Wednesday, 30 November 1994

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.02 a.m. and read the prayer.

PHOTOGRAPHING AND FILMING OF PROCEEDINGS

The PRESIDENT — Order! With the consent of the party leaders I have given permission for the filming of this morning’s proceedings, but I remind honourable members that at 2.30 p.m. sharp there will be an official photograph of members of this chamber in situ, so any member who is not here at 2.30 p.m. will be lost to posterity.

QUEEN VICTORIA WOMEN’S CENTRE BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. HADDON STOREY (Minister for Tertiary Education and Training).

PAPERS

Laid on table by Clerk:


Bacchus Marsh and Melton Memorial Hospital — Report, 1993-94.

Ballarat Base Hospital — Report, 1993-94 (two papers).

Beechworth Hospital — Report, 1993-94 (two papers).

Bright District Hospital — Report, 1993-94.


Clunes District Hospital — Report, 1993-94.


Lismore and District Hospital — Report, 1993-94.


North West Hospital — Report, 1993-94.


Queen Elizabeth Centre — Report, 1993-94.

Royal Children’s Hospital — Report, 1993-94.

Royal Dental Hospital of Melbourne — Report, 1993-94.


Royal Women’s Hospital — Report, 1993-94 (two papers).


Western Hospital — Report, 1993-94 (three papers).

Williamstown Hospital — Report, 1993-94 (two papers).

Statutory Rules under the following Acts of Parliament:


Racing Act 1958 — No. 189.

Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts:


PARLIAMENTARY PRIVILEGE

The PRESIDENT — Order! I call on Mr White to move notice of motion, general business, no. 4.

Hon. J. V. C. GUEST (Monash) — On a point of order, Mr President, I seek your guidance because it appears to me there are at least a number of aspects of the motion to be moved that are extremely difficult to debate properly, if they can be debated. I do not wish in any way to suggest that Mr White’s absolute freedom of speech should be curtailed. Indeed, I have been heard recently supporting the maintenance of absolute privilege in this house and referring to the dangers of writs causing large costs to members of Parliament. However, it seems we are now in danger of debating a matter in a way which seeks to prosecute the interests of a member in specific legal proceedings in abuse of the proceedings of this house.

The matter clearly allows Mr White to seek to have a statement of claim, or the aspect of it to which he objects, struck out, yet he is proceeding in this house to further his own case against Mr Lloyd Williams. It would appear to be somewhat hypocritical. In so far as the rest of us are concerned, I seek your guidance as to how far we should participate in this enterprise relating to an individual member’s litigious interests.

Hon. M. A. Birrell — A self-serving motion!

Hon. J. V. C. GUEST — That is perhaps what I should have said to put the point simply.

The second matter to which I draw attention is that, as you have pointed out to me on past occasions, Mr President, the restraint on debating matters in this house because of pending litigation depends upon the imminence of a trial and the likelihood of the trial being affected. This is perhaps a different case because it is not what is said during the debate alone which matters; it is the weight of a verdict by this house that this motion seeks which will remain on the public record as something aimed at the court. It is not just a matter of ephemeral words in the press, it is a matter of the resolution of this house that Mr White seeks, which is aimed at the judge and at particular litigation. The fact that the trial may not be imminent may not be the only relevant point.

Finally, Mr White clearly has open to him the summary striking out of a statement of claim or the part that concerns him, and one would hope if he is right that full recompense in costs is made. Either he has a perfectly good legal right to do that, in which case it is for the court, or he has not, in which case it is not for this house to decide that he has some such right or should have some such right. At this point, especially if a proceeding is imminent, can Mr White assure us that he is not about to seek any summary remedy in relation to this statement of claim? Can he assure us there is no proceeding within the context of this action which is imminent?

I suggest the matter upon which we need your guidance, Mr President, is whether to debate this motion at all or at least properly.

Hon. D. R. WHITE (Doutta Galla) — On the point of order, Mr President, I make it absolutely clear that the issue I am raising today relates to the conduct of Parliament and the issue of privilege before Parliament. The matter Mr Guest has raised might well be a matter that he would want to put during the course of debate but I do not detect from anything he said, either directly or indirectly, any suggestion that the motion to be put before the house is in any way out of order or should not be dealt with by the house today.

The PRESIDENT — Order! In ruling on the point of order I shall make a general observation about the motion. Although it has been difficult to judge whether it is properly a motion before the house, I come to the conclusion that it is properly a motion that a member is able to bring before the house. Whether it is a desirable motion is a matter for the house to decide.

Mr Guest has raised issues which would in effect take the subjude rule further than I believe it has been taken before. There are many instances where matters that are before the courts are the subject of debates in this Parliament and, I suggest, around the world. Therefore I cannot accept the distinction that he draws to the attention of the house.

However, I think he made a valid point when he asked Mr White whether anything was likely to happen shortly, and I think Mr White’s response to that is — —

Hon. D. R. WHITE — If you are inviting me to make comment on that, Mr President, I can say that action has not been taken by me. In relation to the issue of sub judice, certainly the case has not been
set down. Therefore I am of the view that, consistent with what has been said in May, the sub judice rule does not apply.

The PRESIDENT — I think the question raised by Mr Guest — and it is a reasonable question — is whether Mr White intends to take any proceedings in the near future to have, say, a statement of claim struck out before it proceeds much further.

Hon. D. R. WHITE — I am still seeking advice on that matter.

The PRESIDENT — On that basis I cannot uphold the point of order. It is a matter for the house to judge the motion on its merits. I call Mr White.

Hon. D. R. WHITE — I move:

That this house —

(a) notes with great concern the service on the Honourable D. R. White by Lloyd John Williams and others of a statement of claim dated 18 November 1994 claiming, in part, damages for the republication on Channel ATV10 on 12 October 1994 of extracts from his speech in the house that day on the Melbourne casino tender process;

(b) rejects the contention in the statement of claim that the parliamentary privilege available to the Honourable D. R. White inside the Parliament is not available to him in respect of the republication outside the Parliament of filmed extracts from his speech;

(c) is of the view that such legal action is a deliberate attempt to silence a member, thereby undermining the independence and autonomy of the house;

(d) reaffirms its strong commitment to the undoubted privilege of freedom of speech as bestowed by article IX of the Bill of Rights 1689, which states that 'the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament'; and

(e) mindful that attempts to obstruct members in the discharge of their duties constitute a contempt, condemns any attempt to inhibit a member in this way.

I make it clear that Mr Lloyd Williams, not happy with having only the Premier under his control, wants to silence the Parliament. Such legal proceedings represent an attempt to — —

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — On a point of order, Mr President, I believe the statement Mr White made about the Premier is a reflection upon the Premier and I find it offensive. I ask you to ask him to withdraw.

