
community. If he is not sucking up to President
Chirac in Paris you might get a chance to put your
views. Occasionally he might listen to you, but he
won’t consult. Mr Gosper is certainly not objective
when it comes to anything to do with sporting clubs
or associations, particularly the big and powerful
ones because he is one of them. That has been
proven once again in this case. He has not acted
objectively as a commissioner and he cannot be seen
to have acted objectively. Again we return to the
problem of councils without elected officials and
councils with people like Kevan Gosper as their
commissioners. Mr Gosper is more concerned about
the views. Occasionally he might listen to you, but he
course, the interests of Princes Park.

As we discussed the other day in the debate on the
grand prix, the exhibition gardens and so on, the
issue of Crown land is so important to many people
and it just can’t be flippantly put aside. With all due
respect to the Minister for Natural Resources, his
second-reading speech is quite disgusting. The bill
provides for the taking away of parkland and the
substantial alteration of the design and use of a
grandstand. There are so many issues to be debated,
yet all we get from the minister is a two-page
summation of what is happening, not why it will
happen. There is no explanation by the minister for
the proposals in the bill. The government will stand
condemned for years to come for its action.

The opposition does not oppose the operation of the
Carlton Football Club. I have never been to any
functions at the Carlton social club or any other
facility at the ground. I have been to the football at
Princes Park and stood in the outer, but we have no
opposition to the football club. Club officials
approached me, as did the residents, and gave me
the following reasons for the development. They say
the club has developed a proposal that it believes is
in the long-term interests of the club. I would not
dispute that because I am not in a position to do so,
but I simply ask whether the long-term interests of
the club are also in the interests of the community.
They say they have to extend the size of the oval to
comply with AFL standards. I would like to discuss
those AFL standards and the future of football in
this state. I know the honourable member for
Richmond went through a difficult period when the
Collingwood Football Club and the local community
had similar issues before them. That was an
enormous debacle!

The Carlton Football Club representatives said if
they don’t do that they will not be able to retain the
ground as an AFL venue. They say the ground holds
only 35 000 people, which is less than what it has
held in the past. During the 1950s, 1960s and 1970s
apparently the ground held up to 40 000 people. I
will address that issue in a moment.

I leave the Carlton Football Club for the moment
and turn to the principal issue in this debate, which is
the alienation of parkland. The minister’s
second-reading speech states, in part:

a revised grandstand design that avoids expansion at
ground level beyond the existing lease boundary ...

That is the biggest load of sophistry I have ever had
the misfortune to read. The land is being alienated
totally. It is just not happening at ground level.
There will be a canopy over the top of the land, but
for all intents and purposes you cannot use the
facility and it will be lost forever and a day. I don’t
know what other design was proposed for the stand
but I wish some other proposal were available.

I often go to Princes Park to fly a kite with my son,
so I know the area being discussed is not large. It lies
between the end of the football ground and the road.
Although it may not be a large amount of land in
size it is a vital piece of land to the residents. The
placing of a canopy across that land may create
problems for residents by attracting people who will
stay there at night. I am not sure whether it will
happen but I am concerned about it. The crucial
point is that Garton Street and adjacent roads are so
close to the park and the proposed facility that it
must impinge on their residential amenity. It is
impossible for it not to do so.
The fact that the bill proposes taking away parkland is a most important issue for another valid reason: each day 1500 people use that park. The major use of the park is recreational, either passive or by people jogging—it is passive, in my case. Given that so many people use the park for passive recreation purposes means unequivocally that you do not want to interfere with or touch on the park without taking into account their needs. A change to the park could be a disaster for the bulk of its users. The people who use the park do not just come just from my electorate; they come from everywhere. They come from the universities and include people who park their cars nearby and walk or jog on their way to or from work. It is a great park, a wonderful facility that has served the community extremely well with its football grounds and social areas. I would hate to see them go.

As the honourable member for Richmond said, car parking is a crucial issue. I am guilty myself in years gone by of having parked in the park on wet days to see Carlton defeated by North Melbourne. The mud was just shocking, and the damage done is irreparable. We have seen that major works had to be done on Yarra Park where the MCG is. To extend the car parking without thinking a bit more about what is happening would be a disaster.

Alternatives to the alienation of parkland have not been considered. The zoo has just completely redeveloped its parkland and it is about a 2-minute walk from Princes Park. I do not understand why that has not been considered as an alternative place for car parking for Saturday afternoon football, and saying it will be on a Saturday afternoon is a huge assumption, of course. Because of the zoo’s development there was no choice but to alienate an enormous area. However, not many people go to the zoo on Saturday afternoons in the middle of winter but a lot of people go to football matches. That alternative car parking facility should be considered before developing Princes Park as it would be detrimental to the land.

Carlton is a great area that is an important part of my electorate. The people there have always campaigned strongly on issues; this is not a new thing. In the days when it was not heard of to do those sorts of things they saved what is now Norm Gallagher Park. Those people have been involved for 20 and in some cases 30 years. It is not just a recent invention.

Carlton is a residential area where more and more events seem to be taking it over. We are informed the football ground can accommodate 35,000 people, which presents astronomical problems for the development of football—but I will address that in a minute.

The minister at least complied with the panel’s request that the events be kept to six a year. We are worried that three will be held at night. This must be a precursor to installing lights at Princes Park, which would be an unmitigated disaster. It would be terrible for the residents and for other users of the park area.

We are concerned that over many years we have undergone a war of attrition, with the football club’s constant requests for different things—that is, alterations to leases. In some cases the ink on the lease was hardly dry before there was a change to it. Despite this war of attrition, the residents have been by and large successful in their determination to care for the park and to maintain the amenity of the area.

The proposed change in use will be detrimental to the residents. Many people will argue this is a statewide facility. It is extremely hard for us to argue against that proposition, but the fact is that people were living there in the days when it was just a football ground; it was not something that was going to be used as a sports and entertainment centre. I reiterate that the change will mean the loss of parkland.

I alluded before to the AFL. We have wanted to know for some time what are the plans of the Australian Football League. What on earth is it doing? Where does it want to go?

Mr Coleman—This week or next week?

Mr COLE—I take up the interjection, although it is disorderly. I would prefer to know before we consider the bill, because we are extending a facility that holds 35,000 people for home matches, possibly putting in lights, which may mean night matches, and yet we have talk about major subsidies for amalgamation of football teams. I think $6 million was the latest offer for teams to amalgamate, with the intent that the number of Victorian clubs be reduced to six. Because of the powerful forces behind the Carlton Football Club and its excellent administration and the dedication of a lot of former players, I would assume that it will survive any amalgamation—in fact it may bring in other clubs. The result of reducing the number of Victorian clubs to only six will be that whatever happens football games will not be played in this state with an
expectation of only 35,000 people at a game. The
AFL will be expecting those games will be played at
the MCG with 70,000 or 80,000 people attending.

The honourable member for Richmond and I can
recall all too well what happened with the
Collingwood Football Club. Many of us —
particularly the former member for Reservoir, who
sometimes was referred to as the member for the
Collingwood Football Club — insisted that the
Crown land be assigned to the Collingwood Football
Club to ensure that it continued to play its home
games at Victoria Park. There was an enormous
battle, not the least being the one within the Labor
Party. The ink was hardly dry on the document
when the then VFL, now the AFL, stepped in and
said, 'You are not playing your home games there
any more'. We had given Crown land to the social
club, to the business groups running the joint, poker
machines were just around the corner, and the VFL
said, 'You are not playing your home games there'.

That is the real issue: we are affecting Crown land
without getting an undertaking from the AFL as to
what it wants to do with Princes Park. We could
alienate land and see all sorts of things happen at
Princes Park and the next thing you know Carlton
would probably be fair to say that the AFL does
not know what it is doing. Many people have
commented that it seems to be going around in
circles. There is no doubt that the future of football
will not be based on Saturday afternoon crowds; it
will be dependent on Friday and Saturday night
matches and the occasional Saturday day game.
People will never know where their team is going to
be playing or even if their team will continue to exist. Until the AFL makes it clear to the Melbourne
City Council and to the government what its
proposals are for the Carlton Football Club and for
Princes Park no action should be taken to alienate
the land.

The only rider to that, which is I think fair enough, is
that the Carlton Football Club should not be left
totally swinging in the wind. I would like to see
some proposal put forward which does not affect
the parkland to the same extent as is currently
provided for in the bill. I would have thought that
something could have been designed along those
lines. If that is not so, we must look at the more
important issue, which is the alienation of parkland.

Members on this side of house seem to be
confronting these issues and supporting residents
and being slammed for it all the time. Yesterday we
were on our feet defending the residents of Albert
Park over the grand prix and the alienation of
parkland. Today we are defending the residents of
Carlton and surrounding areas of Brunswick against
the alienation of parkland. Often times we are up
against it because the forces against us are so strong.
This issue stands in marked contrast to the issue of
the grand prix, because we were and are prepared to
support the Carlton Football Club and the people
involved in it.

In conclusion — I cannot help myself; I said I would
not do it, but it is just too hard to resist saying — if
this stand is built, could it please be named
something slightly different from the John Elliott
stand, the George Harris stand or the Ian Rice stand?
Perhaps it would be better to wait and name it after
someone who is deceased, who was sincere, who
cared about the place and, we hope, someone who
played for the club.

Mr CARLI (Coburg) — I rise to support the
reasoned amendment moved by the opposition
spokesman for planning and to oppose the bill.
Princes Park is a most important park to the
electorate of Coburg, which comprises Brunswick
and Coburg. Brunswick has very little parkland, so
Princes Park is very important in terms of both
active and passive recreation uses. Many people
from Brunswick use the park to play sport or walk
in. Also many people in Brunswick and Coburg are
supporters of the Carlton Football Club and attend
football games at Princes Park. It is an important
park to the electorate of Coburg in terms of balance.
Princes Park stadium is an important venue for
spectator sport, and the park itself provides an
opportunity for sporting activities for individuals
and for passive recreation.

The park is also important to residents in adjoining
areas and to the local schools, such as the Princes
Hill Secondary College, which uses the park as its
school ground. However, often on Monday morning
the college finds that the park has been badly
damaged because of car parking on the Saturday
before.

The reason I support the reasoned amendment is
that the bill is the result of poor planning. Planning
should involve the balancing of competing needs
and interests. It is about working out what the
short-term and long-term objectives are and also the
short-term implications of any activities. In the
context of the bill there was a planning process — the minister spoke about the extensive amount of consultation that occurred. An independent panel was established to make recommendations. Not only did the panel reject the great bulk of planning amendments that are contained in the bill but also it raised the issues dealt with by the reasoned amendment moved by the Deputy Leader of the Opposition. The reasoned amendment is in line with the recommendations and concerns contained in the panel report. Why? That is what good planning is about! It is about parking, local amenity and the implication of activities in the environmental context.

The bill shows a total disregard for the panel’s recommendations. It flies in the face of good planning and all the other considerations that are needed as part of the process involving the community’s response to development, particularly development on Crown land.

The panel argued against the bulk of what is now contained in the bill, so it is important that we oppose any measure that seeks to expand the use of the stadium to include cultural or educational uses without defining its limitations. One of the problems in the bill and in the whole process is that we do not know what will be in the new lease and what uses the Carlton Cricket and Football Social Club will make of the stadium and of the park. That has been a real problem.

The reason there have been many years of conflict in that area is that the Carlton Cricket and Football Social Club have consistently tried to increase the uses of the stadium at every opportunity, by any means or any shady deals. We have the spectacle of John Elliott of the Carlton Football Club repeatedly arguing in the media for the stadium to be turned into a 70 000-seat, multi-use stadium, not only for various sports but also for opera and who knows what other spectacles. He has also argued for the closure of the Waverley ground in order to increase the use of Princes Park. That seems to fly in the face of good planning, the negotiations that have taken place, the needs of local residents and the assurances they have received over the last few years. At the end of the day, Princes Park is a public asset on Crown land. We do not want it to be turned into a giant car park that ruins the grounds. We do not want the amenity of local residents to be spoilt.

The opposition supports the use of the park as a spectator facility for cricket, football and the occasional other activity, but we do not want it to be totally commercialised to become a big centre or arena for spectacles or schemes that are coming to the fore in the current climate in Victoria. We do not want to see it commercialised because the park serves an important local need and because the amenity of local residents is important. There is a need for a balance between the competing needs of residents, the users of the park and the administrators of the park.

We have another spectacle in Victoria, and that is the loss of democracy. It is not an accident that the park remains under the control of the Melbourne City Council, which is docile, pro-government, pro-development and pro-circus economy.

Although the residents come under the umbrella of the City of Yarra, the long-term intention is that their democratic rights shall be cut. Key residents around the park are actually being moved into another municipality, but the decisions are being made by the Melbourne City Council. We know that the Melbourne City Council has been established to create a pro-business gerrymander and to reduce the rights and objectives of residents.

All of the attributes that have made Melbourne so livable — marvellous Melbourne with its architecture, streetscapes, wide avenues and parklands, things that our forebears established in the 19th century as a vision of a grand and livable city — are expendable on the basis that Melbourne should be a city of spectacle. It is more acceptable if you want to build something in the public domain, from a casino to a racetrack! At the end of the day it is all about local amenity being sacrificed to basic commercial interests.

Residents have fought that attitude for years. When there were democratically elected councils — a democracy — they supported the residents’ position. In the past there were genuine negotiations, but now residents have little trust or faith in the Melbourne City Council and the Carlton clubs, simply because their experiences have been so negative. The attitude has been, ‘We will make a deal and we will change that over time’. Even though the bill provides that there will not be any lights, all the indications are that is something that will probably be established in the future. That will occur as a result of an incremental loss of rights of the residents because of the desire of the Carlton Football Club and the Carlton Cricket Club to build a multi-use stadium.

We are not sure whether we will see another amendment in another bill to allow those light
towers. The objections in the independent panel’s report are being disregarded — barring the issue of the light towers, which has involved a big compromise by Kevan Gosper. However, residents are right to ask for how much longer they have to fight that basic intrusion.

The panel report is clear about a number of things. It says a policy is needed to resist the pressure to alienate Princes Park. That includes car parking — not just the expansion of the stadium — because cars are increasingly taking over more slabs of the park. People who use the park to play sport, as I used to when I was a student, are aware that whenever there is an event at the ground the park is intruded on by a mass of cars.

The panel report says any development would have an impact on parking and residential areas, but the bill does not consider that. We should not forget the importance of parking, and that is why the reasoned amendment is important. There should be a parking plan that includes the removal over time of as much of the parking as is possible so that Princes Park is not spoiled for users such as the students of Princes Hill Secondary College and does not become an eyesore. Anybody who goes there on a Saturday afternoon in winter will know how much damage rain and car parking can do.

Any loss of amenity is magnified by things such as night-time use and frequency, and the bill will increase the frequency with which the ground is used. Although the bill applies limits, history shows that there have been attempts to extend them. The only real limitation, the only thing missing, is the light; but there is nothing to prevent sport, opera, rock concerts and so on being staged on summer nights to take advantage of daylight saving. However, that could be intrusive, and there is nothing to protect the amenity of residents.

The report is clear about issues like night-time use, the conditions for which are not guaranteed in the bill, and says that special events such as rock concerts and religious crusades should not be held there. It also says that the proposed grandstand should be constructed within the existing boundary of the ground — that has been done away with; there will still be an intrusion on the eastern side — and that traffic and parking strategies should be introduced, to which the reasoned amendment alludes. All those issues have been disregarded. The opposition is concerned about a public asset being leased for not much better than a peppercorn rent.

Mr Cole interjected.

Mr CARL — As the honourable member for Melbourne says by interjection, the club will pay the equivalent of what a bootstudder earns during the football season to lease this important asset. The president of the club has consistently thumbed his nose at residents and the general public by saying he wants a 70 000-seat stadium. Why should he be trusted when he makes public statements like that?

The grandstand will intrude onto the eastern side, which is the most sensitive side of the park. Clearly there is a greater move towards commercialisation and away from football and cricket, which are the traditional sports played on the ground. There is always the possibility of an increase in the frequency with which the ground is used, including back-to-back events, and a loss of amenity. For example, there may be events on a Saturday, Sunday and Monday. That has the potential to damage the park because of increased car parking as well as affecting the people who regularly use the park for sport or other recreation such as taking their children to play on the swings. All those things are important to the residents of North Carlton and Brunswick, who are the main users of the park, as well as the people who come from miles around to enjoy it.

Princes Park is one of the greatest assets of marvellous Melbourne and a good example of Victorian planning. In the 19th century we had planning objectives, and as a result we have the most livable city in the world. However, that basis of good planning has been totally disregarded. It seems to me that the whole process of good planning and consultation has been disregarded. The bill is about commercial interests and, dare I say it, the mates network. The Carlton Football Club has received preferential treatment.

About 90 per cent of the local planning amendment — that is, barring the issue of the light towers — has been disregarded. I am not sure how many other planning amendments have been similarly treated; but the planning process becomes absurd when fundamental components of it are disregarded. It suggests that we might as well forgo the whole process. We have certainly foregone the democratic process, because the government has been allowed to call the bulldozers at will.

The politics of the area shows that the club has been at odds with residents not about football or cricket but about its long-term agenda which, in the eyes of
residents, has not been spelt out. The bill allows the necessary physical changes to the park and establishes the opportunity for its future commercialisation. That is what the residents are concerned about, and the reasoned amendment addresses that matter by asking for information. The opposition is asking that the deal between Optus and Princes Park and any other deals be disclosed. Both residents and users need some sense of where things are going and what will happen in the future.

This is all about good planning, balancing competing needs and debating short and long-term outcomes. Unfortunately good planning has given way to the demands of the almighty dollar and the idea that the park is there to generate as much cash as possible. The issue of parking is a central aspect of the panel report, which states in part:

The panel is of the opinion that the proponent ... has not adequately considered the long-term adverse impacts of increased use of the Princes Park grounds for car parking and has not addressed the question of providing adequate alternative facilities as is included in Victoria's Capital City policy.

