The Governor
His Excellency the Honourable RICHARD E. McGARVIE

The Lieutenant-Governor
His Excellency the Honourable SIR JOHN McINTOSH YOUNG, AC, KCMG

The Ministry
[AS FROM 9 NOVEMBER 1992]

Premier, and Minister for Ethnic Affairs........ The Hon. J.G. Kennett, MP
Deputy Premier, Minister for Police and....... The Hon. P.J. McNamara, MP
Emergency Services, Minister for
Corrections, Minister for Tourism
Minister for Industry and Employment......... The Hon. P.A. Gude, MP
Minister for Roads and Ports........................ The Hon. W.R. Baxter, MLC
Minister for Conservation and Environment, and
Minister for Major Projects
Minister for Public Transport.................... The Hon. A.J. Brown, MP
Minister for Natural Resources.................... The Hon. C.G. Coleman, MP
Minister for Regional Development,............ The Hon. R.M. Hallam, MLC
Minister for Local Government
Minister for Education.............................. The Hon. D.K. Hayward, MP
Minister for Small Business, and Minister.... responsible for Youth Affairs
Minister for Community Services, and ........ The Hon. Michael John, MP
Minister responsible for Aboriginal
Affairs
Minister for Housing, and Minister for ........ The Hon. R.I. Knowles, MP
Aged Care
Minister for Agriculture............................ The Hon. W.D. McGrath, MP
Minister for Planning................................ The Hon. R.R.C. Maclellan, MP
Minister for Industry Services..................... The Hon. Roger Pescott, MP
Minister for Energy and Minerals, and........ The Hon. S.J. Plowman, MP
Minister Assisting the Treasurer on
State Owned Enterprises
Minister for Sport, Recreation and Racing.... The Hon. T.C. Reynolds, MP
Minister for Finance.................................. The Hon. I.W. Smith, MP
Treasurer................................................. The Hon. A.R. Stockdale, MP
Minister for Tertiary Education and.......... Training, Minister for the Arts, and
Minister for Gaming
Minister for Health..................................... The Hon. M.T. Tehan, MP
Attorney-General, Minister for Fair......... Trading, and Minister responsible for
Women's Affairs
Parliamentary Secretary of the Cabinet........ The Hon. Rosemary Varty, MLC
Members of the Legislative Council

FIFITY-SECOND PARLIAMENT-SECOND SESSION

President: The Hon. B.A. CHAMBERLAIN
Chairman of Committees: The Hon. D. M. EVANS

Leader of the Government:
The Hon. M. A BIRRELL
Deputy Leader of the Government:
The Hon. HADDON STOREY, QC
Leader of the National Party:
The Hon. W. R. BAXTER
Deputy Leader of the National Party:
The Hon. R. M. HALLAM
Leader of the Opposition:
The Hon. T.C. Theophanous
Deputy Leader of the Opposition:
The Hon. C.J. HOGG

Heads of Parliamentary Departments

Council - Clerk of the Parliaments and Clerk of the Legislative Council: Mr A.V. Bray
Assembly - Clerk of the Legislative Assembly: Mr J.G. Little, JP

Hansard - Chief Reporter: Mr Eric Woodward
Library - Librarian: Mr B.J. Davidson
House - Secretary: Mr W.F. McKelvie
**Members of the Legislative Council**

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*Elected 18.9.93
OPENING OF SESSION
Tuesday, 6 September 1994
COUNCIL

VICTORIA
PARLIAMENTARY DEBATES
(HANSARD)
Second session of fifty-second Parliament
Legislative Council
Tuesday, 6 September 1994

OPENING OF SESSION
Second session of fifty-second Victorian Parliament opened.
Proceedings commenced 2.31 p.m.

PROCLAMATION
Following proclamation read by Clerk:
Proroguing Parliament and fixing the time for holding second session of the fifty-second Parliament of Victoria.

By the Governor of the State of Victoria.
The Parliament of Victoria is adjourned until the day and hour fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively.

I, the Governor of the State of Victoria, prorogue the Parliament until Tuesday, 6 September 1994, and fix Tuesday, 6 September 1994 at 2.30 p.m., as the time for the commencement and holding of the next session of Parliament, for the despatch of business, in the Parliament House, situated in Spring Street, Melbourne.

The honourable the members of the Legislative Council and the members of the Legislative Assembly are required to give their attendance at that time and place.

Given under my hand and the seal of Victoria on 11 August 1994.

R. E. McGarvie, Governor

By His Excellency’s Command,
J. G. Kennett,
Premier.
It is being done in order to build a competitive business sector, a secure employment market and effective, quality services in the central areas of education, health, community services, services to women and young people, public transport and law and order.

When I last spoke to the Parliament, I emphasised that all sectors of the community had accepted the government’s challenge to join in a partnership to rebuild the state. The government recognises and applauds the whole community for taking its role as an active partner in this historic cultural change for Victoria.

Victorians have shouldered the responsibility for energising the economy and underpinning opportunity for coming generations. They have continued to make it clear they want a commonsense, efficient and decisive government. Victorians support reforms which deliver sound financial management and better services in education, health and community services.

Substantial progress has been made in restoring the state’s economy and lifting its outlook. Victoria has led Australia in employment growth this year and the steadily increasing participation rate signals growing confidence in the job market. Victoria’s exports have been growing at double the national average. And in the third key criterion of investment, Victoria is far outstripping the national average for new capital investment in the private sector.

We can point to significant improvements in financial management, in the structure of the budget process, in early forward planning and in outcomes. The government continues to work towards its objective of bringing the budget into sustainable surplus and once that has been achieved, the $100 state deficit levy will be removed.

Victoria will continue to improve its standing in the major financial markets. The credit agencies have already lifted Victoria’s rating. Through responsible financial management, the government will continue to lay the groundwork for further credit ratings upgrades, with the objective of a return to a AAA rating.

My government remains committed to securing the best opportunities for our children and grandchildren. Such a sense of security derives not just from economic growth and financial probity. It derives also from confidence in Victorian institutions, in our health care system, in education, in our personal safety, from the preservation of a clean, natural environment and confidence in the integrity of our public servants and elected representatives.

As the government continues to drive home its reforms, the emphasis, as always, will be to ensure families have access to affordable services, the driving goals of which are efficiency, responsiveness to need, and high quality.

Policy initiatives for service delivery will be particularly sensitive to the needs of women in the care of their families, and in this regard special attention will be paid to cost containment for services to families and the charges levied on households.

The government has been meticulous in redirecting education to meet the standards and course requirements that families expect as their children prepare for life in the work force and as responsible citizens. The changes in education are providing our children with the knowledge base and skills to help them grasp the newly emerging opportunities of the technological revolution that will be the hallmark of the 21st century.

Technology is being employed increasingly in our schools to enhance the learning experience. Satellite television has just begun broadcasting programs to schools across the state and the government is establishing science and technology centres to enable more intensive study in this field.

Victoria has also set the lead for Australia in health care reform. The state has made enormous progress in developing a high-quality health service that is responsive to patient demand and cost effective. The case-mix system operating in Victoria has now been introduced in South Australia and exported to Hong Kong in modified form. The commonwealth is also considering adopting it as the national standard.

Similarly, priority will be given to support and security for the elderly, the needy and homeless youth, as well as to the question of personal safety in the home and on our streets. Victoria has earned a reputation as the safest state in Australia and the government is committed to improving on our record to date, particularly with regard to safety for women and children.

To this end, the Premier has personally taken charge of the taxi reform program which will lift the profile
and service quality of the state's taxi industry and ensure increased safety for passengers and taxidrivers.

These are the essential human elements of a vibrant society that require a prospering economy to underpin them. The government's reform objectives, therefore, are critical to provide the care our society needs.

While much has been achieved in turning Victoria around, it is important to sound a note of caution and to emphasise the imperative of continuing discipline. There is no room for complacency this early in such an enormous task of recovery. The national economic recovery remains fragile and uneven. We cannot afford to repeat the past mistake of relying on cyclical upswings to avoid our responsibility to implement reform.

My government has tried to be an honest government - to discuss with Victorians the problems we face and their expectations as to how those problems would be addressed. The government will continue its practice of communicating directly with Victorians to provide them with a full account of its stewardship, and will soon be sending all households a mid-term report.

The rule that has been steadfastly followed is based on the need to provide decisive, good government for all Victorians.

The government has not been content to let others carry the responsibility for thinking through our problems and their solutions. This will continue to be an active and vigorous government with ideas, energy and still a fresh enthusiasm for reform.

My government has devoted considerable effort to securing improved fiscal relations with the federal government and better program delivery by seeking an overall improvement in our financial relations and a clear definition of the roles and responsibilities of the three tiers of government.

In areas such as health and housing and the federal government's public support for our electricity industry reforms, there have been positive signs. Regrettably, in other areas the commonwealth has shown a preparedness to override the states and territories regardless of what might be in the best interests of all Australians.

In Victoria, we are working therefore to develop and implement proposals which by the time we reach the year 2001 will see an effective sharing of power and resources. To this end, Victoria has been instrumental in the establishment of a national leadership group through which the states and territories are coordinating their approach to national issues and playing a much stronger role in defining the agenda and course of the Council of Australian Governments.

In particular, my government believes the nature of the Australian Federation must change significantly up to the centenary of Federation to provide a greater sense of national cohesiveness and direction, a better living standard and level of services for all Australians. To achieve maximum benefit from the type of reforms initiated in Victoria, complementary action will be required nationally.

Continuing public sector reform has been a key element underpinning the government's progress over the past two years and has been accompanied by a wide-ranging and detailed analysis of the core responsibilities of government. The government and its departments now operate on a corporate structure with a firm focus on outcomes.

The government's initial step in the reform of the public sector was to reduce the number of departments from 22 to 13. It is now completing arrangements for a further reduction to 12 departments through a merger of Treasury and the Department of Finance.

Through the management improvement initiative, the government is addressing impediments in the public sector which have slowed or blocked innovation and efficient practice for generations. Progress in public sector reform is most apparent to the community in the implementation of new modes of service delivery, but its most significant outcome is that the government itself is now part of the competitive equation.

The government has also provided the framework for the investigation of new models for service delivery, including contracting out, corporatisation and privatisation. An accelerated corporatisation, privatisation and contracting-out program will be one of the features of the second half of the first term and there will be a concerted effort to encourage private sector investment in major infrastructure projects.

By the end of January, the government will receive submissions from the two short-listed private consortiums for two major road projects,
Southern and Western bypasses, and determine a
timetable for construction of the road links and for
the Domain tunnel.

These decisions will mark the fulfilment of a
long-held Melbourne dream and are part of a
broader program to consolidate Melbourne’s
position as Australia’s transport centre and to use
infrastructure development to facilitate expansion in
the transport sector and broader economic growth.

Local government reform is integral to the
government’s framework for revitalising the state
economy and in the delivery of services to
Victorians. My government is well advanced with
the most far-reaching restructure of our local
government system in more than a century and by
the end of next year the state will have less than
100 councils delivering better, cheaper services to
their residents. These larger councils will also have
the capacity to act as strong forces for regional
development.

The government’s highly successful industry policy
will be subject to some redefinition in the coming
year with special emphasis on its primary role to
attract high-quality investors in key industry sectors
and to provide further assistance for exporters.

Victoria’s Workcover scheme has been one of the
shining lights of the government’s reforms. Its
remaining $200 million liability is expected to be
eliminated by the end of the current financial year
and the 0.25 per cent surcharge on premiums will
then be removed.

The government’s broad industry strategy, along
with the specific regional development program and
the Food Victoria strategy, are playing a significant
role in encouraging new business investment in
country Victoria, giving new direction to our
traditional farming industries and impetus for the
rapidly expanding food processing sector.

Agricultural programs are to be redirected and
receive a substantial injection of new funds in
tomorrow’s budget. A sum of $18.3 million recurrent
expenditure will be allocated over the next three
years to provide for more effective delivery of
programs to boost farm productivity, accelerate
Victoria’s fresh food export program and give extra
impetus to the development of food processing as
one of our major industries of the future. There will
also be an additional $4 million in capital investment
for agriculture.

Revenue from Victoria’s gaming industry is being
devoted to major projects of lasting value to the
Victorian community — the Agenda 21 program —
so they can be undertaken without adding a dollar
to state debt. The banner of Agenda 21 will fly over
Melbourne’s new exhibition centre, world-class
casino, stage one refurbishment of the State Library
and the refurbished Regent Theatre, which are all
scheduled for completion in the next two years.

In the next two years, there will also be significantly
increased funding for Agenda 21 projects in regional
Victoria.

The Gas and Fuel Corporation towers on Flinders
Street will come down in 1996, signalling also the
start of work on the Federation Square project.

The government’s quest for new major events will
bring two outstanding drawcards to Melbourne in
1995-96 — the Australian premiere of the musical
Sunset Boulevard and the running of the first
Melbourne formula one grand prix.

Collectively, these measures have brought new heart
and vitality to Victoria.

In the coming years Victoria’s role as an
international centre for the arts will be given much
greater emphasis through a strategy to develop
further our arts infrastructure and foster the
enormous depth of talent that exists in our arts
community.

Parliament, as the supreme law-giving body of the
state, is requested to grant the essential passage of
the legislation put before it to maintain the march of
progress towards sustainable economic growth and
a secure future for all Victorians.

It is with deep regret I advise that since the
Parliament was last opened, five former members
have died: the Honourable Allen Robert Bateman,
MLA for Essendon; the Honourable Sir Murray
Victor Porter, MLA for Sandringham, who served
variously as Minister of Forests, Minister for Local
Government and Minister of Public Works, and for
periods as Assistant Chief Secretary and Assistant
Attorney-General; the Honourable Sir George
Oswald Reid, MLA for Box Hill, who held the
positions of Assistant Chief Secretary and
Attorney-General, Minister of Labour and Industry,
Minister of Electrical Undertakings, Minister for
Fuel and Power and Minister of Immigration; the
Honourable Joseph Henry Smith, MLA for
Goulburn, who served as Commissioner of Crown
Lands and Survey, Minister of Soldier Settlement and Minister for Conservation; the Honourable Ivan Archie Swinburne, MLC for North Eastern, who served as Minister for Housing and Materials; and the Honourable John Malcolm Walton, MLC for Melbourne, who died in recent days.

I charge government ministers and members of both houses to continue providing good government, good Parliament in Victoria's interests.

I now formally open this Parliament and pray that the guidance of Almighty God may attend your deliberations.

Copies of speech handed to President and Speaker.

His Excellency and suite withdrew.

Members of Legislative Assembly retired from chamber.

Sitting suspended 3.05 p.m.

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 5.03 p.m. and read the prayer.

DEATH OF HONOURABLE IVAN ARCHIE SWINBURNE, CMG

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Mr President, I formally welcome everyone back to this part of this session.

I move:

That this house expresses its sincere sorrow at the death on 12 August 1994 of the Honourable Ivan Archie Swinburne, CMG, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Council for the electoral district of North Eastern Province from 1946 to 1976, and minister in charge of housing and minister in charge of materials from June 1950 to October 1952 and October 1952 to December 1952.

Mr Swinburne achieved the post of Leader of the Country Party and later of the National Party in the Legislative Council from 1969 to 1976. He was a minister in the McDonald Country Party government from 1950 to 1952, when he held the post of Minister of Housing and of Materials.

Throughout Mr Swinburne’s long service to Parliament his background remained a strong influence on his activities. People knew him for his community involvement and his strong support of his electorate. He was noted for his supportiveness and fair-mindedness. That included being active in the Victorian Bush Nursing Association, the Victorian Rural Fire Brigades Association, the North Eastern Victorian Ambulance Service and — from my point of view significantly — he was for 13 years chairman of the Mount Buffalo National Park Committee. He was also widely recognised as a long-time supporter of the tobacco industry in the north-eastern region of Victoria.

Mr Swinburne has been described as having had a no-nonsense attitude and a can-do spirit, which was epitomised during the period when he was Minister of Housing and of Materials. During that time he was able to make housing available and prevent General Motors-Holden’s from carrying out its threat of relocating from Melbourne to Adelaide. He was also a staunch supporter of environmental issues, as was demonstrated during his chairmanship of the committee of management of the Mount Buffalo National Park.

Mr Swinburne’s community service was also reflected in the commitment he demonstrated to his electorate, where he was highly admired and respected. He was described as being particularly skilful at representing people of all political persuasions. Those skills probably explain his 30 years of uninterrupted service to the Parliament and the people of his electorate, which stand as testimony to Mr Swinburne’s dedication and long service to his community.

I shall quote from an editorial in the Border Morning Mail of 18 April 1975 on his retirement, praising him for his work. The article states:

Within his electorate, he is highly respected and on many occasions has been awarded the tribute that he works as hard to help people of opposing political persuasions as for his own party stalwarts. A politician
commanding that kind of respect has few problems at
election time.

It is apparent from Mr Swinburne's record that he
had few problems at any election time.

In 1973 Mr Swinburne was awarded the Companion
of the Order of St Michael and St George, and in
1973 state Parliament dedicated a reserve on the
outskirts of Myrtleford to him as a tribute to his
years of service to the local community.

On behalf of the government I extend condolences to
Mr Swinbume's family, including his wife, Maisie,
and his daughter, Jan.

Hon. T. C. THEOPHANOUS (jika jika) — I also
welcome members to this new session of Parliament.
I join with the government in speaking on this
condolence motion and extend the condolences of
members of the opposition to the Honourable Ivan
Swinburne's family.

Ivan Swinburne had a very long career in Victorian
politics, having served for 30 years as the member
for North Eastern Province. Clearly he was
somebody who gained the respect of many people
from both sides of Parliament. He was, as the
Minister for Conservation and Environment said,
the Leader of the Government in the Legislative
Council from 1969 until his retirement in 1976, and
was Minister of Housing and of Materials in the
McDonald government from 1950 to 1952, so he had
a very long and distinguished career in politics.

Clearly Mr Swinburne was also very active in the
community on a range of bodies, some of which
have been mentioned by the minister, including the
Victorian Bush Nursing Association, the Victorian
Rural Fire Brigades Association, the North Eastern
Victorian Ambulance Service, and of course he was
chairman of the Mount Buffalo National Park
Committee, which reflects a keen interest on his part
in environmental issues.

As has been said, Mr Swinburne was very close to
the tobacco industry, in which he took a keen
interest as part of his work as the local member, and
he defended those interests in his electorate. The
quote from the Border Morning Mail that the Minister
for Conservation and Environment read to the house
reflects more than anything the sort of attitude
Mr Swinburne took in his dealings with people: that
is, the view that it didn't matter what your political
persuasion was, you had a right to be represented by
your local member and to have that representation
taken seriously.

I think that brought him a lot of respect — and
perhaps it is a lesson from which all of us can learn.
On behalf of the opposition I extend my condolences
to Ivan Swinburne's family.

Hon. W. R. BAXTER (Minister for Roads and
Ports) — On behalf of the National Party I join this
condolence motion to pay tribute to the memory of
one of my former colleagues in the Country and
National parties. In particular, I pay tribute to the
service given to the Parliament and the community
by a fine citizen and parliamentarian. There is no
doubt whatsoever that Ivan Swinburne fitted that
description in the best possible way. He was a
member of this place for 30 years, 24 of which he
spent as either a minister or party leader. That is a
very significant record.

I should say that he came to the Parliament in
somewhat unusual circumstances in that he actually
defeated a sitting member of his own party. He
succeeded Sir John Harris, who had at various times
been a minister in a variety of governments.

Hon. M. A. Birrell interjected.

Hon. W. R. BAXTER — I make the distinction
that he did not defeat Sir John Harris in a
preselection; he actually defeated him at an election.
That circumstance has not been repeated, at least in
the time I have been in Parliament; and perhaps we
will not see its like again.

He was also the last surviving link with the
McDonald Country Party government, because all
the other cabinet ministers and, indeed, the
backbench of that government — I think it
comprised only two in the Assembly and probably
even fewer in this place — have now passed on. It is
with some pride that those of us in the National
Party look at the photograph of that government
that hangs in the National Party room. Ivan
Swinburne was the last link with that government,
and now he has gone as well.

One of his proudest achievements as a member of
that government was the influence he had on the
outstanding work that the former Housing
Commission did in slum reclamation in Melbourne
after the Second World War. The characterisation
is often made — and I note Claude Forell's repeating
of the myth in the newspaper in recent days — that
Country Party governments of the past were
interested only in country Victoria. Ivan Swinburne’s record in providing housing for the people of Melbourne is a clear indication of the breadth of his vision and his commitment to all Victorians.

Without doubt he was both methodical and thorough: he scrutinised legislation very closely. As a new member in 1973 — in those days all Country Party backbenchers had a responsibility to report to the party meeting on the various bills that the then Hamer government had introduced — I trembled a little when making my report because Ivan Swinburne would almost always say, ‘Oh yes, that is all very well, laddie, but what about clause 44? Have you looked at that?’ Of course I had not looked closely at clause 44. I was caught out more than once by his very thorough study of any legislation that was before Parliament.

Ivan Swinburne made very good speeches not only in the house but also in his electorate. I well remember his saying on many occasions, ‘Now, ladies and gentleman, I only want to say’ — and when Ivan said that we knew we were in for a fairly long evening! Nevertheless his speeches were always well put together and well thought out.

I make the observation that he was a member of Parliament in a different age when members did not have electorate offices and worked much more out of this building than they do now.

An Honourable Member — Those were the days.

Hon. W. R. BAXTER — They were the days. In fact, they were the days to such an extent that Ivan Swinburne personally answered all of his letters with one-finger typing, working in the office now occupied by Mr Hallam. There was not one letter that was not responded to. In those days the volume of correspondence was much less than the volume present-day members are accustomed to receiving. His ability to service his electorate in that manner is an indication of how things have changed.

His tremendous community involvement over many areas has already been alluded to. He was a member of the Bright shire council for seven years and was elected shire president shortly after being elected to Parliament. He was a life member of the Victorian Bush Nursing Association and served on the board for many years. Many bush nursing hospitals around Victoria owe a debt of gratitude to Ivan Swinburne’s dedication to that organisation. Similarly, his commitment to the Country Fire Authority was legendary. He came from north-eastern Victoria, a very fire-prone area, and gave his all to the CFA. As the Leader of the House and Mr Theophanous said, for 13 years he was Chairman of the Mount Buffalo National Park committee of management, at a time when national parks did not have the status and support they now have. It is a great tribute to Ivan Swinburne that the government of the day chose to name a reserve on the Ovens Highway between Myrtleford and Eurobin the Ivan Swinburne Reserve. I again noticed the sign when I passed by the reserve on Saturday evening.

He was a leading member of the Victorian tobacco industry at a time when tobacco growing was very important. He went through that very hectic and debilitating time in the 1960s when there were extraordinary divisions among tobacco growers and neighbour was pitted against neighbour. During that time Ivan Swinburne worked through those problems in his usual cool and calm manner, eventually seeing the industry reunited.

He enjoyed a long retirement of some 18 years that was by no means unproductive. He contributed in many ways to the Myrtleford district. He was a leading cattle producer, often topping the local markets. He was very proud of his product, and he was also proud of his local town of Myrtleford. He lived in a house in the main street, right in the commercial part, and was one of the town’s leading citizens for over 50 years.

My colleague Mr Evans, who succeeded Ivan Swinburne in representing North Eastern Province, regrets his inability to be here today to participate in this condolence motion. He is representing the Parliament at a Commonwealth Parliamentary Association seminar. In Mr Evans’s absence I take the opportunity to reflect on some remarks he made in his maiden speech on 19 October 1976. When referring to Ivan Swinburne he is reported as saying:

He served with very great distinction the people of Victoria and this Parliament. He was the minister in charge of housing and minister in charge of materials in the McDonald government from 1950 to 1952 ... I recall a conversation that I had with the then Deputy Director of Housing, the late Mr Jack Gaskin, some years ago. He told me that during Mr Swinburne’s service, General Motors-Holden’s Pty Ltd were deciding whether to go to Melbourne or Adelaide, and the decisions which Mr Swinburne made at that time were important to the decision which General Motors-Holden’s Pty Ltd made to come to Melbourne.
DEATH OF HONOURABLE JOHN MALCOLM WALTON

8 COUNCIL Tuesday, 6 September 1994

He made a tremendous contribution to the legislation of this house; his knowledge of procedure was great; his attention to detail was equally great. He was a man, too, with a tidy mind; whatever he undertook he completed and did well and with a minimum of fuss and effort.

Those words of David Evans’s were spoken some 18 years ago, but they are a very good summation of the contribution Ivan Swinburne made to this house.

On behalf of my colleagues I pass on my condolences to Mrs Swinburne and Janice. Over the years I have enjoyed many a cup of tea in the Swinburne lounge room and have enjoyed Mrs Swinburne’s hospitality. I certainly valued the comments and outstanding advice I received from Ivan Swinburne. I will certainly miss that advice.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

DEATH OF HONOURABLE JOHN MALCOLM WALTON

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I move:

That this house expresses its sincere sorrow at the death, on 31 August 1994, of the Honourable John Malcolm Walton, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the Melbourne North Province from 1958 to 1982.

John Walton was the longest serving member of the Legislative Council when he retired in 1982, having served as opposition whip from 1970 to 1976 and Deputy Leader of the Opposition in the Legislative Council from 1976 to 1979.

John Walton was born in Prahran and served in the Australian Imperial Force during the Second World War before returning to his father’s furniture retail store and the furniture trade. His father and grandfather were great Labor supporters, so it is not surprising that his public life started soon afterwards as a Trades Hall Council delegate of the Shop Assistants Union and as president of the West Brunswick branch of the Labor Party.

John Walton’s public life illustrates the type of record of public works that some members bring with them to enrich this Parliament. Although he was not fortunate enough to have been rewarded with a ministerial office, he brought significant administrative experience to numerous committees, community organisations and charities. The most prominent of these was his chairmanship of the Miss Australia Quest and his support for the Spastic Society of Victoria that organised it. He was chairman of the Spastic Society’s fundraising committee from 1976 to 1982, and in 1977 his services were recognised when he was awarded the Queen’s Jubilee Medal.

At the age of 24 John Walton was the first Labor candidate to win the north-east ward of Brunswick municipality, and he served on the Brunswick council for six years before becoming mayor. With subsequent terms on Coburg council he was able to bring a total of 14 years experience as a councillor to Parliament.

His other positions included Chairman of the New Melbourne Cemetery Trust; Secretary of the Moreland-Brunswick Amateur Athletic Club; Commissioner of the former Melbourne and Metropolitan Board of Works; positions on the Fawkner and Newlands High School, Moreland High School and Pascoe Vale South state school councils; delegate to the Australian Constitutional Convention; and member of the Victoria Grants Commission.

Despite having been in opposition through most of his long term John Walton was an active contributing member to the business of the Parliament, serving on its Statute Law Revision, Subordinate Legislation, Road Safety, Royal Botanic Gardens, Standing Orders and Library committees.

On behalf of the government I extend condolences to his family.

Hon. T. C. THEOPHANOUS (Jika Jika) — I join the Leader of the Government in speaking to and supporting this condolence motion for John Walton and also extending condolences to John’s family: his wife, Royce, and their two children, Doug and Caroline.

John Walton was a member for Melbourne North Province for 24 years from 1958 to 1982. He was Deputy Leader of the Opposition in the Legislative Council in 1970 and from 1976 to 1979, and opposition whip in the Legislative Council from 1970 to 1976. As the Minister for Conservation and Environment said, John Walton had a broad range of experiences in this place, and when he retired in
1982 he was the longest serving member of the Legislative Council.

John Walton had a reputation — unfortunately I was not a member of Parliament when he was here, but my parliamentary colleagues who knew him tell me that this was certainly the case — as a very skilful debater in Parliament who had a great deal of respect for the parliamentary system. He was opposition spokesman on a range of matters, including local government, planning, water supply, forests, and state development and decentralisation.

John spent most of his parliamentary career in opposition, which I suppose from one point of view can be disheartening for most people, but he worked hard during that time and was very pleased when finally in 1982 he was able to spend at least some time as a government member before retiring.

John Walton was an active member of the Australian Labor Party. He came from an ALP family and was very active both within the Labor Party and in local government politics prior to coming into Parliament. He was a Brunswick city councillor between 1951 and 1957 and the Mayor of Brunswick from 1955 to 1956.

When John stood as an ALP candidate for the north-east ward of the Brunswick City Council the Brunswick Sentinel mistakenly ran a photo of his father in John’s election advertisements. Despite that — or some might say because of it! — John won the election and was the first Labor Party candidate ever to win in that ward. That was the beginning of his career in local government, to be followed by a distinguished career in Parliament.

John was interested in a range of issues and was a member of a number of committees. The Spastic Society of Victoria has already been mentioned, but he was also an active charity worker for other organisations, such as the Red Cross, the Royal Victorian Institute for the Blind and the former Civil Ambulance Service.

In 1977 John was awarded the Queen’s Jubilee Medal in recognition of the considerable amount of work he had done for charity. When he retired from Parliament he said:

... in politics, you should move over and make way for younger people.

That is an indication of the spirit with which he viewed politics: he thought it was an area in which renewal was important and in which young people should be encouraged to come forward and make contributions.

He expressed regret that governments did not respond in the way they should — more directly — to the will and aspirations of the people, and perhaps that is something all of us should bear in mind in our deliberations, meetings and dealings, principally in our own constituencies.

After leaving Parliament John served for some time on the Victoria Grants Commission. He later went to live in Narooma, where he was of great assistance to Jim Snow, the federal member, in reinvigorating the ALP in the area. So John kept an interest in the Labor Party and in Labor politics for a long time. He had a lifelong association with the Labor Party and was highly respected both inside and outside Parliament.

On behalf of the opposition I extend my condolences to John’s family.

Hon. W. R. BAXTER (Minister for Roads and Ports) — I was sorry to learn yesterday of John Walton’s death last week. I had the honour of serving with him on the parliamentary Road Safety Committee from 1973 to 1976. I well remember his incisive contributions to that committee’s deliberations and in particular the contribution he made when the committee paid a visit to New Zealand in 1974. It is amazing how things stick in one’s mind. Twenty years have gone by, but I still recall that occasion.

As has been noted, John Walton served a long period in the house, some 24 years. I suppose regretfully, from his point of view at least, that was during the Labor Party’s long period in opposition through the ascendency of the Bolte and Hamer governments, but he forever maintained his cheerfulness and he was always good to be with. I thoroughly enjoyed his company in the chamber, in the parliamentary precincts and elsewhere. He was a good member in the sense that he had that ability to get on with others, regardless of party affiliation, and he could make people feel at ease. I certainly appreciated my friendship with John Walton over the period we served simultaneously in Parliament.

As already outlined, after his retirement from Parliament in 1982, John Walton went on to make contributions in other fields. It is always useful and positive when former members continue to be active in public life, as he was. I pass on the condolences of
the National Party to his wife, Royce, and to his family and want them to know that I believe John Walton made a very substantial contribution to the Parliament.

Hon. C. J. HOGG (Melbourne North) — John Walton, as everybody participating in the condolence debate has said, was a true Labor man, and he will be remembered as such by the people who live in Melbourne North Province. Unfortunately, as we have heard, he was never in government except for those three months between the election and the swearing in of the new members of the upper house, but he was in local government for many years. He very much enjoyed the immediacy of local government.

He was elected to Brunswick City Council when a young man: he was 24 years old when first elected and 28 years old when elected mayor, which was remarkable in the 1950s when local government was generally thought to be a rather more stodgy place than it later turned out to be. He was known as being very active in local government.

Not only was John Walton a Brunswick councillor, a little later on, when already a member of this house, he ran for a seat on the Coburg City Council because he believed that he might begin to turn the tide and make Coburg a Labor council. He very much enjoyed the local community activism that can be unleashed by service at local government level. In those days it was not so unusual for members of Parliament to be local councillors, but to have been a member of two councils — Brunswick and Coburg — and also a member of Parliament is probably a record.

John Walton’s work in local government remained a source of great pride and joy. He had a deep love for the northern suburbs and had many local links within the northern suburbs. His father’s business was in Lygon Street. He grew up knowing Brunswick, Coburg, Northcote, Preston and Carlton like the back of his hand. He also knew the political nuances of Labor history, which is important in the Labor suburbs.

As a local member of Parliament he was particularly interested in environmental questions. People still talk of his active involvement in the beautification of Coburg Lake. He was actively involved in local schools in his area, where he was well known, and in local libraries and historical societies.

When John Walton left Parliament we farewelled him at Coburg Town Hall. It was a loving, warm and generous farewell. He was sincerely missed when he left in 1982, just as a decade of Labor government was beginning. Obviously we all hoped his retirement would be long and happy. We thought he deserved that. In his retirement he remained involved with the Labor Party and with community issues, though of course it was in New South Wales, as he moved across the border with his wife after he retired.

Sadly, although his retirement was very happy, it was not as long as we wish it could have been. Although I certainly knew two years ago that he was very ill, his death last week came as a great shock to me, along with a number of people in Melbourne North Province.