The PRESIDENT — Order! I call on Mr White to withdraw.

Hon. D. R. WHITE (Doutta Galla) — I withdraw.

The action Mr Williams is taking is a deliberate and malicious attempt to silence a member of Parliament and undermine the independence and authority of this Parliament. It is also clear Mr Williams has not attempted at any stage in this action to sue or take any action against Channel 10.

Honourable members interjecting.

Hon. D. R. WHITE — It is also clear that the Parliament should support the defence of this action. In making any speech in Parliament every member hopes and expects that what he or she says will be republished in the interests of disseminating information about proceedings in the Parliament to the public at large. What I have said is in the public interest, similar to any member coming in here and saying that Bond and Skase were crooks. If a member wants to say that Bond and Skase are crooks, he or she should be perfectly able to say that in a house of Parliament. Moreover, during the course of the speech that was made to Parliament on 12 October I said, among other things:

What we are dealing with is a corrupt government ... corrupt at the core ... and the government that is corrupted at the core ... and at the highest level ... The government has to make a choice. Either it preserves the right of members to make such comments in the house or it joins with Lloyd Williams in saying that privilege does not exist and takes similar action to that which Lloyd Williams has taken, which of course it has not done.

I shall take this opportunity of taking the house through some aspects of the statement of claim that has been issued to me. I will commence by quoting paragraph 13 of the statement of claim:

Further, on 12 October 1994, in the course of a news broadcast by television Channel ATV10 throughout Victoria the words set out in schedule 5 were published...
Paragraph 14 states:

The second publication was made in circumstances where:

(a) White knew that ATV10 was authorised to republish the words by broadcasting them for general public reception to a wide viewing audience throughout Victoria;

(b) White intended ATV10 to republish the words by broadcasting them for general public reception to a wide viewing audience throughout Victoria; and

(c) the republication of the words was the natural and probable consequence of them being spoken by White.

I refer to the particulars of that paragraph, which state:

(a) White knew that on the day the words were spoken the Acting President of the Legislative Council had authorised the proceedings of the Legislative Council, in the course of which the words were spoken, to be filmed and recorded for possible broadcast and rebroadcast on television.

(b) The conditions for the filming of the proceedings of the Legislative Council were approved by a resolution of the Legislative Council for the relevant session.

(c) White was aware at the time the words were spoken that he was being filmed and recorded, and that the natural and probable result of the filming and recording of his remarks was the republication of them by being broadcast and/or rebroadcast on television.

Paragraph 15 states:

By reason of the matters referred to in paragraphs 13 and 14 hereof White published and is liable for the publication of the second publication.

I take issue with the claim that as a member of Parliament any member has control over the republication of any words that are uttered in this house.

Paragraph 16 states:

The second publication:

(a) in its natural and ordinary meaning;

(b) further or in the alternative, by reason of the matters set out in particulars hereto,

meant and was understood to mean that each plaintiff:

(i) had knowingly been involved in or associated with a decision by the Victorian government to grant the licence to Crown Casino by reference to matters other than the merits of its application and, in that sense, each plaintiff had been involved in or associated with a corrupt decision by the Victorian government to grant the licence;

(ii) had been involved in impropriety in relation to the application for the grant of the licence to Crown Casino in that the plaintiffs, or persons associated with the plaintiffs, were 'mates' of the Victorian government;

(iii) had been involved in Crown Casino obtaining the licence by the exercise of improper influence upon the Victorian government;

(iv) had been dishonest in the way in which he or it was involved in the granting of the licence;

(v) had been treated improperly, with favour by the Victorian government in relation to the grant of the licence;

(vi) had engaged in corrupt and improper dealings with the Victorian government in relation to the grant of the licence;

(vii) had been the willing and knowing beneficiaries of a corrupt decision by the Victorian government to grant the licence to Crown Casino; and

(viii) had taken dishonest and improper advantage of information which they knew should not have been given to them by the Victorian government.

Reference is made to the particulars in paragraph 10.

Paragraph 17 says:

Any privilege —

that goes to the heart of today's motion —

right, defence or immunity touching or concerning any speech by White inside the Victorian Parliament, or available in respect of any publication by White inside the Victorian Parliament, does not touch or concern any speech by White published on Channel ATV10 and is not available in respect of the liability of White for the republication of his speech outside the Victorian Parliament.
By reason of the publication of the second publication by White over Channel ATV10, the plaintiffs have been injured in their character ... reputation and business and have suffered loss and damage.

The PRESIDENT — Order! Does Mr White have copies of that part of the statement of claim? It is central to his motion. If members had copies, they would find it easier to join in the debate and to absorb what they have just heard.

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I ask Mr White to make the whole of the statement available. I have no idea what is in it, but it is very difficult to deal with an extract from a document that stands as a whole.

Hon. D. R. WHITE (Doutta Galla) — In response to both your request, Mr President, and the request of Mr Storey, I make the following three points. Firstly, I would like the whole statement of claim to be tabled and printed. Secondly, if I were a party to distributing any of the statements in the statement of claim — the statement of claim and the words within it — it might well be perceived that the words are in themselves defamatory, which could be seen as the basis for a further action. I am happy to quote the whole document or parts of the document; I am happy to have it tabled and printed; and of course I am happy to request Blake Dawson Waldron to distribute copies to honourable members. If the government is of the view that the document should be made available, I would certainly wish to be party to assisting that process by having the whole statement of claim tabled and printed.

As I said, my concern is that if I am party to photocopying the document and circulating parts of it that are in any form defamatory, that could, in itself, be a cause for further action — in the sense that those words were seen as being distributed by any other party. Nevertheless, I wish to assist the President and the minister.

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — On that point, as I said before, I have no idea what is in the statement of claim. I feel that could give rise to a difficulty in the house debating this, because Mr White — —

Hon. D. R. White interjected.

The PRESIDENT — Order! Does Mr White have copies of that part of the statement of claim? It is central to his motion. If members had copies, they would find it easier to join in the debate and to absorb what they have just heard.

Hon. HADDON STOREY — He has quoted some parts of the document but not others. I would have thought the easiest thing for him to do would be to take us through it, not reading every word but telling us the relevant bits and how they fit in with the parts he has quoted. I do not think it is necessary for him to table it or circulate copies of it so long as we have some understanding of the context of the words of the complaint.

Hon. D. R. WHITE (Doutta Galla) — I am happy to assist in that regard, and I shall take the house through the basis of the statement of claim.

The statement of claim has been lodged with the Supreme Court of Victoria at Melbourne and concerns Lloyd John Williams and others. The others specified in the schedule of parties are Crown Casino Ltd and Hudson Conway Ltd; and clearly, action is being taken against me. The document is dated 18 November 1994. This represents the first opportunity I have had since receiving the statement of claim to raise the matter in the house.