The issue of car parking is compounded by the extensions to Princes Park and its becoming a more frequently used venue for various entertainments and cultural activities. The area needs planning for the long term. How do we control the damage frequent use does and will do to the park and to the amenity of the area? As the honourable member for Melbourne suggested, some of the parking could be moved so that the parkland is not used as heavily during the football season. That would involve a massive extension of the available car-parking area. There could be ways of controlling it to take the pressure off the parkland. The extent to which Princes Park gets churned up by car parking during winter games is a great tragedy.

Irrespective of whether the reasoned amendment is passed, the issue of car parking will not go away and alternative plans should be considered. This is an opportunity for the proponents to begin the healing process. The acceptance of the reasoned amendment would be the first part of that process, because that would allow nothing to proceed until an integrated plan for parking in the vicinity of the park was agreed upon.

The peppercorn rent of Optus Oval has been considered. Other users of Princess Park contribute significant sums of money to use the sporting facilities, and if restrictions are placed on the open space the rights of those users will be reduced. Local schools in North Carlton and Brunswick and the University of Melbourne use the park. Their use should be monitored to ascertain the frequency of use. Local football teams and soccer teams use the ground on the weekends and their use of the park may be reduced.

Although there was considerable consultation and discussion prior to the drafting of the bill, the end result is a poor planning process because the consultation was loaded to give a certain result. The intervention of the Chief Commissioner of Melbourne, Kevan Gosper, showed that he had no intention of opposing the proposal put by the proponents.

I strongly support the reasoned amendment because it will add to the planning process and amenity of the area for park users. The planning report has largely been disregarded and the bill proposes short-term planning solutions. The proponents of the scheme should be up-front about their intentions and any agreement that was negotiated in secret should be made public.

Mr COLEMAN (Minister for Natural Resources) — I thank the honourable members for Richmond, Melbourne and Coburg for their contributions, but they have demonstrated a myopia about the process. More importantly, they have used the debate to traverse issues that are only marginally connected with the legislation.

The bill is about the development of new facilities at Optus Oval. Honourable members have concentrated on the panel report as opposed to the resolution of the process. It is useful to deal with the reasoned amendment, because in dealing with it we can dispose of much of the criticism of the process. The first part of the reasoned amendment calls on this house to refuse:

(a) provides copies of a detailed traffic and parking plan that has been prepared, including the impact on Princess Park and park users ...

If the opposition had dealt with or even made passing comments on the planning amendment 160, it would have been clear the detailed plan referred to is included in the amendment on the insistence of the Melbourne City Council and the committee of management of the park, and that the
management plan must be dealt with within 12 months.

The traffic and parking management plan refers to a number of issues before the plan can be put in place. I shall read the requirements into the record. It states:

(a) Preparation of a parking and management strategy which for crowds of varying levels up to a capacity, show how parking for stadium patrons will be facilitated to cover events held on:
   - weekends — day and evening
   - weekdays
   - weekday evening

It requires a breakdown in terms of time when the facility will be used and how it will be used. The management plan further states:

The plan must include, for each possible event time, details of:
- the total expected car parking demand;
- the number of cars to be accommodated within Princes Park adjacent to the stadium;
- the availability of on-street parking in the immediate area, which could accommodate patron parking;
- the locations of external car parking facilities to be used on a shared basis including the availability of parking at times of events, agreement from the owner/operator to usage of the facility, project methods of transfer of patrons to the stadium and methods of promotion;
- details of proposed parking management schemes in residential streets within close proximity of the stadium.

Rather than dwell on the panel report the opposition should have dealt with what has occurred. The traffic and parking management plan that will apply to this arrangement were issues raised by the opposition.

The plan is required to deal with the need for traffic management and parking requirements for events from 20,000 patrons to 35,000 patrons at 5000 patron intervals, so it takes account of various users of the park. The fact that the opposition has not considered the plan demonstrates why there is confusion in the community.

This debate is unnecessary. The Melbourne Times of 15 November almost issued a direction about the issues that should be dealt with and has continued to run a campaign based on misinformation.

The detailed traffic and parking management plan is clearly dealt with in the planning amendment. It is a requirement or a condition placed on this development, and if it is not developed within 12 months the permit is brought into question.

The second matter the opposition raised was a request for the government to investigate a proposal that did not require the removal of existing trees. In 1988 a management plan was developed for Princes Park, as well as Royal Park, which dealt with species of trees deemed to be inappropriate. Included in the list of trees to be removed as a result of the 1988 management plan for Princes Park are coincidentally some that have been nominated for this development.

Mr Macellum — But, that was a Labor proposal!

Mr Coleman — It may well have been a Labor proposal, but the effect of it was that the community accepted the management plan; it accepted the outcomes, which included the removal of some of the introduced species, in this case poplars.

Mr Macellum — Yes, but there are Labor trees and Liberal stumps!

Mr Coleman — In this case there was quite clearly community support for the development of the management plan. The developments are within the bounds of that proposed in the 1988 management plan for Princes Park — that is, the trees that were to be removed, which were not indigenous, were to be replaced. The same will occur in this instance. Not only will trees be planted to replace some of the vegetation removed, but, more importantly, they will be indigenous species appropriate to the area.

The third matter raised by the opposition was that the government should provide specific information on the impact of any proposed extension of use beyond AFL football and cricket. The honourable member for Richmond devoted some time to the question of special events and what the definition might be. As it stands, the lease for this area contains a set of conditions that deals with the ground’s current use. Obviously the current use has been for football and cricket but the ground — and this was enunciated by the honourable member for Richmond — has been used for other purposes. The other uses are probably outside the conditions of the
lease, but it is important at this point that the government formalises that use.

The planning amendment sets out at paragraph 2.1.5 under the heading 'Special events' a definition of what might constitute a special event. It would have been appropriate if opposition members had actually included that definition in their comments. It reads:

In this clause 'special event' means any event or match held at the Carlton stadium to which members of the public are permitted to attend for a fee other than any:

AFL Australian Rules Football match except for a night match (i.e. after sunset) cricket match which is not a first class international cricket match; or event or match at which less than 7500 fee paying spectators are present at any one time (save that where more than 7500 but less than 10 000 fee paying spectators are present at any one time information may be provided to the satisfaction of the responsible authority to warrant it not being included as a special event).

Each night event shall be to the satisfaction of the responsible authority and the responsibility authority shall have regard to the following matters:

- type of event;
- anticipated crowd size;
- parking and traffic management arrangements;
- noise limits; and
- consultation with residents.

Clearly the context of the definition of special events is dealt with by the conditions in the planning amendment. It is up to the responsible authority to be satisfied with its use. I believe the provisions being sought by the opposition are covered within the conditions in the planning amendment.

The fourth matter the opposition raised was a request for the government to make public details of the agreement between the Carlton Cricket and Football Social Club and Optus. That is clearly a commercial arrangement, and the government is not in a position to provide that information.

In the main the legislation before us is not extensive in size but it does have the effect of allowing some redevelopment at the Carlton ground. It ensures that the ground is able to meet certain standards, and for those who have used it they will know exactly what is missing.

Mr Mildenhall interjected.

Mr COLEMAN — I am dealing with the proposition that the commercial relationships between Carlton and Optus should be revealed, which is in your amendment.

Obviously the redevelopment of one portion of that ground will be of major assistance to Australian Rules football and to other users. To that extent, what we have seen today is a debate on what people may have hoped would come out of the panel's hearing. The attack on the commissioners, which we have come to recognise as some sort of sport on the part of opposition members, was misrepresented.

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

Ayes, 53
- Ashley, Mr
- Bildsten, Mr
- Brown, Mr
- Clark, Mr
- Coleman, Mr
- Cooper, Mr
- Davis, Mr
- Dean, Dr
- Doyle, Mr (Teller)
- Elder, Mr
- Elliott, Mrs
- Gude, Mr
- Hayward, Mr
- Hyams, Mr
- Jenkins, Mr
- John, Mr
- Kilgour, Mr
- Leigh, Mr
- Lupton, Mr
- McArthur, Mr
- McGill, Mrs
- McGrath, Mr J.F.
- McLellan, Mr (Teller)
- McNamara, Mr
- Maclellan, Mr
- Maughan, Mr

Noes, 24
- Andrianopoulos, Mr (Teller)
- Baker, Mr
- Bracks, Mr
- Brumby, Mr
- Ashley, Mr
- Bildsten, Mr
- Brown, Mr
- Clark, Mr
- Coleman, Mr
- Cooper, Mr
- Davis, Mr
- Dean, Dr
- Doyle, Mr (Teller)
- Elder, Mr
- Elliott, Mrs
- Gude, Mr
- Hayward, Mr
- Hyams, Mr
- Jenkins, Mr
- John, Mr
- Kilgour, Mr
- Leigh, Mr
- Lupton, Mr
- McArthur, Mr
- McGill, Mrs
- McGrath, Mr J.F.
- McLellan, Mr (Teller)
- McNamara, Mr
- Maclellan, Mr
- Maughan, Mr
- Ashley, Mr
- Bildsten, Mr
- Brown, Mr
- Clark, Mr
- Coleman, Mr
- Cooper, Mr
- Davis, Mr
- Dean, Dr
- Doyle, Mr (Teller)
- Elder, Mr
- Elliott, Mrs
- Gude, Mr
- Hayward, Mr
- Hyams, Mr
- Jenkins, Mr
- John, Mr
- Kilgour, Mr
- Leigh, Mr
- Lupton, Mr
- McArthur, Mr
- McGill, Mrs
- McGrath, Mr J.F.
- McLellan, Mr (Teller)
- McNamara, Mr
- Maclellan, Mr
- Maughan, Mr
- Ashley, Mr
- Bildsten, Mr
- Brown, Mr
- Clark, Mr
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- Jenkins, Mr
- John, Mr
- Kilgour, Mr
- Leigh, Mr
- Lupton, Mr
- McArthur, Mr
- McGill, Mrs
- McGrath, Mr J.F.
- McLellan, Mr (Teller)
- McNamara, Mr
- Maclellan, Mr
- Maughan, Mr
Mr GUDE (Minister for Industry and Employment) - On behalf of the Minister for Agriculture, I move:

That this bill be now read a second time.

The bill will prepare the industry for self-regulation which will occur with the repeal of the Farm Produce Wholesale Act 1990 on 31 December 1997.

The bill has three major purposes. The first is to encourage the industry to prepare for self-regulation by providing for the repeal of the Farm Produce Wholesale Act 1990 on 31 December 1997. The second purpose is to transfer the administration of the Farm Produce Wholesale Act 1990 to the Melbourne Market Authority until the end of 1997 and to align the objectives, functions and powers of the Melbourne Market Authority accordingly. The third purpose is to strengthen the provisions of the Farm Produce Wholesale Act in regard to the issue and renewal of wholesalers licences. I shall provide some background on the bill and then deal briefly with its major purposes.

The Farm Produce Wholesale Act 1990 aims to provide an environment in which producers and wholesalers can trade produce in an economic, efficient, fair and competitive manner. It requires all wholesalers of fruit, vegetables and honey to be licensed and to trade according to the provisions of the legislation. A total of 167 wholesalers are licensed under the act with 102 trading at the Melbourne market.

The act provides for the appointment of a registrar for the purposes of the act and establishes a single licensing scheme for wholesalers of produce; specifies requirements relating to methods by which wholesalers trade in produce; establishes an indemnity requirement to protect producers against the financial failure of a wholesaler; requires the keeping of adequate records and accounts; and provides for a market reporting service.

The Melbourne Market Authority was established in January 1994 by the Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act 1993 to replace the Melbourne Wholesale Fruit and Vegetable Market Trust in accordance with recommendations of the Wholesale Fruit and Vegetable Market Review carried out in September 1993 by a subcommittee of the coalition agriculture committee. The review of September 1993 recommended that the Melbourne Market Authority be responsible for the administration of the Farm Produce Wholesale Act 1990. Industry self-regulation needs to occur in a careful and reasoned manner which enables the market management and the industry to plan and implement change successfully. The proposed repeal of the Farm Produce Wholesale Act 1990 on 31 December 1997 will provide time for the Melbourne Market Authority to have in place a producer-wholesaler credit management scheme and stronger leasehold agreements. The two-year notice will give the sections of the industry operating outside the market, such as potato wholesalers, fruit and vegetable exporters and their producer suppliers, opportunity to take similar action to the reforms proposed by the Melbourne Market Authority.

The repeal date coincides with the expiry of current wholesaler accommodation leases at the market. The Melbourne Market Authority intends to develop new leases which will incorporate performance standards and in particular compliance with an industry code of practice for wholesalers and producers. The Melbourne Market Authority is also developing a producer-wholesaler credit scheme to ensure prompt payment to producers and protection in the event of the financial failure of a wholesaler. The scheme will not be compulsory but will provide producers with the choice of sending their produce to wholesalers who are members of the scheme, thus receiving protection at a reasonable cost. The scheme is expected to be operating by the end of 1995.
The Melbourne Market Authority and the Chamber of Fresh Produce Wholesalers need sufficient time to develop a code of practice acceptable to wholesalers and producers. The proposed new leases will require compliance with the code of practice and provide the Melbourne Market Authority with the power to address issues such as non-payment of producers by possible termination of the lease.

The current indemnity scheme provides an amount of up to $150,000 to be used to compensate producers in the event of the financial failure of a licensed wholesaler. In a large financial failure producers receive a pro rata payment which has been as low as 33 cents in the dollar. The indemnity scheme does not have current information on producer payments and it is therefore difficult to take early action to reduce the size of wholesaler failures. Payments for the indemnity are made by wholesalers and it is not obvious to many producers that they are paying for all or part of the cover through the commission charge or profit taken by wholesalers.

The Melbourne Market Authority proposes to introduce a new credit management scheme to replace the existing indemnity scheme, which will cease operation with the sunsetting of the act. The government has accepted the Melbourne Market Authority's commitment to developing in partnership with the wholesalers a commercial scheme that will provide a more comprehensive cover for producers in the event of the financial failure of a wholesaler. It is proposed that payment within 21 days will be guaranteed and, in the event of a financial failure, full payment will be guaranteed as the scheme will be underwritten by an insurer. The proposed new scheme will have live information as wholesaler payments will be processed by the scheme. This should allow for prompt action to be taken where payment problems are evident. With the new scheme it will be clear to both wholesalers and producers that they are paying the operating costs.

Legislating for repeal of the act in two years time provides a clear message to industry that it will be subject to industry self-regulation but provides a time for necessary adjustments to be made — for example, credit management schemes, codes of practice and new leases at the market.

When the Melbourne Market Authority was established following the recommendations of a subcommittee of the coalition agriculture committee the recommendation to transfer the administration of the Farm Produce Wholesale Act 1990 to the authority was not adopted. Since that time the Melbourne Market Authority has developed its role and has commenced addressing issues such as security of producer payments and the trading practices of wholesalers.

Transferring regulatory responsibilities to the Melbourne Market Authority pending repeal of the act may assist in reinforcing its role in improving the commercial integrity of the Melbourne market and wholesalers' trading operations. The Melbourne Market Authority is already involved in producer payments and fair trading aspects of the market with its complaints hotline.

The sooner the Melbourne Market Authority accepts full responsibility for this role the better it will be for the operation of the market and the industry. Government will then cease to have responsibility for funding the administration of the legislation, and this is consistent with developing the industry's role.

Section 13(1) of the Farm Produce Wholesale Act 1990 provides that a licence may not be granted or renewed and the transfer of a licence may not be approved if, in the opinion of the minister or the registrar, the applicant or transferee is not a fit and proper person. Two recent challenges, one of which resulted in the decision of the Minister for Agriculture being reversed in the Administrative Appeals Tribunal, highlighted deficiencies in these provisions. It is proposed to amend the act to provide a better definition of 'fit and proper' and to take account of association with a person who is not fit and proper.

After repeal of the Farm Produce Wholesale Act 1990 the Melbourne Market Authority will deal with traders on a commercial basis through its lease agreements and the producer credit management scheme. In the meantime, however, while the Minister for Agriculture remains responsible for the act it is desirable that greater certainty be provided in the licensing provisions. It is therefore proposed to adopt relevant fit and proper person provisions contained in the Meat Industry Act 1993.

The bill will move the industry closer to self-regulation, and do so in a manner that will allow change to occur in a careful and reasoned way.

I commend the bill to the house.

Debate adjourned on motion of Ms MARPLE (Altona).
Debated adjourned until Tuesday, 21 November.

Sitting suspended 12.55 p.m. until 2.05 p.m.

ABSENCE OF MINISTER

The SPEAKER — Order! I wish to advise the house that the Minister for Natural Resources will be absent during question time today. Any questions concerning his portfolio will be answered by the Minister for Agriculture.

I further advise the house that I have approved of a request for still photographs to be taken from the press gallery during question time today. No additional lighting or flashbulbs will be used.

QUESTIONS WITHOUT NOTICE

Grand prix: sponsorship

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Tourism, the Deputy Premier, to the article in the Melbourne Age today, which states that the government had considered sponsoring the grand prix if a naming rights sponsor could not be found. When was the government informed that the Australian Grand Prix Corporation was having difficulty finding a naming rights sponsor, and who told the government this?

Mr McNAMARA (Minister for Tourism) — The preference was always to find a corporate sponsor, and if no other sponsor had been found, certainly we would have taken the advantage and used it for promoting Melbourne and Victoria.

As to when I received advice on the seeking of a sponsor by the grand prix authority, approximately two weeks ago I was advised by the grand prix authority that it had secured a major naming rights sponsor, together with others that not only included Transurban, but companies such as Coca-Cola, Qantas and General Motors-Holden's. That was the first stage at which I was advised.

Mr Thwaites — On a point of order, Mr Speaker, on the question of relevance, the question is: when was the government informed that the Australian Grand Prix Corporation was having difficulty finding a sponsor? The minister is answering on when the government found out who the sponsor was.

Honourable members interjecting.