A few months before his death a friend of his, a former Mayor of Coburg, Murray Gavin, recorded some of John Walton’s memories. He recounted John Walton’s fight for a seat on the Coburg City Council and how he met his opponent in the street one day. His opponent said to him, ‘I feel sorry for you, mate. I’m going to give you the thrashing of your life’. Telling the story, John Walton explained, ‘I never said a word. My pleasure was on the night when the numbers were counted, which was my greatest thrill. Every time the Labor Party kept achieving wins’.

That was true of John Walton in local government, and it was undoubtedly true of him in 1982. He was a real Labor man of the old school. He will be remembered by members in this place and by his constituents who worked with him and who knew him as a gentleman, as a man of deep courtesy and as a person of real grace.

Hon. D. R. WHITE (Doutta Galla) — I join my parliamentary colleagues in extending condolences to Mrs Walton and family. In recent months John Walton lived close to his daughter in Hobart and maintained an active interest in the affairs of the Australian Labor Party. Prior to that he had retired to Narooma, where he also maintained an active interest in the affairs of the Australian Labor Party. His record of 24 years in Parliament is unique in the sense that he was elected shortly after the split of 1955 and no other member of the Australian Labor Party has served in this Parliament for that time without forming or being part of a government.

His contribution as shadow minister for water and shadow minister for local government during those
barren years was to provide a base and consolidation upon which we were able to build to achieve government in 1982. He developed very close lifelong friendships with Dolph Eddy, Ivan Trayling, Frank Wilkes, Tom Edmunds and Derek Amos, and made a number of friendships in this place over and above the average friendships that people develop, which is a reflection of the type of personality he had and of the extrovert John Walton was in the terms Mr Baxter expressed. I join my parliamentary colleagues in extending sympathy to Mrs Walton and the family.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I move:

That, as a further mark of respect to the memory of the late Honourables Ivan Archie Swinburne, CMG, and John Malcolm Walton, the house do now adjourn until this day at 8.00 p.m.

Motion agreed to.

House adjourned 5.39 p.m.

The PRESIDENT took the chair at 8.03 p.m.

PROPERTY LAW (AMENDMENT) BILL

Introduction and first reading

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — In order to preserve the privileges of this house and in accordance with the standing orders, I move:

That I have leave to bring in a bill to make minor amendments to the Property Law Act 1958.

Motion agreed to.

Read first time.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT laid on table warrant nominating Honourables Gerald Barry Ashman, George Henry Cox, James Vincent Chester Guest, Peter Ronald Hall, David Ernest Henshaw, Robert Stuart Ives and Licia Kokocinski to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

BUSINESS OF THE HOUSE

Misleading statements

The PRESIDENT — Order! With the commencement of a new session of the Parliament I desire to make some comments in relation to statements by members in questions and during debate.

The Westminster system sets great store on the need to be able to rely on the veracity of statements made in the Parliament by members. It is therefore incumbent on members that they take great care to ensure that they do not wittingly or unwittingly mislead the house. As May — 21st edition, page 119 — indicates, the making of a deliberately misleading statement may be treated as a contempt. Such an abuse is compounded if it involves the deliberate misrepresentation of the language of another member.

In recent times I have detected that some members have included in their questions or statements in debate a form of words which implies a factual situation when, in some cases, it has become evident that there is no basis in fact for those statements. For example, if a member opens a question with the words 'Given that the government yesterday announced XYZ school was to close .. .' when in fact he or she knows there was no such announcement, that may be treated as a contempt. Similarly, a statement in debate that 'Yesterday the member, the Honourable Mr Bloggs, said that at no time had he attended the meeting of the authority ...' when in fact the speaker knows that Mr Bloggs had made no such statement, may also be treated as a contempt.

Obviously, a finding that any member is in contempt of the house is extremely serious and could have an adverse impact on the future parliamentary career of that person. I therefore urge members to very carefully consider their statements to the house with a view to avoiding these pitfalls.
QUESTIONS WITHOUT NOTICE

Ports: privatisation

Hon. T. C. THEOPHANOUS (Jika Jika) — The Port of Melbourne Authority (PMA) is extremely critical of the government’s privatisation proposal, which has been developed by the Office of State Owned Enterprises. The PMA says that the government’s proposal has not been subject to rigorous economic analysis, will not increase competition in the ports, could incur a significant financial penalty for the state and will lead to industrial confrontation. In light of these statements and the huge productivity savings, large projected dividends and price reductions of 41 per cent under the PMA’s own proposal, will the Minister for Roads and Ports now reject the Treasurer’s proposal?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The government has spent a good deal of time, in accordance with the policy upon which it went to the election, in determining port reform in this state. Included in the policy forecast for installing new, commercially focused boards in each of the three port authorities in Victoria is the requirement that the boards report back to the government with their plans on how the ports might be reformed. On top of that, the port authority boards have been reorganised under the State Owned Enterprises Act, which Mr Theophanous acknowledges is administered by the Treasurer. In the process the government has adopted a preferred option for port reform in Victoria, but typically for this government it is not presenting that as a fait accompli, it is in fact going through a very rigorous consultative process. As minister, I have now attended something like 17 or 18 meetings — with Mr Smith at Hastings last evening, at Portland on Tuesday of last week and at Geelong on Friday of last week. The government is receiving numerous responses as part of that consultative process. As minister, I have now attended something like 17 or 18 meetings — with Mr Smith at Hastings last evening, at Portland on Tuesday of last week and at Geelong on Friday of last week. The government is receiving numerous responses as part of that consultative process. As minister, I have now attended something like 17 or 18 meetings — with Mr Smith at Hastings last evening, at Portland on Tuesday of last week and at Geelong on Friday of last week. The government is receiving numerous responses as part of that consultative process. As minister, I have now attended something like 17 or 18 meetings — with Mr Smith at Hastings last evening, at Portland on Tuesday of last week and at Geelong on Friday of last week. 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Regional development

Hon. R. A. BEST (North Western) — Will the Minister for Regional Development inform the house of his recent visit to north-eastern Victoria and of how the partnerships between local communities and the state government are providing opportunities in regional Victoria?

Hon. R. M. HALLAM (Minister for Regional Development) — I thank the honourable member for his question and acknowledge his particular and ongoing interest in the development of economic opportunities in rural and provincial Victoria.

It was my particular pleasure to lead to the north-east last Thursday and Friday a delegation which included members of my regional development committee, some of whom are members of this place. The purpose of the visit was to inspect at first hand the practical effects of the regional development policy package and the way it is working on the ground. I was absolutely delighted with the feedback from local government regarding the cooperation that now exists between that tier of government, regional development organisations and the state government.

I place on record my thanks to the Mayor of Echuca for the way he hosted the visit and to my colleague the honourable member for Rodney in another place, Noel Maughan, for the way he organised the tour.

A number of honourable members would acknowledge that it has been very tough in the bush. I am one of them, and I am sure they include you, Mr President. It is important that we acknowledge that the turnaround is actually taking place. I can report that there is a real buzz in the rural community.

Three examples of visits arranged by the Mayor of Echuca are appropriate in this context. The first was to a very small engineering firm run by Rob Freestone, who has developed a quite revolutionary form of seal for gauges in the dairy and oil industries. He has taken it to the world and is doing very well indeed. In his comments Rob Freestone eulogised the way he had been supported both by local government and the Office of Regional Development in the development of business plans. That is an example of a relatively small industrialist doing well in a country location.
The next visit was to the McMillans factory, which is well known for the production of gas cylinders. Every member here would understand that McMillans has had a very tough time over the past few years. In fact, the grant offered to it by the state government was designed to assist in a corporate restructure and some very tough decisions have had to be taken at the corporate table. I am delighted to report that McMillans can now put on the table the fact that its employment levels have trebled over the past 12 months.

Hon. D. R. White — How many people?

Hon. R. M. HALLAM — It has gone from 40 to about 150 direct employees. It is an important success story in a small community.

The third visit was to the Pacific Dunlop plant operated by the Pacific Brands Food Group. There are clear signs that the dairy industry is bursting at the seams. Pacific Dunlop is about to announce an exciting development to take place on a site adjacent to the Yoplait factory in Echuca. That will involve something like a $40 million investment in a relatively small community.

Important developments are taking place and they deserve recognition. This development means that there will be more investment and more jobs in a hard-pressed community and that we in this state are quickly developing a reputation as a centre for food processing. Every honourable member would applaud those efforts. All honourable members would be aware of the flow-on effect once such an investment has been secured.

There are signs of recovery out there; there is a real buzz in country Victoria. I can report that my committee came away from those visits heartened by the signs of enterprise and confidence in the rural community.

Crown Casino

Hon. D. R. WHITE (Doutta Galla) — In view of the revelation that Crown Casino has withheld all rent payments for its temporary casino in the World Trade Centre, does the Minister for Roads and Ports agree with the comments of the chairman of Hudson Conway, Mr Lloyd Williams, that because Crown pays the government about $70 million a year in taxes the government has no dispute with Crown Casino for refusing to pay rent; and can he confirm that it is the government's policy that Victorians who pay taxes do not have to pay rent for using government-owned buildings, in this case owned by the Port of Melbourne Authority? Or can he say what action the government intends to take to recover the rent moneys from Crown Casino?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I am not aware of any remarks the chairman of Crown Casino might have made — they were reported in one of the Sunday papers — but I can say that where a commercial contract has been entered into between, on the one hand, the Port of Melbourne Authority as landlord and, on the other hand, Crown Casino as tenant, certain obligations are imposed upon both parties by that contract and I expect that the conditions of the contract will be honoured.

Western and Southern bypasses

Hon. LOUISE ASHER (Monash) — Will the Minister for Roads and Ports report on progress on the Western and Southern bypasses?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I am pleased to report to Ms Asher and the house that extremely positive progress has been made on these two vital projects since the house last met. On 1 July the Premier, in company with my federal counterpart, the Honourable Laurie Brereton, formally announced the bid process for these two projects and commissioned the two successful bidders, Transurban and Chart Roads, to begin to put together their bids, returnable to the government early in the new year.

In addition, much work has been done by the project team, which has been working within my ministry and which includes representatives from a number of government departments. More particularly, I am pleased to report the appointment of Mr John Laurie, formerly the chief of the well-known Australian engineering firm, Maunsells, as chairman of a statutory authority to be formed later this year to oversee the projects. I anticipate that in due course legislation will be introduced to constitute that statutory authority. I am pleased that an engineer and businessman of the calibre of Mr John Laurie is available to the government and to the community to oversee this bold initiative for Victoria — in the sense that each project is worth more than $1 billion, which is huge, even in world terms — which is being funded by the private sector and will be built and operated in a competitive environment. I am pleased Mr Laurie has come on board to oversee these projects.
QUESTIONS WITHOUT NOTICE

COUNCIL Tuesday, 6 September 1994

Ports: privatisation.

Hon. T. C. THEOPHANOUS (Jika Jika) — Has the Minister for Roads and Ports received advice from the Port of Melbourne Authority board that the economic benefit of the alternative proposal developed by the Treasury for the privatisation of the port has been demonstrated to involve major strategic risks, is untried anywhere in the world and is in sharp contrast to the port management models in successful ports around the world? If so, does he accept this advice?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I do not have a great deal to add to my earlier answer. I have explained to the Leader of the Opposition that a consultative process is in place. It may well be that the Port of Melbourne Authority board will formally communicate to me in due course —

Hon. T. C. Theophanous — They have not already?

Hon. W. R. BAXTER — I have not received any advice of its response on the preferred option. As I said in answer to the earlier question, the closing date for the receipt of responses is 10 September. I am certainly expecting a formal response from the board by that date.

Good Neighbour initiative

Hon. B. W. BISHOP (North Western) — Will the Minister for Conservation and Environment advise the house of the steps taken by the government to control the damage caused by pest plants and animals across Victoria?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Any honourable member who has an interest in rural productivity and the preservation of the natural qualities of our national parks and Crown land will recognise that the greatest underlying environmental problem is the spread of pest plants and animals.

It is important that we deal in a comprehensive and strategic manner with the regulation of pests such as rabbits, foxes, wild dogs, blackberries, ragwort, Paterson’s curse, serrated tussock and many other threats. For the benefit of Mr Smith, who has forgotten the rules of the previous session, I am pleased to be able to provide the house with information on the government’s Good Neighbour initiative, which deals with this issue in a strategic manner.

The government has allocated an extra $2 million per annum to the Good Neighbour initiative to fund 140 separate projects throughout the state to deal with pest plants and animals. The spread of vermin and noxious weeds has been aided and abetted by the inaction of previous governments. The Kennett government is committed to ensuring that we establish the basis to deal with those problems. The Good Neighbour initiative is not a one-off cash injection or an advertising campaign but an injection of funds for practical outcomes.

As I said, this year the Good Neighbour initiative will fund 140 priority projects throughout country Victoria in conjunction with the Landcare groups, local municipalities, individual land-holders and individual contractors. As a permanent feature of the Department of Conservation and Natural Resources more projects will come on stream next year to continue the fight against pest plants and animals.

It is important to recognise that a problem of this nature will never be solved by money alone. That is why the Good Neighbour initiative places great emphasis on developing a positive partnership between the Department of Conservation and Natural Resources and the many thousands of Victorians who have a keen interest in land protection and enhancement.

An indication of the government’s determination to tackle the problem on a comprehensive basis is a special allocation of $100 000 to develop a pest plants and animals strategy, which will establish a professional monitoring system to assess the effectiveness of Good Neighbour projects. The new strategy will ensure that the benefits of the government’s initiative are maximised across Victoria.

I am pleased to advise the house that since October 1992 the main priority of the Department of Conservation and Natural Resources has been to get back to basics and deliver priority services at the local level. The Good Neighbour initiative is an important step in the right direction.

Ports: competition

Hon. D. A. NARDELLA (Melbourne North) — Does the Minister for Roads and Ports agree with the chief executive of the Victorian Employers Chamber
of Commerce and Industry and prominent Liberal Party supporter, Mr David Edwards, that the Treasurer’s Office of State Owned Enterprises has wrongly claimed there is no competition in the ports when in fact there is competition between individual ports; and does he agree with VECCI that the Treasurer’s privatisation model, as developed by the Office of State Owned Enterprises, will not increase either competition or efficiency and should be rejected?

Hon. R. M. HALLAM (Minister for Regional Development) — On a point of order, Mr President, you went to some trouble to outline the protocols of this house concerning the way questions should be framed. I suggest Mr Nardella is knowingly flouting that ruling, and I invite you to rule the question out of order.

Hon. T. C. THEOPHANOUS (Jika Jika) — I do not understand the point of order, Mr President, because the minister did not make clear his objection. If we assume that the basis of his objection has something to do with the comment about David Edwards from VECCI, we are happy to have a debate, if necessary, about the loyalties of Mr Edwards and his associations with the Liberal Party over many years. We are happy to put on the record that Mr Edwards is a well-known and long-time supporter of the Liberal Party. His long association with the Liberal Party is such that he has been considered by the party as a candidate for a seat in Parliament.

The PRESIDENT — Order! The purpose of the statement I made earlier was to clearly advise honourable members about using remarks which imply a certain set of facts that are not true. In this case I am unable to rule on the point of order because I am not aware of Mr Edwards’s political affiliations or whether the statement is wrong.

If it were subsequently proved that Mr Edwards was a member of the Labor Party and not a supporter of the Liberal Party, that would amount to the honourable member’s being in contempt of the rules. Although I agree with the principle in the minister’s point of order, in this case I cannot rule that the point of order should be upheld. The question is in order, and I ask the Minister for Roads and Ports to answer it.

Hon. W. R. BAXTER (Minister for Roads and Ports) — I am in a situation similar to that which you find yourself in, Mr President. I am unable to comment on Mr Edwards’s political affiliations: I do not want to know, nor do I need to know. The way the question was framed was unfortunate, to say the least; it was irrelevant and gratuitous. I would be very disappointed if VECCI did not take up the government’s invitation to respond to the consultation document currently in the public arena. The closing date for the consultation process is 10 September. I look forward to a response from VECCI.

University places

Hon. B. A. E. SKEGGS (Templestowe) — I refer the Minister for Tertiary Education and Training to the recent reports that Victoria stands to lose up to 10 000 university places if commonwealth proposals for the redistribution of government-funded university places are implemented. Will the minister take this matter up with the responsible federal minister?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I have seen the reports referred to by the honourable member, which suggest that Victoria could stand to lose 10 000 university places if the commonwealth proposals are adopted. It is a matter of great concern to Victoria, a concern expressed by the vice-chancellors of Monash and Melbourne universities and, indeed, by many other people in the tertiary education field.

It is a fact that the Commonwealth Department of Education, Employment and Training has — —

Hon. B. W. Mier — What about rural Victoria? What have you done about education there?

The PRESIDENT — Order! Will the house please settle down and allow the minister to complete his answer?

Hon. HADDON STOREY — It is a fact that DEET, the Commonwealth Department of Employment, Education and Training, has published a discussion paper on resource allocation and higher education. Among other options, it proposes that a good deal of future growth funding for universities be diverted away from Victoria. The paper draws attention to population changes and population growth in certain states. It then goes beyond the consideration of such population statistics to suggest that additional places for those states be funded by a reduction in the number of university places in Victoria.
The PRESIDENT — Order! The house is making it extraordinarily difficult for Hansard to record the minister's answer. I ask the house to settle down and allow the minister to complete his answer.

Hon. HADDON STOREY — It is extraordinary that the opposition in this state is supporting those commonwealth proposals and doing its best to hurt Victorian students.

Honourable members interjecting.

Hon. HADDON STOREY — It is doing its best to deprive them of university places. Those opposite are not prepared to stand up for Victoria's needs.

Hon. T. C. THEOPHANOUS (Jika Jika) — I raise a point of order, Mr President, based on your earlier ruling about misrepresentation. The minister commented that the opposition is supporting the commonwealth proposals. There is no basis in fact for that proposition. We have made it clear that we object not to the question of the commonwealth proposal but to the problems caused by people leaving the state, because the government has caused 200 people to leave the state every day. That's what has changed the formula!

The PRESIDENT — Order! The Leader of the Opposition started off on one tack and then went off on another. I think he was taking exception to the fact that the minister said he is supporting the commonwealth option, which he said is harming Victorian students.

Hon. D. R. White — We all take exception to that; he has no evidence to support it!

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The evidence is in the interjections while I was speaking. I am pleased it has now been put on the record that members of the opposition do not support the commonwealth move and therefore —

Hon. T. C. Theophanous — Who said that?

Honourable members interjecting.

Hon. M. A. Birrell — Are you misleading the house now? You said it about 80 seconds ago!

Hon. T. C. Theophanous — We don't support 200 people leaving the state — and what you have done to the state!

Hon. HADDON STOREY — If they are implemented, the commonwealth proposals will have serious consequences for Victoria because we have the highest level of demand in Australia for higher education — and we have it for very good reasons. Our commercial and industrial infrastructure require a skilled and educated population, and that has always been the case. Victoria has always had a higher percentage of its people in higher education than is the case in other states. The commonwealth's proposals simply ignore that fact and ignore the needs of Victoria. The commonwealth has engaged in social engineering to try to move university places away from a state with a need to a state that has not demonstrated that need, based purely on population.

Hon. D. R. White — So what are you going to do?

Hon. HADDON STOREY — In the first place, this government has funded 4500 additional places in universities, which is more than any other state has done. In addition, I propose to take this matter up with the federal minister, Mr Simon Crean. I have previously discussed with him the arguments in Victoria's favour. I am disappointed that the federal department's discussion paper still puts that point of view.

Hon. D. R. White — So what is Simon Crean saying to you?

Hon. HADDON STOREY — What I intend to do is again put these matters to Mr Crean.

Hon. D. R. White — What is he saying?

Hon. HADDON STOREY — Mr Crean's response so far has been a discussion paper that is intended to get comments from people.

Hon. D. R. White — So he is doing a Billy Baxter: he is sitting on his hands and waiting for submissions!

Hon. HADDON STOREY — That discussion paper came out after representations were made to Mr Crean — and I believe he should not have done that. I will certainly be urging him to ensure that this option is adopted and that Victoria is not deprived of these places. I would love to be able to say to Mr Crean that I am supported in that by the opposition, but as a result of this question and answer session I do not know what the opposition's policy is.
Hon. D. R. White — We are making it specific. Are you listening? We want the places!

Hon. HADDON STOREY — I am listening. Mr White says he wants the places. That is not what his leader says.

Hon. D. R. White — We want the places!

Honourable members interjecting.

The PRESIDENT — Order! This is hopeless!

Hon. D. R. White — He invited a response! He invited a response!

The PRESIDENT — Order! There is no way Hansard can record these proceedings while this noise continues. I was about to say that I understand honourable members have plenty of energy after the break, but I suggest they contain themselves, and I suggest the minister wind up his answer.

Honourable members interjecting.

Hon. D. R. White — Have we made our position clear?

Hon. HADDON STOREY — I look forward to the Leader of the Opposition or perhaps the spokesman for the opposition on this matter joining with me in making these representations to the federal minister.

Ports: privatisation

Hon. D. E. HENSHAW (Geelong) — Given that the government’s preferred position on the privatisation of the Port of Geelong has been rejected by the board established by the government and by a majority of the Geelong community, can the Minister for Roads and Ports give the community of Geelong an assurance that the government’s option will not be implemented?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I do not for one moment accept the implication in Mr Henshaw’s question because the facts of the matter are that I spent the whole day in Geelong only last Friday. During the course of the day I had a series of meetings with, firstly, members of the Port of Geelong Authority work force. I had a most productive round table discussion with members of the authority’s staff — both the office staff and the outdoor staff. I commend the members who attended that meeting for the constructive manner in which they addressed the government’s preferred port model.

An honourable member interjected.

Hon. W. R. BAXTER — They certainly had views on it! That is why I met them: I wanted to hear their views. I think there was a fair exchange of opinion across the table.

I subsequently met with a group of 28 representatives of port users for nearly 2 hours. Again, we had a useful discussion, with various points of view being put on the table. In company with some of the honourable members from another place who represent Geelong — Mrs Henderson, Mr Spry and Mr Paterson — I had a meeting with the Port of Geelong Authority board, at which we discussed one or two points of difference.

The fact of the matter is that the Port of Geelong Authority Board supports the thrust of the government’s reform process for Geelong. But naturally enough, there will always be some differences in detail when trailblazing activities such as this are undertaken — and those differences were discussed.

After lunch I met with officers of the Geelong Trades Hall Council, including Mr John Kranz and others. I must say I was very pleased with the general attitude of the trades hall council to the government’s preferred strategy. The meeting was also most productive and constructive. I again congratulate the members of the trades hall council on the way they approached those negotiations.

Following that I met with a group of service providers who as private enterprise entities provide various services in the port. I received their views; again, they were generally supportive. Following an announcement regarding Cunningham’s pier I then met a group of Geelong business people at a meeting arranged by the honourable member for Geelong in another place, Mrs Henderson.

Again I found that the general thrust of the government’s policy had widespread support. Matters of detail were certainly discussed. As part of the consultative process I invited each and every one of the people who attended the various meetings during the day to respond by 10 September if they wished to do so.

I had an excellent day in Geelong, during which I believe I was able to assess community opinion. I
was able to explain in cases where there was doubt, lack of understanding or lack of clarity. I certainly look forward to responses being forwarded this week. The government will take those views on board, distil them and make its decisions accordingly.

**Injury prevention**

**Hon. K. M. SMITH (South Eastern)** — Will the Minister for Housing advise the house of any initiatives to reduce the incidence of injury amongst older Victorians?

**Hon. R. I. KNOWLES (Minister for Housing)** — Earlier today my colleague the Minister for Health released a strategy entitled *Taking Injury Prevention Forward*, which sets out the government's strategic directions for building on this state's very significant and proud record of trying to reduce injuries. It affects a broad cross-section of the community and all age groups. The hospital costs that result from predictable and preventable injuries are estimated to cost the state something in the order of $145 million a year. That is just the economic cost, which is quite separate from the social and human costs that result from those injuries.

The occurrence of injury has even greater significance for older Victorians. Some 56 per cent of all hospital admissions for those aged over 75 are a direct result of preventable and predictable injuries. Half the older people who sustain hip fractures never regain their pre-fall functioning levels, which has a profound impact on their lives as well as on the cost of delivering services across a whole range of areas.

The government sought to develop a whole-of-government approach to developing and building on the partnership which already exists and to implementing an industry strategy to prevent these injuries occurring. Under the public health program we are making available $200 000 in small grants, which will be matched. One component of that will enable local government to develop initiatives which will examine ways of alleviating some causes of injury. Unlevel footpaths are just one example of significant causes of preventable injury in older people.

In addition, under the aged care program the government has made available $20 000 to develop more appropriate material advising of initiatives individuals can take to prevent injury. Also, the government will fund a part-time position to develop initiatives that will further advance this course of action. As I said, Victoria has a very proud record in this area, which is recognised worldwide. In early 1996 a worldwide conference will be held in Victoria that will focus on the development of strategies to alleviate or reduce the level of predictable and preventable injuries.

This morning's launch was widely endorsed by a very broad cross-section of the community. It indicates that the Victorian government continues to build on one of the strengths of this state. That will have profound benefits for Victorians across the age spectrum, from reducing the number of children who are suffering as a result of unplanned poisoning to benefiting older Victorians. As part of the strategy the government aims to reduce the occurrence of unplanned or predictable injuries by 10 per cent by 2000. I commend the strategy and the document to all honourable members. I trust they will join with other communities groups who have endorsed this initiative and ensure it achieves the objectives set out in the strategy.

**BUSINESS OF THE HOUSE**

**Periodic discharge of orders of the day, general business**

**Hon. R. I. KNOWLES (Minister for Housing)** — By leave, I move:

That during the present session an order of the day, general business, for the consideration of a ministerial statement or a paper tabled either —

(a) by command of His Excellency, the Governor;
(b) pursuant to an order of the house; or
(c) pursuant to statute —

shall be discharged from the notice paper without further proceeding after having been listed for five consecutive sittings days, unless a take-note motion has intervened and is pending resolution.

Motion agreed to.

**Proclamations fixing operative dates**

**Hon. R. I. KNOWLES (Minister for Housing)** — By leave, I move:

That this house authorises and requires the Clerk, during the present session, to lay on the table copies of proclamations of His Excellency, the Governor in Council, fixing dates for the coming into operation of
acts as published in the Government Gazette from time to time.

Motion agreed to.

Temporary relief in chair

Hon. R. I. KNOWLES (Minister for Housing) — By leave, I move:

That in the case of any absence of the Deputy President during the present session, the President be authorised to call upon any of the temporary chairmen of committees to temporarily relieve him in the chair and that, during any absence of the President, the Deputy President be similarly authorised to call upon any of the temporary chairmen.

Motion agreed to.

Privilege

Hon. R. I. KNOWLES (Minister for Housing) — By leave, I move:

That until the end of the session, standing orders nos 85, 94 and 126 be suspended insofar as they relate to the raising of matters of privilege, and that the procedure to be followed in raising matters of privilege shall be as follows:

Upon any matter of privilege arising —

(a) a member shall, unless circumstances prevent, give written notice of the alleged breach of privilege or contempt to the President as soon as reasonably practicable after the matter has come to attention;

(b) if the matter arises from a statement published in a newspaper, book or other publication, the member shall provide the President with a copy of that newspaper, book or publication;

(c) the President thereupon will determine as soon as practicable whether the matter merits precedence over other business;

(d) if in the opinion of the President the matter merits precedence, he will inform the house of his decision, and the member who raised the matter may forthwith move a motion without notice in relation to the matter;

(e) if in the opinion of the President the matter does not merit precedence, he will inform the member in writing accordingly, and may also inform the house of his decision; and

(f) a decision by the President not to allow precedence shall not prevent a member from proceeding with the matter by motion after notice.

Motion agreed to.

Broadcasting of proceedings

Hon. R. I. KNOWLES (Minister for Housing) — By leave, I move:

That this house authorises, during the present session, the broadcasting and re-broadcasting on radio and television stations of recorded excerpts of proceedings in the Legislative Council, subject to the following conditions:

(a) audio excerpts of proceedings may be taken for the above purposes only;

(b) television video or film of a particular proceeding may be taken provided the President, after consultation with the party leaders, has so approved;

(c) audio excerpts shall be recorded from the signal transmitted by the house monitoring system only by representatives of accredited media organisations. No alteration to the sound relay equipment is to be undertaken unless approved by the President;

(d) excerpts are not to be used for the purposes of satire or ridicule.

(e) excerpts shall not be used for the purpose of political party advertising or in election campaigns;

(f) fairness in reporting with reasonable balance between both sides of the house is to be achieved by avoiding undue concentration on any one member;

(g) excerpts must be placed in context. Commentators should identify members at least by name;

(h) media personnel are required to obey any instruction given either generally or in a particular case by the President or through him by the Clerk of the Legislative Council, the Usher of the Black Rod or the Housekeeper;

(i) any breach of these conditions may result in the immediate suspension of the privileges by the President.

Motion agreed to.

Days and hours of meeting

Hon. R. I. KNOWLES (Minister for Housing) — I desire to move, by leave:
That unless otherwise ordered by the house, in each week of the present session —

(a) the days and hours of meetings of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;

(b) the transaction of government business shall take precedence of all other business, except business governed by standing orders nos 20A, 68A and 86, on Tuesday and Thursday, and at 2.00 p.m. on Wednesday;

(c) the transaction of general business shall take precedence of all other business on Wednesday until 2.00 p.m.;

(d) no new business shall be taken after 10.00 p.m.;

(e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day;

(f) the provisions of this resolution, so far as they are inconsistent with the standing orders and practice of the house, shall have effect notwithstanding anything contained in those standing orders.

Leave refused.

Adjournment of bills

Hon. R. I. KNOWLES (Minister for Housing) —

By leave, I move:

That —

(a) unless otherwise ordered, where a bill is introduced by a minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995; provided that any bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 5 December 1994 may be taken through all stages; and

(b) this order shall have effect until 31 December 1994.

Mr President, this is the standard procedural motion. I indicate that the date listed is the date when it is anticipated that the Legislative Assembly will conclude, which I have already indicated informally to the opposition. It is the government's intention that this house will sit the following week to conclude business that passes through the assembly on the last week that it proposes to sit.

Motion agreed to.

BLF CUSTODIAN

Hon. HADDON STOREY (Minister for Tertiary Education and Training) presented report no. 28 dated 31 August 1994 given to Mr President pursuant to section 7A of BLF (De-recognition) Act 1985 by the Custodian appointed under section 7(1) of that Act.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Housing Guarantee Fund Ltd

Hon. P. R. HALL (Gippsland) presented report of Public Accounts and Estimates Committee on Housing Guarantee Fund Ltd, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Agricultural Industry Development Act 1990 —


Central Gippsland College of TAFE —

Minister for Tertiary Education and Training’s report of 1 September 1994 of failure of College to submit 1993 annual report to him within the prescribed period and the reasons therefor.

Report, 1993 (two papers).

Crimes Act 1958 — Authorities of the Chief Commissioner of Police made under section 4642 of the Act (two papers).

Drugs, Poisons and Controlled Substances Act 1981 —

Electoral Commissioner —

Reports on the Broadmeadows District and Doutta Galla Province By-elections, 18 September 1993 (two papers).

Statement of functions conferred, 7 June 1994.


Interpretation of Legislation Act 1984 — Amended and replacement documents to accompany Statutory Rule No. 119/1992 (pursuant to the Gas and Fuel Corporation Act 1958) tabled on 12 August 1992 which, by section 32 (4) (b), are required to be laid upon the Table:


AS 1796 — 1993 — Certification of welders and welding supervisors (as amended).

AS 2129 — 1994 — Flanges for pipes, valves and fittings.

AS 2207 — 1994 — Non-destructive testing — Ultrasonic testing of fusion welded joints in carbon and low alloy steel.

AS 2700 — 1985 — Colour standards for general purposes (as amended).

AS 3688 — 1994 — Water supply — Copper and copper alloy body compression and capillary fittings and thread-end connectors.

A 53 — 93a — Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless.

A 105/A 105M — 93b — Standard Specification for Forgings, Carbon Steel, for Piping Components.


Land Conservation Council — Final recommendations to the Minister regarding the Melbourne and District 2 Review.


Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Alexandra Planning Scheme — Amendments L30 and L32.

Altona Planning Scheme — Amendment RL156.

Avoca Planning Scheme — Amendment L14.

Bacchus Marsh Planning Scheme — Amendments L33 Part 2 and L37.

Bairnsdale (Shire) Planning Scheme — Amendments L37 and L41.

Ballarat (City) Planning Scheme — Amendment L44.

Bannockburn Planning Scheme — Amendments L14, L15 and R11.

Barrabool Planning Scheme — Amendments RL10, R17 and RL1-SC.


Beechworth Planning Scheme — Amendment L24.

Benalla (City) Planning Scheme — Amendment L23 Part 1.

Bendigo Amalgamation Amendment.