The first paragraph concerns the first plaintiff, Lloyd Williams, and specifies the positions he holds with Crown Casino, Hudson Conway and so on. Following the details of the plaintiff, paragraph 4 of the statement of claim deals with the defendant and the positions he holds.

There are two aspects to the statement of claim. The first relates not to the motion before the house but to a statement of claim in respect of matters that were raised during an interview on the Ranald Macdonald program. They represent the first basis of the claim against me by Hudson Conway, Crown Casino and Lloyd Williams. They are not matters that pertain to the notice of motion, but I am happy to take the house briefly through them.

The statement of claim says:

Between about April 1994 and October 1994 it was widely reported in the print and electronic media in Victoria that:

(1) the leader of the Australian Labor Party in Victoria and the Leader of the Opposition in the Legislative Assembly of Victoria ... had alleged in substance — and it lists a number of statements. It then says, 'White had alleged in substance' and lists four points. Paragraph 6 says:

The Sunday Age is a newspaper with a wide and extensive circulation throughout the state of Victoria.
The claim then refers to an article appearing in the *Sunday Age* of 9 October. Paragraph 8 again refers to the *Sunday Age* of 9 October 1994, as does paragraph 9. Paragraph 10 refers to an interview I had with Ronald Macdonald about the *Sunday Age* article concerning the plaintiffs. It refers to the matters that were raised in the course of the interview and specifies the particulars about which they were concerned.

Paragraph 12 says:

By reason of the publication of the first publication, the plaintiffs have been injured in their character, credit, reputation and business and have suffered damage.

I make it clear that the matters before the house concerning the statement of claim relate to what occurs in paragraph 13 and beyond. What I am saying is best encapsulated by paragraph 17 of the statement of claim. You will recall that on that day the Acting President gave permission for Channel 10 to record the proceedings of the house. In the statement of claim the plaintiffs take issue with the fact that the words were republished. They say that because I was party to allowing the words to be republished I knew the broadcast would occur and that because the words were republished on Channel 10 privilege should not apply. As I said, that is best encapsulated by paragraph 17:

Any privilege, right, defence or immunity, touching or concerning any speech —

by me —

inside the Victorian Parliament or available in respect of any publication —

by me —

inside the Victorian Parliament does not touch or concern any speech —

by me —

published on Channel ATV10 and is not available in respect of the liability of White for the republication of a speech outside the Victorian Parliament.

In other words, it is seeking to have privilege waived. The significance of all this is that it goes to the heart of parliamentary privilege as it applies in the Parliament of Victoria and parliaments generally. I make it clear that article IX of the 1689 Bill of Rights is crucial. We all understand that the relevant authorities for the conduct of this Parliament are the sessional orders, the standing orders, precedents based on the rulings of the Presidents and, finally, Erskine May. I refer to what the 21st edition of Erskine May's *Parliamentary Practice* says on the issue. The third line on page 84 says:

"... article IX of the Bill of Rights 1689 ... states that 'the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament'."

The second paragraph also goes on to say, and I will quote this because it is relevant and should be said in the same context, that:

Subject to the rules of order in debate ... a member may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he —

or she —

is protected by his privilege from any action for libel, as well as from any other question or molestation.

The third paragraph states:

At the same time, article IX preserves the authority of both houses to restrain and even punish their members who, by their conduct, offend the house.

So there are two basic rules. The first, which is sacrosanct, is the privilege of the house. The second is that if a member unwittingly or knowingly misleads the house, then the house can deal with that member and the house can deal with any member in respect of any notice of motion, including the one that I raised in October.

I make clear to the house that the action being taken by Lloyd Williams constitutes a threat to an individual member of Parliament. It is a stopper. It is an attempt to silence the member and to silence debate about the selection process for Crown Casino. That is what is being attempted here today.

I intend to continue to question the selection process for Crown Casino in this house, both during this session and in future sessions in 1995. The only logical step for Lloyd Williams and Crown Casino to take as a consequence of that is to continue the defamation action — that is, to take further action. If they question the right to republish the words that were said in the house and say that privilege does
not apply to what occurred in October, they must take action each time I raise the issue of the selection process. I also indicate that if that is the case, not only is it a contempt of the proceedings of the Parliament, but I will invite you to consider on a future occasion — at the moment it remains hypothetical — that if they continue to take legal action it would be clear contempt. It is a matter that all members should be dealing with and it is a matter of privilege. It is sacrosanct for a member to be able to raise any matter of concern about any individual in society if he or she believes and is clear and confident of the view that a major mistake has occurred — in this case in the selection process for Crown Casino — which is detrimental to the interests of the people of Victoria.

What we have by way of response is a stopper, a silencer, an attempt not just to take issue with the words that are used and not just to take issue with the rights of an individual member, but to silence that member and to silence the Parliament. Remember that we are not talking about the words that were proposed to be used outside the house; that is a commercial matter. If they want to take an action against me for something I said on the Ranald Macdonald program, that is not a matter I would bring attention to here. What is occurring here is not that they are simply taking action in relation to words that I have used on the Ranald Macdonald program; they are taking issue with words that I have used only in this house of Parliament. Moreover, I have not gone outside the Parliament and conducted any interviews arising from what I said in the house in October. The only words they are taking issue with in this writ are the words republished on ATV10 that were used inside the house.

It is clearly a contempt of the Parliament and clearly an attempt to remove the privilege of Parliament. Without the privilege of Parliament there is no Parliament! It is the most important and significant right that we have as members of Parliament elected by and on behalf of our constituencies to ensure that the government is placed under proper scrutiny and that the actions of citizens within the state are properly brought to account. If that privilege is in any way sullied — and do not forget this privilege goes back to at least 1689, but was in practice before then — you do not have a Parliament; you might have a local council, but you do not have a Parliament.

I remind members that on this occasion the action is being taken against me. But if the action can be taken against me, the action can be taken against any member of the house for any words they utter in any debate about any issue, and against the Parliament as a whole. Once that occurs, you do not have a Parliament; you do not have any semblance of a Parliament.

This goes to the most hard-fought rights of the Parliament over the longest possible time. It is for those reasons that I am raising the matter here and not simply pursuing — which of course I will have to do in any event — a defence in the court. I will defend the statement of claim in relation to what occurred on the Ranald Macdonald program and, as I indicated, I will seek advice about what I intend to do in respect of the matter.

However, what I am raising here today is separate and distinct from the defence that will be raised in respect of that aspect of the claim. In other words, I am suggesting that it is important that the house reaffirm the privilege of the house and the fact that it is not possible for that privilege to be sullied in any way in respect of how the court deals with the issue: that is a matter for the court on a subsequent occasion.