The SPEAKER — Order! I have heard sufficient on the point of order. The minister is relevant to the question. That is the only responsibility the Chair has.

Mr McNAMARA — I made it clear that I had obviously known for some time that we did not have a major naming rights sponsor.

Mr Thwaites — How long is the string?

Mr McNAMARA — I did not know a year ago. I did not know two years ago. I did not know three years ago.

Honourable members interjecting.

The SPEAKER — Order! I remind the opposition that I will not let this question time proceed with the barrage of interjections. The question has been posed; it is up to the house to listen to the answer.

Mr McNAMARA — In answer to the question, I was aware that we did not have a major naming rights sponsor. Approximately a fortnight ago I was advised that we did.

Industrial relations: disputes

Mr HYAMS (Dromana) — Will the Premier inform the house of the impact of the current widespread industrial disputation?

The SPEAKER — Order! The question is very broad, but I will allow the Premier to keep his answer reasonably brief.

Mr KENNETT (Premier) — Victorian and Australian industries find themselves in an intolerable position as we approach Christmas. Australian industry continues to try to secure relationships and honour agreements with clients overseas.

At the moment we are seeing a treasonable act. Treason is when an individual or body does something against the public interest of the state and of Australia. By their interjections, ALP members make it clear that they support — —

Mr Dollis interjected.

The SPEAKER — Order! I warn the Deputy Leader of the Opposition. He may not shout across
Mr KENNETT — That action will not only put at risk our international reputation, and I am sure some members on the other side of the house would have seen an article in *The Economist* last week — perhaps one of the best-read magazines in the world — headed —

Honourable members interjecting.

Mr KENNETT — It is a pity that ALP members continue by their interjections to show how totally inept they are or that they are unconcerned about what is happening in their state, let alone the country. The article suggests, as the Prime Minister predicted some years ago, that in an economic sense Australia could very easily find itself becoming the next Mexico in the global economic environment. That sort of concern about this country is being expressed by people overseas. That concern is now being added to —

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says I feed that. Nothing could be further from the truth. When we travel, we travel proudly as Victorians and as Australians. When we are trying to encourage people to invest in this state or in Australia, we find insurmountable the ramifications of the country being held to ransom by a group of people — both the political leadership at the federal level and the ACTU, which is now closing down our wharves and putting at risk the jobs of hundreds of thousands of Australians.

It is totally irresponsible! It is being done because the federal ALP and the ACTU union leadership have not yet recognised that if Australia is to be relevant into the 21st century both those institutions have to take responsibility and show leadership. As it is, both are now trying to turn the industrial clock back, particularly the Prime Minister and Mr Brereton — we have seen the legislation Mr Brereton has introduced. The ACTU wants to go against the world trend of the introduction of contracts to ensure individuals share more accurately in any growth or profits.

I say again seriously what I said earlier, that if what is occurring right now in this country continues and if the strike is not called off — I understand waterside workers in Melbourne and Sydney went on strike at 7 o’clock this morning to prevent people getting product out early prior to the strike at midnight tonight — and the issue is not resolved today, hundreds of thousands of people will be stood down and put out of work in the short term and contracts with international clients will not be able to be honoured. The only two people who can accept responsibility for that are the Prime Minister and the leader of the ACTU.

Mr Dollis — On a point of order, Mr Speaker, the accusation of treason is serious. Is the Premier accusing the Prime Minister of this country of committing an act of treason?

The SPEAKER — Order! The honourable member will take a seat. If this disturbance continues I will curtail question time. The Premier will complete his answer.

Mr KENNETT — What is happening in this country now —

Mr Dollis interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition puts the Chair in an awkward position. I am well tempted to name you, Sir. If I do, the opportunity of both sides of the house to ask questions will be curtailed, as you full well know. I ask you to come to order.

Mr Dollis — On a point of order, Mr Speaker, I repeat the Prime Minister of this country cannot be accused of treason by the Premier of this state. If the Premier is accusing the Prime Minister of treason, let him say so to the house and let us at least deal with this matter honestly and openly.

The SPEAKER — Order! There is no point of order.

Mr KENNETT — I said earlier in my answer to this question that what was happening was an act of treason, and I stand by that. It is an absolute abject act of treason. If this strike continues —

Mr Micallef interjected.

The SPEAKER — Order! I advise the honourable member for Springvale that I am issuing a warning to him. He must remain silent in question time, as he well knows.

Mr KENNETT — If we find over the next couple of days that hundreds of thousands of Australians lose their jobs, that we lose contracts overseas and...
that our economy is put at risk, there is no doubt that this will be the most damning period in our attempt as a country to regain a position of respect and responsibility around the world.

I find it amazing that ALP members sit there supporting the Prime Minister and the ACTU against the public interest. I do not suppose we should be surprised because the ALP continues to show itself to be totally against the public interest. I challenge the Leader of the Opposition and every member on that side to use the so-called special relationship they have with the trade union movement to put an end to this stupid act of selfishness — —

Mr Dollis interjected.

Mr KENNETT — To put an end to this — —

Questions interrupted.

Naming of member

The SPEAKER — Order! The Chair has had enough. I name the Deputy Leader of the Opposition and ask the Leader of the House to take the usual steps.

Mr Dollis interjected.

Honourable members interjecting.

The SPEAKER — Order! If the house continues in this state of uproar, I will leave the chair.

Mr GUDGE (Minister for Industry and Employment) — I invite the honourable member for Richmond to give a great deal of consideration to the position he has put himself in as deputy leader of his party. I ask him to apologise to the Chair so that the house can continue in a sensible and hopefully sane manner.

Mr Dollis — In order that the house can continue, I apologise to the Chair, but I cannot apologise for challenging the Premier.

The SPEAKER — The apology is accepted.

Questions resumed.

Mr KENNETT — Every fair-minded Australian would want to see the dispute resolved as soon as possible. Australia cannot afford right now to have its ports closed and its manufacturing closed down, particularly when around the world the introduction of contracts is leading to a more competitive environment. ALP members in this house should have the courage to speak to their mates and bring the dispute to a conclusion.

Grand prix: sponsorship

Mr BRUMBY (Leader of the Opposition) — Will the Minister for Tourism give the house a categorical assurance that there were no discussions between Transurban and the Australian Grand Prix Corporation on naming-rights sponsorship prior to 23 October?

Mr McNAMARA (Minister for Tourism) — The Australian Grand Prix Corporation is an independent corporation. It has directors appointed by government and it has responsibilities under the Corporations Law, with which it has to comply, and a range of other responsibilities.

The corporation briefs me on a range of major issues such as the provision of a major sponsor for naming rights. As I have said, I was advised of the naming-rights sponsor approximately a fortnight ago and was given no other information on when those discussions started or concluded. Transurban has made a clear statement that it entered into those discussions with the grand prix authority after the agreement in relation to City Link was entered into, and from memory mentioned a date of around 23 October.

The City Link project was finalised on 20 October. As a result of winning the City Link contract, the Transurban corporation — a conglomerate of a range of established companies that has a name in its own right — is keen to promote its name because it is planning a major share float on the Australian Stock Exchange in the early part of next year.

Transurban will be attempting to raise some $500 million from the public of Australia through a share float. If that is to be successful, obviously Transurban needs to have its name up in lights, and in looking for a major avenue through which to do that identified naming rights for the grand prix as a good vehicle for identifying itself with the Australian community.

Transurban has advised publicly that following the successful negotiation of the City Link project it approached and negotiated with the grand prix
Premier: Japanese investment

Mr JENKINS (Ballarat West) — Will the Premier inform the house of business and employment opportunities that will come to Victoria as a result of his five-day mission to Japan?

Mr KENNETT (Premier) — I thank the honourable member for his question. As the house will know, each year at this time the Treasurer and I go to Japan, partly to do business on behalf of and together with Treasury Corporation Victoria.

When in Japan we address those who invest in Victorian bonds and keep them and the market informed of the value of continuing to invest in those particular pieces of paper. That was again very successful. Our paper is trading at about 25 points below what is normally expected of it in the market — a huge saving for the people of Victoria. There is continuing interest in the paper we issue on a regular basis, mainly to continue with the process of managing the debt built up over the past 50 or 100 years, two-thirds of which was built up in the last 10 years under the Labor government.

We also use the trip to meet with representatives of Japanese industry and to continue to try to attract new investment to the state. I am happy to say that on this trip a number of those meetings took place and we ended up with a range of new investments for Victoria, none of which is as large as the Toyota investment.

One example of such investment is Shimadzu Australia Manufacturing, which in May of this year opened a new factory at Dandenong. Shimadzu has been so impressed with the way it has fitted in here and with the quality and training of the work force that it has announced a new investment, also to be located in Dandenong. Interestingly it will be situated opposite Yakult Australia Pty Ltd, another Japanese investment which started up two years ago. This latest investment by Shimadzu will see a substantial number of new jobs created, and most of the production will go off-shore.

A number of other interesting opportunities were developed. Not only have we attracted new investments to Victoria through our Japan office, which is run well by our representative Kevin Knowles and a highly dedicated team, we have assisted with the entering into of a number of joint enterprises. One of the most interesting joint ventures is an organisation called Crown Gunyah, which is a consortium of two bodies which have a 50/50 share in the project — one is a group of Victorian inventors and businessmen and the other is the Batemans Bay Aboriginal community.

It is likely that the organisation will be supplying ready-made houses from Victoria for second homes in Tokyo. The project has the potential of being worth hundreds of millions of dollars. Given that all the product is coming from Victoria, it will also lead to the creation of a number of new jobs and the establishment of industries to supply Crown Gunyah.

We also spoke to a company that is looking at making an investment in regional Victoria. I could not help but remember the lead-up to the 1992 election. Don’t look up, John, you look silly. Look this way!

Honourable members interjecting.

The SPEAKER — Order! The Premier is out of order.

Mr KENNETT — You should have seen him. He was sitting there, turning around and looking up to the camera in the left-hand corner and just pulling a face like this. He looked fantastic. That will be better than a profile shot, John — this way they will really see what you look like!

Just before the 1992 state election the then minister for agriculture, the current honourable member for Sunshine, indicated that he expected to get out of Japan in the not-too-distant future about 51 billion-worth of investment into this state, mainly through agriculture. The reality is that three years down the track we are slowly reaching that figure.

Victorians should not underestimate the very good relationship that exists between Australia — particularly Victoria — and Japan. Japan has a very large investing community in Victoria. Not only is investment from Japan growing here, but increasingly through our Japan office we are entering into joint ventures that give us the opportunity of taking much of our technology to Japan. That is evidenced by the fact that a Victorian company has just signed an order for $6 million-worth of furniture to go into the Japanese market.
This is a period of great opportunity. I trust that with the passage of time and through our investment of time in this market, the sorts of investments we have seen take place over the last three years will continue to grow and strengthen the Victorian economy as a whole.

Grand prix: negligence claims

Mr DOLLIS (Richmond) — My question is for the Minister for Tourism. I refer to the minister's letter of 3 October 1994 to the Parliamentary Scrutiny of Acts and Regulations Committee in which he said that the Australian Grand Prix Act does not prevent citizens from making claims for compensation for negligence. I also refer to the defence of the grand prix corporation lodged at the Melbourne Magistrates Court yesterday which states that the grand prix act prevents any claims for compensation for negligence. Does the minister stand by his statement to the parliamentary committee?

Mr McNAMARA (Minister for Tourism) — The issue is a clear one. The act prescribes the situation entirely. I suggest members read it and study it so they understand it better.

Police: Prahran court hearing

Mr RYAN (Gippsland South) — Will the Minister for Police and Emergency Services inform the house of the true circumstances surrounding a hearing in the Prahran Magistrate's Court on 10 November, which was referred to yesterday by the honourable member for Footscray in a misleading way?

Mr McNAMARA (Minister for Police and Emergency Services) — Yesterday the honourable member for Footscray made a serious allegation in the house. He alleged that either I or my office had sought to interfere in proceedings in the Prahran Magistrate's Court.

I make it clear that the accusation he made is totally incorrect. I have taken the opportunity to research it. I must admit that when he made the accusation yesterday I told the house that I am not in the habit of directing magistrates or other members of the judiciary on matters that are before the courts and that it is not appropriate for a police minister to direct police on whom they should investigate or whom they should prosecute. It is certainly my position to bring matters to the attention of the police — but not to give that direction.

From information I have subsequently received I have found that the information was requested by the magistrate himself.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Mordialloc that I will take action against him if he behaves in that unruly way.

Mr McNAMARA — The magistrate sought advice from the police prosecutor in determining what was meant by some of the comments in the second-reading speech and by the legislation. I quote directly from Magistrate Golden:

I gave the prosecutor an opportunity to seek instructions from the government as to whether the government wished to pursue this particular case.

The magistrate was seeking clarification on whether the charge against the defendant fell within the amnesty offered under an amendment to the grand prix act that was introduced on 30 May 1995.

Yesterday I said that neither I nor any member of my office gave any direction to the court. I was subsequently advised by the deputy director of the Department of Arts, Sport and Tourism that the police prosecutor had attempted to contact me, that a call was made to my office but that I was not in. He then attempted to contact my chief of staff, David Frazer, who was also not in the office. My private secretary referred the police prosecutor to an officer of the department, who subsequently gave him advice. The deputy director of the department said —

An Honourable Member — What was the advice?

Mr McNAMARA — Wait for it. Never at any stage was a direction given on the prosecution. The deputy director of the department was contacted by Inspector Moffatt, who advised that he was in the process of prosecuting a case against an offender concerning an offence that occurred during a grand prix demonstration. The offence did not relate to the grand prix act. Inspector Moffatt advised that the magistrate had requested advice on the meaning of the second-reading speech — specifically, whether the amnesty for grand prix offenders related to all offences or only grand prix offences. Inspector Moffatt also advised that he had rung my office and that because both the chief of staff and I were not in he had been advised to contact the deputy director.
The bill will replace the existing Classification of Films and Publications Act 1990, which is generally regarded to be cumbersome and difficult to understand. The bill provides for the enforcement of classification decisions made by the Commonwealth Classification Board in respect of films, publications and computer games; maintains Victoria's participation in the national classification scheme in respect of films that has existed since 1943; and extends the classification regime to computer games in line with all other states and territories. It responds to widespread and deeply felt community concern about the availability of pornographic material on the Internet by providing for offences in relation to the transmission of material which, if in film-publication or computer-game format, would be prohibited or only permitted restricted distribution; and it maintains the prohibition on possession, sale or exhibition of any form of child pornography.

The bill reflects the democratic principle that censorship of any material should strike a balance between competing community concerns. On the one hand, adults should be free to read, see and hear what they want; on the other hand, children should be protected from material likely to harm them, and adults should not have material they may consider offensive thrust upon them unsolicited and without warning. Equally, the community has a right to expect that the dissemination of grossly offensive material will be prohibited. Where material actually falls in, the balancing process will be determined by reference to community standards from time to time.

BACKGROUND

The current legislation that regulates the exhibition and sale of films and publications is the Classification of Films and Publications Act 1990. The act has been amended three times since it came into operation, which has resulted in some inconsistencies in offences for certain prohibited or restricted material.
Under the current act Victoria has referred its film classification power — which includes video — to the commonwealth censor. The current act sets out the classification levels applicable to films and directs that the censor must refuse to classify objectionable material — that is, sexually explicit material which would be classified X for the Australian Capital Territory or extremely violent or sexually violent films which would be refused classification altogether.

In respect of publications, the current act picks up classification decisions made under the ACT Classification of Publications Ordinance. The act also provides that any publication which depicts or deals with any matters considered unsuitable for general public display, even if the publication would not be classified in a restricted category, must be displayed only in an unobtrusive manner. Victoria’s classification legislation does not currently apply to computer games.

REVISED SCHEME

The Standing Committee of Censorship Ministers decided to extend the classification requirement to computer games. It was decided that this extension provided a good opportunity to revise the current classification scheme to make it easier to understand and to address anomalies. The result is that the new scheme will operate by way of complementary commonwealth and state legislation. The commonwealth has passed its legislation — the Classification (Publications Films and Computer Games) Act 1995 — and this bill provides the Victorian part of the scheme.

The commonwealth act repeals the ACT ordinance and establishes a new Classification Board. It sets out the powers of the board and the criteria to be applied in making classification decisions in respect of films, publications and computer games. It provides only for the making of classification decisions and matters ancillary to such decision making. All enforcement provisions are contained in this bill.

The commonwealth act also clearly sets out the principles to be given effect by classification decisions and the criteria for the different classification levels. These are found in the national classification code which appears in the schedule to the commonwealth act. Previously, these principles and criteria were found in the guidelines issued from time to time by the Office of Film and Literature Classification, which houses the office of the censor. The code sets out the following principles:

(a) adults should be able to read, hear and see what they want;
(b) minors should be protected from material likely to harm or disturb them;
(c) everyone should be protected from exposure to unsolicited material they find offensive; and
(d) the need to take account of community concerns about:
   (i) depictions that condone or incite violence, particularly sexual violence; and
   (ii) the portrayal of persons in a demeaning manner.

Paragraph (d) is a newly enunciated principle which was agreed upon by the censorship ministers in response to a high level of community concern about extremely violent material and the unrestricted availability of material considered demeaning to people in general and to women in particular. The criteria for each level of classification are set out in a clearly readable and understandable table. The classification levels remain the same with the exception that material which is currently ‘refused classification’ is now classified RC.

THE BILL — ENFORCEMENT PROCEDURES

The bill recognises classification decisions made by the Classification Board or the Classification Review Board, as the case may be, and provides for the consequences which flow from those classifications. It maintains the prohibition on the sale or exhibition of X-rated films and the prohibition on the exhibition or sale to minors of R-rated films or restricted publications and the prohibition on the exhibition or sale to minors under 15 years of MA-rated films unless accompanied by a parent or guardian.