Bendigo Greater Planning Scheme — Amendment L10.

Bendigo Planning Scheme — Amendments L41 and L44.

Berwick Planning Scheme — Amendments L61 Part 1, L63 and L69.

Box Hill Planning Scheme — Amendment L15.

Bright Planning Scheme — Amendment L38.

Broadford Planning Scheme — Amendment L12 Part 1A.

Broadmeadows Planning Scheme — Amendments L56 and L58.

Brunswick Planning Scheme — Amendment L10.

Bulla Planning Scheme — Amendments L70, L85, L90 and L99 to L101.
Camberwell Planning Scheme — Amendment RL156.
Castlemaire Planning Scheme — Amendments L8, L9 and L11.
Caulfield Planning Scheme — Amendments L15 and L31.
Charlton Planning Scheme — Amendment L3.
Chelsea Planning Scheme — Amendment L10.
Cobram Planning Scheme — Amendment L15.
Coburg Planning Scheme — Amendment L38.
Cranbourne Planning Scheme — Amendments L49 Part 1, L91 and L102.
Croydon Planning Scheme — Amendment RL156.
Dandenong Planning Scheme — Amendments L31 and L32.
Deakin Planning Scheme — Amendments L23, L27 and L29.
Diamond Valley Planning Scheme — Amendments L54 and L55.
Doncaster and Templestowe Planning Scheme — Amendment L58 Part 3, L68 and L69.
Echuca Planning Scheme — Amendments L21, L27 and L28.
Eltham Planning Scheme — Amendments L36 part 2, L41, L43 and 44.
Essendon Planning Scheme — Amendments L47 and L48.
Flinders Planning Scheme — Amendment L125.
Footscray Planning Scheme — Amendment L37.
Geelong Greater Planning Scheme — Amendments L12, L52, L76, R41, R51, R60, R61 Part 1, R67, R68, R77, R79, R81, R88, RL42, RL78, RL89 and RL1-SC.
Geelong Regional Planning Scheme — Amendments RL149 and RL1-SC.
Hampden Planning Scheme — Amendment L9.
Hastings Planning Scheme — Amendments L71 and L98.
Hawthorn Planning Scheme — Amendment L26.
Healesville Planning Scheme — Amendments L42, L44 and L47.
Heidelberg Planning Scheme — Amendment L65.
Heywood Planning Scheme — Amendment L11.
Horsham Planning Scheme — Amendment L49.
Huntly Planning Scheme — Amendment L30.
Karkaroo Planning Scheme — Amendment L2.
Keilor Planning Scheme — Amendments L58, L65, L70, L72, L74, L77, L78 and RL156.
Kilmore Planning Scheme — Amendment L71.
Knox Planning Scheme — Amendments L63, L65 and L74.
Kyabram Planning Scheme — Amendment L13.
Lowan Planning Scheme — Amendment L15.
Maldon Planning Scheme — Amendment L7.
Malvern Planning Scheme — Amendments L22 and L28.
Maryborough Planning Scheme — Amendment L21.
Melton Planning Scheme — Amendments L37, L42 and L46.
Metropolitan Region Planning Scheme — Amendments R120 and R121.
Mildura (City) Planning Schemes — Amendments L43 and L46.
Mirboo Planning Scheme — Amendment L12.
Moorabbin Planning Scheme — Amendments L37, L40, L42 and L47.
Mornington Planning Scheme — Amendments L49 and L50.
Morwell Planning Scheme — Amendment L45.
Myrtleford Planning Scheme — Amendments L29 and L30.
Nathalia (Shire) Planning Scheme — Amendment L5.
Northcote Planning Scheme — Amendments L29 to L31.
Numurkah Planning Scheme — Amendment L4.
Nunawading Planning Scheme — Amendments L42, L60, L67, L74 and L76.
Oakleigh Planning Scheme — Amendments L30 Part 2, L32, L33 and L36.
Otway Planning Scheme — Amendment L24.
Oxley Planning Scheme — Amendments L8 and L10.
Phillip Island Planning Scheme — Amendment L44, L45 and L52 Part A.
Port Fairy Planning Scheme — Amendments L8 Part 2 and L11.
Port Melbourne Planning Scheme — Amendments L1, L12 and L18.
Portland (City) Planning Scheme — Amendment L35.
Preston Planning Scheme — Amendments L45, L49 and L52.
Queenscliffe Planning Scheme — Amendments L12, R8 and R11.
Richmond Planning Scheme — Amendments L25, L29 and L30.
Ringwood Planning Scheme — Amendments L23, L24, L31 and L34.
Ripon Planning Scheme — Amendment L12.
Rochester Planning Scheme — Amendment L6.
Rodney Planning Scheme — Amendments L55 and L67.
Romsey Planning Scheme — Amendment L35.
Sale Planning Scheme — Amendments L23 and L25.
Seymour Planning Scheme — Amendments L31 and L32.
Shepparton (City) Planning Scheme — Amendments L39 and L45.
Shepparton (Shire) Planning Scheme — Amendments L57, L61, L66 and L68.
Sherbrooke Planning Scheme — Amendments L61, L78 and L79.
South Gippsland Planning Scheme — Amendment L29.
South Melbourne Planning Scheme — Amendments L69, L82, L84 and L88.
Springvale Planning Scheme — Amendments L37, L65, L69 and RL156.
Stawell (City) Planning Scheme — Amendments L25 Parts 1 and 2.
Stawell (Shire) Planning Scheme — Amendment L17.
Strathfieldsaye Planning Scheme — Amendments L2A Part 1B and L17.
Sunshine Planning Scheme — Amendments L59, L70 and RL156.
Surf Coast Planning Scheme — Amendments L12, L26, R21, R24 and RL22.
Swan Hill (City) Planning Scheme — Amendment L15.
Swan Hill (Shire) Planning Scheme — Amendments L10, L12 and L13.
Tambo Planning Scheme — Amendments L60 Part 1 and L61.
Traralgon (City) Planning Scheme — Amendment L50.
Traralgon (Shire) Planning Scheme — Amendment L47.
Tullaroop Planning Scheme — Amendment L7.
Tungamah Planning Scheme — Amendment L3.
Victoria — State Section Planning Schemes — Amendment S31.
Violet Town Planning Scheme — Amendment L5.
Wangaratta (City) Planning Scheme — Amendment L20.
Wangaratta (Shire) Planning Scheme — Amendment L15.
Waranga Planning Scheme — Amendment L11.
Warragul Planning Scheme — Amendment L28.
Warrnambool (City) Planning Scheme — Amendments L46 and L57.
Waverley Planning Scheme — Amendments L27, L44, L45 and L47.
Werribee Planning Scheme — Amendments L65 and L72.
Whittlesea Planning Scheme — Amendment L88.
Williamstown Planning Scheme — Amendments L18, L28 and L29.
Wimmera Planning Scheme — Amendment L15.
Winchelsea Planning Scheme — Amendment L2-SC.
Wodonga Planning Scheme — Amendments L57 and L66.
Yarrawonga Planning Scheme — Amendments L18 and L23.


Queen Victoria Medical Centre (Guarantees) Act 1982 — Treasurer’s notice of guarantees executed, 9 June 1994.

Richmond College of TAFE —
Minister for Tertiary Education and Training’s report of 26 July 1994 of failure of College to submit 1993 annual report to him within the prescribed period and the reasons therefor.


Statutory Rules under the following Acts of Parliament:

Annual Reporting Act 1983 — No. 71, together with a copy of Australian Accounting Standard AAS 4 — Depreciation of Non-Current Assets which, by section 32 of the Interpretation of Legislation Act 1984, is also required to be laid upon the Table.

Architects Act 1991 — No. 100.
Bees Act 1971 — No. 78.
Building Act 1993 — No. 81, together with copies of the following documents which, by section 32 of the Interpretation of Legislation Act 1984, are also required to be laid upon the Table:


AS 2601 — 1991 — The demolition of structures.

Victorian Code for Residential Development — Subdivision and single dwellings, Department of Planning and Housing, April 1992.


Building Code of Australia, 1990 — Amendment No. 5.

Co-operative Housing Societies Act 1958 — No. 75.
County Court Act 1958 — No. 75.
Court Security Act 1980 — No. 112.
Firearms Act 1958 — No. 120.
Fisheries Act 1968 — No. 115.
Food Act 1984 — No. 103.
Gaming and Betting Act 1994 — Nos. 122 and 123.
Legal Profession Practice Act 1958 — No. 98.
Magistrates’ Court Act 1989 — No. 125.
Marine Act 1988 — No. 111.
Meat Industry Act 1993 — No. 84.
Melbourne and Metropolitan Board of Works Act 1958 — Nos. 85 to 87.
Nurses Act 1993 — Nos. 117 to 119.
Occupational Health and Safety Act 1985 — No. 108, together with copies of the following documents which, by section 32 of the Interpretation of Legislation Act 1984, are also required to be laid upon the Table:


Australian Miniature Boiler Safety Committee Code —
   Part 2 — Steel Boilers — Briggs Type, 1987 (as amended).

AS 2593 — 1990 — Boilers — Unattended and limited attendance (as amended).

Parole Orders (Transfer) Act 1983 — No. 89.
Pay-roll Tax Act 1971 — No. 82.

Racing Act 1958 — Nos. 72 to 74 and 121.

Road Safety Act 1986 — Nos. 110, 126 and 127.
Stamps Act 1958 — No. 124.
State Electricity Commission Act 1958 — No. 102.
Stock Diseases Act 1968 — No. 79.

Tertiary Education Act 1993 — No. 96.
Transport Accident Act 1986 — No. 83.
Transport Act 1983 —
   Nos. 90 to 92;
   No. 93, together with copies of the following documents which, by section 32 of the Interpretation of Legislation Act 1984, are also required to be laid upon the Table:
Australian Design Rules —
   15/01 — Demisting of Windscreens.
   18/02 — Instrumentation.
   42/02 — General Safety Requirements (as amended).

58/00 — Requirements for Omnibuses designed for Hire and Reward.

No. 94, together with copies of the following documents which, by section 32 of the Interpretation of Legislation Act 1984, are also required to be laid upon the Table:
Australian Design Rules —
   18/02 — Instrumentation.
   42/02 — General Safety Requirements (as amended).
   44/02 — Specific Purpose Vehicle Requirements (as amended).

Valuation of Land Act 1960 — Nos. 77 and 106.

Water Act 1989 — No. 70, together with copies of the following documents which, by section 32 of the Interpretation of Legislation Act 1984, are also required to be laid upon the Table:
Australian Standards —
   AS 3500 — National Plumbing and Drainage Code —
      Part 4 — 1990 — Hot water supply systems.
   AS 1056 — Storage water heaters —
      Part 1 — 1991 — General requirements.
      Part 2 — 1985 — Specific requirements for water heaters with single shells.
      Part 3 — 1991 — Specific requirements for water heaters with composite shells.
      Part 4 — 1990 — Calculations of energy consumption.
   AS 1074 — 1989 — Steel tubes and tubulars for ordinary service.
   AS 1111 — 1980 — ISO metric hexagon commercial bolts and screws.
   AS 1112 — 1980 — ISO metric hexagon nuts, including thin nuts, slotted nuts and castle nuts.
   AS 1159 — 1988 — Polyethylene pipes for pressure applications.
   AS 1167 — Welding and brazing — Filler metals.
Part 2 - 1986 — Filler metal for welding.
AS 1170 - 1989 — SAA Loading Code —
Part 1 - Dead and live loads and load combinations (as amended).
Part 2 - Wind loads (as amended).
AS 1172 - 1993 — Water closets of 6/3 L capacity —
Part 1 — Pans.
Part 2 — Cisterns.
AS 1210 - 1989 — SAA Unfired Pressure Vessels Code (as amended).
AS 1218 - 1990 — Flushing cisterns.
AS 1252 - 1983 — High-strength steel bolts with associated nuts and washers for structural engineering.
AS 1260 - 1984 — Unplasticized PVC (UPVC) pipes and fittings for sewerage applications — Part 1 — Pipes; Part 2 — Moulded Fittings; Part 3 — Fabricated Fittings; Part 4 — Rubber Ring Expansion Joints (as amended).
AS 1275 - 1985 — Metric screw threads for fasteners (as amended).
AS 1302 - 1991 — Steel reinforcing bars for concrete (as amended).
AS 1319 - 1983 — Safety signs for the occupational environment (as amended).
AS 1345 - 1982 — Identification of the contents of piping, conduits and ducts (as amended).
AS 1357 - 1992 — Water supply — Valves for use with unvented water heaters —
Part 1 — Protection valves.
Part 2 — Control valves.
AS 1361 — 1973 — Automatic electric heat exchange water heaters (metric units) (as amended).
AS 1371 — 1973 — Toilet seats of moulded plastics (metric units).
AS 1397 — 1993 — Steel sheet and strip — Hot-dipped zinc-coated or aluminium/zinc-coated.
AS 1415 - 1984 — Unplasticized PVC (UPVC) pipes and fittings for soil, waste and vent (SWV) applications — Part 1 — Pipes; Part 2 — Moulded Fittings; Part 3 — Fabricated Fittings; Part 4 — Rubber Ring Expansion Joints (as amended).
AS 1428 — Design for access and mobility —
Part 1 — 1993 — General requirements for access — Buildings (as amended).
Part 4 — 1992 — Tactile ground surface indicators for the orientation of people with vision impairment.
AS 1432 - 1990 — Copper tubes for plumbing, gasfitting and drainage applications.
AS 1460 - 1989 — Fittings for use with polyethylene pipes —
Part 1 — Mechanical jointing fittings.
Part 2 — Electrofusion fittings.
AS 1477 — Unplasticized PVC (UPVC) pipes and fittings for pressure applications —
Part 1 — 1988 — Pipes (as amended).
Part 4 — 1988 — Post-formed bends.
AS 1546 — 1990 — Small septic tanks.
AS 1566 — 1985 — Copper and copper alloys — Rolled flat products.
AS 1589 — 1987 — Copper and copper alloy waste fittings.
AS 1628 — 1977 — Copper alloy gate valves and non-return valves for use in water supply and hot water services (as amended).
AS 1631 — 1974 — Cast iron non-pressure pipes and pipe fittings.
AS 1646 — 1992 — Elastomeric seals for waterworks purposes (as amended).
AS 1650 — 1989 — Hot-dipped galvanized coatings on ferrous articles.
AS 1691 — 1985 — Domestic Oil-fired Appliances — Installation (as amended).
AS 1722.1 — 1975 — Pipe threads of Whitworth form — Part 1 — Sealing pipe threads (metric units).
AS 1724 — 1975 — Cast Grey iron pressure pipes and fittings with bolted gland joints (metric units).
AS 1726 — 1993 — Geotechnical site investigations.
AS 1734 — 1986 — Aluminium and aluminium alloys — Flat sheet, coiled sheet and plate.
AS 1741 — 1991 — Vitrified clay pipes and fittings with flexible joints — Sewer quality.
AS 1756 — 1989 — Household sinks.
AS 1769 — 1975 — Welded stainless steel tubes for plumbing applications (metric units).
AS 1834 — Material for soldering —
AS 1910 — 1976 — Copper alloy float control valves for use in water supply and hot water services.
AS 2023 — 1989 — Baths for ablutionary purposes (as amended).
AS 2033 — 1980 — Installation of polyethylene pipe systems.
AS 2123 — 1978 — Slow delivery type automatic electric storage water heaters for dairies.
AS 2129 — 1982 — Flanges for pipes, valves and fittings (as amended).
AS 2280 — 1991 — Ductile iron pressure pipes and fittings.
AS 2396 — 1980 — Performance of household food waste disposal units.
AS 2419 — 1991 — Fire hydrant installations —
Part 1 — System design, installation and commissioning.
Part 2 — Fire hydrant valves.

AS 2441 — 1988 — Installation of fire hose reels.

AS 2492 — 1981 — Crosslinked polyethylene (XLPE) pipe for hot and cold water applications (as amended).

AS 2537 — 1982 — Mechanical jointing fittings for use with crosslinked polyethylene (XLPE) pipes for hot and cold water applications.

AS 2544 — 1982 — Grey iron pressure pipes and fittings.

AS 2566 — 1982 — Plastics pipelaying design.

AS 2634 — 1983 — Chemical plant equipment made from glass-fibre reinforced plastics (GRP) based on thermosetting resins.

AS 2638 — 1991 — Sluice valves for waterworks purposes (as amended).

AS 2642 — Polybutylene pipe systems —
  Part 1 — 1989 — Polybutylene (PB) pipe extrusion compounds.
  Part 2 — 1989 — Polybutylene (PB) pipe for hot and cold water applications.
  Part 3 — 1983 — Mechanical jointing fittings for use with polybutylene (PB) pipes for hot and cold water applications.


AS 2758.1 — 1985 — Aggregates and rock for engineering purposes — Part 1 — Concrete aggregates.


AS 2845 — Water supply — Backflow prevention devices —
  Part 3 — 1993 — Field testing and maintenance.

AS 2878 — 1986 — Timber — Classification into strength groups.


Methods of testing plastics waste fittings —

AS 2888.1 — 1993 — Method 1 — Method of determining the suitability of connection threads of BSP form.


AS 2941 — 1987 — Fixed fire protection installation — Pumpset systems (as amended).

AS 2950 — 1988 — Propylene copolymer pressure pipe.

AS 2977 — Unplasticized PVC (UPVC) pipes for pressure applications — Compatible with cast iron pipe outside diameters —
  Part 2 — 1988 — Post-formed bends.


AS 3142 — 1986 — Approval and test specification — Electric water heaters (as amended).

AS 3498 (Int) — 1993 — Authorization requirements for plumbing products — Water heaters (all types).


AS 3517 — 1987 — Capillary fittings of copper and copper alloy for non-pressure sanitary plumbing applications.

AS 3518 — 1988 — Acrylonitrile butadiene styrene (ABS) pipes and fittings for pressure applications —
  Part 1 — Pipes.
  Part 2 — Solvent cement fittings.

AS 3558.5 — 1989 — Methods of testing plastics and composite materials sanitary plumbing fixtures — Method 5 — Determination of degradation by ultraviolet light.
AS 3565 — 1988 — Meters for cold potable water.
AS 3571 — 1989 — Glass filament reinforced thermosetting plastics (GRP) pipes — Polyester based — Water supply, sewerage and drainage applications.
AS 3578 — 1993 — Cast iron non-return valves for general purposes.
AS 3579 — 1993 — Cast iron wedge gate valves for general purposes.
AS 3588 — 1989 — Shower bases and shower modules.
AS 3600 — 1988 — Concrete structures (as amended).
AS 3666 — 1989 — Air-handling and water systems of buildings — Microbial control.
AS 3672 — 1989 — Wrought steel threaded pipe fittings.
AS 3673 — 1989 — Malleable cast iron threaded pipe fittings.
AS 3688 — 1990 — Water supply — Copper and copper alloy compression and capillary fittings and threaded end connectors.
AS 3707 — 1989 — Method for testing pressure cycling resistance of pipes and fittings (as amended).
AS 3735 — 1991 — Concrete structures for retaining liquids.
AS 3795 — 1990 — Copper alloy tubes for plumbing and drainage applications.
AS 3855 (Int) — 1992 — Suitability of plumbing products for contact with potable water.
AS 3879 (Int) — 1991 — Solvent cements and priming fluids for use with unplasticized PVC (UPVC) pipes and fittings.
AS 3952 — 1991 — Water supply — DN 80 spring hydrant valve for general purposes (as amended).

AS 3982 — 1991 — Urinals (as amended).
AS 4020 (Int) — 1992 — Products for use in contact with water intended for human consumption with regard to their effect on the quality of water (as amended).
AS 4087 — 1993 — Metallic flanges for waterworks purposes (as amended).
AS CA56 — 1968 — Code of recommended practice for the construction of vitrified clay pipelines (up to and including 12 inch diameter with flexible or rigid joint systems).

British Standards —
BS 1564 — 1975 — Specification for pressed steel sectional rectangular tanks (as amended).
BS 4994 — 1987 — Specification for design and construction of vessels and tanks in reinforced plastics.
BS 5412 and BS 5413 — 1976 — Specification for the performance of draw-off taps with metal bodies for water services and Specification for the performance of draw-off taps with plastic bodies for water services —
Part 4 — Mechanical and endurance characteristics (as amended).
Part 5 — Physio-chemical characteristics: materials, coatings (as amended).
BS 5422 — 1990 — Method for specifying thermal insulating materials on pipes, ductwork and equipment (in the temperature range -40°C to +700°C).

American National Standards Institute and the American Water Works Association —

ANSI/AWWA — C651 — 92 — Standard for disinfecting water mains.

ANSI/AWWA — C652 — 92 — Disinfection of water-storage facilities.


Weights and Measures Act 1958 — No. 95.

Zoological Parks and Gardens Act 1967 — No. 80.


Tobacco Leaf Marketing Board — Report, 1 April 1993 to 31 March 1994.


Proclamations

Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 6 September 1994:

Compensation (Amendment) Act 1994 — Sections 3, 4, 5 (3), (4) and (6) (a), 10 to 12, 14, 21 to 25, 28, 31, 32 (2), 33 (2) and (3), 38 (1) (b), (d) and (e), and (3) (a), (d) and (f), 44, 46, 47, 54 (1) and (2), 55, 56, 59, 66, 68 to 75, 79, 80, 83 to 88, 90 (3) and (4), 92 (1), (4) and (5), 94 to 97, 100 to 105, 108 to 113, 114 (2), 115 to 117, 119 to 129 — 15 June 1994; sections 5 (2), (5), (6) (b), (8) and (9), 6 to 8, 9 (c), (d) and (e), 20, 26, 27, 29, 37, 38 (1) (a) and (c), (2), (3) (b), (c) and (e) and (4), 39, 40, 41 (3) and (5), 43, 45, 49, 50, 51, 53, 54 (3), 58, 62 (10), 63, 78, 81, 82, 91, 93, 98, 99, 114 (1) and 118 — 1 July 1994 (Gazette No. S37, 24 June 1994).

Building Act 1993 — Whole Act (except sections 24 (3), 57 (1) (b), 136 and 176 (1) (a) (iv) to (vii) and (d)) — 1 July 1994 (Gazette No. S42, 1 July 1994).


Electricity Industry (Amendment) Act 1994 — Sections 4 (2), 14 (1), 21 (1), 21 (3), 22, 24, 26 (1) (other than paragraphs (a) and (b)), 26 (2) and (3), 27, 28 (1) (other than paragraphs (b) to (g), (k), (n) to (p), (s), (t) and (v) to (x)) and 29 (other than paragraphs (a), (b) and (h)) — 21 June 1994 (Gazette No. S39, 29 June 1994); section 12 — 3 October 1994 (Gazette No. S57, 23 August 1994).


GOVERNOR'S SPEECH

Address-in-reply

The PRESIDENT — Order! I have to report that His Excellency the Governor attended the house this day and was pleased to make a speech, of which, for greater accuracy, I have obtained a copy. As the speech is printed, I take it that honourable members do not desire that I should read it to them.

I call on Mr Davis to move the address-in-reply and, following that speech, Mrs Wilding will second the motion.

Hon. P. R. DAVIS (Gippsland) — I move:

That the Council agree to the following address to His Excellency the Governor in reply to His Excellency's opening speech:

MAY IT PLEASE YOUR EXCELLENCY:

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to address to Parliament.

I have the honour to speak on the Governor's address, which is in a form slightly at variance from that of the last occasion when I had the opportunity to speak on it. Many of us were new in this place at that time and the usual courtesy of the house was extended to us. I suspect that that courtesy will not be extended to me this evening — I may have it from the opposition, but it does not sound as though I have it from my side of the house.

In contemplating what remarks to make this evening I thought it appropriate not to dwell on issues of substance relating to the performance of the government. From discussions on the budget to be brought down by the Treasurer in the Assembly tomorrow I am sure that in the coming budget session there will be plenty of opportunity for us to be entertained by comments from members on both sides of the house about their views on how the government has performed.

I therefore came to the view that there was an opportunity for some reflection, and by that I mean reflection upon my status as a member and upon the role of the Parliament and of this house.

It occurs to me that at this time, when at a commonwealth level much debate about the form of the constitution in Australia is being inspired, it is appropriate to recognise the ingress into areas of state responsibility that has occurred to the great detriment of the independence of state Parliaments.

This situation has evolved since 1983, having begun with the dams case. In August 1993 this Parliament dealt with land management issues and legislation relating to native title.

I also refer to the use of International Labour Organisation conventions to give a head of power for legislative reform in the industrial relations area, overriding state law. Further debate has resulted from the commonwealth's trying to find a head of power to support interference in the Tasmanian Parliament's legislative jurisdiction.

Hon. D. A. Nardella — Do you agree with that law?

Hon. P. R. DAVIS — I am glad that question has been asked. I place on record my belief in the autonomy of the states and Parliaments. My view therefore is that, as a Victorian member of Parliament and noting certain relevant statutes in this state, I believe we are protecting the individual liberty of Victorians, and therefore I can confidently
say that we have discharged the obligation of the Parliament.

It is important for me to put on record my concern about state legislative rights. It seems that the commonwealth is moving towards a centralist philosophy. I quote from Proverbs something familiar to all in the chamber — members see this proverb nearly every day:

Where no counsel is the people fall, but in the multitude of counsellors there is safety.

That says a great deal about the relationship between the states and the commonwealth and about something I believe to be fundamental to the structure of this Parliament: its bicameral nature.

I will deal with what I see to be a fundamental conflict: the hypocrisy of the Keating government in its use of the external affairs power. That power has been exercised in a number of fields, including recently in industrial relations reforms. The federal government has effectively, for convenience, chosen aspects of international treaties to argue compliance and ignored other aspects of the same treaties.

The federal industrial relations legislation specifically provides for preference to be given to unionists over non-unionists in all areas of employment. Discriminating in favour of unionists over non-unionists is not only morally reprehensible but also contrary to International Labour Organisation convention 87 on freedom of association and the right to organise. It is also contrary to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Unionism remains a fundamental plank of the Labor Party’s value system.

Hon. B. E. Davidson interjected.

Hon. P. R. DAVIS — As ably demonstrated by Mr Davidson, who chooses to interrupt this fine speech — my speech will just take longer — it is clear that the Labor Party is a noisy advocate of minority rights. It is clear that the Labor Party is a slave to the latest fad of political correctness. Individual liberty and freedom of association in the workplace are not fashionable forms of discrimination at present. Individual liberty and freedom of association in the workplace ought to be of paramount importance to the intelligentsia and to civil libertarians. Freedom to join an organisation impacts on the ability to negotiate terms and conditions of membership and consequently, through association, on terms and conditions of employment. To be compelled is to be imprisoned. I quote Nelson Mandela, who said on 25 February 1985:

Only free men can negotiate. Prisoners cannot enter into contracts.

Employers, especially major employers and employer organisations, are agents or enforcers of closed shop arrangements. To support that comment I shall draw attention to comments by that well-known labour movement figure, Clyde Cameron, who had much to say on the issue of individual liberty in the workplace.

I refer initially to the fact that there has been a substantial decline in trade union membership. Less than 30 per cent of the work force in Australia today has trade union membership. Again I put on record that, as a former official of an employer organisation, I have a fundamental belief in the value and benefit of employers and employees choosing voluntarily to associate to empower themselves in negotiating an employment position.

Hon. D. A. Nardella — On an equal footing?

Hon. P. R. DAVIS — Indeed, on an equal footing. I refer to an address given by Clyde Cameron at a seminar held on 16 August 1992 by the Australian Society for the Study of Labour History when he said, in part:

Another weakness in organised labour is that too many unions rely upon the boss to act as the debt collector of union dues. If I had my way I would make it unlawful for an employer to deduct union dues from a worker’s pay packet without that worker’s written consent. Moreover, I would make it an offence for a union to force an employee to give such consent under duress.

Mr Cameron continued:

When I was a union official we had to go out to where the members worked and explain that the basic wage, skill margins, annual leave, paid public holidays, sick leave, workers compensation, safety regulations, overtime payments, penalty rates, and the like were not the result of the voluntary generosity of the employing class, but had been won by the struggle of the union stalwarts of earlier days.
GOVERNOR'S SPEECH

Tuesday, 6 September 1994

COUNCIL

He went on to say:

I would always end with the peroration: 'It is far better to be in your union and not need its help, than to need its help but not be entitled to it!'

When a union deserves the support of its members, it will not need an award or a law to make union membership compulsory.

He concludes:

More than 20 years ago I predicted that the laws enforcing compulsory unionism and the practice of using employers as collectors of union dues would lead to a sickness that would find fewer and fewer employees being able to see the benefits of union membership.

On 26 July the Premier attended an employers' conference organised by the Victorian Employers Chamber of Commerce and Industry. He made reference to this problem of employers being, if you like, agents of the union movement. I quote in part an article from the *Australian* of 27 July:

Mr Kennett earlier told a luncheon that they had “wimped” on pushing industrial relations reform by going to ground when the Keating government introduced legislation allowing state workers to flee federal awards.

He is quoted as saying:

There's no point saying privately you want us to work in areas such as industrial reform and when we get to government and start doing it, you wimp it.”

Honourable members interjecting.

Hon. P. R. DAVIS — In my province there is a major employer called Australian Paper.

Hon. B. E. Davidson — Are they wimps?

Hon. P. R. DAVIS — You may well ask. Australian Paper has a substantial operation at Maryvale, near Morwell. In August 1994 Australian Paper started its annual plant overhaul. It is an interesting proposition that not only is that firm compelling its own employees to become members of the union irrespective of their individual liberty, but an advertisement placed in the Latrobe Valley newspaper *The Express* on Tuesday, 2 August 1994, refers to ‘contractor employees’. In part the advertisement states:

... you will be responsible for attending your local union office where you will establish your financial status.

4. The union office will stamp your card with the official union stamp which will ensure that you are financial.

5. You will be issued with a clear plastic card holder which will enable you to wear the stamped card in a visible position for all times you are on site.

I raise this issue because it is a classic example of the most blatant breach of division 5 of the Employee Relations Act and because it is an infringement upon the rights of the individual in the workplace. The company is nothing but an agent for the union movement; it is not just collecting dues — as perhaps would be reasonable by agreement — but in fact coercing not its own employees but employees of contractors to it to belong to an organisation with which they may have no affinity. I make no judgment whatever about the value of that membership, but it is up to the individuals concerned to make that assessment for themselves.

I, like Clyde Cameron, believe the terminal decline in trade union membership in this day and age is because trade union officials are too incompetent and too lazy to get out there and talk to their potential members.

Hon. D. A. Nardella — Weren't you a member on the rigs?

Hon. P. R. DAVIS — Thank you for raising that. I was a member of the Australian Workers Union because my employer, Esso Australia Ltd, compelled me to belong to that union. It was a condition of employment and a bloody disgrace — and I use that word with great passion.

Honourable members interjecting.

The PRESIDENT — Order! I realise that some of the things Mr Davis is saying may be provocative to some honourable members, but I ask them to hold themselves in check, otherwise we will never get through this debate. Honourable members will receive protection when they start on the same or similar subjects. I ask Mr Davis to return to the subject.

Hon. P. R. DAVIS — Thank you, Mr President. Now that I have finished my introduction, I urge that a prosecution be issued against this firm as an example to other employers to 'protect the fundamental individual liberty' of workers.
GOVERNOR’S SPEECH

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I turn to another fine example of a great employer in our midst, and some members present will be familiar with the matter I intend to raise tonight because, I have no doubt, they have had some personal association with the matter. I will present briefly a potted history of events that occurred in 1990, because it is not the point of the dispute but the point of the outcome of the dispute which is of concern to me. The dispute is the so-called Hoechst dispute.

On 20 August 1990 Mr Helmut Gries, a shop steward for the Amalgamated Metal Workers Union (AMWU), breached occupational health and safety procedures and security arrangements at the Altona chemical plant when he took a 60 Minutes journalist, incognito, into the plant processing area. On 30 August 1990, after a three-day investigation by management, Mr Gries’s employment was terminated because of that breach of security and safety. This provided a reason for some AMWU workers to strike.

On 10 September 1990 the Industrial Relations Commission ordered AMWU members to return to work. The union refused. The dispute widened. The Federated Ironworkers Association, the Electrical Trades Union and the Federated Engine Drivers and Firemen’s Association became involved. The Trades Hall Council secretary, John Halfpenny, entered the dispute on 10 October 1990. Members of the Australian Workers Union went on strike in sympathy.

Premier Kirner supported the strike action by visiting the picket line, which was the scene of intimidation of workers and gross violence.

Honourable members interjecting.

Hon. P. R. DAVIS — Do you support people being bashed? Do you support that as a trade union official? With great respect, Mr President, the facts are self-evident: all who claim to have knowledge of the dispute should be ashamed if they knew that workers who were going about their normal business were physically intimidated. Not only were some people physically harmed, but people were coerced into taking action they would not otherwise have taken.

Hon. D. A. Nardella — Do you support that?