I make it clear that May also deals with the issue in a number of other ways. I refer to page 125 of the 21st edition of May in respect of the issue of obstructing members of either house in the discharge of their duty and quote from the third paragraph:

The house will proceed against those who obstruct members in the discharge of their responsibilities to the house or in their participation in its proceedings.

I put to you, Mr President, that an attempt to take action against a member in court as a consequence of something that is said in the house is such an obstruction; it is an attempt by outside parties — in this case Lloyd Williams, Hudson Conway and Crown Casino — to silence a member. In other words, Hudson Conway and Crown Casino do not want the selection process to be the subject of a judicial inquiry, they do not want it to be the subject of a parliamentary inquiry and they do not want it to be the subject of debate.

The Chairman of Crown Casino has already in the past week gone on the public record saying that all is done, it is all over: the selection process and discussion are finished and the world will move on. I have news for him: it is but the beginning! On more than one occasion we have indicated to the house our concerns about the selection process.
PARLIAMENTARY PRIVILEGE

1024 COUNCIL

Wednesday, 30 November 1994

arising from the SBC Dominguez Barry report. I put the house on notice that former members of the authority have come to us expressing their concerns as responsible citizens about what occurred during the selection process. Those concerns will be the subject of a further major debate in this house, if not before the end of the year, in the autumn session of next year. If those citizens have bona fide concerns about the selection process and can provide bona fide evidence about the concerns, it is fit and proper that they be raised in Parliament as a basis of a case for a judicial review.

What are Hudson Conway and Crown Casino doing? They are saying, 'We can silence the government because it is a party to the decision; all we have to do now is silence the opposition!' How will we do that? We will take them to court and remove their right and privilege to raise any matter relating to the selection process. We want it all under the carpet and we want to be able to go on with no scrutiny. We as private commercial interests want no scrutiny of the selection process now, or at any stage in the future!'

Is the government a party to this silencing of debate? This is what today's motion is about.

At page 26 of May's Parliamentary Practice in the chapter dealing with contempt, under the heading 'Molestation, reflection and intimidation' it states:

To molest members on account of their conduct in Parliament is also a contempt.

May goes on to cite a number of historic cases that relate to this issue, but they do not directly relate to the motion. It continues:

... or proposing to visit a pecuniary loss on him —

the member —

on account of conduct in Parliament.

I argue that by seeking damages as a consequence of words uttered in the house is an attempt to inflict a pecuniary loss on a member of Parliament. It cannot be construed in any other way. May says an attempt by an outsider to inflict a pecuniary loss on a member as a result of something that was raised in the house is a contempt of Parliament and is an attempt to remove the privilege of the house. At page 128, in the chapter on contempt, May states:

To attempt to intimidate a member in his parliamentary conduct by threats is also a contempt, cognate to those mentioned above.

The threat in this case is to say, 'We are going to stop you. We are going to issue legal proceedings against you. We are going to take you to court. We are going to damage you financially. As a consequence of that we are putting you on notice that we will continue to damage you financially if you make any attempt to raise the issue of the selection process of Crown casino' — which the opposition will continue to do.

If I continue to raise the selection process — as I have done today — and no legal action is taken, that will mean they recognise that privilege exists. Of course, if they continue to take legal action I suggest the house will have to take up the issue and deal with them.

I shall quote further from May. I have the 19th edition from which I will quotes two sentences. I hope they still apply in respect of the 21st edition.

Page 80 of the 19th edition of May's Parliamentary Practice, in respect of common-law protection of publication outside Parliament of proceedings in Parliament in the chapter dealing with privilege of freedom of speech, states:

A member who publishes his speech made in either house separately from the rest of the debate is responsible for any libellous matter it may contain under the common-law rules as to defamation of character.

We all know, understand and accept that. May continues:

But the publication, whether by order of the house or not, of a fair and accurate account of a debate in either house of Parliament is protected by the same privilege as that which protects fair reports of proceedings in courts of justice, namely that the advantage to the public outweighs any disadvantage to individuals unless malice is proved.

I make it clear that I am not responsible for the republication by anybody outside the house of words I have said in this house. If my words are republished outside the house by Channel 10, the print media, or some other section of the electronic media, which is something that members hope will occur so there is a dissemination in the public interest of the proceedings of Parliament, the media has a responsibility to ensure that it is a fair and
accurate report of what transpired in the house and must take responsibility for that.

In this case nobody is questioning that that occurred because, as I indicated earlier, no legal action has been taken by the plaintiff for the words in the republication, in this case, by Channel 10. I hasten to add that other sections of the electronic and print media recorded the proceedings of the house and no action was taken against them. The only presumption can be that it was a fair and accurate recording of proceedings in the house. That is a responsibility the media knows and understands in order to preserve the privilege that applies.

This action is not about whether the words republished were a fair and accurate reflection of what occurred in the house. What they are trying to do through this action goes to the core of the issue of privilege. It denies the right of a member to say anything at all in the house. The words themselves have been taken issue with, and it can only be construed as an attempt to silence the member. It has no other purpose!

They know and understand that we are not going to let the selection process of Crown Casino go without further debate and discussion. The one thing Mr Lloyd Williams, Hudson Conway, and Crown Casino want is for this issue to disappear, and they are making this attempt to ensure that that happens.

Page 136 of the 19th edition of May, which deals with breaches of privilege and contempts, states under the heading ‘Contempt in general’:

It may be stated generally that any act or omission which obstructs or impedes either house of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

It may be argued that there is no precedent for this particular contempt, but I say on the general view of contempt on this issue that it does apply in this case because of the general proposition I have just referred to. I make it clear that this is an attempt to obstruct and impede my ability to raise matters in the house. What has been done is to place a stopper or a silencer on me. It is a clear indicator that, if I continue as a member of the opposition and as an elected representative for Doutta Galla to raise matters regarding the selection process of Crown Casino in this house, any and every attempt will be made by Mr Lloyd Williams, Hudson Conway and Crown Casino to silence me. That is the clear intent of the statement of claim, and in my view that is a clear contempt of Parliament!

It is for those reasons that I have moved this motion in this form. I say that notwithstanding the private action or the normal defamation actions that occur from time to time. I have been the beneficiary of three separate defamation actions, none of which I have raised here.

Hon. Haddon Storey — Beneficiary?

Hon. D. R. WHITE — I call it beneficiary because they pursued me over a certain length of time with the obvious result at the end of the day. I was a beneficiary because of matters I have raised outside the house.

Hon. Haddon Storey — I was not sure whether you were sued or being sued.