COMPUTER GAMES

The bill introduces enforcement provisions in relation to the classification of computer games. A computer game is defined as being of an interactive nature. The definition picks up the definition in the commonwealth act and expressly excludes business, accounting, professional or educational computer software unless such software contains a computer game that would be likely to be classified MA(15+) or RC.

The decision to extend the classification regime to the sale and demonstration of computer games was
reached after a nationwide consultation process by the Office of Film and Literature Classification. The result of this process indicated strong community support for a classification scheme for computer games and for the view that computer games should have a lower threshold of adult material given the interactive nature of the medium and that the market was directed predominantly at children. In response to these concerns the highest classification level for computer games has been set at MA(15+), the criteria for which reflect the criteria for the MA classification for films.

ON-LINE OFFENCES

These provisions have been included in the bill in response to widespread community concern about the availability of objectionable material in general and child pornography in particular on on-line services. The provisions are designed to introduce a censorship scheme for on-line material which would be prohibited or subject to restrictions if it were in the form of a film, a publication or a computer game.

An offence is created in respect of the user who publishes, transmits or makes available for transmission objectionable material. A service provider can be prosecuted for such an offence if he or she has created or knowingly downloaded or copied objectionable material. An offence is also created in respect of a user who publishes, transmits or makes available for transmission to a minor material unsuitable for that minor. A service provider can be prosecuted for such an offence if he or she has knowingly published, transmitted or made available for transmission to a minor material unsuitable for that minor. An offence is also created for using an on-line service to advertise objectionable material as available for access.

It is possible that the on-line provisions may be subject to further development, particularly after discussion by the Standing Committee of Censorship Ministers regarding the desirability of national consistency. In the meantime, the government believes these provisions address widespread concerns about objectionable material on on-line services.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Tuesday, 21 November.
LIQUOR CONTROL (FURTHER AMENDMENT) BILL

Thursday, 16 November 1995

The opposition believes that if we are to tackle the issues on a much broader scale, governments — this government and future governments — must make a real commitment to tackling the problems and issues surrounding under-age drinking, particularly the problem of binge drinking, which has become very serious in our society. Now is an appropriate time to make that commitment. With that in mind, I move:

That all words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until the government produces a comprehensive strategy aimed at combating the issues surrounding under-age drinking and which recognises that most under-age drinking takes place away from licensed premises'.

In moving this reasoned amendment, I wish to focus the debate on the real issues that are being faced by the community in relation to under-age drinking. Those fundamental issues are, firstly, the abuse of alcohol by young people; and, secondly, that that abuse manifests itself in health-related problems. The issue is not simply the presence of young people on licensed premises. The issue of alcohol abuse must be tackled in our community and the measures incorporated in the bill do not go far enough.

Are we really saying to ourselves that if young people cannot get into a licensed establishment they will not drink? I suggest that all honourable members would agree that the answer to that question is no. All the evidence shows that not to be the case. As difficult as the challenge may be for us, we must widen our horizons, take up the challenge and recognise that although the task is difficult it is worthwhile.

The bill deals with under-age drinking on licensed premises, and before moving to the broader issues I shall look at those provisions. The bill seeks primarily to institute a system of infringement notices for under-age drinking. Although this is commonly referred to as an on-the-spot fine system, it is not quite that. We recognise that it is not the same as the PERIN system of on-the-spot fines in relation to other offences.

Clause 4 defines a number of important documents that can provide proof of age, such as a driver licence, evidence-of-age documents and a proof-of-age card. An evidence-of-age document is the proof that will be required to be presented to establish age when seeking entry to a licensed establishment. These documents will fall into four
LIQUOR CONTROL (FURTHER AMENDMENT) BILL

1294 ASSEMBLY Thursday, 16 November 1995

categories: a driver licence — either Victorian or one issued in another state or territory; a passport — either Australian or foreign; a proof-of-age card issued by the Chief Executive Officer of the Liquor Licensing Commission; or a document issued by a person or government department or agency approved by the minister. The last provision particularly provides that a commonly used key pass can be used as a valid evidence-of-age document. It is also important to note that each form of evidence of age, to be accepted, must be photographic and must indicate the age of the person to whom it has been issued.

Clauses 5 and 6 remove the current licensee defence of reasonable inquiry and substitute a requirement to prove that an evidence-of-age document has been sighted. This is a strengthening of the current provision so that not only will the young person be required to have his or her evidence-of-age document but the licensee also will be required to have inspected the document if there is any possibility that the person is under age. If the licensee has not done that he or she will not be able to offer a defence if a minor is on the premises.

Clauses 7 and 8 create new offences for under-age drinking: namely, false representation of age, which will carry a maximum penalty of $500; and wrongful dealing in evidence-of-age documents — this has been broken down into a number of offences. New section 131A(1)(a) and (b) covers the offence of allowing another person to use one’s evidence-of-age document. New section 131A(2) will apply to defacing or interfering with an evidence-of-age document. New section 131A(3) deals with the making of false evidence-of-age documents. Each of the wrongful dealing in evidence-of-age document offences carries a maximum penalty of $2000.

I note particularly with new section 131A(3), which deals with the making of false documents, that this is quite an industry in Victoria at the moment! If honourable members have had an opportunity to see some of the results of this industry they will know they are very good forgeries indeed. I am at a loss to know how, in a licensed establishment such as a hotel or nightclub that generally has low lighting and other distractions, the licensee could determine that such a document was not genuine. Recently Vicroads displayed some false driver licences that had been used for this purpose. They were so close to the original that it was difficult to realise they were forgeries.

I have mentioned the maximum penalty that may be applied for offences, but under the infringement notice system the penalty — if one chooses to pay the amount claimed in the infringement notice — will be set at 10 per cent of the maximum penalty should the matter not be decided in the Magistrates Court. Effectively that will mean a $50 fine for wrongful or false representation of age, and a $200 fine would be applied for wrongful dealing in evidence-of-age documents.

Clause 10 introduces a new provision that allows for the seizure of evidence-of-age documents other than a driver licence. That is an important qualification. If a driver licence were to be included the opposition would have serious concerns about it. However, it is not included and it is important to make that qualification.

The bill provides for the seizure of evidence-of-age documents, except for a driver licence, by a member of the police force, a licensee or permittee or an employee of licensed premises in or in the vicinity of the licensed premises if that person reasonably believes the document is not genuine or does not belong to the person presenting it. The opposition is concerned about that clause for a number of reasons that I shall outline.

Firstly, it provides an automatic entitlement for any person to seize those documents — that is, any employee of a licensed establishment can automatically seize documents that he or she believes to be false. The opposition believes it might have been better if there were some form of register of authorised persons who may seize these documents so there was greater control of the situation. We say that for a couple of reasons: firstly because, wrongly used, this power has the potential for discrimination. There may be instances where an owner or manager of licensed premises may decide that a particular type of person is not desired on his or her premises. The opposition would not like that power to confiscate documents to become a de facto way of discriminating against a group in the community. A person presenting a document could be challenged as to age. He could say, 'Look, I am over 18 years'. He could present the document proving that, but the challenger might then say, 'I believe you are not 18 years old; therefore that must be a false document. I am confiscating it'. This provides the potential for discrimination by the wrongful use of that power. We ask that there be some monitoring of that provision to ensure that the power is not used in a discriminatory manner.
The second point about the clause is that, unfortunately, the effect may be to create the potential for violent conflict. Many young people who present at licensed establishments, particularly late at night, have already been drinking. When a young person attempts to enter and the document showing evidence of age is requested and then shown, there may be a suspicion about its correctness, which would lead to its confiscation. If the young person does not accept the confiscation a violent confrontation may follow. We believe the potential is there and that the situation requires considerable monitoring.

The third point is that proposed section 152A(3) provides that seized documents must be handed to the police; however, it does not provide that that must take place within a certain period. Other clauses provide that the police must return seized documents within 28 days of their receipt, but there is no prescribed time in which licensed establishments must hand seized documents to the police. We would not like to see undue delays.

During the briefing provided by the minister I raised this point and was advised that a simple guideline or regulation could stipulate the period within which the establishments must hand them over. I have suggested that if the power is there a time frame should also be there, and it must be reasonable. We suggest that 48 hours is a reasonable period, particularly when one considers that on Friday and Saturday nights there might be problems in getting documents to the police any sooner.

Clauses 12 and 13 establish the workings of the infringement notice system. As I said at the outset, it is not a PERIN system, although the notices will be served by the police. Payment will be made to the Liquor Licensing Commission, which will then inform the police about whether defaults have occurred. The police will determine whether any summons should proceed to the Magistrates Court. The advantage of the procedure is that the current caution system, which we support, will still operate within the infringement notice system as established by the act.

Had it been a PERIN system the caution system may well have been unable to operate, requiring any matter to go automatically to the Magistrates Court. That is further illustrated by the fact that other clauses allow for the withdrawal of infringement notices up to 28 days after they are issued.

Proposed section 145I allows for the continuation of proceedings in respect of unpaid fines. We are unclear about the final result of action taken under this proposed section if a person has a genuine inability to pay the fine. Is it the case, as it is with other offences, that gaoling or the seizure of assets may occur? That is not as hypothetical as some might like to believe. The Victorian experience of fine defaults for offences involving minors has seen a 40 per cent increase in the workload of the Children’s Court, particularly in respect of fines for not wearing bicycle helmets or fare evasion on public transport. The final results need to be explained. The increased workload of the Children’s Court was mentioned in the submission of the Youth Affairs Council of Victoria to the Victorian Coordinating Council on Control of Liquor Abuse, but apparently it is not being considered in the final recommendations.

The provisions relating to infringement notices may on the surface appear to be a strong attack on under-age drinking, but they do not get to the core of the problem and their success is doubtful. A report into youth violence in New South Wales by the Standing Committee on Social Issues, dated September 1995, states:

As restrictions on under-age drinking in licensed premises have increased in recent years, it appears that the problem of under-age drinking is shifting to parks, beaches and homes.

That is something we must be cognisant of when talking about attacking under-age drinking on licensed premises. Why will it not be as successful as we might believe? Report after report on under-age drinking shows, firstly, that most under-age drinking occurs outside licensed premises — on the streets and beaches and in parks and private homes. The legislation could have the effect of pushing more under-age drinking out onto the streets.

This fact was recognised on page 3 of the coordinating council’s own report:

Significant to the review, students most frequently drink at home, at a party, or at a friend’s home rather than in a licensed premises or in a public place. There has been a substantial decline since 1989 of drinking in licensed premises such as hotels or nightclubs, dances or discos and restaurants.

The council is also saying that the effect could be to move more of our under-age drinkers out onto the streets. This is borne out in other reports such as the
one by the Australian Drug Foundation. A publication entitled 'Reducing the risk' states under the subheading 'Where do young people drink?':

The same survey showed that most under-age drinking takes place off licensed premises — in private homes, at parties, with or without parental or adult supervision. Binge drinking often takes place outdoors: in the street, in parks and gardens, on the beach, in cars.

All the surveys are telling us that most under-age drinkers obtain alcohol from other than licensed premises, and that this is particularly so with young under-age drinkers. Unfortunately, those just starting out to drink are more likely to obtain their alcohol from places other than licensed premises. All too often it is from the family home. According to the coordinating council’s report the average age for year 11 students who have started drinking is 12.9 years, but the average age they started to purchase alcohol is 15.1 years, so for that approximately two-year period they are obtaining their alcohol from places other than licensed premises.

The Australian Drug Foundation report of 17 August 1995 released preliminary findings from the alcohol and education project and it states:

In the latest piece of research the ADF surveyed over 200 students in years 8 and 9 in Melbourne schools before beginning an education program with them.

The research showed that students have relatively free access to alcohol, and that the home is the most common access point: 33 per cent are given alcohol by parents, 12 per cent take it from home. Friends and older people are another common source: 22 per cent say they are given alcohol by friends, and 16 per cent say older people buy it for them.

It is clear that young people gain access to liquor at home. Quite often that is because of our changing drinking habits, where it is less common now for Victorians and Australians to drink at licensed establishments. It is more common to purchase packaged liquor and drink at home, and there is so much liquor in the home that a missing bottle is not noticed.

The other major issue identified in all reports is binge drinking. The concerns expressed by those involved in programs for under-age drinking are most significant, particularly with its long-term effect. I acknowledge the minister’s reference in his second-reading speech to the Health and Community Services 1992 survey that shows that binge drinking, which is defined as having five standard drinks in succession, is at consistently high levels.

This is acknowledged in the coordinating council’s report. Binge drinking and the attitude surrounding it are probably the most disturbing aspects of under-age drinking. The Australian Drug Foundation has looked at the attitudes of young people regarding binge drinking and I am alarmed at what young people said to them. I shall read from the Reducing the Risk report to which I referred earlier because on binge drinking the ADF states:

Many middle school students (years 9-10) often have little idea of setting limits to consumption.

‘We learn by experience — the hard way — but probably the best’.

That is a year-9 female!

Students typically said they stopped drinking:

‘When I run out of money’.

‘When the bottle is empty’.

‘When I vomit’.

‘When I fall over’.

‘You drink all you buy to get the full effects’.

‘Vomiting is proof you had a good time’.

One year-9 student said that she stopped drinking an hour before her parents picked her up. Many students knew people who were taken to hospital after an overdose. They were unaware that binge drinking was potentially fatal. Those comments are very disturbing and reflect an attitude on binge drinking that we have to turn around.

It is important in this context to note that most advertising about safe drinking limits is related to drink-driving, not to the health effects of the abuse of alcohol. Those limits that relate to health are for fully mature bodies, not for growing bodies. Unfortunately the research and understanding of the effects of alcohol on less than fully matured bodies are not complete. They are the sorts of issues that require a comprehensive understanding, yet to date the government’s only action has been to introduce a range of new offences relating to licensed premises.

We need a broader strategy, but we must know where we want to go, not just where we are. We must tackle it on the same basis we would tackle any other major health issue, such as the way we have
tackled tobacco. We must bring about a cultural change across the community, similar to that which has been achieved with smoking and drink-driving. We must recognise that in our society adults use alcohol at almost every social setting and that is the model we are holding up to our young children. In our society alcohol is about being grown up; drinking is very much a mainstream activity. It is one reason why young people like to go to licensed premises, even when they have relatively easy access to alcohol elsewhere.

The whole community must become involved in programs related to under-age drinking or we will not succeed. I refer to a speech by Antonia C. Novello, Surgeon General of the United States of America, delivered at the Centre for Substance Abuse Prevention, Washington, DC, on 8 February 1993. Mrs Novello referred to tackling under-age drinking because, in her words, it was ‘doable’. She states in part:

Since I began my efforts, I have learned a great deal — but most importantly, I learned that this country is in need of ‘Alcohol Education 101’ — from the communities to the Congress.

I’ve also become convinced that parents and communities play a key role in prevention — a role that can’t be played right unless it is shared and supported by our schools, our policy makers, our health care providers, our law enforcement officials — and, most importantly, by media and advertising.

We know that preventing illegal under-age drinking works best when the message is straightforward and clear — not mixed. When the messages our children get at home are the same ones they get at school, and are reinforced by the community, their peers, and the media.

The Surgeon General was so concerned about the abuse-related problems that she commissioned a series of eight reports, the final set of which spelt out clearly why we should take action. She said the final set of reports showed:

... there is much more to alcohol than dying — much more to alcohol than cirrhosis of the liver.

There is living proof of this.

Alcohol has been linked to involvement with crime — both in perpetrators and victims, involvement in risky sexual activities, and increasing the risk of all sorts of injuries.

In addition, alcohol has been linked to poor school performance ...

We also learned that those who have been drinking are almost twice as likely to be injured than those who have not been drinking at all.

We learned that approximately one-third of our young people who commit serious crimes have consumed alcohol just prior to the commission of the crime, and one-half of college students who were crime victims admitted to being under the influence of alcohol and/or drugs at the time of the crime, as well.

And we also learned that alcohol misuse was involved in the vast majority of sexual assaults and risky sexual behaviour going on our campuses.

These findings are similar to those made by organisations such as the Australian Drug Foundation. They illustrate why it is simply not good enough to be superficial in our approach.

Much has been made of the New South Wales model of under-age drinking in the coordinating council’s report and that state’s adoption of an on-the-spot-fine system in 1991. The report claims that the fine system is effective despite some considerable evidence to the contrary. However, New South Wales has already moved on from that approach and it is instructive to look at what has occurred there in recent times.

On 18 October of this year the NSW Minister for Gaming and Racing moved the second reading of a bill to amend the liquor and registered clubs legislation to make harm minimisation the major objective of the act. It is interesting to look at what the NSW minister had to say about why his government moved to that position. It is also interesting to look at the approach that government is now adopting with under-age drinking on licensed premises.

In the NSW Hansard the minister begins by saying:

The amendments are important because — for the first time — the licensing laws will be amending to directly acknowledge the level of harm that is related to alcohol consumption in our community. The bill will introduce into both acts the concept of harm-minimisation. In recognition of the harm — the violence and the anti-social behaviour — associated with the misuse and abuse of alcohol.
He goes on to say:

A key part of the harm-minimisation policy is that it also allows a preventative approach to alcohol problems so that potential problems can be averted. The costs to society of alcohol misuse and abuse are so great that we must find effective preventative strategies.

The practical effect of inserting the harm-minimisation object into the acts will be to reorientate the law so that the harm associated with the misuse and abuse of liquor will be a factor in the decisions made by the Licensing Court, the Liquor Administration Board, the Director of Liquor and Gaming, the Commissioner of Police and others with specific functions.

The approach to alcohol problems acknowledges that whilst a large proportion of the population drinks alcohol sensibly and with safety, the level of alcohol-related harm in the community warrants continued government and community action.

That follows on from the themes of the US Surgeon General. In other parts of the second-reading speech by the NSW minister he talks about giving a clear message to the community in remarkably similar terms to the US Surgeon General's warnings. He also talks about the need for a clear message to be sent to the industry and the community about how serious the problem is. I suggest that that is the approach the government should also follow.