Hon. P. R. DAVIS — I do not support thuggery! While that intimidation was occurring some of the workers who were continuing to operate the plant published an open letter to the press. That letter reads in part:

... we would have been happy to tell you that the majority of Hoechst employees believe the sacking of the AMWU shop steward was entirely justified. He deliberately sneaked someone on to our site ...

It doesn’t matter who it is, our security was threatened unacceptably.

Those people who were not involved in the industrial action on the picket line supported the position management had taken at that stage. The Victorian government was concerned. Mr White, who at the time was Minister for Industry and Economic Planning, advised the federal government that $600 million of investment in Victoria was at risk because of the nature of the dispute, the attitude of the unions and the effect it was having on the psychology of the marketplace.

The management of Hoechst subsequently engaged five new employees to assist other employees who were not on strike to continue operations. The managing director of Hoechst at the time, Mr Michael Pont, was reported as having stated:

The abuse, threats and intimidation of employees who are working have been incredible. Do you think we would retain loyal staff if we re-employed all the people who have manned the picket line?
This dispute was ultimately settled by the re-employment of the sacked workers, but not the sacked shop steward. The sorry affair concluded on 7 March 1994 with the Hoechst company showing its loyal employees how it rewards loyalty by sacking the five who were hired and worked through the strike. Their services were terminated pre-emptorily with three weeks pay in lieu of notice. It is important for the house to be aware that a report prepared by Mr Michael Pont stated that there had been no criticism of the work performance of the five strike breakers but that:

... the anti-scab feelings are still extremely intense.

The reality is that a handful of agitators in that workplace agitated to such an extent that the company failed to support people who supported it during an industrial dispute. Those workers are now being harassed in workplaces in the western suburbs. It is a disgraceful situation! I urge those workers to seek justice under the Equal Opportunity Act.

I refer to the Equal Opportunity Act because in a decision handed down on Thursday, 19 February 1987, in the matter of Franz Hein v Jacques Ltd the Equal Opportunity Board stated:

We find that Mr Hein was treated less favourably by Jacques Ltd than the company treated other employees who were members or prepared to become members of the AMWU.

It is with great shame that I bring before the house both this matter and the matter I mentioned previously. I have done so because it is important to recognise that some employers are not prepared to have a conscience and to care for people who support them. Those employers are at the root of the problems with industrial relations and individual liberty in the workplace. In many instances it is not by choice but by coercion by the employer that individuals in workplaces agree to join industrial organisations. The two cases I have mentioned are great examples of the culture of sycophancy towards the federal Labor government that is evident in Australia. Hoechst stands condemned for its action. Its treatment of the men concerned makes it a disgraced corporate citizen.

In conclusion, these issues go to the heart of the systemic paralysis of the labour market in Australia — the rigidity of the market for labour caused by the compliance of employers with overt and covert intimidation by the labour movement. I regard the liberty of the individual that is inherent in the right to associate or not associate as being at the forefront of any discussion on the right to work.

Hon. S. de C. WILDING (Chelsea) — I formally second the motion for the adoption of the address-in-reply to the speech of His Excellency the Governor.

I shall take a different tack to that of my colleague, Mr Davis. I should like to reflect on the current state of our communities and compare them with the way they were about two years ago.

The lack of direction and the absence of responsibility of individuals and groups were of concern. People were looking for and receiving handouts and were given little incentive to even try to achieve for themselves. We had become a society of receivers.

Honourable members interjecting.

The PRESIDENT — Order! I am finding it difficult enough to hear Mrs Wilding without honourable members interjecting. The interjections from my left make it impossible. I ask honourable members to desist and to allow Mrs Wilding to make her contribution.

Hon. S. de C. WILDING — People had come to expect someone else to do things for them. They were of the belief that everything would be okay, that they really did not need to be bothered.

Now society is different. People are waking up to the fact that they have to be responsible for themselves. They have to get out of their armchairs and do things for themselves if they want to achieve anything. That is precisely what is happening. Now people are not only looking for governments and government departments to be accountable but also acknowledging that they too must be subject to the same critical examination.

As Parliamentarians we have become more accountable. We are more in charge of the day-to-day running costs and responsibilities of our electorate staff and offices. We have accepted the challenge and are responding to the demands.

I am aware of many instances in Chelsea Province where challenges such as these have been met with enthusiasm. Many people have become too entrenched in the ways of the past and are unable to
comprehend how things must always be changing and evolving with progress.

One preschool in my electorate has been able to achieve much under the new guidelines. The committee of the Aspendale Gardens Preschool Association has accepted the challenge to manage with less; in so doing it has taken a business-like approach to the running of its kindergarten. Having realised that the preschool is a small business, the association is running it and trading as such and making a profit — with the full support of their staff, the committee of management, the parents and the children. The kindergarten has been so successful that it has competed for a small business award and has been recognised for its achievements.

Aspendale Gardens preschool is not the only community group that has accepted the challenge to improve and to take new directions. Many community groups have taken a new approach to the way they are doing business. Now they realise that to be successful they must implement best practice. They cannot wait for someone else to do things for them. They must accept responsibility for their own futures; and in so doing they are providing better and more varied services at more economical rates than previously. Most importantly, they value their results because they have achieved them through their own actions.

It has been proven many times that someone who receives something for nothing will not place the same value on it as someone who works for it. Our communities appreciate what they have.

During my contribution to the address-in-reply debate in October 1992 I said that the people saw a need for change, that they demanded an alternative because they wanted hope for the future. Hope is now evident because the latest figures from the Australian Bureau of Statistics have disclosed that 69,600 additional jobs have been created in Victoria in the past six months — more than in any other state. In the past nine months business investment has increased by 24 per cent, compared with decreases in most other states.

The aim of the Kennett coalition government has been to restore not only Victoria’s financial situation but also the confidence of all Victorians in their futures and in the futures of their children. Few people in our society have not been affected by the changes made by the government, which has achieved many of its goals — but there is still much to be done. At least Victorians can see that the processes instigated since October 1992 are working and that the government has much to be proud of.

Much has been achieved in Chelsea Province. A project at the TAFE College in Frankston has led to the construction of a $6.493 million building to house the automotive and metal fabrication facility. That massive project will be officially opened later next month and is a credit to all concerned. It will be a vast improvement on the cramped and substandard buildings used previously.

Educational opportunities in my province have also been improved. The closure of Aspendale Technical College and the decision by Mordialloc-Chelsea Secondary College to remain on the existing site mean opportunities will be provided to improve facilities at that secondary college. It was agreed that the transfer of the technology wing of the old technical school could significantly improve the availability of subjects at the college. That wing has been transferred to the college site. Also, it was recognised that the Mordialloc-Chelsea Secondary College was in need of major maintenance, and the allocation of $500,000 was made possible from funds received from the sale of old school sites in the region.

Another success story in my electorate concerns the Bonbeach Primary School. It was thought that the school would be forced to close because of changes in the education system. However, the school council was able to provide evidence of the need for its retention. That school continues to be a valuable part of the community. Enrolment figures have increased, and the school’s confidence in the future continues to grow.

The school council has experienced renewed enthusiasm in the school’s operations, and parents are playing an important role in the education of their children. They have accepted the challenge issued by the minister and his department and regard the challenges as opportunities rather than threats. Consequently the entire community is benefiting from a change in attitude to the education of its children.

Bonbeach Primary School is making unique progress and breaking new ground as a result of its most recent proposal. A local private preschool which closed at the end of first term this year due to internal problems left a number of children without a preschool facility near their homes. The authorities at Bonbeach Primary School hope to commence a preschool facility within the school grounds at the
beginning of 1995. To date they have accepted 36 enrolments for next year, and a number of parents have applied for 1996 enrolment for their children.

Much interest and support have been demonstrated for the adventurous proposal, which has the support of the regional departmental authorities, the local council and the school community. They regard the development of a preschool as an opportunity for young children to be educated in an area that will be familiar to them when they attend primary school. Also, they will be educated in a school close to their homes, in an environment that may already be familiar to them because of sibling attendance. The preschool committee and the school council regard the proposal as an opportunity to ensure that Bonbeach Primary School continues as a viable and important part of the Bonbeach community.

Everyone concerned with the project is enthusiastic. I certainly have encouraged and supported them in their initiative. If everyone adopts a commonsense approach and is not bound by red tape, this initiative may come to be regarded as one of the first joint education ventures in this state. I sincerely hope it will be successful and will achieve what the parents desire. It is certain to succeed because of its role in the Schools of the Future program.

Monterey Secondary College has been consolidated onto one site, the present junior school campus, and has been allocated more than $2 million to upgrade existing facilities to include a multipurpose area for use as a gymnasium, hall, and drama, dance and theatrette complex, which should cater for all student needs. The theatrette complex will operate as a joint community facility to provide the entire school community, including the local primary school, with access to facilities not now available.

The other facilities at the school, including basketball and tennis courts, will receive funding so that improvements may be effected. The school canteen has limited access, leading to overcrowding and unnecessary waiting. The canteen will be upgraded so that the college can provide students with an environment conducive to learning and with facilities from which the community can benefit and of which it can be proud.

There have been many other equally important achievements in Chelsea Province, including the construction of the $4 million bridge at Carrum as part of the state government's Better Roads program. The new bridge will replace the old bridge over the Patterson River, and it is essential from both an operational and a long-term safety aspect. The old two-lane bridge is in poor condition and requires regular and expensive maintenance. Netting had to be put underneath the bridge to prevent lumps of concrete falling off. The new bridge will be four lanes wide and will provide a safer area for cyclists, pedestrians and, of course, motorists.

The Victorian transport system has also undergone some changes. As I have always been a regular user of Victoria's public transport system, I am delighted with the proposed introduction of the automated ticketing machines that are to be installed later this year. The change will eliminate the opportunities for people to travel without buying a ticket, and the revenue increase will be of benefit to all Victorians. Our system will address the problem of fare evaders instead of losing millions of dollars.

In June 1993 the Nightrider bus service was introduced into the public transport system. It has been a tremendous success with young people in my electorate. Patronage has been excellent, so much so that in June 1994 the service was extended. It has been a wonderful initiative of the government and has been very well received by both young people and their parents because of its considerable safety advantages.

The Frankston railway station will be redeveloped. The development will offer an excellent opportunity to create a vibrant, bright atmosphere that will boost safety as well as providing important services to public transport users. The Frankston station proposal is to develop a multilevel car park and complementary retailing services on the site. It will provide a net increase in car parking bays and upgraded pedestrian linkages between the station precinct, Frankston College of TAFE and the shopping centre.

More people are being encouraged to use public transport, and a program aimed at revitalising suburban railway stations has been instituted. Chelsea railway station has become the launching station for The Stationeers — Right On Track program, coordinated by the Keep Australia Beautiful Council. It encourages community involvement in beautifying and maintaining railway stations. The aim is to develop community ownership and pride in local railway stations. Already members of the Chelsea community have adopted the railway station as their own. They work together to keep the area tidy and user friendly by
removing graffiti and by landscaping. They have also put planter boxes on the platforms.

Conservation plays an important role in our community. If our children are to have a healthy world to live in it is important to ensure that the environment is looked after properly. When I was a child there were swamps and drains; now we have wetlands and waterways. The important thing is that the areas are recognised for the part they play in our environment. I am fortunate to have in my electorate a group of people who are dedicated to the preservation of such an area. The members of the Edithvale-Seaford wetlands group are enthusiastic in their efforts to maintain the wetlands and they actively work for the enhancement of the old swamp areas. Their efforts have enabled residents and visitors to observe the wildlife of the wetlands, and they are providing the community with a valuable resource.

Chelsea Province is a diverse area, from the densely populated multicultural areas in Springvale to the broad acres of open paddocks towards Mornington. I am delighted to have had the opportunity to become involved in so many different communities. Recently I had the privilege of presenting Ethnic Affairs Commission grants to a number of senior citizen ethnic groups. Members of ethnic groups in our community play an important role in the development of our country as well as providing friendship and support to others who have chosen Australia as their home.

The care of those who are not able to look after themselves has always been of great importance to me, whether it be young healthy children abused by families or friends, or people who are physically or mentally handicapped. Each group relies on someone else for its day-to-day needs. It is our responsibility to ensure that those needs are met adequately. I am still striving to ensure that the responsibilities for which the government is answerable are addressed appropriately and delivered in a compassionate and caring way. Sometimes it may be too easy to dismiss a possible solution as too hard or too expensive. It is our responsibility to ensure that those whose lives are entrusted to us are given every opportunity to achieve their full potential, however limited that may be.

Recently I attended the annual general meeting of the former Moira Inc., a group that looks after severely handicapped children. The philosophy of this organisation is an example to us all. Moira Inc. changed its name and logo in recognition of the changing needs of our society, our government, and the children who have been in its care, many of them since they were little babies. It became Moira Child and Family Support. Its new mission statement, which reflects the anticipated diversification of its service delivery, is:

To maximise lifestyle options for children and young adults with disabilities, through a range of family-oriented support and developmental programs.

We still have a long way to go with our care and understanding of the needs of disabled people, but it is of vital importance that we always endeavour to find the best solutions and never adopt a single-minded attitude to their problems. Their needs are always changing, as are their situations. We must be prepared to change with the needs, as Moira has. The president of Moira cited a number of family situations that brought tears to the eyes of many of those who empathise with them — problems with children who through no fault of their own made it impossible for life to be normal or for parents to have a good night’s sleep because of the demands of children in need of special attention. Many families are in desperate need of assistance. Providing them with respite or in-home care is not always the answer and does not solve the problem. We must continue to search for ways to give families in crisis the assistance they need rather than providing them with the solutions we insist on offering them.

I am very fortunate to be involved with an organisation like Moira. My wish is that other children, young adults and families in difficult situations can be given the same assistance that my family and I have received, and that others have the opportunity to participate in such a loving and caring organisation.

I have given examples of communities that are willing to change, to accept that things must change, and to understand that to be a part of Victoria’s future we must be responsible for our own future and see changes as opportunities and challenges rather than as threats. I am proud of the example of these Victorians. I am proud of this Victoria. We are becoming confident. We are becoming proud again to say, ‘I am Victorian’. More of us will feel that way as the coalition government continues to focus on improvements for our future.
Debate adjourned on motion of Hon. C. J. Hogg (Melbourne).

Debate adjourned until next day.

Hon. R. I. Knowles (Minister for Housing) - I move:

That the Council, at its rising, adjourn until tomorrow at 2.30 p.m.

Motion agreed to.

Hon. R. I. Knowles (Minister for Housing) - I move:

That the house do now adjourn.

Roxburgh Park primary school

Hon. C. J. Hogg (Melbourne North) - My question is directed to the Minister for Tertiary Education and Training, representing the Minister for Education. I raise again the question of a commencement date for the building of a primary school for Roxburgh Park - a school, as I have said several times in the house, that will be desperately needed by its once estimated date of opening in 1996. I raise this issue because I am not certain that the Minister has been accurately informed of the numbers of primary school-age children who will need the school at that time.

Figures collected by the Shire of Bulla show that by 1995 it is projected that there will be 3400 residents in Roxburgh Park and that by the end of 1996 the figure will be more than 5400. These projections show every sign of being achieved.

If we now apply the government primary schools estimate - 0.27 - based on the resident surveys in Roxburgh Park and the projections I just mentioned, we find there will be 348 government primary school-age children by the end of 1995 and 510 by the end of 1996. The figures clearly indicate that, according to Directorate of School Education guidelines, there will be enough children to open a school in Roxburgh Park in 1996 despite the fact that the required figure of 250 may not be achieved in the actual planning year.

As ministers will understand, that may well be because of the burgeoning population growth that occurs in the outer suburbs. The figures that should be directed to the minister's attention are those for the end of the 1995 and 1996 years, which are 348 and 510 respectively. I ask the minister to direct the attention of the Minister for Education to the figures I have presented tonight.

Legislative Council: sitting days

Hon. D. R. White (Doutta Galla) - I direct to the attention of the Leader of the Government the number of Legislative Council sitting days. Since 1 December 1993 the Council has met for only 17 days. By the end of tomorrow we will have met for two days this week, we will not meet next week and we may meet for perhaps another six or seven weeks, which may mean that in total we will meet for between 14 and 20 days this session. I remind the Leader of the Government that on page 37 of Hansard of 16 April 1985 he is reported as saying:

As a matter of principle, Parliament should sit on a frequent basis. This institution exists for the people of Victoria and it should not be treated in the shabby and aloof manner that has been the hallmark of the Cain government. Parliamentary scrutiny of the cabinet and bureaucracy is essential. The current short sessional period will severely undermine the execution of this important task.

I remind the Leader of the Government that in 1985 Parliament sat for 41 days but that in 1994 it has sat for only 17 days. I ask the Leader of the Government how many days he intends the Legislative Council to sit this year. Two matters arise from that: firstly, his intentions with respect to the number of days; and secondly, the issue of his credibility regarding the sittings of the house.

The implication of what he had to say in 1985 was clear. As leader of the coalition parties in the Legislative Council he gave the clear impression that in 1985 it was grossly inadequate for Parliament to sit for 41 days - fewer than 50 days. The clear assumption can be made that the standards he set in 1985 - and he spoke on this topic on more than one occasion - created the expectation that when the coalition came to office Parliament would sit for at least 50 days. But in 1994 we have sat for only 17. If his credibility means anything to him, I ask the Leader of the Government what he is going to do about it.

Hon. M. A. Birrell interjected.
Electorate office security

Hon. T. C. THEOPHANOUS (Ika Jika) — I direct to your attention, Mr President, a matter relating to security in electorate offices. Over the past couple of years there have been occasions when security in our electorate offices has been a problem. That has arisen because of tension between various communities, which people are aware of and which led some time ago to the fire bombing of the electorate office of my colleague in another place Mr Andrianopoulos. Mr Pullen was involved in a knife incident in his electorate office.

Mr President, as well as the security problems experienced in various electorate offices, I have received a number of threatening telephone calls, which I made known to the police and to officers in this place. As a result of that an undertaking was given that security in electorate offices would be looked at.

The situation worsened considerably as a consequence of the government's decision to reduce the number of electorate staff from two to one for Assembly members and to change the way part A of the electorate allowance is spent. It is now virtually impossible for a member to put on a part-time person to work in his or her electorate office. When a female staffer is employed, as is the case in my electorate office, the issue of security, given all the other questions relating to the tensions that arise, is of great concern to me. I must say that my electorate assistant was distressed when she heard of the recent murder of John Newman, which has brought the issue of security into even starker focus and which I have to submit is the case in my office. For the reasons I have outlined, the issue should be given priority and attended to as a matter of urgency.

A review was undertaken: people from Parliament House came to my electorate office and looked at how security could be improved. But no action has been taken to improve security in electorate offices — including my electorate office. Mr President, we have reached the situation where, as a matter of urgency, I ask you and the other responsible officers to take up the question of security. This is particularly so where there are female electorate officers working on their own, often for long periods of time, and where underlying issues can come to the fore — which I have to submit is the case in my office. For the reasons I have outlined, the issue should be given priority and attended to as a matter of urgency.

Not only should security arrangements be improved in the layout of electorate offices, but the government should take up the issue of whether more than one electorate officer should be located in the offices, particularly those of shadow ministers and ministers who have to deal with difficult issues from people who come in and want to complain directly to the people they think are responsible for making decisions.

I urge the minister to take this issue up urgently and see whether something can be done to improve the situation. Given that people are talking about security, now is an opportune time for urgent action to be taken.

Compulsory competitive tendering

Hon. PAT POWER (Ika Jika) — I raise an urgent and important matter for the attention of the Minister for Local Government. During the parliamentary recess I had the opportunity of visiting a substantial number of metropolitan, provincial and rural municipalities facing the prospect of forced amalgamation that are becoming increasingly aware of the dangerous mechanism known as compulsory competitive tendering.

In all the municipalities I visited it was put to me by councillors and officers that the inclusion of depreciation in the calculation that needs to be made to determine the percentages of budget to be committed to tender is a major problem. It is
coincidental that today's Age contains a letter that addresses the concerns absolutely parallel to those that I heard about when I visited the municipalities. I will not read the letter, which the minister may not have had the opportunity to see because of today's events, but I will run through some of the issues it raises.

The letter arises as a consequence of a social-work student accompanying a Meals on Wheels team on its round. Under the competitive tendering arrangement currently in place the team won the new contract by cutting about one hour off the time taken by the previous operators. According to the letter, which is consistent with the experiences and fears I heard from councils, this cut in time was achieved by the people delivering the meals arriving at houses with the doors left open at pre-arranged times. The workers would run through the doors, announcing their arrival, leave the meals on the tables and run back to their vehicles. If, because of issues like a very cold day or a security concern, a householder did not leave the door open, the meal was simply left on the doorstep. This of course is in absolute contrast to the history of high quality of the Meals on Wheels service; frequently the visit by people delivering Meals on Wheels and the very brief conversation and contact they were able to have with the persons concerned was the only social contact that those people had all day, and the deliverers of Meals on Wheels were able to keep a check on their health and general well-being. The writer of the letter makes reference to this being an enormous price to pay for a saving.

I ask the minister to advise the house whether he is confident that under compulsory competitive tendering arrangements this claimed experience reported in the Age today will be a one-off experience. Can he give the house an assurance that the quality and style of service currently inherent in Meals on Wheels services will not suffer as a consequence of the introduction of compulsory competitive tendering?

Casino bonuses at brothels

Hon. JEAN McLEAN (Melbourne West) — I draw the attention of the Minister for Gaming to the speech of the national Leader of the Liberal Party, Mr Alexander Downer, called The Things That Matter, espousing the virtues of the federal coalition's policy regarding the family. Could the minister explain this government's policy regarding the family, given the fact that the government-sponsored casino, seen as the financial basis of Agenda 21, has authorised the redeeming of casino chips and wheel of fortune bonuses at local brothels? As a result of this policy the Top of the Town brothel claims a 30 per cent boost to its daytime trade.

Honourable members interjecting.

Hon. JEAN McLEAN — It was reported in the Age of 7 August 1994, and I have the article here. It is headed 'Brothels cash in on casino trade' and states:

Despite condemnation from the Premier, Mr Kennett — 'I think they do themselves a great disservice as I think they do the City of Melbourne a great disservice'—

by advertising as brothels. The fact remains that casino chips are being used to — —

Honourable members interjecting.

Hon. JEAN McLEAN — This is obviously part of Liberal Party policy — to promote brothels, especially in the daytime, for the workers.

Hon. M. A. Birrell interjected.

Hon. JEAN McLEAN — A lot of people in my electorate believe they are being threatened by the violence occurring in their families.

Hon. M. A. Birrell — There are no brothels in North Balwyn!

Hon. JEAN McLEAN — I ask the minister, who obviously thinks it is a great joke, what action the government will take to stop this very real threat to families.

Dandenong Ranges National Park

Hon. R. S. IVES (Eumemmerring) — The Minister for Conservation and Environment will be interested to know that maps submitted to the Local Government Board by the Shire of Lillydale show a stretch of land from Belgrave to Kalorama marked for future development in opposition to the regional strategy plan. The fact that the area includes great swathes of the Dandenong Ranges National Park is causing great local consternation. I would like the minister's assurance that the integrity of the boundaries of the Dandenong Ranges National Park will be protected.

Hon. M. A. Birrell — Who put this out?
Hon. R. S. IVES — The Shire of Lillydale. I ask what protection will be put in place to ensure that the strategy plan for the Dandenongs, with its emphasis on conservation, is maintained in the event of larger, amalgamated councils.

Natimuk conservation and natural resources depot

Hon. B. T. PULLEN (Melbourne) — I bring to the attention of the Minister for Conservation and Environment a letter sent to me by the Arapiles Landcare Group, signed by three members. The letter relates to the ‘intended closure’, as stated in the letter, of the Natimuk conservation and natural resources depot. The subject is topical and relevant to the point the minister made today. Landcare group members are concerned that the closure of the depot will have a considerable impact on their ability to fight the eradication of weeds and vermin and that the link between the department, the Landcare group and the local community has been built up over some time will be very much lessened. For instance, they are concerned that they will not be able to hire equipment from the depot as they have in the past to work collectively to attack the vermin they have mentioned, namely, rabbits, mice and fox.

They indicate that the formation of their Landcare group was due in great part to the efforts of the local conservation and natural resources officer. The depot will now be moved some 50 kilometres away from the area. They also point out that the district includes large areas of Crown land which require constant vermin and noxious weed control. That goes to the point of the minister’s answer to a question asked today. His answer concerned a good neighbour policy in addressing the problem of weeds and vermin on private land with a joint effort on public land. That makes good sense and many people have talked about that before.

How is the closure of the office justified; how is it consistent with a cooperative approach with farmers in attacking vermin and weeds; what is the reason for the closure; was any assessment made of the impact of the intended closure on the effectiveness of the Landcare group and the local community and, if so, what was the result of that assessment?

Responses

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — A number of matters have been raised with me. Mr White referred to sitting days and, in particular, how long this house will be sitting this year. He indicated that we have sat on 17 days this year — I take that on face value. He thought we might sit 14 to 20 days for the balance of the year, which would mean that we were sitting up to 37 days this year. I am not sure of that, but I will do some calculations. He asked how this compares to previous years. If it is 37 days, then it compares very favourably to previous years.

I shall give an example. Last year the Legislative Council sat on 46 days. Based on the statistics in front of me, the Cain and Kirner governments ensured that the upper house sat longer on only one occasion. We have had only one full year of a trial of how long the upper house sits under the Kennett government, and I understand that for that one full year we sat for 46 days, which was well over the average let alone the norm under the Cain or Kirner governments. There was no election that year. I assume that election years are sometimes different.

In 1992 the upper house sat for 35 days; in 1989, for 34 days; in 1988, for 32 days; in 1986, for 37 days; and in 1984, for 36 days. Those are the figures available to me at this time. In 1988, under what would have been the Cain government, under the glorious leadership of the Labor Party, the Legislative Council sat for only 299 hours or 32 sitting days. That was the shortest number of sitting days of the Legislative Council at any time since 1965.

The honourable member can choose whatever benchmark he likes, but the benchmarks of the Cain government indicate to me that the average number of sitting days for the Legislative Council between 1982 and 1988 — this is subject to confirmation — was 38 days. It would appear that our number is about average. Indeed, if the honourable member takes into account the only full year that the house has sat under the Kennett government, we are already ahead of the average. I am more than happy for the upper or lower house to sit for the time needed to properly judge bills and to debate popular issues. The performance of the Kennett government in this chamber sitting on 46 days in 1993 is part of that matter.

Hon. D. R. WHITE (Doutta Galla) — On a point of order, Mr President, I wish to draw to the attention of the house the fact that I did not raise a matter relating to the sitting days of 1993; I raised a matter relating to the sitting days of 1994 and said that the house had sat only 17 days and that there was little prospect of its sitting anything like
40 days. I also drew the attention of the house to the fact that in 1985 when we sat on 41 days the current Leader of the Government said:

As a matter of principle, Parliament should sit on a frequent basis. This institution exists for the people of Victoria and it should not be treated in the shabby and aloof manner that has been the hallmark of the Cain government. Parliamentary scrutiny of the cabinet and the bureaucracy is essential. The current short sessional period will severely undermine the execution of this important task.

Clearly 41 days was inadequate. My point of order is that the Leader of the Government, in his attempt to answer the question, is referring to 1993 rather than 1994 and not to the expectation that he created in 1985 when he said that this place was meeting too infrequently. He is attempting to use some semantic argument and is not attempting in any way to deal with his statement. We are talking about contempt of Parliament. He said in 1985 that it was totally inadequate for the Parliament to meet on only 41 days, yet now he is attempting to condone the meeting of the house for only 38 days.

I make it clear that there should be an expectation of the Leader of the Government to set an example and to respond to the expectation he created in 1985 when he said that it was inadequate for the house to meet on only 41 days. Now he is endeavouring to condone and justify his position.

The PRESIDENT — Order! Mr White can do that in the form of the motion before the house, but there is a limitation on the effect to which that can be put at this opportunity.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Concluding my answer for the benefit of Mr White: perhaps unlike members of his party, I am not prepared to rewrite history to suit the polemic of the argument. History stands to prove the fact that in the full year of operation under the Kennett government Parliament sat for 46 days — and we are quite proud of it. We had no objection at all to sitting 46 days. Indeed, we would probably have sat 146 days if needed. We would have been more than happy to do so!

Hon. D. R. White — But you have no intention of doing so this year.

Hon. M. A. BIRRELL — We have already sat for 17 days, and by your figures we may well sit 37. If we sat for 37 days — heaven knows, if your figures are correct — it would be longer than the Cain or Kirner governments sat in 1989, 1988, 1986 or 1984. Unfortunately my figures do not go back to 1983 and 1982. So once again our experience in 1993, let alone our commitment to exposure to Parliament, which we are happy to have, is one the government is proud of.

Mr Ives asked about the map of the Shire of Lillydale and local government changes. I do not have a clue about what is in that map. I can only say that if the shire has a map that in some way indicates that the Dandenong Ranges National Park will be developed, it is incorrect.

Mr Pullen referred to the Arapiles Landcare Group and the Natimuk conservation and natural resources depot, a small depot in Natimuk which effectively comes under the control of my colleague the Minister for Natural Resources. The principal outlook function is flora and fauna, so I will raise the matter with him.

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — Mrs Hogg once again raised with me the issue of the Roxburgh Park primary school. She quoted some figures that she says justify the opening of that school by 1996. She believes the figures may not have been accurately represented to the Minister for Education. I will certainly pass on Mrs Hogg’s comments to the Minister for Education and ask him to look at the
figures again in the light of what she has had to say, and I will give further consideration to this matter.

Mrs McLean asked about the government's policy on families. This government supports families. She raised the matter in the context of newspaper reports suggesting that brothels in Melbourne have been accepting chips from Crown Casino in some form or another. I do not know whether it follows from that that the casino condones that practice or in any way has anything to do with it. The point of the matter was a criticism of comments made by the Premier, who condemned the practice in the very words Mrs McLean read out, and I can do no more than endorse those comments.

Hon. R. M. HALLAM (Minister for Local Government) — Mr Power raised with me the issue of compulsory competitive tendering, which he described as being a more dangerous mechanism than amalgamations.

Hon. Pat Power — Local government described it as that!

Hon. R. M. HALLAM — If you are paraphrasing someone else, I am still happy to respond. I do not accept the description of dangerous in that context — it is quite mischievous.

Mr Power also raised two specific issues relating to the application of compulsory competitive tendering. The first is the depreciation of major assets. That issue has been raised with me on a number of occasions. I am happy to monitor the position very carefully, and I have given the industry an undertaking that I will do so. The point I make is that the level by which competitive tendering is to be tested — namely, the 50 per cent of expenditure — was chosen by the industry itself. I think it is almost — —

Hon. Pat Power — Are you saying they had you by the nose?

Hon. R. M. HALLAM — No. The way compulsory competitive tendering was developed is a very good example of cooperation. It was developed by a process involving all the peak organisations in local government and my department under the auspices of the Local Government Board. It was that process involving the industry itself which determined that a 50 per cent threshold should apply.

Hon. Pat Power — Including depreciation? They recommended that depreciation be included?

Hon. R. M. HALLAM — The issue of depreciation was raised after the event, and that is the point I make. I think it is a bit quaint that the industry should accept and promote the concept of a 50 per cent threshold and then subsequently qualify the definition of expenditure.

Hon. Pat Power — Are you accusing local government of being a bit quaint and coy?

Hon. R. M. HALLAM — No. We will monitor compulsory competitive tendering, and I have given a personal commitment that I will not have an important concept put at risk because of the question of whether we include or exclude depreciation.

I also put on the record that, as Mr Power would know, competitive tendering is to be phased in very carefully: 20 per cent by 1 October this year; 30 per cent by 1 October in 1995; 50 per cent — —

Hon. Pat Power — By Kennett commissars.

Hon. R. M. HALLAM — I will not respond to that cheap shot. It will be 50 per cent by 1 October 1996 — —

Hon. Pat Power — In the total absence of elected representatives!

Hon. R. M. HALLAM — The point I make is that that will give me ample opportunity to meet my commitment to monitor the application of the process.

The honourable member then went on to quote a letter that appeared in today's newspapers, ostensibly implying that there is some reflection on the standard of service of Meals on Wheels and compulsory competitive tendering, which I find mystifying to this degree — —

Hon. Pat Power — I did not say 'compulsory'. I said 'competitive tendering'.

Hon. R. M. HALLAM — I must confess I am mystified to this degree: the concept of compulsory competitive tendering has not been introduced, so if someone is now arguing that the rules for competitive tendering had an impact on the standard of service, that someone is actually taking a great deal of licence. Let me make the point that
there need be no direct connection between competitive tendering and the standard of any particular service. What I argue is that, with the improved efficiency I know will be achieved through competitive tendering, the standard of local government services will be dramatically enhanced.