Hon. D. R. WHITE — I was being sued. I have never sued anybody. I was the beneficiary of writs taken against me. This is the first occasion on which an attempt has been made to silence me for words I have uttered in the house.

I shall take the house through the motion again. The statement of claim is in two parts: the first of which relates to a matter that is not before the house. The first part of the statement of claim relates to matters raised on Ranald Macdonald’s program and which for obvious reasons do not need to concern the house. They were matters raised outside the house.

The statement of claim tries to make it clear that privilege is not available to me in respect of the republication outside Parliament of extracts of speeches. Moreover, if that is true, the plaintiffs would argue that any republication as a result of today’s debate would not be protected by privilege. That is the only logical consequence.

The motion makes it clear that the action is a deliberate attempt to silence a member of this place, thereby undermining not only the independence and autonomy of the house but the long-established rights of members, which have existed at least since the 1869 Bill of Rights. Although parliamentary privilege was practised before then, it was encapsulated in the Bill of Rights.
Democratic rights and freedom of speech are sacrosanct. I have been the beneficiary of the work of a committee of this house that investigated issues I raised. On that occasion, I raised matters about the conduct of a Mr Robertson. At any time — indeed at all times — the house has the right and the responsibility to deal with any member as it sees fit. I know and understand that rule, and it has been applied to me. But that is the limit of the extent to which a member can be dealt with.

An individual member of Parliament can be dealt with by the house, but an individual member cannot be dealt with by the court. This is an attempt to have the court interfere and intervene in and overrule the rights of members. As you know and understand it, Mr President, the relationship is overwhelmingly the reverse of that. There may be circumstances on which the Supreme Court may rule. If the house conducts itself in a way that is inconsistent with the constitution, the court may rule that, for example, absolute majorities are needed for certain legislation. It is overwhelmingly not the right or prerogative of the court to intervene in a matter of parliamentary privilege.

I therefore conclude by saying that attempts to instruct members in the discharge of their duties constitute just such an attempt and ought to be condemned; in that sense, no attempt should be made to inhibit a member's conduct in this place. Members on the government side have gone on the public record this year in support of protecting the absolute privilege of the house. I do not need to name them because they know who they are; at least one member of this house was involved, and I agree with that member's comments.

This is an important issue about the rights and conduct of members and the rights and responsibilities of the house. It ought be dealt with in accordance with the motion I have moved. I seek the support of members for that motion.

Opposition Members — Hear, hear!

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — This is a bizarre motion — that is the only way I can describe it — and it is bizarre for a number of reasons. Firstly, it is about statements made by Mr White in this house that were apparently then shown on Channel 10. It is about a writ that has been issued against Mr White, so Mr White is personally interested in this issue.

It is quite bizarre for a member who is the subject of an action to move a motion such as this on the basis of high principle. If it is a question of principle, why is his leader or some other member of his party not moving this motion — rather than the one person who is personally affected by it, the one person who has a self-interest in the result? It is quite extraordinary. Not only does Mr White's leader not move the motion, he is not even here.

Hon. D. R. White — The other member is the minister responsible for the selection of Crown Casino — that is, you! We know who is interested in this!

Hon. HADDON STOREY — That is a wonderful way of trying to both lay the blame on somebody else and divert attention from the issue. The second reason why it is bizarre is even more extraordinary. This is a matter for the courts.

Hon. D. A. Nardella — No, for this Parliament.

Hon. HADDON STOREY — This issue is not a matter for this house. Mr White has ignored the 400-year history of the respective roles of Parliament and the courts. This matter is before the courts yet Mr White is asking Parliament to interfere with the court process. That is why it is bizarre.

The third bizarre aspect is that the motion goes nowhere. It does nothing — which, indeed, Mr White conceded. In that sense the motion does not affect the conduct of the matter or the proceedings before the courts. It does not tell the courts to stop hearing the matter. It does not attempt to interfere in any way with what the court is doing. So it does nothing.

Hon. D. R. White — I am saying it is a contempt of this house.

Hon. HADDON STOREY — In saying it is a contempt of this house Mr White is saying that somebody issuing legal proceedings is committing a contempt of this house.

Hon. D. R. White — Correct.

Hon. HADDON STOREY — There is a misunderstanding of the role of the two bodies. Whether the proceedings should not be taken in court is a matter for the court to determine. If in moving his motion Mr White is not actually trying to do anything about the taking of court proceedings, he recognises that the house should not be dealing
with the court proceedings; and in recognising that, he shows that the motion is simply an attempt to influence the court. That can be the only purpose.

Hon. D. R. White — You just said the opposite.

Hon. HADDON STOREY — I said that is its purpose: its only purpose is to try to influence the court proceedings in which Mr White is personally involved.

The motion is misconceived and misguided because it attempts to deal with something that is essentially a matter for the courts. If Mr White is right, the court will throw this claim out — or throw out this part of the claim. If Mr White is right and privilege attaches to the publication, the court will hold that view and that will be the end of proceedings. If Mr White is not right, the court will proceed. In either event, the court will decide. Even Mr White recognises that it is not the role of this house to tell the court what to do. I think he recognises that, although I do not know why he has moved his motion.

Hon. D. R. White — Because it is contempt of Parliament.

Hon. HADDON STOREY — He has not understood that there are two very important institutions in our community. One is Parliament, which is absolute; its privileges are extraordinarily important and must be preserved.

Hon. D. R. White — And they are being tampered with.

Hon. HADDON STOREY — No. The second institution is the courts. That is the second bulwark.

Hon. D. R. White — There is no question about that.

Hon. HADDON STOREY — When a matter is brought before the court by a litigant, it is up to the court to decide that. It is not for the Parliament to interfere in the proceedings.

Hon. D. R. White — It is a contempt of Parliament. I quoted at length —

Hon. HADDON STOREY — I will come to the question of privilege and the statements Mr White quoted. Firstly, I point out that the fundamental defect in the motion is that Mr White is confusing the role of Parliament with the role of the courts. In this instance the matter is before the courts.

Mr White will have his opportunity before the courts; and if he is right, the issue may be disposed of quickly.

Members of this house do not know. We cannot and should not sit here as a court and decide this issue. It is a matter for litigation.

Hon. D. R. White — The privilege of the house has been tampered with.

Hon. HADDON STOREY — The honourable member keeps saying that the privilege of the house has been tampered with, but he has not demonstrated that. He had said that somebody has instituted some proceeding in which it has been claimed that the privilege of the house does not apply to something. We will find out whether that is right because the court will decide on that. That is not interfering with the privilege of the house.

Hon. D. R. White — The Parliament decides that.

Hon. HADDON STOREY — Again he does not understand; he does not want to understand.

Hon. D. R. White — The privilege of Parliament was established by the Parliament, not by the court, and needs to be protected by the Parliament.