As well as looking at penalties for under-age drinking, a comprehensive strategy should include a number of other measures. I put to the house that the combination of measures that should be taken up include the following: firstly, we should have a state media campaign targeting alcohol abuse with a particular emphasis on drinking by young people. That is already being done in other states. Western Australia has the Drink Safe campaign and New South Wales has the Drink Drunk — the difference is U campaign. Those campaigns appear to be having an effect on young people's attitudes. I shall again quote from the report into youth violence in New South Wales where it talks about the effect of the Drink Drunk — the difference is U campaign:

To evaluate the campaign, pre-campaign surveys of 400 young people aged from 15 to 18 years were conducted. The surveys found that 64 per cent of respondents could correctly remember and describe the television commercial (Market Attitude Research Services). The number of young people responding that they had drunk alcohol within the last seven days decreased from 32 per cent in the pre-campaign survey to 26 per cent after the campaign. In the post-campaign survey to 26 per cent after the campaign.

In the post-campaign survey, 49 per cent of respondents linked alcohol consumption to becoming violent and abusive, and 40 per cent linked alcohol to getting into a fight.

Phase two of the Drink Drunk campaign will include a cinema advertising campaign and two new projects focusing on alcohol and violence and drinking by Aboriginal young people.

It seems clear and there is evidence that these sorts of media campaigns have an effect and do work.

The second measure is that the government should adopt a comprehensive drug and alcohol education program in schools. Currently the Directorate of School Education is producing a kit dealing with this matter. The issue of classroom education is somewhat different, and unfortunately it is not occurring in Victoria to the extent that it should be. Most of what is occurring is a result of either commonwealth funding or joint commonwealth-state programs. Greater emphasis, better targeting and more coordination is needed across departments. The drug education program, part of a three-year program in the Directorate of School Education, has now been closed down. It was part of the national strategy and was jointly funded by the commonwealth and state. Unfortunately the program was wound up in September this year.

It is interesting to compare that closure with what is occurring in NSW. Once again the NSW government has recently announced a special fund of $5 million for drug education in schools. The opposition puts forward the fact that there must be a significant state funding component for drug education.

The third measure is that community education programs about the responsible use of alcohol should become much more part of our lives because they should be doing a number of things. Clear, understandable guidelines for the responsible use of alcohol should be developed. They should be guidelines that parents can relate to and can use if they so desire. The guidelines should include things such as VCE parties, which the opposition recognises are a source of some concern within our community.

There should also be education for parents about the responsible use of alcohol as it relates to young people. Guidelines should be developed around
LIQUOR CONTROL (FURTHER AMENDMENT) BILL

Thursday, 16 November 1995 ASSEMBLY 1299

things such as teenage parties based on a community-standard approach. There should be education about the exercise of parental responsibility with young people drinking.

The fourth measure the opposition suggests is the possible provision of alcohol-free entertainment for young people at hotels or other licensed facilities. I believe this should be encouraged and facilitated to a greater extent because it should be recognised that young people go to these venues for reasons other than drinking. In many cases it is particularly for the entertainment.

I spoke earlier about live bands and the type of entertainment provided at these venues. We must recognise that that is a significant drawcard to young people. Perhaps it should be considered that licensed clubs be allowed to offer a different category of membership for young people so as to offer an increased opportunity for recreation and entertainment.

The fifth suggestion of the opposition concerns labelling of alcoholic products that is understandable to the user. I suggest that the phrase, 'percentage alcohol by volume' means nothing to most people; most do not understand the concept nor how that affects their own drinking. Even the concept of the phrase, 'standard drink equivalent' is not widely understood. People may know it means the equivalent to two standard drinks per bottle, but what it means in terms of the effects of alcohol consumption on one's health is not widely appreciated. To be completely effective a media campaign about the labelling of alcoholic beverages would need to be structured with such factors in mind.

The Australian Drug Foundation says something particularly about young people and how they relate to standard drink equivalent education. In its 17 August 1995 report it states:

Young people also do not understand the concept of a standard drink which offers a simple way of monitoring and controlling their intake:

90 per cent of students did not know how many standard drinks were contained in a bottle of regular strength beer;

95 per cent of students did not know how many drinks were contained in a bottle of wine.

This means they find it hard to understand how much they are drinking.

The results point to the need for all students to be educated in: how alcohol affects them; and how they can control their intake to prevent intoxication.

Those are important issues. The sixth suggestion of the opposition concerns a very tough issue: the fact that advertising of alcoholic products must be examined. I appreciate that the subject is difficult, and before anybody attempts to misrepresent the opposition's position, I hasten to add that I am not talking about the banning of alcohol advertising. I am talking about the responsible advertising of alcohol products, and we should encourage such advertising. To date, this issue has not been addressed anywhere in Australia.

Voluntary codes exist, and for the greater part they work quite well, but there is always the one out there pushing the edge of the envelope. I suggest that a series of advertisements for one alcoholic product appearing recently in women's magazines very clearly gives the impression that drinking actually leads to some sort of sexual attractiveness. That is the sort of advertising which is not needed and we should pay attention to whether such advertising should be allowed. There is little doubt our young people are encouraged to drink because it is seen as an adult thing to do; it appears to be the sophisticated thing to do.

The Surgeon General of the United States of America has addressed this issue quite comprehensively. She states in part:

But our facts, our warnings, and our health promotion messages are entirely at odds with the enticing drum beat of alcohol beverage ads that say 'Drink me and you will be carefree. Drink me and you will be cool. Drink me and you will have fun! Drink me, and there will be no consequences'.

That is the sort of advertising about which we should be concerned. The responsibility of advertisers is certainly to ensure that their products are advertised, but they should also ensure that advertising directed towards our young people and the community in general is responsible.

I add the cautionary words of the US Surgeon General, who states:

...I have said to the industry that if industry has developed voluntary codes, then by God, they should be the first ones to adhere to them.
That is the message we should be getting through to the community.

The seventh suggestion I make to the house concerns the importance of programs on the responsible serving of alcohol with adequate enforcement guidelines, particularly relating to measures against activities that encourage binge drinking or the serving of minors. I have no doubt the minister also believes in such measures, not the least because the bill contains provisions concerning the responsible serving of alcohol.

The opposition believes these are the types of measures that need to be included in a comprehensive study and calls on the government to address those issues.

I refer to other provisions in the bill. The first concerns the extension of the power of commissioners to disqualify managers of licensed premises as well as licensees, permittees, directors or nominees of a licensee if a body corporate or member of the board of management of a licensed club. That presents no problems for the opposition; I support that extension.

The opposition notes the provision that will permit regulations to be made regarding the responsible serving of alcohol and supports such a provision. Further provisions in the bill allow persons under 18 years of age on licensed premises for training or work experience other than the sale or distribution of alcohol or for hospitality training in a program authorised by the minister. The opposition regards those measures as sensible and will support them.

The removal of the prohibition on the licensing of cinemas presents no difficulty for the opposition so long as the licensing is within defined areas and does not relate to the general movement of minors through a premises. That brings them into line with other cinemas that already have licences and with live theatres.

The final part of this legislation deals with the government’s response to the Public Bodies Review Committee report recommending the abolition of the Liquor Licensing Commission. In that report the committee identified a number of issues that need to be addressed. In spite of believing the final product, overall direction and conclusions of that report are somewhat flawed, the opposition recognises a number of factors within the report and believes they should be acknowledged. The opposition acknowledges the inherent support in the PBRC report for the responsible serving of alcohol; that is an integral part of the report. There is much merit in the principles behind the responsible serving of alcohol and codes of conduct. A voluntary code of conduct which has been operating in Geelong for some time has been advantageous and has led to the lessening of conflict or problems around licensed premises.

Having said that, the opposition believes the administration and excessive regulatory regime the PBRC proposes to put around those codes of conduct would not be the correct direction in which to head.

The committee made a number of other recommendations. Without going through them now, a number of those recommendations have the potential to harm the liquor industry and should be rejected. The opposition concurs with the minister in his response to the report that the commission should not be abolished. The opposition takes note of the minister’s words that the other issues involved in the PBRC report will be examined and addressed separately. They may be the subject of discussion later.

In conclusion, the opposition urges the minister to take a much broader approach to the issues surrounding under-age drinking and ensure that the penalties approach does not become a penalties-only approach. I hope the minister will examine the proposals the opposition has put forward today to try to generate a total strategy to deal with under-age drinking in our community because it is a serious problem. It is not a new problem, and I would venture to suggest that if this legislation were made retrospective there would be few members in this house who would not escape its provisions.

Under-age drinking is not a new problem, but it is one of concern because today we know more about the harmful effects of the abuse of alcohol than we did 20 years ago. We must move forward with that knowledge. There is an opportunity to do that and to respond in a broad way because it is a major health problem.

I welcome the opportunity to respond at some length to the measure, and I hope what has been said in debate may go some way, however small, towards helping to solve the problems.

Mr McLELLAN (Frankston East) — I thank the honourable member for Geelong North for the opportunity to contribute to the debate. The
LIQUOR CONTROL (FURTHER AMENDMENT) BILL

Thursday, 16 November 1995 ASSEMBLY 1301

underpinning measure in the legislation is to curb under-age drinking at hotels and licensed premises. I believe the bill does exactly that.

The honourable member for Geelong North moved a reasoned amendment to delay this bill because he does not believe it attacks some of the issues that he raised. While we are all aware of the issues, I do not believe they should be pursued in legislation. The problem of under-age drinking and binge drinking should be tackled by an education program.

The second-reading speech says that the Directorate of School Education should develop policies and practices in the school curriculum to address alcohol and drug issues. It is incumbent on all of us to ensure that we educate our children in the school system. The program should be introduced at the primary school level, and we could all undertake an education program.

Many of us are proud of our home bar. I used to have a very well stocked bar at home and bought most of what the hotels have to tap into a bottle of scotch or whatever. When I had visitors I would stock the bar with booze. How many of us have done that? Many members in this place would have a home bar and have been in exactly the same position. If one thinks about it, that is the very thing we should not do. We should not let our children have access to that liquor. One cannot keep an eye on it all the time, and it is no good saying that the children cannot have it and locking the liquor in a cupboard, because when I was seven or eight years old I could get into such cupboards.

Most people like to have a drink but when one is 12, 13 or 14 years old one does not have the knowledge or the maturity to know when to stop. That comes only with education and coming of age. It comes with the knowledge that binge drinking at a young age is not the thing to do; it is harmful and can become a serious problem. There are numerous cases where young people who have gone on binge-drinking exercises have died. Five or six glasses of alcohol is not generally a problem for an adult of 25 or 30 years of age, but it could be enough to kill an 11, 12 or 14-year-old. It is a matter that we must address. I do not believe it can be addressed only through legislation. I believe the way to go is through education, information, marketing and promotion by the alcohol companies themselves.

I turn to enforcement. How does one stop children drinking at home? One cannot have the police knocking on every door and policing the family home. It is an offence to drink in a public place, but we could not employ police to go to every park, football match or dance venue to police them. It would be almost impossible to carry out such a task. The way to do it is through education to discourage children from drinking because it is enjoyable or to prove to your peers that you are bigger than you should be at the age of 12, 13 or 14 years. Nine times out of 10 it has disastrous consequences.

Treatment services and the monitoring of the education programs will be an ongoing exercise, and should begin at primary school age. Parents also should be educated about the effects alcohol has on children. Parents should put alcohol away and not make it available to their children. Unfortunately one cannot keep an eye on them all the time. A parent would not know how much was left in the gin bottle the last time it was used, and children could be taking small amounts from the bottle which one would never notice.

The intent of the bill will go a long way to rectifying some of the problems. I acknowledge the comment made by the honourable member for Geelong North that it may lead to confrontation at the door of licensed premises, but how does one avoid that? There are many 21-year-olds who do not look as if they are 18 years old. I do not believe when I was 21 that I looked much older than 18. One must produce a driver’s licence or an ID to prove one’s age. It would be silly of a person or controller not to have the sense to look at the person and make a reasoned judgment of that person’s age. A person who is under age could be carrying a false document and if so a police officer should be called or the person wishing to gain entrance to the premises should be refused entry. The provisions in the bill will not allow such persons to enter licensed premises if they are under age or if there is a suspicion that they are carrying false identification. The provisions in the bill make it an offence to swap IDs. We all know it happens. It is not uncommon to see youngsters doing it because it can be a challenge to see if they can beat the system.

The issues raised by the honourable member for Geelong North with regard to binge drinking are relevant because I was involved in a program on binge drinking in Frankston recently. The response we received at the shopping centre was phenomenal and the response from the schools has been encouraging. Several secondary school students in my electorate who took part in the program passed on the message and said that the message they got
was that it was one of the best things that has been done in the community. There should be more of it.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time appointed for debate on bills has expired.

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

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Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LEGAL PROFESSION PRACTICE (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mrs WADE (Attorney-General); and Mr MILDENHALL’s amendment:

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 1 per cent of the annual income of the Solicitors Guarantee Fund to be set aside for consumer education concerning legal services’.

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

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Amendment negatived.
Amendment negatived.

Motion agreed to.

Read second time.

Circulated government amendments 1 to 15 as follows agreed to:

1. Clause 2, line 2, omit "section 9" and insert "sections 5 and 9".
2. Clause 2, line 4, omit "Section 9 comes into operation on a day" and insert "Subject to sub-sections (3) and (4), sections 5 and 9 come into operation on a day or days".
3. Clause 2, after line 7 insert "(i) whether the principal place of practice of members of the class is in or outside Victoria."
4. Clause 8, page 6, after line 25 insert "(f) whether members of the class at any time during the year ending on 31 March 1995 received money that was required to be paid to a trust account in accordance with section 40 and, if so, the total amount received during that year;
   (g) whether members of the class were employed by a solicitor or firm of solicitors at any time during the year ending on 31 March 1995 when that solicitor or firm received money that was required to be paid to a trust account in accordance with section 40;
   (h) whether the principal place of practice of members of the class is in or outside Victoria.".
5. Clause 8, page 6, after line 25 insert "(8) If the determination includes 2 or more classes the contribution payable by members of each class being different from the other classes and the distinguishing factor between each class (other than the contribution payable by members) being the total amount of money received by members of the class during the year ending on 31 March 1995 that was required to be paid to a trust account, a person who is a member of one of those classes (other than the class in respect of which the highest contribution is payable) must give the institute a statutory declaration stating that the person is a member of that class."
6. Despite anything to the contrary in sub-section (1), if a person required by sub-section (6) to give the institute a statutory declaration does not give it to the institute before or at the same time as the person pays the contribution required to be paid by the person under sub-section (1), the person is liable to pay the contribution payable by members of the class referred to in sub-section (6) in respect of which the highest contribution is payable."
7. Clause 8, page 6, after line 25 insert "(8) If the determination includes 2 or more classes the contribution payable by members of each class being different from the other classes and the distinguishing factor between each class (other than the contribution payable by members) being the total amount of money received by members of the class during the year ending on 31 March 1995 that was required to be paid to a trust account, a person who is a member of one of those classes (other than the class in respect of which the highest contribution is payable) must give the institute a statutory declaration stating that the person is a member of that class."
8. Clause 8, page 6, line 26, omit "(6)" and insert "(8)".
9. Clause 8, page 6, line 32, omit "(7)" and insert "(9)".
10. Clause 8, page 7, line 5, omit "solicitor" and insert "practitioner".
11. Clause 8, page 7, line 8, omit "solicitor" and insert "practitioner".
12. Clause 8, page 7, line 14, omit "(1)" where secondly occurring.
13. Clause 8, page 7, line 23, omit "(1)".
14. Clause 8, page 7, after line 26 insert "(3) The amount of a contribution that is not paid in accordance with section 61B is a debt due to the institute and may be sued for and recovered by the institute in the Magistrates' Court.".
15. Clause 8, page 7, line 27, omit "(3)" and insert "(4)".
AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 15 November; motion of Mr McNAMARA (Minister for Tourism); and Mr DOLLS's amendment:

That all the words after 'That' be omitted with a view of inserting in place thereof the words 'this house refuses to read this bill a second time until the government has had further consultation with relevant organisations and the community about the ramifications of the Australian Grand Prix (Further Amendment) Bill which would allow citizens the opportunity to express their concerns about restrictions imposed on their access and conduct in Albert Park'.

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

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Amendment negatived.

The SPEAKER — Order! The question is:

That this bill be now read a second time, government amendment no. 1 be agreed to, the bill be now read a third time and be transmitted to the Legislative Council and their concurrence desired therein.

House divided on question:

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Question agreed to.

Read second time.

Circulated government amendment 1 as follows agreed to:

1. Clause 9, line 22, omit “informing” and insert “informed”.

Remaining stages

Passed remaining stages.

MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL

Second reading

Resumed from 15 November; motion of Mrs TEHAN (Minister for Health); and Mr THWAITES’s amendment:

That all the words after ‘That’ be omitted with the view of inserting in place thereof the words ‘this bill be withdrawn and redrafted omitting those provisions relating to the Prostitution Control Act 1994 which should be introduced to Parliament in a separate bill’.

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

Ayes, 50
Ashley, Mr
Bildstien, Mr
Brown, Mr
Clark, Mr
Cooper, Mr
Davis, Mr
Dean, Dr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Gude, Mr
Hayward, Mr
Heffernan, Mr
Honeywood, Mr
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Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr
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Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McLellan, Mr
Thompson, Mr (Teller)
Traynor, Mr
Treasurer, Mr
Turner, Mr
Wade, Mrs
Wells, Mr

Noes, 25
Andrianopoulos, Mr (Teller)
Baker, Mr
Batchelor, Mr
Bracks, Mr
Carl, Mr
Cole, Mr
Cunningham, Mr (Teller)
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Hamilton, Mr
Leighton, Mr
Loney, Mr

Amendment negatived.

Motion agreed to by absolute majority.

Read second time.

Circulated government amendments 1 and 2 as follows agreed to:

1. Clause 6, page 8, line 14, omit “health”.
2. Clause 6, page 8, line 16, omit “health”.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

HERITAGE BILL

Committee

Resumed from 14 November; further discussion of clause 1.