The PRESIDENT — The Leader of the Opposition raised with me the important question of security of electorate offices. We are trying to work through this matter with some sort of method. Firstly, we ensure that any new office acquired by the Parliament as an electorate office has basic facilities, such as a counter to separate the customers from the staff, which were not present in many early offices. Secondly, as part of the renewal arrangements, as leases come due we are endeavouring, if we can, to get landlords to do those things. Thirdly, in respect of specific problems I give the example of my own office. Following a couple of unfortunate and quite frightening episodes for my staff, I called in a local representative of the police force who made some recommendations. My office had no counter to separate staff from customers, and through the House Committee I was able to get a counter put in. Because Mr Hallam’s office is nearby, we have an alarm system which, in addition to setting off an alarm in my office — it makes the most almighty noise, which can frighten people off — can also operate as a silent alarm that goes off in Mr Hallam’s office, and vice versa. That system, which services the two offices, was a relatively cheap option, costing something like $1400.

The Parliament has substantial funding for capital works for security purposes. I am disappointed to hear that an assessment was made at Mr Theophanous’s office but that nothing has been forthcoming. I will follow up that matter tomorrow. Funding has been provided to us by the government for this purpose and we are working through that situation.

On the question of staff, we are funded only to the extent of one electorate officer or a couple of officers sharing one job. Honourable members will be notified either this week or next of details of new global budgeting arrangements under which they will able to determine their priorities on that issue. It is interesting that some members have substantial amounts of money to carry over from what was Part A and that that is their priority — they are saving for a particular purpose. Members will have a lot more flexibility. Obviously it would be handy if we all had another member of staff. However, I am not aware of any funding that is forthcoming for that purpose.

Hon. B. T. Pullen — This is a safety issue.

The PRESIDENT — I understand what Mr Pullen is saying and that is why, as a Parliament, we are trying to fix it up as well as we can with alarms. I recall Mr Pullen’s situation. It may have been of some assistance in that case if alarms had been available. I am not sure whether the honourable member had a counter in his office.

Hon. B. T. Pullen — If we had not been there I believe the woman involved, who was my electorate assistant, could have been seriously injured. We came to her aid within 40 seconds, and she had already been knocked down in that time. An alarm would not have helped.

The PRESIDENT — As I say, we are getting professional assessment by local police. Certain policemen are trained in this sort of thing. If an overwhelming case can be put forward for some other approach, which may require an approach to the government, we will look at that.

In relation to Mr Theophanous, I shall ensure that the House Committee responds fairly shortly to whatever the study led to in his case.

Motion agreed to.

House adjourned 10.34 p.m.
The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.33 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

City of Stonnington commissioner

Hon. D. R. WHITE (Doutta Galla) — The Minister for Regional Development will recall that in a debate in this house in 1990 on Tricontinental Corporation Pty Ltd he apportioned blame for the maladministration of that company. As reported at page 1875 of Hansard of 30 November 1990 the minister refers to what happened with Tricontinental:

... it reveals ... the enormity of the maladministration ... and the lack of judgment at both Tricontinental and the State Bank.

He also said the former directors of Tricontinental should be held responsible for the outcome.

As the minister will be aware, when Mr Neil Smith resigned as the Chairman of Tricontinental Corporation Ltd, the current Minister for Industry and Employment in another place, Mr Gude, asked the then Labor government whether it would ensure Mr Smith held no other positions and called upon the government of the day to ask him to resign from his chairmanship of the Gas and Fuel Corporation.

In that context, I therefore ask the minister how he reconciles those comments he and his ministerial colleague Mr Gude made in 1990 with the appointment of Mr Neil Smith, who is aged 73, as a commissioner for the City of Stonnington?

Hon. R. M. HALLAM (Minister for Regional Development) — I do not actually recall the precise nature of the quotations in 1990, or whenever it was.

Hon. D. R. White — I will hand them to you, if you like.

Hon. R. M. HALLAM — No, I will take your word for it.

Hon. D. R. White — I have got extracts from Hansard for you.

Hon. R. M. HALLAM — Thank you. For what it is worth, it sounds very much like something I would say.

Hon. D. R. White — More than that, you acknowledge that you did say it.

Hon. R. M. HALLAM — I am not surprised by being told I said that at the time. I actually think it was quite an appropriate comment. However, that is where the issue should rest. It is quite inappropriate for Mr White to continue with a character assassination.

Hon. B. E. Davidson — Which you started.

Hon. D. R. White — And Gude continued! You were part of the character assassination.

Honourable members interjecting.

Hon. D. R. WHITE (Doutta Galla) — On a point of order, Mr President, I take exception to the minister’s saying I am part of the character assassination of Mr Neil Smith. If anyone commenced a character assassination —

Hon. M. A. Birrell interjected.

The PRESIDENT — Order! A member is entitled to raise a point of order. If the point of order is disagreed with, any honourable member on the opposite side can get up and say so — but not while the point of order is being made.

Hon. D. R. WHITE — If anybody has attempted a character assassination of Neil Smith, it is the minister. I take exception to his saying that I am part of the character assassination of Mr Smith. I ask him to withdraw.

Hon. J. V. C. GUEST (Monash) — On the point of order, Mr President, I wish to object. Perhaps Mr White is being too clever by half in trying to get himself into Hansard by making some untrue comments about what the minister was saying. Indeed, he has completely deviated from what might be a reasonable question.

Hon. D. R. White — It is already in Hansard. What are you talking about?
The PRESIDENT — Order! There is no point of order. A member who believes he or she has been misquoted may make a personal explanation. Mr White has made his point in another way.

Hon. R. M. HALLAM (Minister for Regional Development) — If the honourable member took exception to my saying he was conducting a character assassination, I am happy to withdraw.

Hon. D. R. White — I am making clear what you did in 1990. You were part of the character assassination.

Hon. R. M. HALLAM — How many times do you have to say it?

Hon. D. R. White — Make it clear who is involved in character assassinations — you are!

Hon. R. M. HALLAM — Nothing in the question asked by Mr White suggests that I ever mentioned Mr Smith’s name in talking about the incident he now relates. I was then suggesting in a generic way that directors should be held responsible for their actions. I stand by that. Why did Mr White not quote the name of Mr Smith in reference to the question? I did not mention the directors by name, Mr White. I did not mention Mr Smith.

Hon. Pat Power interjected.

Hon. R. M. HALLAM — I stand by what I said, and I am happy to repeat it for your edification, Mr Power. Directors of public companies should be held responsible for their performance. That has not changed. The honourable member’s suggestion that Neil Smith is unappointable forever and a day is incredibly unfair given that his government appointed Mr Smith to several senior positions. For what it is worth, Neil Smith is a very appropriate appointment as a local government commissioner.

Compulsory competitive tendering

Hon. B. N. ATKINSON (Koonung) — During the last session, Parliament passed legislation introducing compulsory competitive tendering for local government. I ask the Minister for Local Government to inform the house of the progress on this reform initiative, including the recent launch of the compulsory competitive tendering procedures manual, giving some indication of the role it will play in aiding local government to implement this important initiative?

Hon. R. M. HALLAM (Minister for Local Government) — I thank Mr Atkinson for his question and for his interest in this very important reform measure. On 22 August I was delighted to be invited to launch a compulsory competitive tendering procedures manual, which was developed by people in all the organisations in local government, including the Municipal Association of Victoria, the Metropolitan Municipal Association, the Institute of Municipal Engineering Australia and the Institute of Municipal Management. The consultation process also included the trade union movement.

The working party undertook a quite exhaustive round of consultations and sought comments on the draft prior to its launch. It seemed to us that it was very important to get all the key players involved in this reform initiative. I am delighted to see the sort of cooperation that took place. What the government was trying to do then — and remains convinced is the most appropriate method — was to balance the issue of regulation with that of autonomy. The manual of which the honourable member speaks is part of that process.

It is true that a number of local governments have argued for a greater degree of regulation. I acknowledge that there is room for that argument. I remember saying at the time that the issue of compulsory competitive tendering was debated in the chamber that the government reserved the right to introduce greater regulation should that become necessary.

At the time I also made the point that the model we were adopting in local government had not simply been lifted from New Zealand, Great Britain, the United States or anywhere else, but in fact we were quite happy to take on board the benefit of the experience in those other countries. I am not too proud to suggest that we have lifted the best of the ideas we could find in those countries. As a matter of some pride I can report, having looked at the operation of local government, particularly in Great Britain, that I suspect what we have developed in relation to competitive tendering will be exported in later years.

The bottom line is this: we are opening to private competition something like $1 billion worth of enterprise in local government. That will do an enormous amount to improve and enhance the level of competition and the issue of efficiency.
I can report that the leaders in local government, the people whom we respect most highly, see the issue of competitive tendering as a great leap forward. The benefit will be real and quantifiable, and I firmly believe it will be lasting.

In conclusion, I generally commend the leaders of local government for their efforts to secure a better deal for the ratepayers of this state.

**Local government elections**

**Hon. PAT POWER** (Jika Jika) — Does the Minister for Local Government agree that communities are very anxious to see elections conducted for councillors in Victoria’s new municipalities at the very earliest possible time? Can the Minister advise the house of the date he has set by which elections will have been conducted in all new municipalities?

**Hon. R. M. HALLAM** (Minister for Local Government) — I do not accept the premise that Mr Power puts to me, that Victorians generally are agitating for an early return to local government elections.

**Honourable members interjecting.**

**Hon. R. M. HALLAM** — While the government will not be persuaded by the messages that are coming through, on balance there is an even clearer emphasis upon the need for commissioners to get the job done before there is a return to elected councillors. I repeat: the government is not persuaded by that argument and will return to elected councils as quickly as possible.

**Honourable members interjecting.**

**Hon. R. M. HALLAM** — In respect of the Surf Coast and the City of Greater Geelong, the election date has been set for March of next year.

**Hon. Pat Power** — In concrete?

**Hon. R. M. HALLAM** — It has been set and it has been announced. I am not sure what you mean by ‘in concrete’. If you are looking for a commitment, I have put it on the record here and announced the date for an election in Surf Coast. In fact from memory I believe I actually set that at the time I appointed the commissioner in Surf Coast. I am not sure what Mr Power is implying.

The date of the Geelong election has already been set. In other areas, I said at the time the announcement of the appointment of commissioners was made that we would seek the advice of the commissioners as to the most appropriate time for the setting of elections.

**Hon. Pat Power** — You won’t show any leadership!

**Hon. R. M. HALLAM** — I will let that cheap shot go through.

**Honourable members interjecting.**

**Hon. R. M. HALLAM** — I have in the past few days —

**Hon. Pat Power** interjected.

**Hon. R. M. HALLAM** — How many questions do you want?

**Honourable members interjecting.**

**Hon. Pat Power** — You are going to be told by Peter Ross-Edwards when the elections will be!

**The PRESIDENT** — Order! Mr Power, you cannot expect to get your answer if you continue to interrupt the minister. Hold your peace and let the minister answer the question.

**Hon. R. M. HALLAM** — I announced at the time that we would be seeking the advice of the commissioners as to the most appropriate time for the elections. I remind the honourable member that in fact the charter given to the commissioners varies dramatically from place to place and the timing will depend to a large degree on the nature of that role, given that it might involve very difficult subdivision issues, a revaluation of the entire municipality, and negotiations in respect of the transfer of assets. That will vary from place to place.

I stand by what I said at the time: that it is entirely appropriate to seek the advice of the commissioners on the timing of the election.

In the past few days I have written formally to the commissioners in Melbourne and sought that advice and I will be working through that in the next few days. I think the honourable member has misjudged the message that is coming through from local government. I am intrigued by what he is apparently on about.
As a matter of interest, I happen to have with me an extract from my own local paper, the Hamilton Spectator, dated 3 September, in which the honourable member is reported to have said:

The government must now ensure that the commissioners perform only caretaker roles and that elections are conducted in the eight new municipalities by March next year.

I see that as a quite different message coming from Mr Power from the one he would have had the chamber take on board in the past. I wonder if he has checked the issue of March elections with his leader. I wonder if he is now advocating a change in policy with respect to commissioners. Up to now he has suggested that it was quite inappropriate to be appointing commissioners and that in fact the transfer of the municipalities could be supervised by the councils themselves.

Can I take it from the quote here, Mr Power, that you have changed tack and that you are now advocating that there be commissioners appointed and that we simply go to March of next year for elections?

If that is the case, I suggest you hold your counsel until I receive from the appointed commissioners the advice on the election date because it may well be that the advice is that elections be held prior to March.

I wonder, in the light of the question the honourable member now puts to me in this chamber, whether he has changed his policy, whether he has the support of his party colleagues for his support for commissioners and whether he is now advocating that elections be held in every municipality in March of next year. If that is the case, I invite him to put it on the record.

Arts organisations funding

Hon. G. R. CRAIGE (Central Highlands) — Will the Minister for the Arts please inform the house of recent government initiatives to improve funding arrangements for arts organisations?

Hon. HADDON STOREY (Minister for the Arts) — I thank the honourable member for his question. Mr Craig has always had a keen interest in arts matters and has worked very hard to achieve more funding for arts organisations in Victoria.

I am pleased to be able to tell the house that another 29 organisations have been added to the triennial funding program for non-government bodies funded through Arts Victoria. Honourable members may remember that last year a triennial funding pilot program was introduced for 10 of the largest arts organisations in Victoria including the Melbourne International Festival, the Victoria State Opera, the Playbox Theatre Centre and so on. That has proved to be extremely successful and has been welcomed by those arts organisations.

For instance, it has meant that the Melbourne International Festival has been able to start putting together a program three years ahead of time, something it had never been able to do in the past. The funding program gives a degree of continuity and stability. Having regard to the success of the program since its introduction last year, I decided to extend it to another 29 organisations. That means that 63 per cent of the funding that goes to non-arts organisations will go through triennial funding, so it has now become a very major part of the triennial funding program.

It also means that a major part of Victoria’s arts organisations are assured of continuity and stability over the next three years — and that is a progressive thing as funding continues and rolls over each year. Those organisations can now plan ahead and take risks with confidence. It is very important that these organisations know they do not risk losing everything, with no assurance of funding for the following year, if they engage in some experimental theatre, for instance, or put on some projects that in time to come may form part of an agenda for the whole community.

Examples of the organisations that will benefit this year are the Handspan Theatre, the Fringe Festival, the Australian Ballet, the Dancers Company, Musica Viva and Circus Oz. Of course, regional Victoria has a share in this with Hamilton Art Gallery, Bendigo Art Gallery, Mildura Art Centre, Warrnambool Performing Arts Centre and a number of others. This will mean that Victoria’s cultural structure and organisation will make better progress than ever and will further enhance the state’s reputation as the cultural leader of this nation.

Elderly person accommodation

Hon. LICIA KOKOCINSKI (Melbourne West) — Will the Minister for Aged Care please assure the house that older tenants in housing ministry homes
will not be forcibly required to relocate to smaller units?

Hon. R. I. KNOWLES (Minister for Aged Care) — This is an important issue because there are about 4500 single tenants living in family accommodation, which reflects the inappropriate profile of public housing stock in this state. At the present time — this has been the case for the past few years, and it will continue over the next few years — the emphasis is on building more elderly person accommodation to enable those who want to move from family accommodation to elderly person accommodation to do so, thereby freeing family accommodation for the families on the waiting list. There has been speculation in recent times about a change in that policy. That is not being considered by the government. We have been able to provide alternative accommodation, and we are continuing to encourage — —

Hon. T. C. Theophanous interjected.

Hon. R. I. KNOWLES — You encourage them by offering them appropriate accommodation. Generally speaking, whenever new elderly person accommodation is built it is eagerly sought after. At the time the department took the opportunity to move those people out, thereby, as I said, freeing up family accommodation. It is an issue that has to be confronted because we are talking about the management of a scarce public resource. There are people on the waiting list who are in dire straits. Therefore the obligation is on us to try to develop a system that encourages the equitable distribution of that scarce public resource and ensures that all people have access to a system of appropriate and affordable shelter.

Rural fire brigade vehicle registrations

Hon. P. R. DAVIS (Gippsland) — I direct my question to the Minister for Roads and Ports. I understand that changes in vehicle registration procedures have resulted in higher fees for vehicles owned by rural fire brigades. As a longstanding member of the rural fire brigade of Giffard West, I ask the Minister for Roads and Ports whether he is able to advise whether this new charge will be reviewed?

Hon. W. R. BAXTER (Minister for Roads and Ports) — Mr Davis has asked an excellent question because it raises a matter of considerable concern in country Victoria, and rightly so. As Mr Davis said, earlier this year some changes were made to simplify motor vehicle registration procedures and to implement the government’s policy of assisting business. That led to some reductions in charges for certain categories of vehicles. It also led to a reduction in the number of categories, hence the simplification. However, one of the unintended consequences of the process of redrawing the regulations was that brigade-owned vehicles which had previously either been exempt from the registration fee or attracted only a token fee were caught up in the process and charged at the standard rate. That was not intended at all, so I have taken action in concert with the Treasurer to have the situation reviewed.

It will revert to the former situation, under which brigade-owned vehicles did not sustain the standard fee. Brigades that paid the increased registration fees on 1 April will receive refunds so that everyone is on the same basis. I think it would be quite untenable if volunteers in rural fire brigades in particular, who put their own lives at risk, who give up their own time to protect the public as well as private property and who also maintain those vehicles week after week were forced to conduct chook raffles and the like simply to pay the registration charges. I regret that the matter has arisen, but I am pleased that we have been able to take action to rectify it quickly.

Springvale bypass

Hon. B. W. MIER (Waverley) — The Minister for Roads and Ports will be aware that the southern portion of the Springvale bypass is to be opened to traffic later this year — or very shortly, because I do not think the opening is long off. It will complement the earlier work done to extend Westall Road from Centre Road through to the Princess Highway. As a result, Westall Road between Heatherton Road and Centre Road will be inadequate to carry the traffic that will flow from the southern portion of the bypass. Unless the Westall Road planned improvement proceeds without delay the additional traffic will also severely impair the amenity of the abutting residences. Can the minister give an assurance that sufficient funds will be available in 1994-95 to upgrade the section of the Westall Road referred to?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The question from Mr Mier is about a specific section of road. I am not in a position to carry in my head the details of every road project in the state of Victoria.
Hon. D. R. White — Not like Lindsay Thompson.

Hon. W. R. BAXTER — Not all of us claim to have the mental capacity of Mr Lindsay Thompson. Nevertheless I am aware of concerns even in the locality Mr Mier refers to. In fact I received a deputation from interest groups in that area some months ago.

I am currently going through the various priorities. I am sure Mr Mier would understand that there is a list as long as your arm of desirable road improvements throughout the state, including the metropolitan area and the area he represents. At this stage I am unable to give a concluding view on when funding might be available for that project, but I acknowledge its importance.

Home and community care services

Hon. S. de C. WILDING (Chelsea) — Will the Minister for Aged Care inform the house of any initiatives to further improve and strengthen home and community care services in Victoria?

Hon. R. I. KNOWLES (Minister for Aged Care) — I have previously advised the house of the government’s concern to ensure that it achieves better value from the funds made available from the home and community care (HACC) program.

In Victoria the program is structured differently from other states, which has led to significant benefits, particularly through the involvement of local government and its adoption of a strong role in the planning and delivery of many of those services. It has also attracted more than $30 million from local government.

However, it has had some limitations. Older people and younger people with disabilities, those from non-English-speaking backgrounds and Kooris have not been as well served by the HACC program as they should have been. Municipal boundaries are often significant in terms of whether people are able to access services. Finally, people whose needs are quite complex often find the program does not meet their needs because it is not as flexible as it should be.

As a result of these concerns the government has developed an options paper which I released for comment in July and which suggests that there is a need to focus on two particular aspects. The first is the basis on which services are funded; there is a strong suggestion to move away from a service based on funding inputs to one that actually funds outcomes. There is a suggestion that we should develop unit costing that allows for funds to be made available as a result of services being delivered: therefore the consumers of those services will be significantly more influential than is currently the case.

The second area is the way the program is structured and managed. As we move through the restructure of local government we see that in many areas it is establishing quite large units which will provide a better basis for the delivery of those programs. It is important to acknowledge that there are municipalities that do not accord HACC programs the same priority as other municipalities do. In those areas there ought to be an opportunity to select other providers that might well manage the HACC program. A number of interesting proposals are being developed to look at alternative organisations taking over — it may be by contractual arrangements from local government — to manage and deliver home and community care programs in that catchment area.

The options paper has been developed after much consultation with both the Municipal Association of Victoria (MAV), the Council for the Aged and the commonwealth government to try to ensure that we get an appropriate range of options for discussion.

At present regional forums are being organised between the department and the MAV to elicit responses to the options paper. Organisations and individuals have until the end of September to make submissions, which will then be considered with a view to developing a more definitive statement which I trust will be available before Christmas this year as an indication of the government’s approach.

I commend the options paper to those who are interested in this area. It is a way of getting better value out of the $170 million that is made available annually by the commonwealth and state governments for HACC services.

Taxis: fare increases

Hon. JEAN McLEAN (Melbourne West) — Will the Minister for Aged Care please advise the house what measures his government has put in place to protect older Victorians, particularly those on pensions, from the effects of the large increases in taxi fares?
Hon. R. I. KNOWLES (Minister for Aged Care) — This is a matter that comes within the jurisdiction of the Minister for Public Transport in another place, and I will refer Mrs McLean’s question to him for a reply.

Disused railway lines and reservations

Hon. G. H. COX (Nunawading) — Considering that the tourism ministry has put a lot of effort into providing facilities for visitors to this state, will the Minister for Conservation and Environment advise the house what steps are being taken by the government and his ministry to create opportunities for the use of Victoria’s disused railway lines and reservations?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I am pleased to provide the house with information on the government’s initiative to maximise ecotourism opportunities from the state’s extensive network of disused railway lines.

There are more than 60 disused railway lines which traverse some of Victoria’s most spectacular landscapes. Under the government’s new Rail Trails program many of those old lines will now be used as attractive and safe off-road environments for walking, cycling and horse riding. They will also serve as wildlife corridors for native birds and animals.

Under the Rail Trails program local municipalities and community groups are encouraged to lodge expressions of interest in developing disused lines as recreational trails. The lines will be assessed by the Department of Conservation and Natural Resources for conservation and recreational values.

When agreement is reached to proceed with the creation of a trail, the line concerned will be transferred from the Public Transport Corporation to the Department of Conservation and Natural Resources. In most cases it would be our aim that a local committee of management be established to manage the trail on an ongoing basis.

Each committee of management will be required to take into account the needs of adjoining landowners, conservation values, the interests of community groups, previous management studies and the potential trail users themselves.

I am pleased that after years of inactivity we are able to use these old pieces of disused land for such an exciting project as Rail Trails. I acknowledge the outstanding contribution made by the government MPs involved in the Rail Trails program by the work they have done under the leadership of the Honourable Graeme Stoney.

The Rail Trails concept has been pioneered in this state and is most likely to be an initiative which would serve as a national model. I am also pleased to announce that work has already commenced on two of Victoria’s most attractive Rail Trails: the Myrtleford to Bright and the South Geelong to Drysdale links.

As a result of this initiative we can expect that more trails will be created throughout the state. We hope through the program to attract more tourists to Victoria and to enable more Victorians to see our great outdoors better. These old railway lines offer the opportunity to explore our state well, and from now on we can be sure that these issues will be properly managed.

PETITIONS

Sexual discrimination

Hon. LOUISE ASHER (Monash) presented a petition from certain citizens of Victoria requesting that the council move to protect the human rights of lesbian and gay constituents and citizens by amending the Equal Opportunity Act 1984 to prohibit discrimination on the grounds of a person’s sexuality. (23 signatures)

Laid on table.

Hon. J. V. C. GUEST (Monash) presented a petition from certain citizens of Victoria requesting that the council move to protect the human rights of lesbian and gay constituents and citizens by amending the Equal Opportunity Act 1984 to prohibit discrimination on the grounds of a person’s sexuality. (157 signatures)

Laid on table.

Community resourcing program

Hon. B. T. PULLEN (Melbourne) presented a petition from certain citizens of Victoria praying that the wishes and rights of Department of Housing tenants be recognised and protected through the continuation of the community resourcing program. (565 signatures)
Laid on table.

Sodomy

Hon. B. N. ATKINSON (Koonung) presented a petition from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse. (20 signatures)

Laid on table.

DENTISTS (AMENDMENT) BILL

Introduction and first reading

Hon. R. I. KNOWLES (Minister for Housing) introduced a bill to make various amendments to the Dentists Act 1972 and for other purposes.

Read first time.

EMERALD TOURIST RAILWAY (AMENDMENT) BILL

Introduction and first reading

Hon. HADDON STOREY (Minister for Tertiary Education and Training) introduced a bill to amend the Emerald Tourist Railway Act 1977 and for other purposes.

Read first time.

ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL

Introduction and first reading

Hon. W. R. BAXTER (Minister for Roads and Ports) introduced a bill to amend the Royal Agricultural Show-gounds Act 1931.

Read first time.

ELECTRICITY CHARGES

Hon. T. C. THEOPHANOUS (Jika Jika) — I move:

That this house calls on the government to ensure that in any restructure or privatisation of the various sections of the former State Electricity Commission of Victoria prices and services to country consumers and country businesses, including service and supply charges, are no greater than those in the city in the future, including after the year 2000.

I begin my comments with a quote from the Bendigo Advertiser of 2 September:

For 75 years Victorians have lived by the tenet that a Victorian is a Victorian is a Victorian, no matter whether they live in spitting distance of the GPO or in far-flung Underbool. This equality is a basic cornerstone of democracy, just as electricity is a basic cornerstone of civilised existence.

Good societies organise themselves in such a way that essential services are delivered free of cost discrepancies caused by the tyranny of distance.

Not in the privatised world of the econocrats now driving the Kennett government’s ideology, though.

That quote represents the feeling of country Victorians who are being let down by the government not only in electricity provision but also in the provision of school, hospital and transport services and a host of other services that have been cut in the country.

In country areas and in regional Victoria unemployment is much higher than in metropolitan centres. Country businesses are struggling. To put on top of that burden the possibility of the future impost of differentials in electricity prices is another blow to country Victoria, not only because of what will happen now — —

Hon. P. R. Hall — Here is the new champion of country Victoria!

Hon. T. C. THEOPHANOUS — Somebody has to do it because you are not! It is a blow not only because of what will happen now but also because it is a signal to every business and every person who wants to move to the country that if they move there they must understand that in the future they will have to pay more than their city cousins. Neither the former Country Party, now the National Party, the Liberal Party nor anyone else can be relied on for defence because they will not help. That is the message being given out.

The motion before the house is simple. All members who care about country and regional Victoria should support it. It does not go to the ideological issue of whether or not privatisation of essential services should occur. On this issue there is strong
disagreement between the opposition and the government. It is a simple motion which seeks to guarantee that whatever restructuring or privatisation proposals this government puts up or pursues all Victorians will continue to enjoy what they have enjoyed for 75 years: uniform electricity prices. It is a simple statement of principle.

Hon. R. M. Hallam — Uniform inflated prices.

Hon. T. C. THEOPHANOUS — I am happy to address that; I will come to it. It is not a political motion but a motion of principle. Whether they are prepared to stand up for a principle is a real test of politicians and members of this house. The principle is the question of equity between the country and the city. It is a simple principle and one all members ought to be able to support.

Victorians need to know that the recent announcements by the government on electricity prices are nothing more than a con job. They are a con job on two counts: the first government claim is that electricity prices are going to come down. The overall reduction in electricity prices announced by the government up to the end of this century amounts to approximately 9 per cent in real terms. That 9 per cent does not even cover the 10 per cent increase the government has already imposed on electricity consumers as a result of the electricity tax. More than that, it has absolutely nothing to do with the restructuring or privatisation of the SEC — nothing to do with it! It is a cheap political stunt to increase electricity prices by 10 per cent and then to offer reductions of 9 per cent over four years. It is a cheap political stunt, and people understand that, but it is even worse to suggest that it has anything to do with this government’s program.

Electricity prices will fall as a result of productivity savings achieved mainly by the previous government.

Hon. Pat Power — And the Electrical Trades Union.

Hon. T. C. THEOPHANOUS — And the ETU. Let me quote from the Age of 3 September. David Walker, the state economic correspondent, had this to say:

Mr Stockdale declared yesterday’s power price announcement an unmitigated government triumph. It had been achieved, he said, by ‘much better management and particularly by the benefits of competition’.

Rubbish. Agreed, it takes nerve to so blatantly freeze power prices until just before the next election. But the facts are that any government — coalition, ALP, Maoist or League of Rights — would be able to promise Victorians cheaper power for the rest of the 1990s.

For a start, the government not so long ago added a whopping 10 per cent to household prices, helping to send them soaring. And with the cost of power stations such as the Loy Yang complex now fading into the past, the system has lower costs.

Hon. R. M. Hallam — You say ‘fading into the past’.

Hon. T. C. THEOPHANOUS — I am quoting from David Walker. As I said, electricity prices will fall as a result of the productivity savings that have been achieved. It does not matter; it has nothing to do with the privatisation program of this government. The record of the previous Labor government was that electricity prices fell. In the past seven years of the Labor government they fell by 22 per cent for all consumers — 20 per cent for commercial users and 30 per cent for industrial users. In the time this government has been in office electricity prices have gone up by 10 per cent and there have been subsequent increases after that. Now the government has the nerve to come in here and say — the Premier announced it as the major policy goal of this government — that it is going to reduce prices. Nobody is going to fall for that trick! There is scope for greater reductions in electricity prices than those announced by the government, but that can only occur if the SEC is not broken up and is not privatised.

Margaret Thatcher promised lower electricity prices as a result of privatisation and the separation of distribution and generation. In fact prices went up by 40 per cent in nominal terms and by about 25 per cent in real terms.

Hon. K. M. Smith — They have just been reduced by 12 per cent.

Hon. T. C. THEOPHANOUS — The James Capel Sector report of 25 October 1993 said of the British experience:

The separation of transmission and generation has resulted in suboptimal operation of both generation and transmission.

There is only one way for the government to guarantee the price reductions in the context of
privatisation. I contend that you cannot have both privatisation and price reductions at the same time unless you sell the assets for a song — and that is what this government is planning. Members of the coalition make it clear in their documents: they say they will write down the assets and the value of the assets to try somehow or other to ensure that prices are kept down. That is fine. You can write down the assets and you can sell the distribution companies for a song, but what happens if, to take one example, there is a major fire and a lot of the infrastructure is destroyed? The distribution company dealing with that region will have to bear the cost of rebuilding that infrastructure. What is the government going to do at that point? Will it provide another grant? No. So prices will have to increase to pay for that infrastructure.

Not only are we giving away the infrastructure but we are taking a risk in relation to the future of country Victorians and the prices they will have to pay. Not only will the distribution companies have to be written down in value, the generation companies will have to be written down in value — as the government's own modelling has shown — possibly to the extent of $2 billion, which will have to be taken on as state debt or passed on to the transmission company. These things are held in secret by this government.

The second great lie is that somehow country Victorians will be protected. Margaret Thatcher said the same thing in Britain.

Hon. R. M. Hallam — That country Victorians were going to be protected? That was very novel.

Hon. T. C. Theophanous — That is not worth responding to.

Hon. Pat Power — It is an indication of how clear you have to be with the National Party.

Hon. T. C. Theophanous — Some regions in Britain experienced nominal increases of up to 55 per cent while other regions experienced nominal increases of up to 25 per cent. I suppose those who were in the major metropolitan regions or close to the power stations were lucky enough to get an increase of only 25 per cent. I suppose you could look at it from that point of view. In fact, the differentials between the regions in Britain changed dramatically as a result of privatisation. That experience will be repeated in Victoria.

But we do not have to look to Britain to see what will happen. We have simply to look over the border to New South Wales, which has no uniform tariff and a number of distribution companies owned by local councils. In a New South Wales government pricing tribunal publication dated 4 September and relating to the efficiency and financial performance of the New South Wales electricity industry, the differences in prices charged by country distribution companies and city distribution companies were stated to be as much as 25 per cent. Shortland, for example, which is near Newcastle, had prices 5 per cent below the state average, whereas prices in the Namoi Valley, Northern Rivers and Riverina areas were 20 per cent, 19 per cent and 17 per cent respectively above the average. That is what is now happening in New South Wales.

That is why Pacific Power is interested in doing the reverse of what is taking place in Victoria. It is seeking to expand its operation into distribution as well as generation and to take over the distribution companies so that it can offer a uniform low price in all those regions. New South Wales is going in the opposite direction to Victoria.

The price differentials between country Victoria and Melbourne will not occur only after the year 2000. Those things will happen as soon as the restructure by this government is put into place. There will be price differentials — in some cases dramatic differentials — between the country and the city before the year 2000, let alone after that time.

Why is that the case? The government's documents say it promises comparable prices between Melbourne and country Victoria. The word 'comparable' is important. The government does not use the word, nor is it interested in using the word 'identical' in relation to prices in the country and the city. It uses the word 'comparable'.

The mechanism through which those comparable prices will be brought about is something called a maximum uniform tariff.