Hon. HADDON STOREY — The privilege of the Parliament was established by the Parliament. That privilege concerns statements made in this house. Whenever anything happens outside the house, the court decides whether that comes within the scope of that privilege. I can quote authorities on that.

Mr White is mixing the role of this house with the role of the court. I suppose that this sort of thing is happening because of the way in which the privilege of the house has been tested and pushed to its limit in recent times, both in this house and in other Parliaments. Mr White is one of those who have pushed the privilege of the house to the limit. Privilege is intended to allow members to discharge their duty to their constituents and to raise issues of importance. As Mr White said, where people raise bona fide concerns and provide bona fide evidence such issues should be brought before the house. It is appropriate to do so, but in the past — and I include Mr White in this — people have brought forward concerns and not provided any evidence in support of them.

Hon. D. R. WHITE (Doutta Galla) — On a point of order concerning the matter the minister is
raising, Mr President, if the house takes issue with the conduct of a member — —

Hon. M. A. Birrell — This is meant to be a point of order.

The PRESIDENT — Order! Let the point of order be made.

Hon. D. R. WHITE — Given that you did not interject during James’s contribution, I expect the same. On the point of order — —

Hon. M. A. Birrell — I do not interject on my own members.


Hon. M. A. Birrell — You just said that I did not.

Hon. D. R. WHITE — You normally do. If the minister or anybody else takes issue with the conduct of a member in this house in respect of any matter raised and regardless of evidence or a lack of evidence, it is within the province of the house to deal with that; it is not within the province of the court to deal with the conduct of a member within the house.

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

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — It is no surprise that people outside Parliament are looking at the scope of privilege that applies to members of Parliament when within Parliament actions are being taken that bring Parliament’s use of privilege into question.

Hon. D. R. White — That is a matter for the house to determine, not the courts. You can do something about that.

Hon. HADDON STOREY — The honourable member keeps on saying that it is a matter for the house; it is also a matter for the courts.

Hon. D. R. White — No.

Hon. HADDON STOREY — The issue has been resolved by Parliaments and courts over many centuries. Where some litigant raises an issue concerning a member of Parliament, the court determines whether privilege of Parliament extends to that event. That is exactly what is before the court on this occasion, and the court will decide, as courts have done for many years.

Let us examine privilege. I will read article IX of the Bill of Rights, which is incorporated in this state by reference in section 19 of the Constitution. I know that Mr White has already read that article, but it is worth remembering its words. I quote from the 21st edition of May. Article IX states:

the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

At page 86 of the same edition May states:

Although the privilege of freedom of speech protects what is said in debate in either house, this privilege does not to the same degree apply to the publication of debates or proceedings outside Parliament. But the publication, whether by order of the house or not, of a fair and accurate account of a debate in either house is protected by the same principles as that which protects fair reports of proceedings in courts of justice, that the advantage to the public outweighs any disadvantage to individuals unless malice is proved.

Mr White said words to the same effect in his speech. But May continues in the next sentence:

This is a matter of law, rather than of parliamentary privilege.

Whether privilege applies in a particular case is a matter to be determined by the courts.

Hon. D. R. White — You are misreading that.

Hon. HADDON STOREY — Mr White agreed with each sentence as I read it out but is now disagreeing with the next sentence.

Hon. D. R. White — A member’s conduct in the house is absolutely a matter for the house.

Hon. HADDON STOREY — When it is an issue outside the house, it is a matter for the courts. The authority Mr White has relied upon, May, states that it is a matter of law, not a matter for this house. That is the essential issue: that what is repeated outside the house, no matter what the form, is a matter that raises the issue of qualified privilege.

I refer to the leading work in Australia by Sally Walker titled The Law of Journalism in Australia, published in 1989. It deals with the issue of
television broadcasts. At page 101 reference is made to the fact that some houses of Parliament authorise the televising of specific events, just as occurred on this occasion. Then she refers to the commonwealth:

The ABC is permitted, and may be required, to televise joint sittings of the commonwealth houses. For the purpose of the law of defamation, these broadcasts are absolutely privileged —

that is because an act states that —

but, unless the Parliamentary Privileges Act ... applies, television broadcasts made pursuant to arrangements between the media and a house, a parliamentary committee or an officer are protected only by qualified privilege.

That is, in effect, the same point May makes: that once it is rebroadcast outside the house, no matter what the form and no matter that it may be an exact publication of what took place in the house, it is a matter of only qualified privilege and it becomes a matter for the courts to decide whether that claim of privilege applies.

The motion is premature. Mr White has raised something in this house while it is before the court and can be resolved by the court. If Mr White is right, the issue will be resolved by the court in Mr White's favour. If Mr White is wrong it will be resolved the other way, and if the view of the house is that in some way constitutes an infringement of privilege — because it would then be a specific finding which would have an impact on the honourable member — that is a matter the house could deal with. However, that point has not arrived.

Hon. Pat Power — You mean wait until after the event.

Hon. HADDON STOREY — Of course, but Mr White quoted pieces from May about members being intimidated and threatened when there is an event that will have an impact on that member —

Hon. D. R. White — It is a writ, a stopper, a silencer.

Hon. HADDON STOREY — It is a writ and it is an unresolved claim. Paragraph (a) of Mr White’s motion asks the house to note with great concern the service of the writ. Paragraph (b) rejects the contention that Mr White cannot have privilege in respect of the republication outside Parliament of filmed extracts from his speech. On the basis of May and of Sally Walker’s book, I say that that is a matter the court should decide because it is a matter of law.

Paragraph (c) is an absolute assertion by Mr White that the legal action is a deliberate attempt to silence a member. As on other occasions, Mr White has given no evidence for that claim.

Hon. Pat Power — What about the writ?

Hon. HADDON STOREY — To say that the writ constitutes evidence of that claim almost negates the claim. Mr White has made many comments about Crown Casino and Mr Williams in this house over a long period. There have been many occasions on which they could have issued writs if the purpose was to try and stop him. This was a specific incident which, as Mr White has said, was part of a writ which covers other incidents as well. Therefore, one cannot conclude for a moment that that is any evidence of a deliberate attempt to silence Mr White.

Paragraph (d) asks the house to reaffirm its strong commitment to article IX of the Bill of Rights, and nobody would doubt that the house would do that. Paragraph (e) is the peculiarity of the motion: it seeks to condemn any attempt to inhibit the member in any way. In fact, it does not take us anywhere in relation to the proceedings on foot in this action and, therefore, it does not really get to any point of stopping the action or in any way thwarting it. One wonders what this motion is for. It is clear that this is not a motion that should be determined now; the matter is before the courts and one should await the result of the courts. In those circumstances it is appropriate for this motion not to be voted on but for the debate to be adjourned.