The CHAIRMAN — Order! As the time for consideration of the bill has arrived, I am required to put the questions necessary for the passage of the bill.
Causes 1 to 208, schedules 1 and 2 and circulated
government amendments nos 1 to 127 as follows
agreed to:

1. Clause 2, line 6, omit “205 and 208(2)” and insert “215
and 218(2)”.

2. Clause 2, line 8, omit “204” and insert “214”.

3. Clause 3, after line 23 insert —

""Administrative Appeals Tribunal“ means the
Administrative Appeals Tribunal established
under the Administrative Appeals Tribunal Act
1984;”

4. Clause 3, page 4, after line 35 insert —

"‘Heritage Inventory” means the Heritage
Inventory established under Part 6;’.

5. Clause 3, page 5, line 11, omit “93” and insert “98”.

6. Clause 3, page 5, line 13, omit “95” and insert “100”.

7. Clause 3, page 5, line 16, omit “97” and insert “102”.

8. Clause 3, page 5, line 18, omit “19(e)” and insert
“19(f)”.

9. Clause 3, page 5, line 22, omit “93” and insert “98”.

10. Clause 3, page 5, line 23, omit “95” and insert “100”.

11. Clause 3, page 5, line 26, omit “97” and insert “102”.

12. Clause 3, page 5, line 28, omit “19(e)” and insert
“19(f)”.

13. Clause 3, page 7, after line 5 insert —

“‘public authority” means any body corporate or
unincorporate established by or under an Act for a
public purpose, but does not include a municipal
council;’.

14. Clause 3, page 7, line 19, omit “176” and insert “186”.

15. Clause 3, page 7, line 21 omit “(Victorian Branch)”
and insert “(Victoria)”.

16. Clause 7, page 9, line 13 omit “(Victorian Branch)”
and insert “(Victoria)”.

17. Clause 12, line 5, omit “73 or section 74” and insert
“75 or section 76”.

18. Clause 19, line 23, omit “184” and insert “194”.

19. Clause 19, after line 24 insert —

“( ) all buildings remaining on the register of
government buildings under the Historic
Buildings Act 1981 on the day on which
section 215 comes into operation; and”.

20. Clause 19, line 26, omit “95” and insert “100”.

21. Clause 29, page 20, after line 8 insert —

“( ) If the Minister exempts the Executive Director
from the requirement to give notice under
sub-section (1), details of that exemption must
be included in the Heritage Council’s annual
report to the Minister made under section
8(1)(k).”.

22. Clause 41, line 35, before “a person” insert “the Trust
or”.

23. Clause 47, after line 19, insert —

“( ) Despite sub-sections (1) and (2), notice is not
required to be given of any place or object
which is deemed to be included in the
Heritage Register under section 57.”.

24. Clause 50, page 32, line 13, omit “preservation” and
insert “protection”.

25. Clause 51, page 29, after “without delay” insert “and
within 7 days”.

26. Clause 71, page 43, after line 1 insert —

“( ) any decision of the Heritage Council under
section 72 which has been received; and”.

27. Clause 72, line 3, after “the application” insert “and
any decision of the Heritage Council under section
72”.

28. Clause 72, after line 9 insert —

“(2) The Executive Director must determine to
refuse to issue the permit if the Heritage
Council has objected under section 72 to the
issuing of the permit.”.

29. Clause 72, line 10, omit “A permit” and insert
“Subject to sub-section (5), a permit”.

30. Clause 72, line 12, omit “(2)” and insert “(3) but
subject to sub-section (5)”.

31. Clause 72, after line 18 insert —

“( ) In determining to issue a permit, the Executive
Director must —

(a) include any condition that the Heritage
Council requires under section 72 to be
included; and

(b) not include additional conditions which
conflict with any condition included
under paragraph (a).”.

32. Clause 72, line 29, omit “(4)” and insert “(6)”.

33. Clause 72 after line 33 insert —

“( ) If an application for a permit was referred to
the Heritage Council under section 70, the
Executive Director must give the Heritage
Council a copy of —
34. Clause 73, after line 1 insert —

“(1) This section does not apply in relation to a permit or application for a permit if the application for the permit was referred to the Heritage Council under section 70.”.

35. Clause 73, lines 13 to 16, omit all words and expressions on these lines and insert “object.”.

36. Clause 73, after line 16 insert —

“(3) The applicant or the owner of a registered place or registered object may appeal to the Heritage Council against any condition of a permit imposed by the Executive Director on a permit under this Division in respect of the place or object.”.

37. Clause 73, line 19, omit “14” and insert “60”.

38. Clause 74, line 6, omit “75” and insert “78”.

39. Clause 74, lines 9 to 11, omit all words and expressions on these lines and insert —

“(1) The Heritage Council must conduct a hearing into the appeal —

(a) if the hearing is requested by the Trust; or

(b) in any other case, unless the appellant agrees to the determination of the appeal without a hearing.

(1) The Heritage Council must give the Trust an opportunity to be heard at any hearing requested by the Trust.”.

40. Clause 74, line 19, omit “(3)” and insert “(4)”.

41. Clause 75, omit this clause.

42. Clause 76, lines 2 to 6, omit all words and expressions on these lines and insert —

“(1) The Administrative Appeals Tribunal may deal by way of re-hearing with any appeal —

(a) made to it under section 77; or

(b) referred to it under section 78(4)(b).”.

43. Clause 76, line 8, omit “and the appellant” and insert “, the appellant, the Executive Director and the Trust”.

44. Clause 76, lines 20 to 22, omit all words and expressions on these lines.

45. Clause 77, line 24, omit all the words and expressions on this line and insert “If an appeal is referred to the Minister under section 78(4)(a),”.

46. Clause 79, line 28, after “Executive Director’ insert “, with the consent of the Minister.”.

47. Clause 82, lines 15 and 16, omit “80 or 81” and insert “85 or 86”.

48. Clause 83, line 24, omit “80 or 81” and insert “85 or 86”.

49. Clause 84, line 25, omit “93(1)” and insert “98(1)”.

50. Clause 84, line 28, omit “93(3)” and insert “98(3)”.

51. Clause 86, lines 11 and 12, omit “80 or 81” and insert “85 or 86”.

52. Clause 87, line 29, omit “86” and insert “91”.

53. Clause 93, line 16, omit “92” and insert “97”.

54. Clause 93, page 57, line 12, omit “97” and insert “102”.

55. Clause 94, line 19, omit “93” and insert “98”.

56. Clause 97, line 4, omit “96” and insert “101”.

57. Clause 97, page 60, line 6, omit “99” and insert “104”.

58. Clause 98, page 61, line 8, omit “93 or 97” and insert “98 or 102”.

59. Clause 100, line 5, omit “99” and insert “104”.

60. Clause 102, page 63, line 10, omit “95” and insert “100”.

61. Clause 106, page 67, lines 1 to 5, omit all the words and expressions on these lines.

62. Clause 106, page 67, line 26, omit “102” and insert “107”.

63. Clause 106, page 67, line 32, omit “108” and insert “113”.

64. Clause 106, page 67, line 36, omit “(6)” and insert “(5)”.

65. Clause 108, line 35, omit “105, 106 or 107” and insert “110, 111 or 112”.

66. Clause 109, line 11, omit “106, 107(1) or 108(7)” and insert “111, 112(1) or 113(7)”.

67. Clause 111, line 9, omit “110” and insert “115”.

68. Clause 111, page 73, line 3, omit “129” and insert “135”.

69. Clause 120, line 28, omit “124(1)” and insert “130(1)”.

70. Clause 121, line 7, omit “123” and insert “129”.

71. Clause 121, line 17, omit “123” and insert “129”.
HERITAGE BILL

72. Clause 134, line 30, omit “135” and insert “141”.
73. Clause 139, line 34, omit “138” and insert “144”.
74. Clause 139, page 89, line 5, omit “138” and insert “144”.
75. Clause 139, page 89, line 16, omit “138” and insert “144”.
76. Clause 148, line 5, omit “106, 107, 143 or 147” and insert “111, 112, 149 or 153”.
77. Clause 155, page 99, lines 9 and 10, omit “156 to 158” and insert “162 to 164”.
78. Clause 156, line 13, omit “155” and insert “161”.
79. Clause 156, line 16, omit “Heritage Council” and insert “Minister”.
80. Clause 157, line 25, omit “156” and insert “162”.
81. Clause 157, page 100, line 17, omit “156” and insert “162”.
82. Clause 158, line 22, omit “156(1)” and insert “162(1)”.
83. Clause 160, line 13, omit “a person with a real and substantial interest” and insert “any other person”.
84. Clause 170, line 18, omit “123” and insert “129”.
85. Clause 170, line 27, omit “Director of the Museum of Victoria” and insert “Executive Director”.
86. Clause 174, line 11, omit “104(5)” and insert “109(5)”.
87. Clause 175, page 110, after line 7 insert

“(2) On the commencement of section 215, in any Act (other than this Act or a provision of the old Act continued by this Act), or in any instrument made under any Act or in any other document of any kind —

(a) a reference to the register of government buildings under the old Act is deemed to be a reference to the Heritage Register; and

(b) a reference to a designated building in relation to the old Act is deemed to be a reference to a heritage place; and

(c) a reference to an object which is a designated building in relation to the old Act is deemed to be a reference to a heritage object.”.

94. Clause 183, line 14, omit “181” and insert “191”.
95. Clause 184, line 37, omit “205” and insert “215”.
96. Clause 186, line 19, omit “74” and insert “76”.
97. Clause 186, line 32, omit “181” and insert “191”.
98. Clause 188, line 31, omit “155” and insert “161”.
99. Clause 188, page 118, line 2, omit “156” and insert “162”.
100. Clause 190, line 17, after “section 41” insert “of the old Act”.
101. Clause 190, line 25, omit “83” and insert “88”.
102. Clause 192, line 5, omit “132” and insert “138”.
103. Clause 196, line 26, omit “90(1)(c)” and insert “95(1)(c)”.
104. Clause 196, line 34, omit “90(1)(b)” and insert “95(1)(b)”.
105. Clause 197, line 3, after “section 11” insert “of the old Act”.
106. Clause 197, line 5, omit “97” and insert “102”.
107. Clause 198, line 13, omit “108” and insert “113”.
108. Clause 198, line 18, omit “108” and insert “113”.
109. Clause 198, line 23, omit “108” and insert “113”.
110. Clause 198, line 29, omit “108(1)” and insert “113(1)”.
111. Clause 198, line 35, omit “108(1)” and insert “113(1)”.
112. Clause 198, page 122, line 3, omit “108” and insert “113”.
113. Clause 199, line 8, omit “176” and insert “186”.

90. Clause 176, page 111, lines 15 to 18, omit all the words and expressions on these lines.
91. Clause 176, page 111, after line 18, insert —

“(3) Regulations made for the purposes of this section may prescribe penalties not exceeding —

(a) 50 penalty units for a contravention of a provision of any regulations made for the purposes of sub-section (2)(a); and

(b) 20 penalty units for a contravention of any other provisions of the regulations.”.
92. Clause 180, line 6, before “On” insert “(1)”.
93. Clause 180, page 114, after line 5 insert —
114. Clause 203, page 123, line 4, omit "123" and insert "129".

115. Clause 203, page 123, line 11, omit "123" and insert "129".

116. Clause 203, page 123, line 18, omit "123" and insert "129".

117. Clause 204, line 23, after "32C" insert "(2)".

NEW CLAUSES

118. Insert the following new clause to follow clause 69 —

"AA. Executive Director to refer certain applications to the Heritage Council

(1) The Executive Director must refer a copy of an application for a permit to the Heritage Council without delay after he or she receives it if the application is in a class to be referred to the Heritage Council under this Division.

(2) The Heritage Council may from time to time by notice published in the Government Gazette determine the classes of applications for permits to be referred to it under this Division."

119. Insert the following new clause to follow clause 70 —

"BB. Action by Heritage Council on application

(1) The Heritage Council must consider every application referred to it and must tell the Executive Director in writing, within 30 days or any longer period approved by the Minister, that —

(a) it does not object to the issuing of the permit; or

(b) it does not object if the permit is subject to the conditions specified by the Heritage Council; or

(c) it objects to the issuing of the permit on any specified ground.

(2) If an application has been referred to the Heritage Council, the Executive Director must not determine the application until the end of 30 days after the application was referred or, if any longer period was approved by the Minister under sub-section (1), that longer period.".

120. Insert the following new clauses to follow clause 74 —

"CC. Appeal to Administrative Appeals Tribunal

(1) This section applies in respect of a permit or application for a permit if the application for the permit was referred to the Heritage Council under section 70.

(2) The applicant, the owner of a registered place or registered object or a person with a real and substantial interest in the registered place or object may appeal to the Administrative Appeals Tribunal against —

(a) a determination by the Executive Director to refuse to issue a permit in respect of the place or object; or

(b) a determination by the Executive Director to refuse to issue a permit for some of the proposed works and activities in respect of that place or object.

(3) The applicant or the owner of a registered place or registered object may appeal to the Administrative Appeals Tribunal against any condition of a permit imposed by the Executive Director on a permit under this Division in respect of the place or object.

(4) An appeal must —

(a) be in writing; and

(b) be lodged within 60 days after the permit is issued or the notice of refusal is given.

(5) In addition to any other party to an appeal, the Heritage Council is a respondent to an appeal —

(a) against a refusal to issue a permit if the Heritage Council had objected to the issue of the permit; and

(b) against a permit condition if the Heritage Council had required the condition to be included in the permit.

(6) In this section "owner" in relation to —

(a) a place that is a government building or government land; or

(b) an object that is in or on a government building or government land —

means a Minister or any other person or body of persons (whether corporate or unincorporate) responsible for the care, management or control of that building or land.
DD. Minister's power to call in or refer matter to Administrative Appeals Tribunal

(1) At any time after an appeal has been lodged with the Heritage Council under this Division but before the appeal is determined, the Minister may direct the Heritage Council —
   (a) to refer the appeal to the Minister for determination; or
   (b) if in the Minister's opinion the determination of the appeal may have a significant effect on the achievement or development of planning and heritage objectives, to refer the appeal to the Administrative Appeals Tribunal for determination.

(2) If an appeal has been made to the Administrative Appeals Tribunal under section 77, the Minister may direct the registrar of the Tribunal to refer the appeal to the Minister for determination.

(3) A direction under sub-section (2) has no force or effect unless it is given no later than 7 clear days before the date fixed for commencement of hearing of the appeal.

(4) If the Minister gives a direction under —
   (a) sub-section (1)(a), the Heritage Council must refer the appeal to the Minister for determination; or
   (b) sub-section (1)(b), the Heritage Council must refer the appeal to the Administrative Appeals Tribunal for determination; or
   (c) sub-section (2), the registrar of the Tribunal must refer the appeal to the Minister for determination.

121. Insert the following new clauses to follow clause 77 —

"EE. Determination of Minister of appeal called in from Administrative Appeals Tribunal

(1) If an appeal is referred to the Minister under section 78(4)(c), the Minister may, after considering the appeal —
   (a) grant the permit for the proposed works and activities; or
   (b) grant the permit for some of the proposed works and activities; or
   (c) refuse to grant the permit.

(2) The Executive Director must, within 7 days after a determination is made under sub-section (2) —
   (a) give the appellant written notice of the determination; and
   (b) if the Minister has determined to grant the permit, issue the permit to the applicant.

FF. Provision of this Act to prevail

If a provision of the Administrative Appeals Tribunal Act 1984 is inconsistent with a provision of this Act, the provision of this Act prevails.”.

122. Insert the following new clause to follow clause 117 —

"GG. Copies of Heritage Inventory

(1) A copy of the Heritage Inventory, duly amended, must be kept —
   (a) at the office of the Heritage Council; and
   (b) at the office of the Department of Planning and Development.

(2) A copy of the Heritage Inventory kept under this section must be made available for inspection by members of the public at the office concerned during normal office hours.”.

123. Insert the following new clause to follow clause 158 —

"HH. Executive Director may carry out works

If an owner on whom an order under section 162(1) is served fails to comply with that order within the period required under this Division, the Executive Director, with the consent of the Minister, at the end of that period —
   (a) may carry out or cause to be carried out any works which that repair order required to be carried out and which were not carried out within that period; and
   (b) may recover the costs of works carried out under paragraph (a) from the owner on whom the repair order was served in any court of competent jurisdiction as a debt.”.

124. Insert the following heading and new clauses to follow clause 173 —

"Division 6 — Additional Enforcement Provisions

II. Scope of Division

(1) This Division has effect despite anything in or authorised by the Building Act 1993 or any other Act but is subject to —
PERSONAL EXPLANATION

Thursday, 16 November 1995

ASSEMBLY

1311

(a) any regulation; or

(b) any emergency order —

under the Building Act 1993 relating to the securing, pulling down or removal of dangerous buildings.

(2) This Division does not apply to the remains of a ship or part of a ship or an article associated with a ship to which Part 5 applies.

J. Declaration by Governor in Council

(1) If the owner of a registered place or registered object has been convicted of an offence against section 64 or section 164, the Governor in Council, by Order published in the Government Gazette, may declare that the place or object or the place and the object to which the offence related must not be developed or used during a period not exceeding 10 years that is specified in the Order.

(2) The Governor in Council, by Order published in the Government Gazette, may revoke or vary an Order made under this section.

K. Effect of declaration under section 182

(1) While an Order under section 182 is in force, a person must not —

(a) carry out any works on the place or object; or

(b) cause or permit any development of the place or object; or

(c) alter that place or object.

(2) While an Order under section 182 is in force, any planning permit, building permit, demolition permit or any other permit or authority relating to the development or use of that place or object or the land on which a place or object may be situated (whether issued or granted before or after the making of the Order) is of no force or effect .