Hon. Pat Power — Petrol pricing!

Hon. T. C. Theophanous — A maximum tariff. Or, to put it in lay terms, a maximum price. There will be a maximum price! As my colleague Mr Power said by interjection, country people know about maximum prices. There is a maximum petrol price, but everyone knows that what matters is not the maximum price but what discount you can get on the maximum price. It is how the maximum price
is discounted. When country people go to the petrol bowser to fill up their cars they know they cannot get the same discount as people in Melbourne can get.

Exactly the same thing will apply with electricity. Country people will not be able to get the same discount city people will get because city prices will be discounted by the three supposedly competing city-based distribution companies. You will have discounted electricity in the city and country people will pay the maximum price until the year 2000. After the year 2000 it will be open slather — they will not then even get a maximum price cap. That is what this government is trying to foist on country Victorians. Country people know and understand the difference between a maximum price and a uniform price. It is clear to them every time they go to fill up their cars with petrol.

The government’s other great concession is to state that it will try to ensure that pensioners and health card holders do not have to pay the supply charge if they use less electricity than an amount equivalent to the supply charge. In that case they will pay for whatever electricity they have used and will not pay the supply charge. That is meant to assist pensioners and health card holders, but it will also discriminate against country Victorians. To gain any advantage from it people will need to use less electricity than the equivalent of the supply charge. Because of a limited choice, most country residences are all-electric. Very few have other options for heating, cooking or hot water. As a consequence, although some pensioners living in the city may get some minimal advantage, very few country people will get much of an advantage.

I challenge the minister to identify people in the bush who are likely to use less power than the equivalent of the supply charge. They would have to have only a few lights and a refrigerator — no hot water, no heating and no cooking — to get any advantage at all from this so-called concession.

There is also no guarantee that the supply charge will not increase in the future. We all know the Treasurer’s preferred level for the supply charge was $68, not $33. He did not want it doubled; he wanted it quadrupled. That was his original proposal, but he had to back away from it because of public outrage.

What about the cost of connections in the country? It is estimated that it costs between $200 and $300 more to connect a customer in the country to electricity than to connect a customer in the city. How are we to encourage people to live in the country if they face this additional impost, if they know that in the country not only will they have to pay a much higher amount to get connected but once they are connected they will also have to pay a lot more for their electricity and can look forward to more increases in the future. Although they can have a maximum price as a temporary cap, knowing that city electricity prices will be discounted, once the maximum comes off in the year 2000 it will be open slather and God knows what they will have to pay.

As I said at the beginning, this is a simple motion and a simple proposition. It is a statement of principle that all members should be able to support. Members who represent country and regional Victoria in particular should be able to give it strong support. Let me enumerate some of the members whose electorates stand to lose if this motion is not passed.

Hon. Pat Power — Can you indicate whether they are in the chamber?

Hon. T. C. THEOPHANOUS — I will indicate whether they are in the chamber. That would be a shorthand way of doing it because it will show the level of interest of members on the government benches who represent country Victoria.

Minister Knowles and Mr de Fegely represent the Ballarat, Maryborough and Gisborne areas, which will pay higher electricity charges.

Hon. D. A. Nardella — Not here!

Hon. T. C. THEOPHANOUS — Mr Craigie and Mr Stoney represent Seymour, Whittlesea, Lilydale and Benalla.

Hon. Pat Power — And Flowerdale.

Hon. T. C. THEOPHANOUS — Mr Hartigan represents Geelong Province. He is here in the chamber, and I look forward to his support for the motion. Mr Hall and Mr Davis represent Traralgon, Warragul, Bairnsdale and Sale. Those members are not here, even though those areas will be affected.

Mr Evans —

Hon. Licia Kokocinski — Is floating around the world.
The PRESIDENT — He is representing this Parliament.

Hon. T. C. THEOPHANOUS — Minister Baxter represents Wangaratta, Wodonga, Echuca, Shepparton and Lilydale.

Hon. D. A. Nardella — Not here!

Hon. R. M. Hallam — What was the last place? You don’t know much about Victoria!

Hon. T. C. THEOPHANOUS — Mr Best and Mr Bishop represent Bendigo, Mildura and Swan Hill.

Hon. D. A. Nardella — Not here!

Hon. T. C. THEOPHANOUS — Mr Smith is here. Will he vote for the motion? He is pleased to represent Rosebud, Mornington, Cranbourne and even Koo Wee Rup. Mr Bowden is not here. Of course you, Mr President, represent a country electorate.

The PRESIDENT — And I don’t get a vote.

Hon. T. C. THEOPHANOUS — Minister Hallam — your other half, as it were, Mr President — is in the chamber; he represents Horsham, Portland, Warrnambool and Colac. I hope Mr Hallam supports this motion in support of electricity users in those electorates.

Hon. R. M. Hallam — Don’t hold your breath!

Hon. T. C. THEOPHANOUS — Those members have the opportunity to say to the government, ‘This is a simple proposition, it is a simple statement of principle’. They could say, ‘This is a statement of principle that the Upper House of the Victorian Parliament believes ought to be a major factor in any consideration of what might be done about the restructure or privatisation of the SEC’.

I end this speech as I began it, with a quote from the Bendigo Advertiser of the same day:

Country Victorians already pay the price of choosing to live outside the metropolitan area. And is it not significant that a hefty part of this burden is fuel costs, in a system run by private enterprise? This ‘efficiency’ costs us about $5 every time we fill our petrol tanks.

Selling off the SEC is to be the state’s first ‘big’ privatisation of essential services; water will probably follow. And how much longer before we also pay unequally for our health services and our children’s education?

This is a bad decision, Mr Kennett. It is unfair, it is discriminatory and, worse, it is undemocratic.

The opposition concurs with that editorial in the Bendigo Advertiser.

Hon. W. A. N. HARTIGAN (Geelong) — I thank the Leader of the Opposition for introducing this subject because he is right — it is an important issue. However, I am disappointed that, notwithstanding the protestations at the beginning of his speech, he spoke on almost everything but uniform tariffs. His claim that he would not speak on privatisation because he understood the differences of opinion between the government and the opposition was lost almost immediately.

Mr Theophanous is right: you cannot talk about the uniform or non-uniform tariffs without understanding the relationship between that decision and privatisation. Having said that, I will direct my comments to the substantive issues in the motion, which I oppose.

The government intends that after 2000 electricity prices will be deregulated — that is to say, there will not necessarily be a uniform tariff. That is required for a number of reasons, one of which is the establishment of a competitive environment in which advantages can be obtained as a result of private investors competing in this business. Another concern is the preparedness to participate in the national grid. Minimum differentials have to exist concerning the distances over which power is transmitted; otherwise, the national grid cannot work effectively.

I have found it both interesting and not surprising that the participants in debate in this place quote their own sources. I have read the Economist of 13 August 1994. A report on page 64 of that journal concerns the deregulation of utilities in Great Britain:

As for prices, they have in fact fallen in real terms in Telecom, gas and electricity.

There is a chart for all to see.

Only water prices have risen faster than general inflation but that is largely because water companies have had to finance a massive program of investment to meet quality regulations imposed by the EU.
Hon. B. T. Pullen — Totally wrong!

Hon. W. A. N. HARTIGAN — Mr Pullen may say that is totally wrong. The opposition is entitled to its opinions, but I will reflect no more on its ability to have an opinion. I quote further from the article:

The reason most prices have fallen in real terms is the price-capping formula, known as 'RPI-minus-X', whereby the regulator decrees that a utility's prices can rise by no more than X percentage points below the rate of consumer-price inflation.

That is worth watching. We are proceeding at a somewhat more leisurely pace. We will not be deregulating prices until 2000. We will have an opportunity to examine costs and to set in place a regime through to 2000 that will see prices come down because of superior efficiency in private investment operations or in various elements of the electricity sector. Prices will come down in a manner that will also permit the government to obtain prices for the assets that are consistent with their real value.

Hon. D. A. Nardella — Like Tabcorp.

Hon. W. A. N. HARTIGAN — Honourable members might like to look at today's budget to see how close the figures announced last April are to the prices generated for those assets.

People in rural and provincial Victoria have to pay higher prices than people in the city for a large number of things. They pay more for petrol; they pay more for telecommunications because of the distances involved; and they pay more not only for the initial cost of petrol but because of the distances they cover.

Honourable members interjecting.

Hon. W. A. N. HARTIGAN — I will speak for myself. I have no doubt that Mr White will have a chance, and I will give him a little help along, too. People in rural and provincial Victoria pay more for communications because of the distances involved. They may pay less for land, but there is — —

Hon. Pat Power — They pay less for land?

Hon. W. A. N. HARTIGAN — Yes, they pay less for land compared with people in the city. The reason they pay less for land has a great deal to do with the facilities available in the city.

Hon. Pat Power — That's not the land; that's the facilities.

Hon. W. A. N. HARTIGAN — They pay less for land because of the surrounding environment. The point I am trying to make is that those costs are inherent in the very nature of rural Victoria or, indeed, any remote area.

A great deal of the other costs they bear relate to the way that taxes and industrial relations have been managed in this country over many, many years. Going back 60 or 70 years, governments made decisions to redistribute income from land and capital in favour of labour. They went about that using industrial relations measures which decoupled labour rates from productivity; by way of taxation which taxed production; and by way of trade policies which in fact disadvantaged the tradable sector.

Notwithstanding its public commitment to deregulating international trade and notwithstanding its view of the world that we have to compete internationally, the Labor Party in Canberra has failed to put in place the necessary changes to enable that to take place. We still have a situation where relative incomes in country areas have continued to fall because of the drop in the price of rural products.

Hon. W. A. N. HARTIGAN — The reason most prices have fallen in real terms is the price-capping formula, known as 'RPI-minus-X', whereby the regulator decrees that a utility's prices can rise by no more than X percentage points below the rate of consumer-price inflation.

Hon. D. A. Nardella — Like Tabcorp.

To return to the subject of the debate, which is the electricity industry — I know there is some reluctance on the part of members of the opposition to deal with it, even though it is their motion — the fact is that we will obtain lower prices through the improved efficiencies of private producers. That will ensure the assets are valued properly, with the exception of the rural distribution assets, which will be discounted by something in the order of $440 million in recognition of the higher costs that face those who live in rural Victoria. There is no dispute about that.

I will talk about the broader issue of cost penalties in rural Victoria. Incidentally, I point out that in discussion reference was made to what is happening in New South Wales. That is about as relevant to the Victorian situation as the situation in the United Kingdom. New South Wales is a substantially larger state with much higher distribution costs. Victoria has a demonstrable advantage because of its higher density, which this government will work hard to take advantage of.
The real difficulty facing rural Victoria, as with every other rural area, is the drop in the level of incomes, which has been going on for some 40 or 50 years. The difficulty is that the opportunities governments saw 60 or 70 years ago to transfer income from land to labour have disappeared. Consequently, the concern of this government is to do all it can to advantage those in the tradeable sector — particularly in the country — in respect of absolute costs so that they can compete.

**Hon. D. A. Nardella** — You are going to raise electricity prices.

**Hon. W. A. N. HARTIGAN** — Just listen. It is a little complex; I will repeat it.

**Hon. D. A. Nardella** — It is not complex: you are going to raise electricity prices.

**Hon. W. A. N. HARTIGAN** — We are taking other action so they can compete internationally and with other states. The sale of ports, for example, will provide other reductions in costs for our primary producers, which will be another area of assistance. If one looks at the prices primary producers have paid for port facilities, one finds they have been nothing short of rapacious. It astonishing to hear port authorities and trade unionists say they could do nothing — —

**Hon. T. C. THEOPHANOUS** (Jika Jika) — On a point of order, Mr President, the motion is very narrow. It has been specifically constructed as a narrow motion because we are interested in addressing the issue of electricity prices and the differential in electricity prices and electricity supply charges between country and city Victoria.

The honourable member has gone on for some time about all sorts of issues relating to labour market reforms, federal governments and their actions and a whole host of other unrelated matters; but he is not addressing the question of electricity prices, to which this motion very narrowly directs the debate.

In the past you have made rulings on the question of relevance, of maintaining relevance to a narrow motion of this sort. I ask you to ask the honourable member to address the specific nature of this motion in relation to electricity prices.

**Hon. R. I. KNOWLES** (Minister for Housing) — On the point of order, in advancing his argument the Leader of the Opposition talked about the disadvantages of any variation in electricity prices and the impact that would have on country residents, country business and the like.

What Mr Hartigan is canvassing, which is within the scope of responding to the arguments the Leader of the Opposition advanced to support his motion, is that a whole range of other issues have impacts on and disadvantage country people. He is arguing that, as part of tackling the reform program across the whole spectrum, one has to look at electricity tariffs and their impact on country Victorians, whether it is adverse or not.

I put it to you, Mr President, that Mr Hartigan is perfectly in order in respect of both the motion and the arguments advanced by the Leader of the Opposition in support of his motion.

**Hon. T. C. THEOPHANOUS** (Jika Jika) — Further on the point of order, Mr President, in passing I made some reference to other disadvantages that country Victorians face.

**Hon. R. M. Hallam** — So you concede it?

**Hon. T. C. THEOPHANOUS** — However, that is not the same as addressing the central question of whether this house supports increased electricity prices or uniform tariffs for country Victorians. The honourable member has certainly done much more than make a passing reference to that.

Whether the debate is to be about other disadvantages or advantages that country Victorians might face, he is not addressing the specific issue that is the subject of this debate.

The PRESIDENT — Order! On the point of order, as the honourable member admitted just then, in moving his motion he in fact adverted to the issue of comparative advantage and disadvantage in the city as against the country, which I understand Mr Hartigan is responding to. Mr Theophanous is quite right in saying that the motion is still narrow. Mr Hartigan could not, for instance, take the opportunity to talk about the government's work in the area of Workcover.

**Hon. T. C. Theophanous** — He probably will, next!

**Hon. B. T. Pullen** — That's knocked out your speech. Start writing!

The PRESIDENT — Order! I do not uphold the point of order, but given that the comments by the
Leader of the Opposition were made in passing, I do not think Mr Hartigan should make that the basis of the whole of his response.

Hon. W. A. N. HARTIGAN (Geelong) — The Leader of the Opposition’s point of order is more important as a reflection of his failure to understand the nature of the interrelationships in rural industry than it is about what I have to say. Deviating from the subject is not generally the position I take in this place. I agree with the Leader of the Opposition: one shouldn’t do it! But I do not agree with his failure to understand the issue. The point I am trying to make is that people who live in rural Victoria face a whole range of adversities. So far as electricity charges are concerned, the actions the government is taking will lead to a substantial and absolute reduction in the price of electricity. Because most of the industry in rural Victoria is heavily dependent on the tradeable sector, that will represent a real competitive advantage both nationally and internationally. I would have thought that was a matter of simple arithmetic.

I understand that by the year 2000 there will be differences in prices for electricity, small though they may be.

Hon. D. A. Nardella — Like with petrol?

Hon. W. A. N. HARTIGAN — Mr President, I do not know whether the scope of the debate has now been widened by Mr Nardella or whether he is entirely lost — although I tend to the latter. As a matter of fact, the issue I wish to get to is that the residents of and the people who run industries in rural Victoria suffer a number of relative disabilities. The government will be moving to improve their competitive position in the tradeable sector, which is where most of the employment and income in rural Victoria comes from. There is no argument about that. The government understands that a change in relative prices between the city and the country is something which must be dealt with, just as it understands that a change in all other prices must also be dealt with. But it does not and should not deal with it by significantly distorting the relationship between prices and costs.

The action the government plans to take concerning investments in the electricity industry is to discount the value for rural residents so that the unit price or the fixed cost will be written down. That will minimise the difference when the market is completely deregulated, when we can reasonably expect, on all the evidence, to see substantial reductions in costs. Given the experience of other countries in this area, the Regulator-General will in my judgment exercise a close supervision of the performance of private investment in the industry and ensure that a fair share of the cost benefits is passed on to the consumer.

I was making the point that in other areas we are taking similar actions that are designed to improve the competence of the tradeable sector. That is a perfectly legitimate observation to make in any argument about the relative difference between prices in electricity being an important issue for country people. Other important issues for country people include the revenue they get for their wheat, which is affected by the shipping and port costs they incur, for example, in exporting it or the import costs they pay for the fertiliser that comes in through our ports. We are moving on a broad front to address the absolute cost structures that incur such penalties for the rural sector, which has suffered seriously from a drop in relative incomes — that is to say, the drop in the ability of the incomes they earn to buy goods and services.

A good deal of that falls directly on the way governments over many years have used taxes and industrial relations in particular to discriminate against country residents.

Hon. T. C. Theophanous — Where do tariffs fit in?

Hon. W. A. N. HARTIGAN — I talked about that. If you listened very carefully, Mr Theophanous, you would have understood that I talked about government policy, tariffs and quotas being used to inflict another disadvantage, another adversity, on the country. At one time, when rural, agricultural and export earnings were very high, perhaps it was supportable. That is no longer so. The government’s action is aimed at fixing prices and maintaining tariffs through to the year 2000. Mr Theophanous, who claims to have an understanding of the market yet does not, would surely understand that throughout that period maximum tariffs will be the same as actual tariffs because there will be no incentive for anybody to reduce prices. Through to the year 2000 we will have uniform prices. After that we will open up the market. Prices will be driven down and there will be some small differentials, which is important in encouraging the establishment of a national network to produce more competition in every area of electricity prices.

Hon. T. C. Theophanous interjected.
Hon. W. A. N. HARTIGAN — Mr Theophanous would be better off going back and learning something about the market, if he has the desire and will. If he does, he may have to abandon the fantasy land in which he developed his economic theories. He should talk to the pledge group, who can at least be realistic. They know what they are doing, but he does not have any idea. Over the next four years he will have the chance to watch what happens to prices.

The government has a full understanding of the impact of the measure. Throughout the next four years the government will move to assist rural Victoria in a variety of other ways, including providing infrastructure to make it more competitive. It will add to the advantages that rural and provincial Victoria will gain from lower absolute prices by addressing other issues to do with the provision of better services at lower prices, giving rural Victorians some help against the broad range of adverse cost impacts that affect them.

The Leader of the Opposition has claimed to be talking about uniform tariffs, but what he is really talking about is privatisation. Although he would have been more honest if he had opened up that argument, it was wise of him not to do so. I thank the house for its attention.

Hon. D. R. WHITE (Doutta Galla) — Mr Hartigan has two virtues. The first is that because he is serving only one term in this house he does not have to revisit his electorate and explain what he said today. The second is that, having tried to sell protection and tariff policies throughout his commercial life and having failed to get a constituency for that set of policies, he now expects us to believe that his government's policy will work. He will not succeed any more than he succeeded in doing what he spent his whole life in the commercial sector attempting to do, which was to get tariffs for Ford.

The opposition is concerned that none of the coalition members who represent country Victoria and who, unlike Mr Hartigan, will stand for election in the near future has been prepared to speak on this topic. The opposition makes it clear that it does not accept in any form the statement by the Premier, which is supported by the Treasurer, the Minister for Energy and Minerals and the Leader of the National Party, that as a consequence of the break-up and privatisation of the SEC people can look forward to electricity prices going down indefinitely into the foreseeable future. We do not accept the coalition's pricing policy any more than we accepted its statements on taxation before the election in 1992.

The opposition makes it clear that no government in the western world has attempted to break up a utility in the same way that this government is proposing to break up the SEC. There is no model in Australia or elsewhere for the breaking up of the distribution and generation sectors, which is being attempted in this state. Similarly, the government's proposal for the water industry is equally catastrophic. The important point is that the government has produced no considered documentation in support of its policy, together with independent collaboration or corroboration to support the notion that its concepts can work. There has been no support for that at all!

The opposition also makes it clear that as from 1 September 1994 every person in Victoria has known one thing for certain: even if — and we do not concede this point — prices come down, electricity prices in country Victoria will be higher than those in metropolitan Melbourne.

Therefore you must understand that people will make decisions about where they live, where they work and where they invest on the basis of what was said last Thursday. What might happen by 1996 or by the year 2000 weighs very little in the minds of people looking at what happened on 1 September.

As a result of what happened on 1 September people know that the policy that has existed and been supported on a bipartisan basis in this state for 76 years no longer exists. Therefore they must make their decisions on a new set of rules: whether prices go up, stay the same or go down, the price of electricity in country Victoria will be higher than in metropolitan Melbourne.

Honourable members interjecting.

Hon. D. R. WHITE — Everybody knows that; Mr Hartigan has made it clear. If a temporary pause or freeze is introduced — and we do not believe that will occur — it would be short lived. What is clear is that one has to make decisions today. Whether you are a teacher, a farmer, a clerical worker or a miner, or whether you intend to start a new small business, electricity prices in country Victoria will be higher than they are in metropolitan Melbourne.

Hon. W. A. N. Hartigan — Slightly.
Hon. D. R. WHITE — Mr Hartigan, you cannot give any assurances about the gap. What is clear is that for the first time in the history of this state since the introduction of electricity and its availability to all Victorians, country Victorians will be treated differently from people living in Melbourne. They will be treated as second-class citizens in the provision of electricity.

Opposition members interjecting.

Hon. D. R. WHITE — Everybody knows that, and everybody knows that last week the National Party was sent into the party room with a mission to come out with the uniform tariff intact, and failed in its task.

Opposition members interjecting.

Hon. D. R. WHITE — People have come to us to put this point of view about the National Party’s failure in the party room and its failure to deliver.

Hon. W. A. N. Hartigan — Which people are you talking about?

Hon. D. R. WHITE — People well known in public life. For the first time in 76 years country Victorians will be treated differently from others in the provision of electricity. This government is attempting to reassure them that as a consequence of the break-up of an effective utility and of the separation of generation from transmission and supply the security of the supply will have improved, the quality of the supply of electricity will have improved and the new entity — and nobody knows who it will be — will be superior.

Note this: 47 people have just been appointed, none of whom, with one exception, have the same technical or commercial experience in electricity as the people they are taking over from who have worked in the industry for 76 years. The people who have been appointed and who will be part of this new system are flying blind and certainly do not have the skills or capacity of the people they are taking over from. Don’t forget that the people who ran the former State Electricity Commission have to date been responsible for reforms that are comparable with those of any organisation of a similar size in this country; no comparable reforms, particularly those being proposed, will be capable of being undertaken by any successor body. Country Victorians will no longer have access to electricity at uniform prices. The decisions made last Thursday and today are made on the basis of a new pricing policy.

What does that mean? It means that because of water, electricity and major utility provisions people in Geelong, Ballarat, Bendigo, the Latrobe Valley, Shepparton, Albury-Wodonga and Mildura are at a disadvantage compared to those in Melbourne in attracting new industry, and are at a tremendous competitive disadvantage in expanding existing industry. People in those areas start with a competitive disadvantage. They start as second-class citizens because they do not get the same access to services. Once the uniform tariff is removed it will be almost impossible to get it back.

This society and this community have a history and a tradition that have been well preserved. Throughout the 1970s when the Labor Party was seeking government in this house and in another place and looking for the numbers, the crowd on the other side of the house was going around the state saying that if we were elected it would mean the abolition of the uniform tariff. They were claiming that we were a city-based party with no interest in the bush and that the only thing we wanted to do was to take away the uniform tariff! Where are they today?

Hon. W. A. N. Hartigan interjected.

Hon. D. R. WHITE — We have heard from you. You have one term in this place!

Hon. W. A. N. Hartigan interjected.

The PRESIDENT — Order! Mr Hartigan, you have made your contribution; you were relatively uninterrupted during it. I ask you to allow Mr White to continue without haranguing him.

Hon. D. R. WHITE — What sort of a society do we have? A society where, throughout the 1960s, the 1970s and the 1980s and as we emerged into government this crowd that was in the business of tipping the can over us was saying that we would be in the business of removing the uniform tariff. Throughout the 1980s did they have the courage to come forward with a policy to remove the uniform tariff? Did they go to the electorate in 1992 seeking a mandate on any of these questions?

Opposition members interjecting.
Hon. D. R. WHITE — Did they go to the provincial centres and say, 'We are getting rid of the uniform tariff'?

Opposition members interjecting.

Hon. D. R. WHITE — Of course they didn't! Now we see a proposal.

Let us talk about the government's record since 1992. Firstly, the Treasurer of Victoria was going to privatisate the Transport Accident Commission. He was going to break it up and sell it off, but not as a private monopoly. Everybody knew that if a tendering process took place there would be collusion.

What happened? Fortunately he failed in his attempt to get rid of one of the most successful institutions in this state. We fought that hard, and fortunately on that occasion we had the strong support of the Royal Automobile Club of Victoria. As a result of its endeavours we ensured that the Treasurer failed.

The PRESIDENT — Order! Will the honourable member relate what he is now saying to the motion moved by his leader, which we are now discussing?

Hon. D. R. WHITE — I am not aware of any point of order before the house.

The PRESIDENT — Order! The question of relevance is always a matter for the Chair to consider.

Hon. B. T. Pullen — In an even-handed way.

The PRESIDENT — Order! In an even-handed way. There are two different issues. The Leader of the Opposition himself pointed out the narrow nature of the motion. We have spoken about a range of issues concerning comparative advantage and disadvantage, but now the honourable member is speaking about something entirely different, the Transport Accident Commission, which is absolutely irrelevant to the motion before the Chair. I point out to Mr White that the motion moved by his leader does not encompass the issues he is now canvassing.

Hon. D. R. WHITE — In considering the motion concerning the electricity industry, the opposition knows and understands that the government is embarking upon a restructuring and privatisation process. It has failed with the TAC; it is in the process of failing with the Grain Elevators Board; and it has failed with the Tabcorp float. Now having had three failures — —

Hon. K. M. Smith interjected.

Hon. D. R. WHITE — If the government is alleging that we helped stifle the Tabcorp float, I put it on record that we will be doing anything and everything in our power to stop the break-up of the SEC, to stop the privatisation and to stop the removal of the uniform tariff.

No-one should go around saying we are spoiling things; we are spoiling for a fight, and we will win the fight. In the life of the Parliament the Minister for Local Government has about two years to go; from 19 March 1995 the minister has 18 months at the most to privatisate the SEC. We do not wish him well. We will be doing everything possible to stop him from privatising the SEC.

Who will be speaking with us? Which community groups will be with us? Community groups in every town in the state will be egging us on, as they already are. In every country town, provincial centre and every part of the state our support will be limited only by how hard we fight to stop you. The harder we fight to stop you the more support we will get, and we will not have to look for it. It will keep coming.

Such support is best reflected in what was stated in the Bendigo Advertiser. That was not just an irrational or emotional statement or a plea but a statement about what has been understood to be part of a contract for 75 years being secretively and furtively taken away. The Minister for Local Government did not have the courage to tell the editor of the Bendigo Advertiser in 1992 that he would take away the uniform tariff. Furtively and secretly, after having being elected — —

An honourable member interjected.

Hon. D. R. WHITE — Prior to 1992 the present minister did not go to the Bendigo Advertiser or the electorate and say that he would be getting rid of the uniform tariff. He did not campaign on that platform, but he will do so in future.

The statement in the Bendigo Advertiser not only reflects the views of one provincial newspaper; it reflects better than what anybody else has said the heartfelt views coming to us from every part of the state — not only from rural Victoria but from the whole of metropolitan Melbourne. People are
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COUNCIL

concerned about the nature of the society we are creating. An understanding, a social contract, has existed for 75 years, from the time the provision of electricity commenced, in respect of the prices that people have to pay. That understanding has been repeated in natural gas pricing as well.

We make it clear that the removal of the uniform tariff is an expression of the character of the society the government wants to create: namely, a more divided society in which people are not entitled to the same access and equity and in which there is major discrimination according to where people live. We make it clear that the modest motion before the house, which gives people an opportunity to express a view in favour of uniform tariffs, clearly ought to be supported, but we foreshadow a much harder and stronger fight throughout this session and in March next year and beyond.

We know what community reaction was to one single initiative taken by the government in July last year to increase the supply charge from $16 to $33. In July last year the Minister for Energy and Minerals received more letters of objection — not orchestrated, I might add — on that single issue than on any other item of correspondence in the history of the Department of Energy and Minerals over 76 years. Now a new campaign has started going far beyond the uniform tariff.

If the government thought the uniform tariff debate aroused the interest of community groups, it should understand this. The Combined Pensioners Association of Victoria has been relatively dormant. It is now regrouping on one issue: utility charges. For community groups and churches the major growing area of concern is relief from utility charges: 19 per cent of cash handed out by church and social organisations today is for utility bills.

As a result of that occurring, a new proposal was put forward on 1 September: namely, that those consuming less than $66 worth of electricity would pay a lower supply charge. Honourable members should remember one fact: that will not apply to any home with a national health card holder in country Victoria, because all homes in country Victoria are electric homes and no home in country Victoria would consume less than $34 worth of electricity in a quarter.

The proposal announced last Thursday will apply to metropolitan Melbourne only. The concession for health card holders is not relevant to country health card holders. This can be said to be another way of discriminating against country Victorians.

What has happened as a consequence of that announcement in July last year and the announcement last Thursday? The clear current concern of low-income earners, their bottom line, which is all they are interested in, is how much they have to pay and when they have to pay it. Honourable members should not forget that not only are reminder notices going out more quickly than in the past but disconnections have increased and, as a consequence of that, the way people are responding to issues of concern in the electorate is changing dramatically.

All church and community groups are now holding major forums on electricity prices. In 1995 they will be holding major forums on water prices throughout the community. This is because of one factor: the government cannot, will not and is not capable with the policy before it of assuring people that they will be better off; the government will not be believed. More fundamentally, it has removed one of the key social contracts in place in this society since the introduction of electricity provision.

I remind government members that it was members of their parties who throughout the 1970s and 1980s pursued the Labor Party on the basis that if it were elected to state government in 1982 the uniform tariff would be removed — and here they are, the ones who gave no notice to the electorate prior to the election but are about to embark on removing tariffs!

The opposition says this motion ought to be supported. It is a foretaste of what will come throughout this session and beyond. The opposition makes it clear that not only will it fight the break-up, not only will it fight the privatisation and the removal of the uniform tariff, it will also win the political campaign. And the opposition will win the public campaign. It hopes to stop the coalition government from taking these steps prior to the next election.

Hon. R. M. HALLAM (Minister for Regional Development) — There is one point upon which there is no argument: the matter of a uniform tariff for the supply of electricity across the state raised by Mr Theophanous and supported by Mr White is important. As a representative of a rural electorate I inform the house that this is a very, very sensitive issue and one that inspires great passion. It is very important that we set the scene against which this
issue has been addressed and against which the decision was taken and announced last Monday.

It is interesting that in the debate there has been no dispute about the need for reform in the electricity industry. Even Mr White, who is regarded as an authority on this issue and is entitled to some respect because of that — I am happy to extend that respect — does not for one moment doubt the need for major reform of the electricity industry. In fact, to Mr White's credit, it was he who, when he had the reins in that portfolio, supervised the reduction in SEC staffing from approximately 24,000 to 11,000 employees. Mr White was responsible for dramatic changes to the way we generate power in this state, and again to his credit he did much of that against the messages coming from his immediate colleagues.

Above all else Mr White put a stamp on this debate long before the issue of uniform tariffs came to this place. To that degree I stand Mr White to one side in the debate. But Mr Theophanous would have us believe that we would achieve everything he puts in respect of this decision by the retention of the uniform tariff, and that is incredibly naive.

Let us look at some of the accepted facts — I know that Mr White, for one, will not dispute them. Ten years ago Victoria had the most effective power production of any state in Australia — that was acknowledged — because we had the natural advantage of world standard brown coal reserves in Gippsland. What did we do? We squandered that natural advantage. It is now generally accepted that we gave away that competitive edge. Whereas Victoria had been the most efficient producer of electricity in Australia, it now languishes approximately 20 per cent behind the states with and against which it is required to compete.

The facts are that Queensland and New South Wales use black coal — which we would all acknowledge, including Mr White, as being less efficient in production costs — yet those states are doing better than Victoria. How did we drop the ball so dramatically under 10 years of Labor administration, particularly when Labor held the SEC up as an example of the sort of reform Victoria so desperately needs?

We are told that in Victoria we have something like a 40 per cent excess capacity, and we are told that there is something like $9 billion worth of debt within the structure of the SEC. In all of that we are required to confront the reality of the national grid. No matter whether Mr Theophanous likes it, the fact is that in the foreseeable future and with the blessing of the Council of Australian Governments we will have a grid that takes in all the eastern states of Australia.

Hon. T. C. Theophanous — We don't have any problem with that.

Hon. R. M. Hallam — I am delighted to have that on the record, but you are prepared to allow Victoria to languish in its current position with a $9 billion debt and a grossly inefficient industry. What will happen, Mr Theophanous — and this is the real world — if we do not pull up our socks, if we do not go back and take advantage of that walk-up start offered by the brown coal reserves in Gippsland? We will finish up with an unserviceable $9 billion debt at the same time as Victorian consumers are enticed to buy their power from generation companies in other states. Under the opposition scenario we would offer Victorian consumers the opportunity to source their power from other states, because it will be cheaper, and leave the Victorian taxpayer with an unserviceable $9 billion debt.