Hon. R. S. IVES (Eumemmerring) — If I understand the minister correctly he is saying that this side of the house simply does not understand and that opposition members are a little dimwitted. He will patiently and slowly take us through all this and then, if he is patient enough, slow enough, condescending enough and patronising enough, eventually opposition members may understand what he perceives to be the case in this matter.

I understand that the crux of Mr Storey’s case is that this motion deals with something that happened outside Parliament, that is, the publication or republication of extracts of a speech in this house. Obviously, according to Mr Storey, that has nothing to do with something that happened inside Parliament, it is something that happened outside Parliament, and therefore, according to the
Mr Storey is saying that Mr White’s claim is that this is an attempt to silence him, but that Mr White can produce absolutely no evidence to support that claim. Mr Storey’s remarks imply the absolute audacity of Mr White coming into this house and making a false, wishy-washy allegation of an attempt to stop him speaking, without producing the slightest bit of evidence to back it up.

Mr Storey’s answer to the motion is that it is not worthy of taking up the time of the house. I have attempted to summarise the minister’s case as briefly and as well as I can under the circumstances. However, the bottom line is that it is Mr White who has been issued with the writ. It is not Channel 10 or any of the other channels that broadcast the material; Mr White has received the writ because of the words he uttered in this house — not outside the house, but inside the house! Therefore, we claim that this is a matter of privilege.

Mr Storey said paragraph (e) does not advance the cause of honourable members much further and asked about the point of the whole exercise. The point is that this house should at least be prepared to reassert its privileges and to place on record that it regards this action as a grave attempt to undermine the keystone and bastion which has governed the conduct of Parliament over the past several hundred years.

There is another issue that we on this side of the house take seriously. It is not only Crown Casino that would be the beneficiary of any writ to silence Mr White — and it certainly does want him silenced, it wants this issue out of the newspapers. Because of the nexus between the government and Crown Casino the government would also be the beneficiary of any action that silenced Mr White. Under those circumstances we claim it is in the government’s interest to disassociate itself from Crown’s action and to reassert the importance of privilege in this house.

Even though Mr Storey stands up as the human face of this government, is reasonable in his approach, condescending, patronising and willing to spell things out to us, we cannot get away from the fact that this is one of the nastiest, most vicious and brutish governments that has ever graced the government benches in this state. It has done everything it can to silence its critics. Bill after bill removes the right of appeal to the Supreme Court of residents of this state. Teachers and other members of the public service have been silenced from speaking out. Members of this house pay for freedom of information. Bills have been introduced in the other place without proper time for consideration; they have been guillotined and rushed through. Television programs that do not agree with this government have been boycotted by members of the government, and judges, commissioners and legal officers have been manoeuvred out of their positions.

This government has shown consistently that it is extremely sensitive to any sort of criticism, and the state is reaching the stage where the only form of criticism that cannot be stopped is that made in the houses of Parliament. Now we see this action by Mr Lloyd Williams, which we ask the government to disassociate itself from. This action represents a quantum leap in an attempt to silence members of Parliament. It is a most extraordinary action and it absolutely redefines the arrogance of government.

The conclusion must be that if the government does not wish to disassociate itself from this action and to reassert the hundreds of years old privileges rights of Parliament, it must be in collusion with the people issuing these writs. That represents a quantum leap in redefining government arrogance and a determination to quash criticism wherever it can be found.

It is on those bases that we are not beguiled by the patient, fatherly, patronising words of the Minister for Gaming saying this is a matter of no concern to the house and that it is a matter to be judged by the courts. He is saying we are simply being pre-emptive, that we are pre-judging the action of the courts. That is not right because it is a member of this house who has been issued with a writ. It is a member of this house who has the threat against him that if he continues making these statements he will be dragged before the courts and cannot rely on the protection of the house. It is because it is a direct naked threat to the free speech of a member in this house that we reject Mr Storey’s case.

Debate adjourned on motion of Hon. M. A. BIRRELL (Minister for Conservation and Environment).

Debate adjourned until next day.
Hon. D. A. NARDELLA (Melbourne North) — I move:

That this house notes that 58.3 per cent of commissioners appointed by the government in the south-western group of councils are Liberal Party members and calls on the government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.

It is of great concern to the opposition that I have to bring such a matter to the attention of Parliament. The motion is in two parts. Firstly, I will demonstrate that the government has been involved in political corruption in the appointment of commissioners to the south-western group of councils. After the evidence has been produced the house will know that 58.3 per cent of commissioners in that area are Liberal Party members. Secondly, I will suggest ways of making the process for the appointment of commissioners accountable, both now and into the future. At present it is not accountable and is open to abuse by the government.

The motion deals with what a Liberal Party government is all about — the gravy train; political patronage and political corruption at the highest level. The motion is designed to ensure that in the future the process for appointing commissioners is not open to political corruption. The process must be independent and above board. It must allow for the selection of commissioners based on merit. It must ensure that decisions are not based on political affiliation or, as it is commonly called, jobs for the boys.

The government's appointment of commissioners to the south-western group of councils has been blatantly political. To ensure that the house appreciates the high percentage of commissioners who are members of the Liberal Party, I will refer to the political affiliations of the commissioners who have been appointed by the government.

Hon. R. M. Hallam — It would be a good place to start.

Hon. D. A. NARDELLA — I will demonstrate how I have come to the conclusion that 58 per cent of the commissioners in that area are Liberals. In the City of Ararat — —
plus a car worth about $50,000 and all the other
lurks and perks that go with the job.

Hon. R. L. Knowles — Why don’t you comment
on their competency as commissioners?

Hon. W. A. N. Hartigan — How would he know?

The DEPUTY PRESIDENT — Order! There is
too much audible conversation.

Hon. D. A. NARDELLA — Here we have
political pay-offs for services rendered, based on
political affiliation.

Hon. W. A. N. Hartigan — What services?

Hon. D. A. NARDELLA — I will give
Mr Hartigan examples of the services those people
rendered prior to being appointed as local
government commissioners — apart from being
Liberal Party members. I refer to Holford ‘Tiger’
Wettenhall, who is a commissioner for the Shire of
Glenelg. What was his attitude to the
amalgamations proposed by the former Labor
government in 1986-87? He put forward a case to
restructure local government, but his strenuous
opposition to amalgamations is on the record. He
was very strident in his opposition to
amalgamations and in his attacks on the then Labor
government, the minister and anyone else who
dared to restructure his municipality and thrust it
into the 21st century. How has he been rewarded for
his loyal and partisan support? What happened to
him when his municipality was forcibly
amalgamated with others? He was appointed a
commissioner! He has been paid off with a car and
all the perks for the services he rendered to the
Liberal Party.