AMENDMENTS TO SCHEDULES

125. Schedule 1, clause 4, omit “that member” and insert “a member or the Chairperson”.

126. Schedule 1, clause 10, omit “that member” and insert “a member or the Chairperson”.

127. Schedule 1, clause 12, omit “in respect of that member”.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PERSONAL EXPLANATION

Mr HAERMeyer (Yan Yean) — During yesterday’s grievance debate the honourable member for Mornington alleged that I was running or allowing to be run what he referred to as ‘Labor Party front groups’ out of my office and that my electorate officer, Nerrida Jolly, was running organisations known as the Craigieburn Residents Association and the Northern Hospital Action Group, which he claimed to be Labor front organisations.

The Craigieburn Residents Association has over 100 members and was first formed in 1992, well before my election. The inaugural secretary of the organisation was a person who handed out how-to-vote cards for the former Liberal member for McEwen, Fran Bailey. Nerrida Jolly had no part in this organisation until last year.

Honourable members interjecting.

The Speaker — Order! A personal explanation is a very sensitive issue. I ask the house to cooperate and listen to the explanation in silence.

Mr HAERMeyer — The organisation has more than 100 members of the Craigieburn community, including members of both the Liberal Party and the ALP. Most of its members or its committee have no political affiliation whatsoever.

The Northern Hospital Action Group is an incorporated association that was formed in 1992, well before I was elected to this place. It was formed by a public meeting of 500 people for the purpose of lobbying for a major public hospital in Epping. Nerrida Jolly is not, and never has been, a member of the Northern Hospital Action Group. I am the current secretary of that group.

Government members interjecting.
The SPEAKER — Order! I remind government members of the requirement that personal explanations should be made in silence.

Mr HAERMeyer — The previous secretary of the Northern Hospital Action Group was Michelle Gibbings, the electorate officer for the then Liberal member for McEwen, Fran Bailey. The current treasurer of the Northern Hospital Action Group is the brother of the Minister for Agriculture.

My electorate officer has been an active member of many Craigieburn community groups for a long time and her profile and understanding of that community was one of the reasons I employed her. Her employment with me and her membership of the ALP commenced well after her involvement in these groups.

I will provide assistance to all community groups in my electorate who request that assistance.

DIVISION LIST

The SPEAKER — Order! Earlier today there was an error in the division list on the voting on the Liquor Control (Licences and Permits) Bill. The honourable member for Evelyn was recorded as having voted instead of the honourable member for Benambra. The explanation is that we have two Mr Plowmans in the house. The tellers have agreed that the voting lists for the ayes and noes are incorrect in that they have recorded the name of 'Mr Plowman (Evelyn)' instead of 'Mr Plowman (Benambra)'. I have directed the Clerk to make the correction in the said division lists by substituting the correct name.

Remaining business postponed on motion of Mr MACLELLAN (Minister for Planning).

ADJOURNMENT

Mr MACLELLAN (Minister for Planning) — I move:

That the house do now adjourn.

Housing: waiting lists

Mrs WILSON (Dandenong North) — I ask the Minister for Planning to convey my remarks to the attention of the Minister for Housing in another place. I have a deep concern about the very long time that people are having to wait for public housing in the Dandenong area. At present the waiting list is some 3650 people. I am sure the minister would be aware that the area I represent is by no means a wealthy area. In fact many people in the area are on extremely low incomes and many of them are on pensions and benefits from the commonwealth government.

Until 1992 when the previous government was in office the waiting period for a three-bedroom house was of the order of four and a half years. People who required other types of accommodation sometimes had to wait longer but certainly nothing like the seven years-plus that is currently being indicated to any applicants.

The waiting lists are becoming longer and I believe that is causing a great deal of distress to many people who live in my area. I acknowledge the government is spending a considerable amount of money in upgrading old housing stock, but that is doing very little for people who require housing and who have been on the waiting list.

I advise the house of the breakdown of figures. There are 498 elderly people waiting for a one or two-bedroom unit and only 117 of those units are available in the whole area. Currently 557 singles are waiting for similar accommodation. As well, 1084 people are waiting for two-bedroom houses and there are only 247 of those homes in the whole area. Some 1172 people are waiting for three-bedroom housing and there are only 340 of such homes. The problem is greatest for people with very large families who are waiting for four-bedroom housing. The number of four-bedroom houses is very small; there are only 39 of them.

I ask the minister to look at the problem. A lot of money, particularly from the Community Support Fund, is going from the government into many other projects. I would have thought that to give people the dignity of shelter should be the priority of any government.

South Eastern Arterial: noise barriers

Mrs McGILL (Oakleigh) — I ask the Minister for Planning to raise with the Minister for Roads and Ports in another place the noise attenuation barriers along the South Eastern Arterial. I am appreciative that the minister has visited my electorate on several occasions and has actually inspected homes.

Mr Hamilton — But has he done anything?
Mrs McGILL — Yes, he has. The minister has inspected homes of people who have expressed concerns about the noise levels emanating from the South Eastern Arterial. To this end the minister recently allocated $1.4 million for a retro-fit program of noise attenuation barriers to be installed at 16 locations along the South Eastern Arterial.

The area I bring to the minister’s attention in particular is the south side of Sadie Street, including Catherine and Therese avenues in Mount Waverley. I ask that noise level tests be conducted urgently and that this area be given priority for future funding for noise attenuation barriers along the South Eastern Arterial.

I include my congratulations to the government on the work done on the South Eastern Arterial to date. I refer to the amount of work that has been done along that stretch of road, including the benefits to people in my electorate from the work done at the Warrigal Road crossing, which is a very dangerous intersection and now has traffic flowing through at a much faster rate. I mention also the new system that has recently been installed gives motorist a very good indication of the time it will take them to commute into and out of the city and gives on-the-spot precise readings.

In conclusion, I acknowledge that a lot of the works in the retro-fit program go beyond the Oakleigh electorate into outer areas. The people whose houses abut the South Eastern Arterial along that stretch right through to Springvale Road should be given consideration because of the length of time they have been exposed to the South Eastern Arterial and because they have lived with the noise emanating from it for longer than those who live further out.

Gas: connection charge

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Minerals and Energy the connection of the gas supply to the property at 8 Wolverhampton Street, Footscray, for Mr Thanh Binh La, who is completing the construction of a unit to his property and has applied to have the gas connected. He was informed by Gascor that it would cost him $6000 to have gas connected. This is not 50 kilometres west of Ouyen but 7 kilometres west of the GPO — a residential street in the heart of Footscray. It is extraordinary that a property so close to so much infrastructure would attract such a cost to have the gas connected. Obviously the situation reflects the difficulties that consumers now face with this corporatised disaggregated prepared-for-sale about-to-be-Americanised utility if it follows the pattern of the sale of other utilities that Victorians used to own.

I ask the minister to investigate the matter and determine why it will cost so much, in the light of the need of the community to have fundamental and guaranteed access to basic utilities and not only low-cost energy but efficient energy. Gas is the most efficient form of energy for cooking and house heating. It would be counterproductive for the government, with its free-for-all market ideology, to prevent Victorian citizens from having reasonable access to this low-cost and previously bountiful, freely accessible form of energy. Will the minister investigate the matter and respond to me so that I can advise my constituent?

Rail: Belgrave station

Mr McARTHUR (Monbulk) — I direct to the attention of the Minister for Public Transport a copy of a letter headed ‘Notice to Quit’ from the real estate agents Carmichael and Weber to the Belgrave Authorised Newsagency. The letter informs the proprietors of the Belgrave newsagency that it will have to quit the kiosk it currently occupies on the Belgrave railway station.

The Belgrave newsagency has been a long-term tenant of the kiosk and has been happy with its tenancy. It has been cheerfully paying the rent over the years, and members of the travelling public in Belgrave have enjoyed the opportunity of buying the morning newspaper before they hop on the train to go to work.

It was a surprise to the proprietor to receive a notice to quit because there had been no previous discussion about it. The newsagency rang the Met to find out the reason for the notice and was informed that Belgrave station was being upgraded to a premium station. It is one of 51 stations across the metropolitan area undergoing that process, and that is to be welcomed.

The newsagency asked what provision had been made for an alternative area to provide newspapers to customers during the construction phase and whether a replacement kiosk would be available to it when the construction was finished. Unfortunately this situation has not been satisfactorily resolved. All they have been given is the offer of a portable newsstand on the station. I do not think that is adequate, and the proprietors of the newsagency
would prefer something more permanent and substantial.

It would be reasonable for the Met to consider installing a proper kiosk as part of the refurbishment of the station. It would be an appropriate business for a range of reasons. Most city-bound passengers board trains from Belgrave station between 6.44 a.m. and 7.48 a.m. That is too early for them to rush out to buy newspapers from the local newsagent. It takes 1 hour or 1 hour and 10 minutes to get to the city, depending on which train you catch, so most people would like the chance to read the Herald Sun. Maybe a few might buy the Age — but not many! It would be a considerable service to the travelling public if the Met installed a kiosk on the station.

City Link: contractual arrangements

Mr BATECHLOR (Thomastown) — I ask the Minister for Roads and Ports in another place to explain to the Victorian people the details of yet another example of a secret commercial guarantee given to Transurban by the Victorian government for its engulfing controversy called the City Link project, which would be more appropriately called the Transurban tollway. Why has there been no explanation of the secret deal? One can only speculate about the reasons.

This secrecy is in contrast to what happened on Tuesday, 14 November, when in the full blaze of the assembled media the big announcement was made that the grand prix would henceforth be known as the Transurban grand prix. Within 48 hours of that announcement another deal was signed giving Transurban indemnity against any interest rate changes between 27 June this year and the financial close of the project, which is expected to occur before the end of January 1996.

This is another financial guarantee and an acceptance of commercial risk, despite all the denials that it would not happen. It has happened, and the government has done everything possible to keep it secret. It is another example of the putrid stench hanging over everything named Transurban. ‘You scratch my back and I’ll scratch yours’ is the new motto in Victoria. ‘You line our pockets and we’ll line yours’ — that is what is happening with the Transurban deal! The missing link is beginning to be exposed. On Tuesday this week a deal was signed between Transurban and the grand prix corporation, and 48 hours later the government signed an indemnity for Transurban to cover part of its commercial risk.

We want the Minister for Roads and Ports to explain why this action has been kept secret and, if possible, why a putrid stench hangs over the whole contract. An explanation is urgently needed, and we do not want any fumbling or any misleading information. On behalf of the government the minister must come clean and immediately explain what has gone on. The earlier examples of his explanations are totally unsatisfactory. If he cannot do it, he ought to resign.

Public transport: concession pass

Mr COOPER (Mornington) — I direct to the attention of the Minister for Public Transport the difficulties of a 91-year-old lady, a World War I widow, who approached me on 11 November during the Remembrance Day ceremonies. She said she had a medallion that gives her free public transport in Victoria, but that it did not entitle her to free public transport in other states.

I have made inquiries since that day and I understand most states, if not all, issue World War I widows with free public transport medallions, but that there are no reciprocal rights with other states. I ask the minister whether he is prepared to take up the matter of reciprocal rights with other states regarding free public transport for World War I widows at the next meeting of public transport ministers.

Narre Warren North Road

Mr BRUMBY (Leader of the Opposition) — I ask the Minister for Planning, who is at the table, to direct the matter I raise to the attention of Minister for Roads and Ports in another place. Earlier today I left with the table office a petition signed by approximately 1400 Narre Warren residents who are concerned about the dangerous condition of Narre Warren North Road, Narre Warren. A similar petition containing nearly 700 signatures was tabled in the other place.

The number of petitioners demonstrates that an overwhelming proportion of the people in that area are concerned about the safety of Narre Warren North Road. It should be recognised that, were it not for the dedicated work of Jean Lyon, the Labor Party candidate for Berwick, who collected the signatures for the petition, the matter may not have come before Parliament.

I visited the area last week and I noted that Narre Warren North road is a declared main road carrying approximately 12 000 vehicles per day and, as it is
within the fastest growing region of Melbourne, it is natural to expect that the traffic volumes on the road will increase in the future. Unfortunately, the level of road and infrastructure funding is not keeping pace with the rapid population increase. Many of the residents have young families and are increasingly concerned about the number of accidents occurring on the road, including a recent fatality. At a recent meeting of local residents I was told accidents now occur almost weekly. Indeed, while I was there I saw a number of close calls as cars tried to make turns into Narre Warren North Road.

The south-eastern growth corridor has become the forgotten frontier and it has received its fair share of road funding. Narre Warren North Road must be improved by better traffic management and widening because future population growth will only exacerbate the problem. On behalf of the residents who have expressed their concern to me and signed petitions, I ask the minister to release the urgently needed funds so that work can be undertaken to improve the safety of the road.

Parkdale Secondary College

Mr LEIGH (Mordialloc) — I direct to the Minister for Education possible funding arrangements affecting the Parkdale Secondary College. The Mordialloc Chelsea News of 15 November contained a report about the college and the comments of the president of the school council, John Bell, who has accused the government of ‘robbing our children of opportunity’. The article reports Mr Bell saying:

... the school council had had enough of making up for government cuts:

It further states:

He said the school could not survive without a 25 per cent contribution from the community.

... funding to the school had not increased despite an increase in student numbers from 450 to 775 in the past four to five years.

The school has received a grant of $330 000 to spend on maintenance. I incorrectly said, as reported in the article, that it was $580 000. That is not the issue. Parkdale Secondary College had the money to put up the building. It is not completed and the school council is now proposing to take out a loan to finish the building. I shall also say that I was a former student of that school.

Ever since this government has been in office I have been banned from attending the school during school hours because I am a member of this government. I recently attended a meeting with the college council and suggested that it would help in my lobbying of the Minister for Education if I could bring him to the site during school hours. On one occasion I even proposed that the Premier address the school assembly, which, I might add, he agreed to do. The school then said, 'We want him to talk to the school council and not the school'.

My interest is making sure that the children who attend this school receive the best education possible. The union representatives of that college are making it difficult for me to do my job on behalf of the parents and children of that school. I want this building completed, as I am sure all the community does. I am concerned about the allegation that 25 per cent of the school’s funding is actually coming from the parents. If that is the case then I would be outraged because it is not good enough.

I seek from the Minister for Education an explanation and his comment on whether he would be interested in attending the school if I could guarantee that the teachers would be prepared to continue their work.

Youth: suicides

Mr SEITZ (Keilor) — In the absence of the Minister for Community Services I raise for the attention of the Minister for Planning a particular matter that is of concern to me. I refer to a headline in this week’s Australian, 'Youth suicide climbs but cancer still the big killer'. Youth suicide is a serious matter for this state, particularly in my electorate because it has affected people personally known to me. I know of three young men who have committed suicide. I am now reading and am becoming more disturbed by the statistics that boys as young as 14 and 16 are killing themselves.

I ask the minister to carry out an investigation into this matter and to set up a support network service through community services to provide social welfare workers for these young men who are so desperate.

The suicide rate is an indictment not only of this state but of the whole apparatus of our society. These days many pressures are placed on young
men which drive them to suicide, particularly school pressures. I refer to the pressures of the VCE year and the anxious waiting for results. There needs to be an outlet that supports those young people and someone those boys can turn to without feeling stigmatised. They need a place where they can receive counselling and encouragement because there is life beyond secondary school, even if they do fail their exams.

It is important that there be such a compassionate place for young men to attend. I have looked through the government leaflet, *Visions of Victoria*, I received in the mail which was distributed in my electorate. I see nothing in it which deals with this problem with young men in particular. Young men face pressure to perform at school, and that is especially the case with young men in migrant cultures where if they fail their exams they are a disgrace and cause their families to lose face.

I ask that the Minister for Community Services allocate some money through his department to deal with this problem. I do not ask for an investigation or a report into this matter; I ask that he take action in providing a network similar to what we have with neighbourhood houses, which act as a sheltered outlet and provide support for women. Over the approaching holiday period the same thing should be introduced for the young men in our society to combat youth suicide.

**Police: Alzheimer’s disease sufferers**

Mr LUPTON (Knox) — I direct to the attention of the Minister for Police and Emergency Services a letter I wrote to him some time ago about the possibility of establishing a pilot scheme within the Knox police district, or F District, to assist those who suffer from Alzheimer’s disease, dementia or memory loss.

The concept of the scheme is that such a sufferer voluntarily registers himself or herself with Alzheimer’s Association Victoria or with the Victoria Police. His or her photograph would be scanned and put into the police computer system. For some months, Senior Sergeant Wayne Fielding of Knox Community Policing Squad (CPS) has been involved in this project. He and I believe, after consulting with various people, it is time to put this project into operation.

In the past three months in the Knox police district 52 cases of people who suffer memory loss being lost from a home or being found wandering have been reported, and that situation is a strain on police resources. Without any form of registration, it is difficult for the police, or anybody else who finds a person wandering, to identify and to track down where that person comes from.

In that event, a person’s photograph would be taken voluntarily. The photograph would then be submitted to the CPS via a facsimile and that person’s address could be established. If a person is reported to have wandered and his or her whereabouts are unknown, a facsimile would be sent to various police vehicles and police stations. In two recent instances the persons reported as being lost have been found in a short time.

The pilot scheme would cost about $8000, including the purchase of a laptop computer and the appropriate software. The CPS at Knox has said that with the assistance of volunteers and Alzheimer’s Association Victoria it can assist. The Minister for Aged Care in the other house has said that the incidence of Alzheimer’s disease is a concern. I ask the Minister for Police and Emergency Services to urgently examine funding this pilot program.

**Livestock: cruelty to calves**

Mr HAMILTON (Morwell) — I direct to the attention of the Minister for Agriculture a matter which is best explained by reading to the house a letter from Katrina Eriksson of Boolarra:

On Sunday 15 October I saw in the *Herald Sun* how in West Gippsland the calves were being treated. I thought if I explained my views to you and you agreed, you could take it to Parliament and have a vote on it. Please read what I have to say.