That is the circumstance we are now confronted with as a result of the administration of the former Labor government. It is fact: a $9 billion debt and an inefficient industry under an eastern grid with a dramatically more efficient generating capacity in the other states. That is the real world! If the government had not been prepared to address the real issues, Victorians generally would be faced with a massive penalty in years to come.

The Victorian government had no real choice other than to address the efficiency of supply, including the uniform tariff. Let me go to the issue of uniform tariff, as Mr Theophanous implies that it is the absolute issue in respect of equity. He went to some lengths to describe the issue of equity as being inextricably entwined with the issue of uniform tariff. Let me go back and look at what we have under the euphemism of uniform tariff right now. We do not have a single tariff in this state, Mr Theophanous — we have something like 34 categories of tariff.

Hon. T. C. Theophanous — But they are uniformly applied throughout the state.

Hon. R. M. Hallam — They are not uniformly applied throughout the state, and that is the myth you would perpetuate in this place. The cost of power in Victoria can vary with the level of voltage;
the amount of electricity supplied can change with the level of volume and with the timing of supply. The cost can change with customer identity, it can be based upon whether the consumer is a residential consumer and it can change depending on whether that he or she, the consumer, is registered as a farmer or indeed as a farmer using irrigation.

Here is the interesting thing, Mr Theophanous: there are plenty of instances in which the price charged to the farmer is substantially higher than that charged to the residential consumer. That is your uniform tariff, that is the thing you now say must be contained to protect the rural consumer.

Hon. Licia Kokocinski interjected.

Hon. R. M. HALLAM — I say you have to be very careful because there are rural consumers now who are being adversely and grossly affected by what you say is the thing we should be retaining — namely, the uniform tariff.

One of the first things the government is going to do is encourage consumers to move into a more appropriate tariff structure because it is estimated —

Honourable members interjecting.

Hon. R. M. HALLAM — This is the myth you keep perpetuating. We expect that it may in fact cost the ‘system’ something like $80 million to $100 million simply by having people move to a more appropriate classification. The government is prepared to take on that in the chin as part of the reform agenda. It thinks it is absolutely appropriate. This is one of the issues that needs to be addressed in the first instance, Mr Theophanous, because you base your entire argument on the equity of the current system, which I put to you is anything but equitable because it says you will be charged a different rate for the power depending on who or what you are, not necessarily because of location.

On the same basis, if you are prepared to argue that the tariff should be based upon location, I ask what you are going to do about the differential according to your argument, when in fact the price is different depending on whether you are a residential consumer or a farmer.

What are you going to do about the differential? In your argument it is different depending on whether you are a residential user or a farmer, and there are also a whole lot of other classifications.

Hon. T. C. Theophanous — There are commercial and industrial users.

Hon. R. M. HALLAM — Suddenly it is all right to have a differential tariff! You want only a uniform tariff that you say applies to country versus city.

Hon. T. C. Theophanous interjected.

Hon. R. M. HALLAM — It is much more complex than that. I also wish to deal with the myth that a uniform tariff will address all these ills. What it will do, and what effectively it has done for 75 years, is kill off competition. I put it to the opposition that that is precisely why we lag so far behind our interstate competitors.

I am pleased to have Mr White back, because he is inferring that individuals in rural communities are looking at the prices they must pay as compared with their Melbourne counterparts. I know that is galling! I live there, Mr White, and I understand that. But we must look beyond that. The best farmer in my electorate is not necessarily competing with his neighbour. He may go to the saleyards on a Monday to see how the sheep prices are going and hope to beat his friend from next door, but he is no longer restricted to local competition, he has to compete with producers from South America, Asia and the European Community.

If we want to get back to where we belong on international markets and win back our competitive edge, we have to be prepared to look at every cost. The fact is that we are uncompetitive. Not only are we uncompetitive by world standards, we are not even holding up against Queensland or New South Wales.

Hon. D. R. White interjected.

Hon. R. M. HALLAM — We had no choice other than to look at what you say is so important. Let me make the point as to how we have addressed it. As part of the process of the change in policy — this was glossed over — the government has guaranteed maximum tariffs through to the year 2000 and has guaranteed substantial reductions.

Opposition members are arguing about relativities, but the Victorians they want to influence have been given a guarantee that their electricity prices will fall substantially as a result of that process. Not only do they have the guarantee of cheaper prices, they also have a far better prospect of avoiding the millstone of the $9 billion the opposition left in our path when
it lost government two years ago. That is a very persuasive argument. In addition, in the way that the distribution process — —

Hon. D. A. Nardella — You are not addressing the motion.

Hon. R. M. HALLAM — I thought we were talking about uniform tariffs. It was your leader who spent so much time on the issue of privatisation. In fact, Mr Theophanous and Mr White spent more time talking about privatisation than tariffs. If you want to talk about privatisation, I am delighted to run that line, but let the record show that the issue of privatisation in the production of power was started not by this government but by the previous government. The first issue of privatisation — the only issue of privatisation so far — —

Hon. D. R. White — We were not selling off any of the existing assets and do not support that.

Hon. R. M. HALLAM — What did you do with Loy Yang B?

Hon. D. R. White — Building a new power station.

Hon. R. M. HALLAM — That is different because you started it off before — —

Hon. D. R. White interjected.

Hon. R. M. HALLAM — What is more, to the total discredit of Mr White, the sale of Loy Yang B was done in anticipation of its construction for the worst of considerations. More importantly, a take-or-pay deal was struck. In other words, the Victorian community, as part of the deal — —

Hon. D. R. White — You saw the contract, you sat in here and you voted for it.

Hon. R. M. HALLAM — As part of the deal — —

Hon. D. R. White interjected.

The PRESIDENT — Order!

Hon. D. R. White — He keeps saying he did not vote for the contract.

The PRESIDENT — Order! He did not say one thing or another about whether he voted for it. The Leader of the Opposition will have the right of reply and can deal with those sorts of issues. I ask honourable members to allow the minister to deal with the matter without interruption.

Hon. R. M. HALLAM — When I was invited by interjection to take up the issue of privatisation I was simply making the point that thus far the only privatisation in the power industry in Victoria was supervised by the previous government. Let us recall the circumstances under which that sale took place. In advance of the construction of the generator and in the worst possible circumstances a deal was struck under which the Victorian community — —

Hon. D. R. White — During the course of its construction — it was under construction.

Hon. R. M. HALLAM — I stand corrected. It was in the course of construction. But a deal was struck under which Victorians would be required to take the total capacity, the total output of that generator, or pay for it.

Hon. D. R. White — Were you a party to it?

Hon. R. M. HALLAM — I say that that is the worst possible model of privatisation and the deal was done in advance of our being consulted on the entire issue.

Hon. D. R. White — You were consulted on every aspect.

The PRESIDENT — Order! Mr White has made his point about whether the minister voted on or supported a particular bill on about 12 occasions. I think he has made that point. I ask him to desist.

Hon. R. M. HALLAM — Until the year 2000 Victorian consumers will be guaranteed price reductions for the supply of power.

Hon. D. R. White — We do not believe you. It is a con.

Hon. R. M. HALLAM — I do not mind whether you believe it or not; I am quite happy to be judged on the record. I repeat that on the announcement last week of the change in policy a commitment was given for substantial and ongoing reductions in the price of power. In addition, a whole range of special considerations have been given to country consumers in particular on the impact of the removal of the uniform tariff.
The distribution network has been subdivided in a manner designed specifically so that two of the five new enterprises will be totally or heavily reliant on their performance in the country. An argument was put to us that if we were going to subdivide the state the fairest way was to have an equivalent profile of customers in each of the segments so that there would be no overt relative change between the country and the city. I admit that I was attracted by that argument.

However, ultimately, the question was determined by a really persuasive argument that, in my case, came from a quite unexpected quarter. I find it a quite compelling argument. It is that if we ensure that at least two of the distribution enterprises have a particular interest in the country, rather than having the sort of cocktail that I had previously been advocating, those enterprises will have an even greater incentive to make sure country Victoria gets a better go. In fact, their entire existence would depend upon how well they serviced their clientele. That is a very good argument. I believe country consumers will be advantaged by that process.

In addition, the government gave a commitment that there would be a write-down in notional value of the assets of those two enterprises of $440 million so that when a return on investment was considered there would be a great advantage for those enterprises in that they would be enticed, encouraged or induced to introduce relative-cost power. In all respects it is a very good deal for Victorian consumers, but it is a very good deal for country consumers in particular.

Country consumers understand, apparently better than opposition members, that their future depends not upon the relativities of price, but on how well they can compete on the international scene. If we can get the costs down absolutely, the benefits will flow to them in the form of improved trade.

Mr Theophanous has not made his case. He talks about the need for equality, saying the removal of the uniform tariff is unfair and asking all who care about rural Victoria to support his motion. I do not support the motion, but I do care about country Victoria. I am not persuaded by his superficial argument that we will be penalising country Victoria simply because of the perception that prices in country and metropolitan communities should be uniform.

I do not accept that the measure is a con job; in fact, the government has taken a very responsible position. The government had little choice other than to take drastic action to lift the efficient production of power in this state if we were not to incur great penalties because of the massive debt of the SEC.

The government’s position is clear. Unless we are prepared to engender competition within the power industry — the best way of doing that is literally to give power to customers by giving them a choice — unless competitive pressure is placed on the generators at the start of the process and unless we achieve the sorts of disciplines we have outlined in transmission and distribution charges, we will continue to lose the competitive edge we have enjoyed for many years.

Uniform tariffs do nothing other than kill off competition; and competition cannot operate successfully if consumers cannot move from one supplier to another. Whatever else is said in this debate, uniform tariffs offer no protection for country consumers; they do nothing but offer a notion of protection, which works against consumers.

In addition, I can report — I am happy to put this on the record — that prices for all Victorians, including country consumers, will drop dramatically between now and 2000. In the year 2000, when true competition is introduced, the government will ensure —

Hon. Pat Power — What is true competition?

Hon. R. M. HALLAM — True competition based on the energy component.

Hon. D. A. Nardella — If I live at Horsham, will I be able to get power from two sources?

Hon. D. R. White — No ‘might’ — where is the true competition?

Hon. R. M. HALLAM — You might be able to get power from several sources.

Hon. Licia Kokocinski — Two sets of powerlines and two sets of switches.

Hon. R. M. HALLAM — I will not even acknowledge that sort of inane interjection because it only underscores the hopelessness of the opposition’s understanding.
There will be minimal price differentials for country consumers after 2000 given the number of issues I have outlined, particularly the running down of asset values, which will encourage the minimisation of any cost differentials. In addition, the government will require the regulator to impose uniform distribution charges within the enterprise; and minimal differentials in transmission charges will apply. Those particular measures have been specifically designed to minimise the differentials in prices between the city and the country.

I return to the facts against which the decision was taken: 10 years ago we had the lowest electricity prices in the nation, based on an accepted natural advantage in Gippsland. We gave that edge away, and we continued to ignore that natural advantage.

Hon. B. W. Mier interjected.

Hon. R. M. HALLAM — Thank you, Mr Mier; I am pleased that we need not talk about the experience in Great Britain which, I put to the house, is absolutely irrelevant. We could talk about the comparative experience in New South Wales, which, again, is irrelevant. The facts are the facts. I have not heard the other side dispute or challenge them.

We gave away the very thing on which our reputation as the home of the manufacturing industry in this nation was built, and we did so by some very poor management of the power industry in particular. This government is not prepared to allow that advantage to be further squandered. On that basis, the most appropriate policy decision has been taken. Mr Theophanous has made no case. I suggest the arguments he has put have already been refuted by Mr Hartigan, and the motion is absolutely without support.

Hon. T. C. THEOPHANOUS (Jika Jika) — Mr Hartigan’s convoluted and irrelevant speech does not require a response. However, the minister made a number of points. The basis of his argument is that even if equity is not maintained between the country and metropolitan Melbourne, overall prices will come down, and that the overall price reductions will be a result of privatisation and competition. Without privatisation and without the sort of structure the government has put in place — that is, the five distribution companies and the generation companies — the SEC had already effected a productivity increase of about 55 per cent.

Hon. W. A. N. Hartigan — That is a measure of the disasters from which it started!

Hon. T. C. THEOPHANOUS — It reduced its work force from about 23 000 to fewer than 10 000, and that was achieved under the present structure. Those benefits are about to flow through because the capital investment in the voluntary departure packages is about to expire. That could lead to overall reductions in prices that may be significantly greater than those flagged by the government.

Everyone in the industry understands that greater price reductions than those announced by the government are possible — and not even in the context of the present government’s increasing electricity prices by about 15 per cent. The former government had reduced electricity prices even before many of those productivity increases eventuated. Yet even in the context of the productivity savings, this government increased prices by 15 per cent. What a sleight of hand! It increased prices firstly by 10 per cent and then by another 5 per cent — and now it says to the people, ‘Over the next four years you will get a 10 per cent reduction’. Big deal! What has that to do with privatisation?

The minister has said specifically in this house — he has left the chamber now — and we will bring him to account, that electricity prices will come down and that country Victorians in particular will benefit. That’s what he said!

Hon. W. A. N. Hartigan — You can use the words in any combination. How often are you going to do that? What are the permutations of eight words? We will be here all night!

Hon. T. C. THEOPHANOUS — We believe that country Victorians will pay more than the people in Melbourne. We will wait to see whether the minister’s prediction that they will pay less will come true. No-one believes it, not even the minister, but that’s what he said.

The minister mentioned lowering the debt of the SEC, which is about $8 billion and coming down. Let’s put on the record what the SEC’s performance was last year. Last year the SEC met all its debt-servicing requirements: it retired $503 million worth of debt and made a profit of $207 million after having paid the government $278 million in dividends.

That is the performance: $278 million to the government; $207 million profit; $503 million worth of retired debt. That is what happened last year with
the SEC — and on top of that it had to pay the state government 10 per cent tax on all electricity!

What a load of rubbish, for this government to come in here and try and say that the reasons for any reductions in electricity charges have anything to do with its proposed restructure! The proposed restructure is going to be a disaster.

The minister mentioned the national grid and competition on the national grid. We are quite happy for Victoria, with an integrated electricity business, to take on New South Wales on the national grid. We will take them on, and we will beat them. With a Victorian integrated system we can beat them; there is no question about that, because we have certain cost advantages in relation to brown coal.

We can beat them on the national grid, but one thing is certain: with five small distribution companies and six generators there is no way that we can beat them. We can’t come close to them.

I am not the only person who says this. The general manager of Pacific Power, Ross Bunyon, understands this.

Hon. W. A. N. Hartigan interjected.

Hon. T. C. THEOPHANOUS — He understands how important it is for New South Wales to maintain an integrated system so that it can compete with Victoria. He knows and he has made the statement, and it is worth quoting again in the house. In a speech he delivered at the 1993 energy and minerals conference he said:

The economic rationalists fail to acknowledge the realities of capital-intensive, high-volume, low-margin industries such as ours. Their catchcry is ‘divide and compete’.

That is the government’s catchcry: divide and compete. Mr Bunyon continued:

They fail to see that our competitors overseas are vertically integrated utilities that dwarf any Australian utility. Some are as large as the entire Australian electricity industry. These cashed-up international players have targeted Australia as ripe for cherry picking the spoils of any major industry break-up.

That is what is going to happen. The $8 billion debt does not disappear because you privatise; it is transferred to the private sector and the private sector has to pay the servicing costs, which in the end means the consumer has to pay the servicing costs, with one big difference: the private sector is not going to get that money and the interest payment on it at anything like the rate at which the SEC gets it. It will have to pay at least 1.5 per cent more.

I do not want to go into the details of privatisation and the losses we are going to suffer as a result of privatisation, but believe me, they will be significant and substantial.

The minister is already flagging that the two rural distribution companies will have to be given away for them to be able to come anywhere near the city ones in respect of price competition. They are going to have to be given away!

Who is going to take up that debt? The answer is: at the end of the day not only will we sell the distribution and generation parts of our electricity grid for a song, but we will also finish up holding a substantial part of the debt ourselves. That is what the end result will be. It is going to be a total disaster.

The minister can talk as much as he likes about tariffs, but it applies for each category. So if you are a residential consumer you pay the same whether you live in Horsham, Wangaratta, Melbourne or Geelong. It doesn’t matter where you live, you pay the same. That is the whole point. The minister may not recognise this. It is, as my colleague Mr White said, a social contract between the people of Victoria and their government which has existed for 75 years. It provides that the government will treat everyone equally; it will not discriminate against anyone, whether that person is a residential consumer —

Hon. R. M. Hallam — You already do!

Hon. T. C. THEOPHANOUS — Of course there is a different price for businesses.

Hon. R. M. Hallam — Explain why that is so.

Hon. T. C. THEOPHANOUS — I am happy to put it on record that no-one on this side of the house is saying there should not be a commercial tariff, an industrial tariff and a domestic tariff. There has always been that differentiation. What we are saying, though, is: if you are a small business and you want to open up in Melbourne, you pay the same for electricity as you do if you are a small business that opens up in Mildura. You do not pay three times as much if you happen to be in Mildura.
The minister can rant and rave about uniform tariffs, but people in small businesses know that is there is something called the uniform tariff and they know they can set up in Melbourne, Horsham, Wangaratta or Mildura and pay the same for electricity.

Residential consumers know that. They know they can live in any one of those places and they will pay the same for electricity. They know also that it has changed. They know that as of 1 September their decisions have to be based on a different set of premises.

The minister’s argument comes down to whether or not one believes the government in respect of the price reduction. Even if one believes the government in respect of the price reduction, we contend that there will still be significant differentials between the country and city. It would have been possible for the minister to say, ‘We think these price reductions are going to come into place and we think the benefits of them should be spread across the state’.

The motion is not inconsistent with that. The minister can support this motion while still supporting his price reductions. The opposition is quite happy to support both as well. On behalf of the opposition I am happy to also guarantee as a minimum the price reductions the government has offered to the people of Victoria. In fact, I am happy to say that the opposition would do better than the government’s guarantee without selling the SEC. The opposition and I are prepared to add one very important factor: we are prepared not only to guarantee those price reductions but also to say that everybody in the state will get them. We are prepared to say the price reduction will be the same whether you live in Wangaratta, Horsham or Melbourne. Everyone will get those price reductions because they are the absolute minimum that ought to be achievable given the productivity savings that have already occurred along with the price increase the government has already put in place. The government knows that, so the minister’s argument is nonsense.

The minister made great play of the two country-based distribution companies and how they would look after the interests of the country. But the question is how? They will start off with lower debt structures because they will be given away for a song. Although the opposition accepts that, there are contingencies such as fire mitigation. Who is going to pay for that? Fire mitigation accounts for $150 million every year, which will have to be paid for by those country consumers.

If there is to be a choice about where you buy your electricity from — the opposition accepts that it is possible for very large consumers and even medium-size consumers to be able to make that choice — —

Hon. R. M. Hallam — You had better explain that to Ms Kokocinski, because she doesn’t understand that. She says we have to have two sets of powerlines.

Hon. T. C. THEOPHANOUS — We accept that for very large or medium-size consumers it may be possible to have that choice; in fact, we have promoted that on our side of the house. But what does that mean for country consumers? I will tell you what it means: the distribution companies in the city, which, because of their cost structures, will be able to offer better prices, will get the large and medium-size consumers in the country to buy electricity from them. The metropolitan-based companies will be able to secure contracts with the large industrial consumers and the medium-sized consumers in the country regions. The country distribution companies will not be able to hold their consumers: their cost structures will be too high because of the tyranny of distance and a whole range of other factors.

The regional companies will lose a whole lot of customers, both large and medium sized. They will be left with residential consumers and the farming community, who will not have that choice. It is not envisaged that anyone will be able to bring in the technology that will enable them to have a choice before the year 2010 at the earliest. Rural residential consumers will be left without even the padding of having their own distribution company making some profits from selling to other commercial and industrial consumers. Whichever way you look at it, this will be a disaster for country Victorians.

This motion is very simple. It is a motion of principle that says nothing more than that in future prices for country consumers and country businesses, including service and supply charges, should be no greater than those in the city.

That is what our proposition is. It is very simple. I should have thought that if the minister had confidence in his own proposals for the competitiveness of country distributors, he would support the motion. But he has no confidence in them. He knows country Victorians will have to pay more. He also knows that when it happens — —
Hon. T. C. THEOPHANOUS — He knows that country Victorians are going to have to pay more.

Hon. W. A. N. Hartigan — More than?

Hon. T. C. THEOPHANOUS — More than metropolitan consumers. He knows it, yet he says country consumers in particular will benefit from the government’s decision. The opposition looks forward to country consumers benefiting; it is happy to see country consumers paying the same price for electricity as city consumers.

In conclusion I reiterate that the opposition is prepared to guarantee electricity prices at least at the level the government has set — in fact lower than those the government has set — with one difference: we will extend them to everybody in the state in accordance with the social contract that existed in this state for 75 years. All we on this side of the house can say is that the government ought to be ashamed of itself for not supporting a simple motion in support of country Victorians.

House divided on motion:

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Pairs

| Davidson, Mr | Evans, Mr |
| Kokocinski, Ms | Forward, Mr |
| McLean, Mrs | Connard, Mr |
| Pullen, Mr | Ashman, Mr |

Motion negatived.

BUSINESS OF THE HOUSE

Sessional orders

Hon. R. I. KNOWLES (Minister for Aged Care) — I move:

That unless otherwise ordered by the house, in each week of the present session —

(a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;

(b) the transaction of government business shall take precedence of all other business, except business governed by standing orders nos 20A, 68A and 86, on Tuesday and Thursday, and at 2.00 p.m. on Wednesday;

(c) the transaction of general business shall take precedence of all other business on Wednesday until 2.00 p.m.;

(d) no new business shall be taken after 10.00 p.m.;

(e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day;

(f) the provisions of this resolution, so far as they are inconsistent with the standing orders and practice of the house, shall have effect notwithstanding anything contained in those standing orders.

This is the sessional order which is in similar form to the one introduced at the beginning of this Parliament, which seeks to establish a number of features the government thinks are important.

The first is that question time is an appointed time every day of sitting, irrespective of the commencement time. The second is that it seeks to ensure that what has been the tradition of the Parliament applies in practice and that government business takes precedence on Tuesday and Thursday and Friday if the house sits.

On Wednesday there is a period guaranteed for general business. Honourable members will recall that when we introduced it we proposed that it be limited to opposition business, but at that time Mr Landeryou suggested it should not be restricted to opposition business but should include general business, which the government accommodated.

While that sets a limit of general business at 1.00 p.m. or 2.00 p.m. on a Wednesday, it has been the
practice that it has often been extended. Dependent on government business, wherever possible we have sought to accommodate opposition requests seeking additional time.

I think those sessional orders have served the chamber well. They have provided a reasonable balance between satisfying the wishes of the government to achieve the transition of business and guaranteeing the rights of members to hold the government to account and to raise matters of particular concern to the opposition.

The reality is that by and large general business on the Wednesday becomes a time for opposition business. It is my understanding that the Leader of the Opposition proposes to move an amendment to the motion which seeks to allow for someone other than a minister to move the adjournment of the house on a day that government business takes precedence.

The government cannot accommodate that request because essentially it would enable the opposition to control business on those days that the government would argue that government business should take precedence.

In reality the opposition could move an adjournment motion every day the house sat and take up the time of the chamber, when we would argue that government business should take precedence. Therefore the government cannot accommodate that amendment.

We believe that under these sessional orders the opposition is guaranteed an opportunity to have a period each week the house sits in which it can raise matters of business. I put it to the house strongly that it is right and proper that government business take precedence on these other two days for the transaction of business. I believe all members would concede that since the sessional order was introduced there has been an orderly transition of business.

I commend the motion to the house as a sound basis for the conduct of business over the rest of this Parliament.

Hon. T. C. THEOPHANOUS (Jika Jika) — The opposition opposes the government's motion concerning sessional orders and the business of the house. I move the following amendments to the motion moved by the Minister for Housing:

In paragraph (c), omit "until 2.00 p.m."

I understand that the amendments are being distributed. I intend to speak to the amendments and to the substantive motion at the same time. When the sessional orders were agreed to by the house at the beginning of the last session of Parliament, the government made clear that this was to be a temporary arrangement. My colleague Mr. White will expand on this. The Minister for Housing said on 28 October 1992, as reported at page 71 of Hansard of that date:

I make it plain that the government does not see the necessity for general business to conclude at 2.00 p.m. As I indicated earlier, in the future a longer period is envisaged. Mr. Landeryou has made the point that this chamber has not been the subject of time limits in the past and yet it still deals efficiently with its business. The government does not want the opposition feeling obliged to take up the time frame. If members of the government wish to raise certain issues, the government will seek to provide opportunities for that within the legislative program.

The spirit of what was stated by the minister was that the 2.00 p.m. time limit on general business — traditionally the time when the opposition can raise matters — was a temporary arrangement, that it was envisaged that the government would have a hefty schedule over the course of its first term or terms and that the matter would be revisited at a later date.

The fact is that during the previous Parliament there was no 2.00 p.m. time limit and the Parliament operated in the spirit in which this place normally operates. When members are keen to participate in a debate, that debate may be extended to some longer period. At other times debate may be relatively short in duration because of a lack of interest in the topic. Usually by negotiation and discussion between the government and opposition arrangements have been able to be worked out which allow members to speak on issues raised by the opposition.

We see no reason why that sort of arrangement, an arrangement in place prior to the election of the Kennett government in 1992 and which follows the spirit and reflects the history of this place, should not be reverted to. That is the reasoning behind one of my two amendments to the motion moved by the Minister for Housing.

The other amendment I have moved goes to the issue of whether the opposition ought to have the right to raise matters of importance at times other than Wednesday by way of a motion of
adjournment. Again, this right was enjoyed by the opposition prior to 1992. Having been a minister in this chamber, I cannot say that this right was abused by the opposition.

Hon. M. A. Birrell — That was because the power could not be excised by the party that had the majority.

Hon. T. C. Theophanous — Be that as it may, the fact is that that power existed under the previous regime and even at the beginning of the previous Parliament in 1988, when there was no coalition in place and when none of the three parties held a majority in this place, the power was not abused. It was not the case that the National Party moved adjournment motions at random even if it knew — —

Hon. W. R. Baxter — We did not have the numbers. We could not get it up.

Hon. T. C. Theophanous — I am sure the fact is that the Liberal Party did not hold a majority at that time. It could not necessarily rely on the motion getting up. Even if the argument of the government is accepted, that just reinforces what we have been saying, namely, that such an arrangement would not lead to the opposition gaining control of the chamber. It may lead to the opposition taking up a bit more time in some debates, but there is still the safety valve of the President’s having to agree that the matter cannot be debated at some other time and that it is a matter of some urgency that cannot be debated in a different context by the member who has proposed the motion.

The President would have to assess any adjournment motion moved by the opposition. All the amendment may allow is for a debate to occur in some circumstances, namely, if a matter of real importance or urgency arises and the opposition is able to convince the President that there is no other opportunity to debate that issue.

It may be the case that the adjournment would be allowed and we would debate the matter. So what! What is wrong with that? Is that so wrong? Perhaps it may result in the possibility that the house has to sit an extra day at the end of the session, but given the comments of Mr White on sitting days I would not have thought anybody in here would be prepared to say that we should sit for fewer days than we are currently sitting. No matter what way the government looks at this, there is the safety valve of the President’s discretion.

The opposition lacks the capacity to adjourn the Parliament and therefore this arrangement would not affect the progress of the rest of the business. It simply affords an opportunity — one that has been present for many years — for the opposition to raise a matter if it is of crucial importance and needs to be debated on that day. On the basis of all of those arguments, I call on honourable members to support the amendments I have moved.

Hon. W. R. Baxter (Minister for Roads and Ports) — I support the motion moved by the Leader of the Government and oppose the amendments moved by the Leader of the Opposition.

It seems to me the crucial test must be: did the sessional orders under which the house worked last session prove to be unsatisfactory? I do not think the Leader of the Opposition has advanced any evidence to show that the way the house worked in the earlier session this year was at all unsatisfactory or that the rights of the opposition were denied in any way. The fact is that on many Wednesdays — opposition days — debate finished ahead of the scheduled time or it was necessary to go on with a second opposition motion or to go to something listed under general business to fill in the time. On occasion the time was not filled in and we finished early, so I do not think there can be any suggestion that there was not a fair deal for all members of the house last session. If evidence of that sort were being put forward, clearly we would have to reconsider the matter, but it is not.

Similarly, with respect to the adjournment motion, traditionally for most of the session the house sits two days a week, and on one of those two days — 50 per cent of the time — it is opposition business first up until 2.00 p.m., so I would have thought it was a very fair allocation of time, taking into account the sitting days of the house, giving an opposition ample opportunity to put forward any matters it wishes to raise.

I think it is true — and it has been acknowledged by the Leader of the House — that the house has traditionally worked on the basis of fairly general consensus and cooperation. I think that was apparent last session under those sessional orders, and I see no reason why a similar scenario would not operate well this session.

Hon. D. R. White (Doutta Galla) — The current arrangements are totally satisfactory from the government point of view and totally unsatisfactory from the point of view of every other member of the
Looking into the future, if circumstances were reversed the first thing Mr Baxter would seek to do on the day he arrived back in opposition would be to change the sessional orders to reinstate the past practice adopted when his party was in opposition.

What we are talking about here is the credibility of the Leader of the House, because it was the Leader of the House who said explicitly in 1992 not simply that the 2 o'clock ruling on general business would be reviewed but that it would be done away with, that it was a temporary arrangement. I quote again from page 71 of Hansard for 28 October 1992:

As I indicated earlier, in the future a longer period is envisaged.

A longer period of general business.

Hon. M. A. Birrell — Who are you quoting?

Hon. D. R. WHITE — Mr Knowles. You are the Leader of the Government, he is the Leader of the House. Have you got it? I am making it clear that Mr Knowles said:

I make it plain that the government does not see the necessity for general business to conclude at 2.00 p.m. As I indicated earlier, in the future a longer period is envisaged.

Now what is the future when the Parliament has been prorogued and a new opportunity arises? Mr Knowles was foreshadowing the removal of the 2.00 p.m. deadline. The words mean nothing else but that. That is clearly what they mean — he intended the 2.00 p.m. deadline to be removed.

In the period prior to 1992, as you know, Mr President, in this house the rules were that general business took precedence on Wednesday, and there was an opportunity not only for the opposition but for any individual member to raise items of general business throughout the day. That period has now been curtailed to 2.00 p.m. In addition to that, the provision that enabled members to move adjournment motions on government business days, Tuesdays and Thursdays, operated until 1992 and no previous conservative administration in the period when the Leader of the House has been here — in 1976-79 or 1979-82 — sought to tamper with that privilege. Under the rules of this house and under the current administration the role of the Legislative Council has been restricted and the roles of members in the Legislative Council have been restricted in comparison with past practice and precedents.

The Minister for Roads and Ports says it is a satisfactory arrangement and the opposition has not demonstrated that it is an unsatisfactory arrangement, so let me go through the provisions. Each week the Leader of the House seeks some understanding of the general business items that will be raised on a Wednesday and of when the debate will conclude, whether it will be 1.00 p.m. or later — on occasion we get an extension to between 2.00 and 2.30 p.m. There is a significant limitation on the ability of any member to raise a new item of general business after 2.30 p.m., or the conclusion of question time at 3.15 p.m.

As a consequence of the rules being set down, the climate that has been created not only for the opposition but for all individual members of this house, as opposed to custom and practice, is one of a restriction that did not exist when general business was being used by Mr Birrell or Mr Hallam or yourself, Sir, or Mr Knowles in the past.

The opposition is saying that if an attempt had been made when Labor was in government to restrict general business to 2.00 p.m. on Wednesdays the Leader of the Government would have been the first person to resist it. He would have been the first person to come into this house to argue against such a proposition. There is absolutely no doubt that the Leader of the Government would have opposed it. Just as we found yesterday when we were talking about his credibility in respect of the house, we know the double standards he engages in.

On the day the Labor Party achieves government again, if there were a majority on this side of the house, the first thing Mr Birrell would seek would be a change in the sessional orders. The opposition knows the rulings and practices introduced in October 1992 are not in accordance with past practice, are working in an unsatisfactory manner and ought to be changed.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The speeches of Mr White and Mr Theophanous reveal a lack of understanding of the reality of what occurred when the coalition was
in opposition and of the codification of rights that this government has brought in, which it could have decided not to. The absence of that action would have deprived the current opposition of the opportunities it enjoys. Let us first of all — —

Hon. D. R. White — Patronising crap!

The PRESIDENT — Order! Mr White, the Minister for Conservation and Environment has not yet made his contribution to this debate and you are using terms which the house can well do without. I ask you to hold your peace.

Hon. D. R. White — The normal double standards we expect of him.

Hon. M. A. BIRRELL — Let me first look at Mr White’s argument that the right to move an adjournment motion was always available to the Liberal and National parties in opposition and that because there was that adjournment right that ‘adjournment right’ should exist now. As is usual with his addresses, Mr White ignores those pieces of fact and logic that undermine his argument. The fact is that that was not a right the government, in opposition, sought to utilise, although it controlled every single action of the house. It could have adjourned the house every day. It could have forced the house never to have sat. It could have defeated every bill, regulation and planning scheme, but it did not. That so-called right was not utilised, it was not extensively employed, it was not one which functioned at all in practice, nor was it one on which the precedents of this place have been based. There has never been a time when we have not been the majority parties. There has never been a time when the people of Victoria elected the Labor Party to dominate the chamber since, I think, the Second World War, when modern parties took on their relevant formations. What that means is that that so-called right was never actually utilised.

Let us look at the flipside. When the government came to power it codified, formalised and introduced the right so that the opposition has that power over it despite the fact that the opposition does not have the numbers. We used our position in government to formalise a capacity for the opposition that did not exist in practice. So, far from being upset about Mr White’s contorted argument — —

Hon. D. R. WHITE (Doutta Galla) — On a point of order, Mr President, throughout the period when we were in opposition prior to 1982 general business existed as of right to the opposition for the whole day. That was codified in the sessional orders. It is totally fallacious for the Leader of the Government to indicate that there was no codification of general business on a Wednesday prior to 1982.

The PRESIDENT — Order! That is not a point of order. It could be the subject of a personal explanation. However, I think Mr White has made his point.

Hon. D. R. WHITE — Prior to 1982 it was codified in sessional orders as being for the whole day. The Leader of the Government is making it up; he is misusing the words.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — What we have made quite clear is that we have guaranteed — —

Hon. D. R. White — Under sessional orders prior to 1982 it was guaranteed for the whole day.

Hon. M. A. BIRRELL — We are making it clear that the majority political parties in this house decided to ensure that there was opposition business every Wednesday. The motion to bring in a guaranteed time for opposition business every Wednesday, which we moved in October of 1992, was amended only on the motion of Mr Landeryou, a former member for Doutta Galla Province, to change it from guaranteed opposition business to general business. That is, Mr Landeryou said it should be available for use by backbench members of the Liberal and National parties. We accepted that. I believe Mr White considers it to be correct for all members of Parliament to be able to move such motions.

Hon. D. R. White — That is correct. Mr Evans had one on the notice paper last session.

Hon. M. A. BIRRELL — I suspect there may be more this session. That change was made as a result of a Labor Party initiative. However, never let it be forgotten that the proposal that we brought forward in this chamber was the unique proposition of the majority parties that controlled the house to guarantee opposition business.

The second issue Mr White raised was about general members business and the fact that it would be no good having provision for general business if on all occasions a government majority could be used to stop it. The sessional orders ensure that the government majority cannot be used to stop that
business. We have even enshrined in the sessional orders that fact that we cannot use the sheer numbers of this house to stop general business.

It should also be remembered that the sitting times of this chamber have been altered quite radically. When I first came here we had opposition business in the afternoon.

Hon. D. R. White — For the whole day!

Hon. M. A. BIRRELL — That is fascinating, Mr White.

Hon. D. R. White — All afternoon and for the whole of the evening — and you do not sit on Wednesday night now.

Hon. M. A. BIRRELL — And the whole day through to dinner! Mr White seeks to talk about the whole day as though we started sitting in the morning. We did not start sitting in the morning because, as he may recall, parliamentary committees met then. We have heard yet another re-creation of history. Mr White says we had the whole day when in fact 'the whole day' was the afternoon!

He might find out that in practice the time allocated for opposition business back then was virtually identical to what is provided in the rules that are before us now. The proposal before us enshrines guaranteed time for opposition business. If Mr White or Mr Theophanous wish to reflect on some alternatives, I suggest that they reflect on the alternative in the Legislative Assembly. The rules we have introduced here as a result of the decision of upper house members, particularly the upper house ministers, are different from those that apply in the Legislative Assembly. The Legislative Assembly has extremely strict rules based on a long history of control by all governments. We have instead brought in a system that can be regarded as fair.

Mr White also sought to ignore the fact that we have brought in a number of reforms which we forced upon the Kirner government but willingly kept when we became the government. The tenor of Mr White’s comments suggested some change of attitude by the Liberal and National parties since coming to government. If that is accepted, you would have thought that when we got into government we would have taken away the accountability reforms we forced upon the Kirner government.

I was the one who forced upon the previous Labor government the requirement that questions on notice be answered within 30 days. I also ensured that it was brought in under the Kennett government. In other words, we have used the "tyranny" of majority so that there is more scrutiny of the executive! That is hardly an example of a change in attitude!

To stop the tidal wave of bills we used to get I forced on the Kirner government the rule that no bills from the Legislative Assembly could be introduced into the Legislative Council in the last week of the sittings of the Legislative Council. In government I introduced the same rule to control us.

Following our election we were determined that we would not use our record majority in the upper house to deprive non-executive members of their rights. In the same way that the proposal was accepted by the Labor Party when in opposition in October 1992, we expect this logical proposal moved by the manager of government business today to be accepted.

Hon. D. A. NARDELLA (Melbourne North) — I shall not take up much of the time of the house, but I wish to make my view known. I support the amendment. My view is not based on long experience in the house, as is the case with some members. During my short time here I was involved in the debate on this issue in 1992 and I am now participating in this debate. I am concerned that the rights and privileges of members who were here before my time — before October 1992 — will no longer exist. That is of great concern to me because democracy and the workings of this house are based on that precedent.

I remember the debates that occurred in 1992 when the sessional orders were adopted by this house. I was under the impression, as were other opposition members, that the sessional orders were put in place to enable the house to deal with the large amount of legislation that was coming through at that extraordinary time and that the curtailment of the rights of honourable members on both sides of house that took place in 1992 would be in place only until that situation changed.

As was stated by the Leader of the Government, the adjournment right was not one the government sought to utilise prior to 1992 when it was in opposition. It was its decision whether to utilise that right, but that right existed in this house prior to 1992. Once the democratic rights of members are
taken away they do not return — they are lost forever.

As has been alluded to by others on this side of the house, when the tables turn 180 degrees and the election takes place the rights that existed prior to 1992 will return. However, in that situation the Liberal and National parties could still have a majority in this house and could easily change them back. That is no justification for removing a right that existed before 1992. If the opposition became the government and in a subsequent election regained a majority in this house, I would argue in my party room and in this place that the rights and privileges we enjoy should be extended to the opposition. Part of the democratic process involves people listening to others — and the government should now listen.

Hon. B. N. Atkinson — Is this about the pledge?

Hon. D. A. NARDELLA — It has everything to do with the rights and privileges of people like you and me, Mr Atkinson, which is more important than anything to do with the pledge. We should retain the rights and privileges that every honourable member enjoyed before 1992. I do not like Mr Birrell’s attitude in saying we should reflect on the alternative — that is, how the other house works. That is no alternative!

What happens in the other house should not be used to threaten any opposition. The practices in that house are no justification for withdrawing the rights and privileges of members in this place. This house has its own very good and acknowledged traditions, as referred to by Mr Birrell. For example, questions on notice must be replied to in 30 days.

Hon. W. A. N. Hartigan — If you got into government you would abolish the bloody thing!

Hon. D. A. NARDELLA — Mr Hartigan does not listen. That is not my position, nor would the Labor Party abolish that provision. It is important that this house impose checks and balances on the executive.

I support the amendment, which goes to the heart of the way I and other honourable members are treated in this place. It is important that our position be made clear and put on the record. Any minority opposition, whether it is the present opposition or a coalition opposition, should enjoy the same rights and privileges as those enjoyed by members in the past.

Amendment negatived.

Amendment no. 2 negatived.

Motion agreed to.

DENTISTS (AMENDMENT) BILL

Second reading

Hon. R. I. KNOWLES (Minister for Housing) — I move:

That this bill be now read a second time.

The purpose of the Dentists (Amendment) Bill is to enhance the capacity of the Dental Board of Victoria to deal with problems associated with unclean or unhygienic dental practices.

Honourable members will be aware that in recent years a great deal of public concern has been expressed about the possible risk of transmission through surgical procedures of the human immuno-deficiency virus (HIV) and other infectious
diseases. Because dentistry is inherently an invasive procedure, dentists who fail to observe guidelines for the prevention of the spread of infectious disease pose a particular threat to the health of the community. Likewise, a dentist who neglects to take appropriate precautions is himself or herself at risk from any patient who is infected with an infectious disease.

Since its inception in 1888, the dental board has played and continues to play an important role, not only in determining the competence and training of dentists but also in protecting the public from the spread of infection through dental procedures.

The legislation that both establishes the board and governs the practice of dentistry in Victoria is the Dentists Act 1972. Section 9 of that act gives the Governor in Council power to make regulations with respect to 'the practice of dental surgery or dentistry by dentists and the conduct of such practice'.

Regulations that have been made in exercise of this power require a dentist to ensure that —

(a) the premises at which he or she practises are kept in a clean and hygienic state; and

(b) in attending a patient, he or she takes such steps as are practicable to prevent the spread of infectious disease.

The weakness in section 9 is that it does not contain a provision enabling standards, guidelines, codes and the like to be incorporated into the regulations.

Several national standards have now been developed to minimise the risk of infection through dental procedures including *Guidelines for the Prevention of Viral Infection in Dentistry* published by the National Health and Medical Research Council (NHMRC). The board has adopted the NHMRC guidelines as its policy on the procedures that should be followed by members of the profession. However, without an incorporation power, the guidelines cannot be enforced by the board.

The main aim of the bill is to establish in the act a clear power to incorporate into the regulations the current national guidelines or other recognised standards relating to infection control at dental surgeries. As a result of the legislation the dental board will be able to take appropriate action against the small minority of dentists who are not prepared to conduct their practices in ways that promote safe dental procedures.

The opportunity is also being taken in the bill to bring Victorian legislation into line with that of other states by providing members of the board with a right to enter dental surgeries and other premises for the purposes of enforcing the provisions of the act.

The Dentists Act creates a number of offences and contemplates proceedings for these offences being initiated by the board. However, although the board is capable of initiating prosecutions, it does not have the power to enter and search the premises where a dentist carries on his or her practice or the premises of an unregistered person who may be practising dentistry illegally. This lack of power has meant that, unless the board has been invited onto the premises, it has been unable to investigate fully complaints about illegal or unsafe dental practices or to obtain necessary evidence to establish that an offence had been committed.

The provisions proposed in this bill are modelled on corresponding provisions enacted by this Parliament in what is now the Nurses Act 1993 and the Medical Practice Act 1994. In essence they will give the board the right to apply to a magistrate for the issue of a search warrant where there are reasonable grounds for believing that a breach of the act or the regulations has occurred. With some necessary modifications, the bill will otherwise apply the provisions of the Magistrates Court Act 1989 to the execution of the warrant.

The changes to the Dentists Act that I have outlined are important initiatives, not only for protecting the health of the community but also for enhancing public confidence in the integrity of the dental profession.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. J. HOGG (Melbourne North).

Debate adjourned until next day.

PROPERTY LAW (AMENDMENT) BILL

Second reading

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The Property Law (Amendment) Bill is very short. It has the simple purpose of making minor
amendments to correct a number of spelling errors in the Property Law Act 1958.

I commend the bill to the house.

Debate adjourned for Hon. B. T. Pullen (Melbourne) on motion of Hon. C. J. Hogg.

Debate adjourned until next day.

EMERALD TOURIST RAILWAY (AMENDMENT) BILL

Second reading

Hon. Haddon Storey (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

Since its establishment in 1955 the Puffing Billy railway has grown to be one of Victoria's premier tourist attractions, in 1992-93 making a net profit of $324,351 and carrying 210,864 passengers.

In 1977, the Emerald Tourist Railway Act established the Emerald Tourist Railway Board to preserve and manage the operations of the railway. Given its importance as a tourist attraction and with the growth of the Puffing Billy operation since the act was proclaimed, it is now appropriate to amend the act to provide the board with the flexibility necessary for managing the continuing development of the railway.

Consistent with the government's policy of freeing up statutory authorities from unnecessary government intervention, the bill will:

- redefine the responsibilities of the Emerald Tourist Railway Board to ensure that it is able to pursue wider business objectives consistent with the development of the railway as a major tourist attraction;
- ensure that the board can appoint to its membership those with the experience and expertise necessary to assist in the management and development of the railway; and
- provide the board with increased autonomy to manage and regulate its affairs.

Consistent with recent amendments to the Transport Act 1983 the bill will also extend the board's exemption from the provisions of the Fences Act 1968. Specifically, the board will no longer be liable for damage caused as a result of the railway's land not being fenced in accordance with its current exemptions from the Fences Act.

As a result, I make the following statement under section 85(5) of the Constitution Act 1975 as to the reasons why it is necessary to alter section 85 of the Constitution. Section 48A of the bill provides for the limitation of the jurisdiction of the Supreme Court to prevent it from entertaining actions relating to damages caused by reason of the Emerald Tourist Railway not being fenced in or fenced off. It is essential that the board is able to proceed with the enhancement of the operations of the railway without being impeded by such claims for compensation.

The bill demonstrates the government's commitment to the growth and enhancement of Victoria's tourism industry by acknowledging that the Emerald Tourist Railway Board has managed the Puffing Billy railway with dedication and skill and has positioned it as one of the state's most popular and innovative attractions. The provisions of this bill will ensure that this continues and that the Puffing Billy railway grows strongly into the 21st century.

I commend the bill to the house.

Debate adjourned for Hon. Pat Power (Jika) on motion of Hon. C. J. Hogg.

Debate adjourned until next day.

ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL

Second reading

Hon. W. R. Baxter (Minister for Roads and Ports) — I move:

That this bill be now read a second time.

This bill will assist the Royal Agricultural Society of Victoria in its corporate restructure to be better placed to successfully undertake its business responsibilities.

The bill has three major purposes. The first is to transfer the benefit of the Crown grant land from the Royal Agricultural Society of Victoria to a company limited by guarantee called RASV Ltd.
The second purpose is to remove certain prohibitions on the use of the Crown grant land which forms part of the showgrounds. The third purpose is to enable the land for which the prohibitions have been removed to be subject to planning controls.

I shall provide some background on the bill and then deal briefly with its major purposes. The site of the agricultural showgrounds at Ascot Vale has been used for holding shows under the auspices of the Royal Agricultural Society of Victoria since 1883. The showgrounds comprise an area of nearly 30 hectares, of which about 12 hectares is Crown grant land subject to permanent reservation.

The Crown grant land covers the central portion of the showgrounds, which includes the main arena and also the south-east corner of the showgrounds. This land is held in trust for the Royal Agricultural Society of Victoria. The Royal Agricultural Show-grounds Act 1931 provides for the profits arising from the Crown grant land to be used by the society for its benefit and particularly for effecting improvements to the entire showgrounds.

The government believes the continued use of the profits from the Crown grant land for use by the Royal Agricultural Society of Victoria is quite appropriate. However, holding the Royal Melbourne Show each year is a major business undertaking, and improved business and strategic planning will be necessary to ensure the show’s ongoing success. The showgrounds are also one of Melbourne’s significant public events facilities which should be better utilised outside the two weeks of showtime to provide improved entertainment and greater business opportunities within the City of Melbourne.

The Royal Agricultural Society of Victoria acknowledges the challenges it faces to turn around the flagging popularity of the Royal Show and to ensure the better use of the showgrounds as one of Melbourne’s major public events facilities. To address these challenges the society has restructured its organisation, employed a new chief executive from the business sector, will soon become a company under the Corporations Law of Victoria and will develop within this financial year detailed business and strategic plans.

To enable the profits from the Crown grant land at the showgrounds to be used by the society under its future company status, the Royal Agricultural Show-grounds Act 1931 will need to be amended as proposed in this bill.

The other purposes of the bill impact upon the control of use of the Crown grant land at the showgrounds which may generally be used for recreation, entertainment and amusement. However, the Royal Agricultural Show-grounds Act 1931 specifically prohibits horse races, pony races, motor car races, motorcycle races, and coursing such as greyhound racing. The prohibition on various forms of racing at the showgrounds is no longer appropriate given the contemporary planning schemes which are now in place. The showgrounds are currently covered by Melbourne Planning Scheme Amendment L60, which is consistent with the existing prohibitions on use under the 1931 act. The bill will remove the specific prohibitions and ensure that the showgrounds, including the Crown grant land, is subject to planning controls where there is provision for amending the relevant planning scheme following public review.

The bill will allow the Royal Agricultural Society of Victoria to better operate under an appropriate company structure and enable a wider range of activities to be considered for the showgrounds subject to an approved planning scheme.

I commend the bill to the house.

Debate adjourned for Hon. PAT POWER (Jika Jika) on motion of Hon. C. J. Hogg.

Debate adjourned until next day.

ADJOURNMENT

Hon. R. I. KNOWLES (Minister for Housing) — I move:

That the Council, at its rising, adjourn until Tuesday, 4 October.

Motion agreed to.

Hon. R. I. KNOWLES (Minister for Housing) — I move:

That the house do now adjourn.

Coburg-Preston Secondary College

Hon. C. J. HOGG (Melbourne North) — I direct to the attention of the Minister for Tertiary Education and Training both in his ministerial capacity and as the representative in this house of the Minister for Education a matter concerning the Coburg-Preston Secondary College. As the minister
is aware, many of my constituents who live in and around Coburg and Preston have eagerly been awaiting the announcement of the acquisition of the Royal Melbourne Institute of Technology Coburg campus by the Directorate of School Education as the new home for the Coburg-Preston Secondary College. The proposed transfer of the school to the RMIT site was considered to be a very positive move by the school community and the RMIT staff, students and administration officers with whom I had contact earlier in the year.

The deadlock that has dogged the resolution of this question for months must be broken so that the parents of potential students at the Coburg-Preston Secondary College can know what will happen at the school next year. I ask the minister, who I am sure is actually interested in this question in both respects — that is, in his capacity as the Minister for Tertiary Education and Training and as the representative in this place of the Minister for Education — to assist in breaking the deadlock and effecting this transfer, which I believe will be for the long-term good of that community.

Franchising code of practice

Hon. B. N. ATKINSON (Koonung) — I ask the Minister for Tertiary Education and Training to direct to the attention of the Attorney-General in the other place my concern about the current position of the franchising code of practice. I note that the federal minister has indicated it will continue as a code of practice rather than promising to look at introducing legislation. I support legislation covering franchising because of the difficulty that the police and the Australian Securities Commission have in pursuing fraud and deceptive practices before it is far too late. There have been significant casualties from franchise collapses, as a result of which people have lost money and businesses have been put at risk.

I am also concerned that consultants encourage franchising in business formats to make money by writing plans and manuals and selling those franchises without necessarily being subscribers to the code of practice. There is no effective penalty for not subscribing to the code, and industry is concerned about the low participation rate of franchisees and consultants.

On this occasion I am worried — this is consistent with my view that franchising legislation ought to prevail — about the actions of one particular individual who I think has been involved in business practices that are of major concern to a lot of people. Despite that, the individual continues to act as a franchise consultant trying to sell franchise formats in his own right.

I seek the Attorney-General's advice on any action she may take under the franchise code or other companies legislation, perhaps in conjunction with federal government authorities, to restrain or prevent Richard and Carol McDonnell from acting as consultants in the franchise industry or from selling any interest in franchise concepts they own, or claim to own, including the Lost Forests.

Mr McDonnell has been a bankrupt and has been associated with the collapsed Lifestyle Vigour Gyms group and the Deburgh Chocolates and Pemberton Coca-Cola shops, both trading as Abernette Pty Ltd. He has also been a shareholder in MacWillow Pty Ltd, which operates a motel in Canberra and has been in effective control of the Lost Forests retail chain, which has also virtually collapsed.

In fact, Lost Forests Pty Ltd — the actual company — was put into liquidation by one of its creditors, and the liquidator, KPMG Peat Marwick, has expressed concern about the transfer of assets from that company to other McDonnell companies to deny creditors access to any proceeds from the sale of those assets. The rights to the intellectual property and certain commercial uses of that intellectual property are also subject to protracted and current legal proceedings in the federal court with the creator of the original Lost Forests concept, Mr Tony Barber.

Mr McDonnell has been fined and placed on a good behaviour bond for breaches of his bankruptcy administration. An action has now also been initiated by a company called Three Dimensional Video over Copyright Act infringements involving the piracy of video productions. This company actually initiated the original wind-up of Lost Forests Pty Ltd with debts of more than $400,000.

Despite the fact that only one of the Lost Forests stores at Richmond continues to trade, in pursuing new business contracts and agreements Mr McDonnell uses letterhead that implies that there are other active outlets in Sydney, New York and Minnesota owned by the company. The United States outlets have all been closed and are also subject to legal actions in which creditors are involved.
Mr McDonnell has been advertising recently — this is a matter of major concern to me — for staff for the Lost Forests party plan program using rights that are, at best, in dispute and offering people who might pay to become part of this plan advancement to management status with generous commissions, company cars and overseas travel.

Clearly, Mr McDonnell’s company history suggests that there is no possibility of those incentives or rewards being provided to people who part with money to participate in this party plan; they are offered deceptively.

Mr McDonnell has also extensively defamed Tony Barber, the creator of the Lost Forests concept, knowing that it would be far too costly — indeed futile — for him to get any satisfaction by seeking legal recourse to prove that position. From my knowledge of the situation I am able to say that Mr Barber has probably given as good as he has got in that particular area.

No doubt both Mr and Mrs McDonnell will be disqualified from being directors of companies under section 600 of the Corporations Law because of their involvement with a number of the failed companies that I brought to the attention of the house this afternoon. Mrs McDonnell has also been a director of several of those failed ventures, including the Lost Forests, Abernette Pty Ltd and MacWillow Pty Ltd.

My real concern is that Mr McDonnell is now advertising for work as a franchise consultant, clearly without providing prospective clients with adequate information on his business dealings and liabilities. I believe Mr and Mrs McDonnell have manipulated the law and engaged in improper and deceptive practices to avoid full and proper examination of their business activities.

The liquidator of the Lost Forests, KPMG Peat Marwick, has discontinued the contest of several legal actions involving the McDonnells because it did not believe them to be proper legal actions and thought they could be pursued to favour the Lost Forests.

I also have in my possession letters written by Mr McDonnell that are certainly intimidatory and, I suggest, imply blackmail — if they are not direct blackmail — of particular people who have sought to bring this person to account.

Whether by mischief or through extraordinary bad luck, Mr and Mrs McDonnell are hardly qualified to act as consultants on franchising or to sell franchises, and are certainly not proper people to be accepting commissions and payments from people who do not know of their business record.

I seek action from the Attorney-General that might prevent other people from losing money over the conduct of these people in business ventures.

**John Cain Memorial Park**

Hon. T. C. THEOPHANOUS (Jika Jika) — I raise for the attention of the Minister for Local Government a matter relating to the Northcote council. Some time ago the Northcote council took a decision to lease facilities at the John Cain Memorial Park to a group made up of the Heidelberg United Alexander and Northcote Hercules soccer clubs.

Those two soccer clubs came together, agreed to establish a social club to operate out of John Cain Memorial Park and made a submission to the council for the use of the park’s facilities. That submission proposed to expand the use of the park quite dramatically.

Prior to this arrangement the Northcote Hercules Soccer Club used the facilities for only one part of the year. Under the new arrangement the facilities will be used for the entire year and a first division soccer club will also be brought to the Northcote area — the Heidelberg United Alexander Soccer Club, which is currently located in the Heidelberg region.

Over a period that club will shift its entire operation into the Northcote area and operate from there because of the larger facilities available at the John Cain memorial park in Northcote and the large number of adjoining ovals that can be used for practice sessions and by youth.

Prior to this decision exhaustive consultation took place, including consultation with local residents. I am aware that councillors visited local residents and that consultation took place at the council, where local residents were invited to speak.

A number of very strict conditions have been placed on the lease granted by the council in relation to noise and the closing off of one entrance which was close to a residential area. In fact, under the existing arrangements residents will have reduced noise.
These arrangements were very important to the Heidelberg United soccer club, which intends to invest up to $3 million upgrading the facility, reorientating the field so that it is north-south facing to comply with the national league requirements and building a new grandstand at the other end. As a result there would be a considerable investment in the area.

It is also a very important initiative from the point of view of many members of the community in Northcote, particularly the Greek community, which has strong links to both the Heidelberg United Alexander and the Northcote Hercules soccer clubs. Over many months the work has been a very important initiative; it has involved consultations with many people and was finally agreed to by the council prior to its being dissolved.

One member of the previous council who voted against the Heidelberg United Alexander and Northcote Hercules soccer clubs has written to the minister and asked for the decision to be reviewed by the commissioners. I understand that following that approach, the minister has instructed the commissioners to review the decision.

As I understand it — and perhaps the minister can get the information and clarify this for me — the decision has been put on hold by the commissioners following a representation which was made to the minister by a councillor. That was reported in the local press.

Hon. R. M. Hallam — The local press is wrong as well.

Hon. T. C. THEOPHANOUS — My concern is that, if decisions made after that level of consultation by local council are to be reversed because somebody who did not like the decision approached a minister and the matter was reopened on that basis, that sets a fairly dangerous precedent for a range of difficult decisions that may have been made in the past.

I know that both of the soccer clubs and the social club that represents them are of the view that they now have a legal claim to a lease, the decision of the council having been made. I ask that the minister investigate whether there is any intention not to provide these facilities and facilitate this huge investment in the Northcote area by these two teams, which have strong links to the local community. The investment would be a major boost for the local community and for soccer in Victoria.

National Meals on Wheels Day

Hon. R. S. IVES (Eumemmerring) — As the Minister for Aged Care will be well aware, today is national Meals on Wheels Day. It was with great pleasure that, together with local citizens in public positions, I assisted local volunteers in delivering Meals on Wheels in the city of Berwick. It was a privilege to work with the dedicated, cheerful and selfless band of volunteers who week after week perform this service, which not only delivers meals and maintains local personal contact with the elderly but also is a facet of pastoral care in its broadest sense.

This morning on an ABC radio program fears were expressed concerning the quality of the Meals on Wheels service under compulsory competitive tendering. I ask the minister what plans and procedures he intends to put into effect to monitor the quality of aged services provided by amalgamated councils under compulsory competitive tendering, or whether he simply sees this as not being his responsibility.

Taxis: fare increases

Hon. JEAN McLEAN (Melbourne West) — The Minister for Roads and Ports will be aware that older people rely heavily on public transport in its various forms to go shopping, visit friends and family, go to health services and so on. It is often desirable for them to use taxis for their own protection and when their health precludes them from using other forms of transport or their own cars.

I believe the significant rise in taxi fares will have a serious impact on the quality of life of our older citizens, gravely hampering their mobility. What does the minister intend to do to make sure that this section of the community, certainly people on pensions, will not be disadvantaged by the taxi fare rise?

Responses

Hon. HADDON STOREY (Minister for the Arts) — Mrs Hogg raised with me the need of students in Coburg and Preston for further school facilities and the negotiations that have been taking place for many months about the use of the Royal Melbourne Institute of Technology campus at Coburg. I am familiar with the issues and have had a number of discussions with departmental officers about this matter.
As Mrs Hogg knows, it involves the interests of a number of different people — including the RMIT, which is an independent university, the Office of Training and Further Education and schools — and also the interests that Treasury has in what schools do with property and so on. It is complicated.

I can appreciate the concern Mrs Hogg has expressed. I think what I should say is that the matter could have been determined fairly easily by saying no to the proposal that has been put. People have been trying to come up with a proposition that will achieve the outcome I know Mrs Hogg would like to see and which I believe we would all like to see. I will take up the matter with my officers and also with the Minister for Education to see whether we cannot bring it to a head and have a resolution which will be of benefit to the whole community in that area.

Mr Atkinson raised the franchising code of practice and gave some alarming facts about the activities of Mr Richard McDonnell and his wife. He has asked me to take up that matter with the Attorney-General with a view to the Attorney-General taking whatever is the appropriate action to ensure that Mr McDonnell and his wife are no longer able to conduct activities in the franchising business. I will be very pleased to do that.

Hon. W. R. BAXTER (Minister for Roads and Ports) — In response to Mrs McLean’s comments, one of the overwhelming responses that I have had from all sections of the community, including those in receipt of pensions of one sort or another, is gratitude that the government has taken certain actions to improve the taxi industry in this state and in particular the security of taxis not only for drivers — improving protection from what passengers might from time to time impose upon them — but, more particularly, to ensure that those who drive taxis are responsible citizens and provide a secure environment for passengers, particularly those who are elderly. Mr Ken Smith had some input into those changes.

It is widely acknowledged that the improvements that have been put in place are good. Newer taxis are being seen on the streets and drivers are in uniform, have a better command of the English language and a greater knowledge of the metropolitan area. Taxi customers, especially regular users, certainly appreciate that.

Certainly a modest fare increase was announced recently. There is nothing new about that. Taxi fares have increased from time to time over many years, as has the price of every other good and service that people buy from time to time. As Mr Smith reminds me, this is the first increase for three years. The fact that the service is being improved to such a degree is a welcome quid pro quo.

Hon. R. M. HALLAM (Minister for Local Government) — Mr Theophanous raised with me the circumstances under which the former Northcote council apparently accepted a lease agreement relating to facilities at the John Cain Memorial Park involving two soccer clubs. I am not aware of the circumstances but I am concerned to learn from the honourable member that it is reported that the decision has been overturned —

Hon. T. C. Theophanous — It is under review.

Hon. R. M. HALLAM — It is under review after intervention by the minister. I have no knowledge at all of the circumstances to which the honourable member refers, and I certainly agree with him that the sort of intervention that he is suggesting might have taken place would be a dangerous precedent. It is not something that I would be involved in. I will investigate the circumstances to which he refers and report to him promptly.

Hon. R. I. KNOWLES (Minister for Aged Care) — Mr Ives raised with me the issue of Meals on Wheels delivery and the performance or monitoring of that service following the introduction of compulsory competitive tendering in local government. As he said, national Meals on Wheels Day is being celebrated around Australia. It is significant to record that the first service commenced operation over 40 years ago in South Melbourne, with a woman delivering meals on a tricycle.

From that, Meals on Wheels has grown to be a very important service. Through the home and community care program (HACC) the government provides approximately $5.5 billion a year for the service and funds some 216 organisations to deliver meals to an estimated 36 000 Victorians.

The standard of service and whether the service is meeting the needs of the recipients is a matter of very real concern, not only for this service but for all services delivered through the HACC program. As a result of trying to ensure the provision of such a responsive service, the government has funded a comprehensive review of Meals on Wheels. I am advised that that review is nearing completion and...
the result is expected by September. As soon as I have some further information on that matter I will make it available to Mr Ives.

It is important to record that compulsory competitive tendering does not alter the standard of service providing one defines the service that is being funded. Compulsory competitive tendering and a review of the structure of the HACC program will force providers and funders to identify their services and the standards required and how they will be monitored, introducing contestability into the provision of those services. It is a way of ensuring maximum utilisation of the available public dollars.

One of the issues the government is confronting and opposition members will have to confront is that we are dealing with scarce public resources where demand will always exceed supply. How do you put management procedures in place to ensure optimum utilisation of those scarce resources?

From the government’s perspective — and from my perspective as the minister responsible for the HACC program — we welcome the introduction of compulsory competitive tendering. It will afford many providers who are currently denied it the opportunity of tendering to deliver those services. It will also force funders and providers to define more precisely the services they deliver, the standard of services required and how they will be monitored.

But that is only one aspect. There is also the very real issue of the cost of the services to individual recipients or users. There is an enormous variation in the level of cost that applies to the consumers of Meals on Wheels around the state, as there is with other HACC-funded services. This is an issue that has to be worked through.

My quite explicit response to Mr Ives is: am I concerned, or do I see that I have some responsibility in terms of the standard of service? Yes, I do. That is absolutely critical to the sorts of outcomes that this government is seeking to achieve for older people in the community as well as younger people with disabilities who receive services funded through the HACC program. Do recipients have to be concerned about the introduction of compulsory competitive tendering? No, they do not. They should welcome the fact that more services should be on offer for the available dollars, but the government will have to define standards and monitoring systems in ways it has never had to define them in the past.

In the past the government just sent money. The standard provided, who received the service and whether or not it was monitored was entirely up to the provider. As a result there is enormous variation between the standards and the delivery costs of those services. That is not good enough for this government, which is why a series of mechanisms has been put in place to ensure that very scarce public resources are utilised to the optimum level and that those resources meet the many different community needs.

I welcome Mr Ives’s inquiry. It allows me to put on record the importance of Meals on Wheels in supporting the elderly people in our community. It also gives me an opportunity to outline some of the issues the government seeks to address to ensure that it does much better with the limited resources available.

Motion agreed to.

House adjourned 6.55 p.m. until Tuesday, 4 October.