I think farmers should look for another way. It is cruel for the calf. They don’t really deserve being put in cruel conditions like being taken away from their mother, not eating fresh grass, not being able to run and jump. How would you like being put in a box and not be able to move? At least give them five times their body length for space. If you advertise the meat with a picture of a calf being in a box, I think not many people would buy the meat. The calves might not have many brains but they shouldn’t get treated that way.

Katrina is 12 years of age. Having seen the headline ‘Stop this torture’ in the *Herald Sun* of 15 October 1995, Katrina became concerned. Good on her!
In the following week a stack of letters with the same sentiments, including a number from country Victorians, appeared in the Herald Sun.

A report in the Herald Sun of 12 November 1995 of a meeting of ministers of all states and territories expressed surprise that such a practice was occurring. They said they would adopt a code of conduct.

I trust the Minister for Agriculture will take note of the concerns of that young lady and ensure a code of practice is adopted so that the cruel treatment of calves and other animals is stopped urgently.

Responses

Mr BROWN (Minister for Public Transport) — A number of issues have been directed to my attention by a number of honourable members. The honourable member for Mornington directed to my attention the plight of the widow of a World War I veteran.

The whole community has a warm regard for war widows. A number of servicemen who fought overseas for the lifestyle we now enjoy in this country are still alive. It is a fact that we give free travel on the entire public transport system in this state — which includes trams, trains and buses and also first-class V/Line travel — to widows and to First World War veterans and their wives.

My colleague has raised with me the fact that there is no reciprocation interstate, which means that those people do not get free travel in other states. I believe that is the case, but I shall check it. Assuming it is the case, I am prepared to have this matter considered jointly with my ministerial colleague the Minister for Community Services because it is a joint arrangement where we share in the funding to subsidise such travel. I believe it would have to be raised at a ministerial council level; in other words, when transport ministers and ministers who have a role in community service provision around the nation meet twice a year.

We both have to take it to our various councils to see if the other states will agree to reciprocation. I shall undertake to have discussions with my colleague in that regard to see whether he, like me, would be prepared to make an approach to our colleagues around the nation, including the federal government. It is a suggestion that is worthy of consideration out of respect and out of support for the great sacrifices many of those families made so many years ago so that we may have the lifestyle and enjoy the freedoms this nation and this state enjoys today.

The honourable member for Monbulk raised with me the Belgrave railway station which is one of 51 stations being upgraded to premium-station status. This must be the best represented rail station in Melbourne in that my colleague the Minister for Planning has likewise been talking with me about this station and has been somewhat praising of the PTC and the good work it has been doing in putting in place premium stations around the Melbourne metropolitan system.

The Minister for Planning was insistent that Belgrave be one of the premium stations. These stations are staffed from first train to last train. The issue is that the kiosk on that station is far from pristine. As we are completely refurbishing every station on the Melbourne suburban system, if an asset is not in good condition the Public Transport Corporation will take the view that it should be removed. However, I am sympathetic to the fact that if the tenant is a newsagent operating a facility from which to sell papers — I assume mainly during the morning — it would be desirable for that to continue.

I shall ask officers of the PTC to discuss the matter with the owners of the Belgrave newsagency to see if an accommodation can be agreed to whereby a facility is put in place as part of the premium-station upgrade. Naturally that would cost a significant amount of money and obviously the rental currently paid may have to be adjusted. I shall ask that there be negotiations in good faith to try to see if we can put in a facility to enable the newsagency to continue to sell papers from that location.

The honourable member for Oakleigh raised with me the noise attenuation barriers on the South Eastern Arterial. I was somewhat surprised that opposition members were interjecting while the honourable member for Oakleigh, probably one of the hardest working members in the Parliament, if not the nation, was putting forward this important matter on behalf of her constituents. We can understand why. The bottom line is that for 10 years Labor left this area for dead. It was Labor that established the South Eastern Car Park, as it is known internationally, and it is this government that has fixed the mess left behind. It is a fact that the Minister for Roads and Ports in another place has already committed $1.4 million to address noise attenuation issues on the South Eastern Arterial, which will ultimately be the Mulgrave Freeway.
We are also expending a very large amount — tens of millions of dollars — on grade separation at Toorak, Tooronga and Burke roads, again to fix up the mess that the Labor Party left behind, so opposition members are in no position to interject on this matter. They should cringe and shrink away to their caves — in fact they should stay there when they get there. I will ensure that, in an endeavour to have the mess the Labor Party left behind addressed, this matter is referred to my ministerial colleague the Minister for Roads and Ports in another place.

The member for Thomastown raised with me — and I want to say people should not get too excited about what the member for Thomastown said because invariably he is wrong —

Mr Batchelor interjected.

Honourable members interjecting.

Mr BROWN — Invariably you are. Every time you raise something it proves to be highly inaccurate or totally wrong. But I will refer the matter to my colleague the Minister for Roads and Ports in another place.

Finally, the Leader of the Opposition had the unbelievable gall to raise an issue of road funding. The opposition was in government for 10 years and did nothing. In the area of road funding this government and my colleague the Minister for Roads and Ports have done more in three short years than Labor did in one dark, long decade of this state.

Mr Brumby — You have done nothing! There is an accident every week.

The SPEAKER — Order! Could I ask the Leader of the Opposition to cease interjecting, and could I ask the minister to just turn down his voice a little.

Mr BROWN — Thank you, Mr Speaker. As I was endeavouring to say over the interjections of the opposition, this government has done more in three short years than Labor did in 10 long years in this state, especially considering it was the electorate of the Treasurer of Victoria for that decade, Rob Jolly, that you left for dead.

If there is a surprise in this issue being raised in the adjournment debate tonight, Mr Speaker, for me it is this: that he found this area. In finding Narre Warren, this man is a world-first for leaders of the opposition representing the Labor Party, because for them the world of Victoria ends at the tram tracks. It must have been a rare day for him to be in Narre Warren. He would never ever have found it on his own. One can assume he is now being chauffeur driven. There is no way he would have found it on his own. He would have got berry lost! It is well known that this government is doing things in roadworks that were put off for years and not addressed by the Labor Party.

The Leader of the Opposition has no credibility. When he starts talking about his candidate for that area, who is well known as not having the community interest at heart, I have to wonder what the opposition is on about. It is trying to get a cheap headline. It is an area and a community I know reasonably well — it will not be hoodwinked and misled by that discredited mob!

The government is increasing road funding per annum well in excess of increases under Labor. It is spending tens of millions of dollars more per annum than Labor and it will achieve success with the City Link project, as has been the case with public transport projects — projects the Labor Party only dreamt about when in office and about which it can only dream now it is in opposition.

This can-do government has Victoria on the move. The slogan ‘Victoria on the move’ is evident along the South Eastern Car Park. There is also a sign that states, ‘We are clearing this car park to get you on the move’. The citizens of the state well understand those messages. Regardless of the gall of the Leader of the Opposition in raising the matter, I will refer it to my colleague the Minister for Roads and Ports in another place.

Mr HAYWARD (Minister for Education) — The honourable member for Mordialloc raised comments made in a local newspaper about Parkdale Secondary College. I congratulate the honourable member for Mordialloc on the fine work he is doing for schools in his area. He is a strong advocate and a hardworking member. In particular I thank him for his strong advocacy of Parkdale Secondary College, in which he has a special interest as a former student. Even the honourable member for Carrum has commented on the strong advocacy of the honourable member for Mordialloc in support of schools in his area.

I advise the house that the information in the report referred to by the honourable member is completely incorrect. Inquiries have been made of the principal of the school, who has confirmed that less than 4 per cent of school costs are met from local funds.
Funding paid directly to schools this year has increased by 4.7 per cent.

The operating funding for Parkdale Secondary College has increased and will continue to do so. For example, based on an enrolment of 719 students, this year the school had a budget of $2.771 million — nearly $2.8 million. The projected enrolment for next year is 750 students — in other words, it is projected to increase. Under those circumstances the school’s indicative budget will rise to $2.986 million — practically $3 million.

As the honourable member indicated, the school has also received significant capital funding. Officers of the Directorate of School Education are now working with the school to identify its future capital requirements. When that has been done, the school’s application for additional capital funding will be given full, proper and sympathetic consideration; as happens with every school in the state.

Mr McNAMARA (Minister for Police and Emergency Services) — The honourable member for Knox raised the issue of the setting up of a safe-return register in his district to assist in the safe return home of persons suffering from Alzheimer’s disease. In cooperation with Senior Sergeant Fielding of the F district policing squad, the honourable member for Knox has done a lot of work on the proposal over an extended period.

The purpose is to establish within the district a register of persons who suffer from Alzheimer’s disease and who have a history of wandering away from their place of residence and becoming a risk to themselves. In addition to becoming a risk to themselves, they cause valuable police resources to be occupied in searching for them.

The proposal certainly has some merit. It is very much a proactive community program which is designed to address persons at risk in the community. It is supported by the Alzheimer’s Association Victoria — the group dedicated to supporting persons suffering from this debilitating disease.

I understand the commitment of the honourable member for Knox on this issue and I am prepared to provide finance towards getting a pilot program up and running. I believe he has spoken to the Minister for Aged Care in another place, who has also indicated his support for the appraisal. We welcome his involvement in establishing such a program.

I give the honourable member for Knox a commitment that we will find the $8000, either through my department or with the support of the Minister for Aged Care. I believe when the program is up and running we can work towards establishing a register of details and photographs of individuals who might be at risk.

I understand that recently in the Rowville area a person suffering from Alzheimer’s disease who had his photograph and a detailed description recorded was found several hours after a search by nine people. The search was greatly assisted by the photograph held by the police.

The argument for the establishment of a register has real merit, not only from the point of view of the productivity of the police involved but also because of the distress suffered by the individuals and the anguish these situations must cause family members.

I commend the honourable member for Knox for bringing forward this important initiative; it will very much assist his community. I am sure he will take a prominent role in advising those in his community of the success of his endeavours. I look forward to making a more formal announcement at some stage later this year or early next year when I can more properly express to the Knox community my great appreciation of the work done by the honourable member for Knox in bringing forward this important initiative.

Mr MACLELLAN (Minister for Planning) — The honourable member for Morwell raised a matter for the Minister for Agriculture regarding a letter he had received from a young person concerning the treatment of calves. I will direct the matter to the Minister for Agriculture and ask him to respond to the honourable member.

The honourable member for Keilor, who raised a sensitive issue for the Minister for Community Services, was correct in his identification of the gender aspects of the problem. Naturally there are difficulties about giving too much publicity to the issue because, in a sense, it feeds on itself; and in many cases news of such events triggers other such incidents.

I do not know that the honourable member is correct to associate it with the stress and difficulty of exams, but I am sure there are incidents associated particularly with that stress. It is a national problem and needs a national approach.
The honourable member suggested that the Department of Health and Community Services should perhaps develop a pilot program to see what can be done. I am sure there are many programs in place that try to address this sensitive area. I am also sure nobody has found a specific answer to the problem. Statistically Australia has one of the highest rates of incidents in the Western World, if not beyond. We therefore face a very serious national problem.

However, I will direct the honourable member’s remarks to the attention of the Minister for Community Services and ask him to respond privately and without any publicity, because I do not think the issue would be assisted by publicity.

On behalf of a constituent the honourable member for Footscray raised for the attention of the Minister for Energy and Minerals a quote for $6000 for connection to the gas supply and associated that matter with his concern about the corporatisation of gas supply companies. There was nothing in the remarks of the honourable member for Footscray to associate the quote with corporatisation in any sense of the word. It seems that somebody received a quote for the carrying out of some work. If the person is unsatisfied with the quote he should either seek a further quote or seek advice about why the amount is so high.

I hope the honourable member will not bring every quote that plumbers, gasfitters and drainers give his constituents to the attention of the house; otherwise, I will be very busy answering matters on behalf of the plumbing industry. All I can do is point out that there is a Plumbers, Gasfitters and Drainers Registration Board, for which I am the responsible minister. I suggest that the honourable member get some information on the background details that might have caused the quote to be as high as it is and, if he thinks the quote is unreasonable, raise the matter with the registration board. Mr Michael Kefford is its present chairman and executive director, and the former chairman is a good union stalwart and also a continuing board member. I am sure that, as a member of the plumbers union, he would be able to tell the honourable member the facts of life about why plumbing costs so much. The reason why it costs so much is that plumbing is intensely unionised and the rates of pay are fixed by industrial tribunals. When industrial tribunals take no account of the cost to consumers of the rates they fix, the prices tend to rise.

The honourable member wants to associate the matter he raises with a controversy in his own mind, an ideological hiccup of his that has something to do with the corporatisation of gas supply companies — which this matter has not. It has a lot to do with either the building being constructed in a way that did not take the cost of servicing it into account or the cost of plumbing generally.

However, I will draw the honourable member’s remarks to the attention of my colleague the Minister for Energy and Minerals and hope that the minister has the patience and the kindliness to deal with the matter, in anticipation of the honourable member’s not raising every quote that he thinks excessive during the adjournment debate.

The honourable member for Dandenong North raised for the attention of the Minister for Housing in the other place the significant number of people on the waiting list for public housing in the Dandenong North area, saying that on her estimate it could take as long as seven years for them to secure public housing.

Given the time I have been a member of this place I am reminded of the Honourable Frank Wilkes, a former Labor Minister for Housing, telling the then opposition that the reason why so many people were on the waiting list was the quality of public housing. In other words, public housing was so good that it was attracting enormous numbers of people to put their names on the waiting list. Of course, the waiting list for houses in Dandenong at that time was exactly the same as it is now. In other words, the honourable member’s complaint about the seven-year wait overlooks the fact that that has been the standard waiting time in the area, year after year.

The honourable member will know that unless sufficient funds are put aside for the renovation and replacement of housing stock, there is an inevitable crisis. The honourable member recognises — she has identified it in her praise of the Minister for Housing concerning the upgrading of public housing — that during the 10 years of the Labor government insufficient money was identified for reserves, for renovation, for depreciation, and for the replacement and upgrading of public housing. She shakes her head. I presume she is saying that sufficient money was put aside for that.

Mrs Wilson interjected.

Mr MACLELLAN — Sufficient money?
Mrs Wilson interjected.

Mr MACLELLAN — The honourable member very wisely and sensibly lets go through to the keeper the question of whether sufficient money was put aside. She knows in her heart that sufficient money was not put aside, because there is no money in the reserves under the Commonwealth-State Housing Agreement for the upgrading.

Consequently, the balance between the number of new units being created and the number of old units being upgraded has got out of kilter. I suggest that the honourable member for Dandenong North, in furtherance of her most sincere and honest appreciation of the need for public housing in her area, join with the government in urging the commonwealth government to make additional funds available through the Commonwealth-State Housing Agreement. I take it you would support that?

Mrs Wilson — Of course I would. I have already done that.

Mr MACLELLAN — At the same time as Mrs Holmes a Court, Bill Kelty, Bernie Fraser, Solomon Lew and the Prime Minister’s mates on the Reserve Bank board are shoving up interest rates, we have a reduction in the number of houses being built in the private sector and builders with no work. If the commonwealth government released funds through the Commonwealth-State Housing Agreement for additional housing units to be built in the public sector, we would have an industry ready, willing and able to give cost-effective prices for the construction of new public housing. This is the very moment when it is not going to cause interest rates to rise or create an imbalance in the national accounts. If the Keating government has any soul — I doubt whether it has — or if it is to get some soul prior to the federal election, this is the area in which it should be moving.

It makes sense in terms of the economy of the state of Victoria and other states that instead of having builders unemployed and receiving unemployment payments they will be awarded contracts to build public housing. If the commonwealth is willing to make the funds available for public housing, my colleague the Minister for Housing will be only too glad to place those contracts out in the building industry at the very time when builders are desperate for work.

For the honourable member for Dandenong North to suggest that this is a state-generated problem because we are using the funds to renovate the hundreds of rundown houses — —

Honourable members interjecting.

Mr MACLELLAN — Here we go: spend more, is that the answer? Tax more! Now we get to the heart of the matter. The opposition knows that the Prime Minister, Mr Keating, does not have any soul; we have a calculator for a Prime Minister. All I say is let him take some of the squillions and millions of dollars that the federal government spends in other areas. Let them find some money for a worthwhile objective.

I put back to the honourable member for Dandenong North her own words, that surely among the priorities of this nation we should make the shelter of those who are most vulnerable and most needy a high priority. Why didn’t Brian Howe do it when he was minister responsible for housing? Why doesn’t Paul Keating do it? Why doesn’t Ralph Willis, the federal Treasurer, do it? Why don’t they put a vote of confidence in the efficiency and cost-effectiveness of the working people of our building industry instead of getting their mates on the Reserve Bank to shove the interest rates up in an attempt to stop us importing caviar or champagne while they deny work for the building industry and deny funds for those who are so vulnerable within the honourable member’s electorate, people who need public housing now? If you can get more money from the Commonwealth-State Housing Agreement I am sure this state and the Minister for Housing will be only too delighted to cost-effectively get that money into the construction of new houses and the renovation of old housing estates that need to be brought up to date.

I can only hope the honourable member for Dandenong North has some influence with The Calculator and the interest rate rises and the Reserve Bank governors and the people who are oh, so able to inflict hardship, unemployment, and high interest rates on this state at the same time as she notices that she has a few victims of the outcomes of those policies in her own electorate.

I hope my ministerial colleague will be able to rip down section by section Peace Court — and you know it, and know how bad it is. I want it ripped down and replaced.

Mrs Wilson interjected.
Mr MACLELLAN — Yes, but that was years ago. Where is the depreciation money to replace it? Where were the reserves put aside? You know what happened to the reserves. You know what Rob Jolly did with them; you know what the honourable member for Northcote did with them: they ripped them out and they spent them — 10 years of Labor expenditure without any sense of responsibility! There is hardly a reserve left in the state, and we have $600 million worth of repairs to schools not done; we have public housing which is a public disgrace; and we are trying to clean it up. Yes, I join with you: I want more money, and I’d like it from the commonwealth, and I’d like you to join in getting it.

Motion agreed to.

House adjourned 5.52 p.m. until Tuesday, 21 November.