Even worse, I am informed that Jeff Baulch, from the
Shire of Glenelg, withdrew his nomination for
pre-selection as a Liberal Party candidate because he
was promised a commissioner’s position. He was
paid off, because he got the position. I bring those
extremely damaging accusations to the attention of
the house. If Labor had done similar things when in
government, the opposition would rightly have been
concerned and would rightly have brought to the
attention of the house its concerns about political
patronage, cronyism, corruption and mateship. The
wheel has turned.

A Liberal Party government has engaged in political
corruption of a high order. A Liberal Party
government has discredited the whole process of
municipal amalgamations and the appointment of
local government commissioners.

Hon. Bill Forwood — Just because you say it, it
does not make it true.

Hon. D. A. NARDELLA — I am afraid for you,
Mr Forwood, through you, Mr Deputy President. It
is a pity you were not here before when I put the
case that the commissioners are political
appointments. It is extremely disconcerting that we
do not have an independent, open and accountable
process. That goes to the second part of my motion. I
believe that the government should set up a process
that makes the appointment of commissioners
independent, open and accountable. The
appointments should be based on merit, not on
political affiliation or political patronage.

Hon. W. A. N. Hartigan interjected.

Hon. D. A. NARDELLA — Mr Hartigan says
58 per cent is the bare minimum for the appointment
of Liberal Party commissioners in a particular
region. That is typical of the government’s attitude
to the appointment of commissioners and to
mateship and cronyism in this state. That is
confirmed by Mr Hartigan’s remarks.

Hon. W. A. N. Hartigan — The bare minimum. I
will say it again: the bare minimum, given the lack
on the other side of politics of anybody with any
competence.

Hon. D. A. NARDELLA — The second part of
my motion calls on the government to set up an
independent and accountable process. The process
should be clear. Let me go through a process that I
would undertake.

Hon. W. A. N. Hartigan interjected.

The DEPUTY PRESIDENT — Order! There are
too many interjections. Mr Nardella may continue,
but I suggest he does not encourage interjections.
Mr Hartigan may make his comments in a few
minutes. Mr Nardella, without too much assistance.

Hon. D. A. NARDELLA — In the first instance I
would set up an absolutely transparent process for
the appointment of commissioners. People would
have to formally apply to become a commissioner.
The forms would then be processed by an
independent body to determine the relative merit
and worth of the applicants. There would be
guidelines concerning qualifications, life experience
and other qualities, all of which would add depth and breadth to the appointment of commissioners.

That formalised application procedure would be scrutinised by and filtered through a body not connected to the government. The independent body would then make recommendations, which would enable the minister to make appointments based on firm information.

Hon. Bill Forwood — Sorry, I missed the guidelines.

Hon. D. A. NARDELLA — You can read it in *Hansard* tomorrow! Then you would define the transitional role of the commissioners.

Hon. W. A. N. Hartigan — That is a different issue.

Hon. D. A. NARDELLA — It is, but I would certainly define the role as transitional, particularly as it affects preparations for democratically elected councils. At the insistence of honourable members opposite, I have gone through the process of examining appointing commissioners in an open, independent and accountable way that takes account of political affiliations and is not tainted by political considerations, which it is at the moment. That would be a starting point.

What I have suggested may not necessarily be the be-all and end-all; there may be other suggestions.

Hon. Bill Forwood — You can say that again! You can repeat that bit!

Hon. D. A. NARDELLA — It's more than you have done. There may be other suggestions that would make the process more accountable, more open, more independent and one the community could support — rather than the current process, under which commissioners are appointed on the basis of their political affiliations.

Hon. Bill Forwood — Merit!

Hon. D. A. NARDELLA — Not on merit but on political affiliation. I present those facts to the house. I present the concerns of members on this side. We have just been through the appointment of commissioners for the north-east of the state, and in the near future we will go through the process of appointing commissioners for many other municipalities. It is absolutely imperative that the process have the full confidence of the Victorian community. The appointments must be open and accountable and must not discredit the amalgamation process. I urge all honourable members to support the motion.

Hon. R. M. HALLAM (Minister for Local Government) — I am not sure that I am pleased to have the opportunity to respond to this rubbish; that it should be brought before the Parliament of Victoria is embarrassing.

Hon. R. J. H. Wells — It is wasting the Parliament's time.

Hon. R. M. HALLAM — It is in fact a disgrace. I have not heard a more shallow, facile or anile argument in the time that I have been a member of this place. Mr Nardella is seeking to denigrate the role of commissioners in the reform agenda for local government. I suggest he could have found a better forum and a better process than simply condescending to the notion that because a person is a member of a particular political party he or she is automatically disqualified. That is beyond contempt.

Although Mr Nardella did not lead the evidence, it may well be that commissioners in the south-west of Victoria are represented by 58.3 per cent of Liberal Party members. He did not lead that evidence. He gave us some examples; but according to my quick calculations they added up to nothing like 58.3 per cent. I would have thought that in the running of that stupid argument he could have done us the credit of showing us the actual figures.

However, that aside, I did not check on the political affiliations of those who applied — and for the record, all of those people who have been appointed commissioners did in fact apply. You can say that the process was not open — and I suggest you might do that when you get a chance to respond — but I put it to you that you run a very grave risk indeed by running that line, because it just so happens that no-one was asked about their political affiliations. That you should suggest that we did so is an embarrassment. For the record, Mr Nardella, I have no doubt that there are people appointed as commissioners who support parties other than the Liberal Party.

An Honourable Member — The National Party.

Hon. R. M. HALLAM — And, I suspect, the Labor Party.

An Honourable Member — Yes, probably.
Hon. R. M. HALLAM — Then why was the line run that they were either better or lesser candidates because of their political affiliation? Why did you pick the Liberal Party? I suspect that what you have apparently computed in raw percentages is a greater comment upon the community in the south-west than it is upon a political affiliation.

The argument brought by the honourable member does the Parliament no credit at all. I make the point that his argument was inherently inconsistent because he was critical of those appointed on the basis of their political affiliation, but he then went on to imply support for the appointment of commissioners by suggesting a model process of appointment. I really wonder what it was the honourable member was trying to prove.

He says that there should be a clear process of application. I invite him to prove there was not. I advertised in the daily media inviting people to register their interest. At this stage, on the last count, we have something like 1100 applications. I am not sure — I have not bothered to count — how many of those offered their political affiliations, but I would have thought not too many. For what it is worth, several people have asked that their registration of interest be recorded, notwithstanding the fact that it has not been offered in writing. It just so happens that some of those to whom I could refer have done so because they are embarrassed about the flak they get in this Parliament! They are embarrassed that they will be asked by their colleagues in the Labor Party to please explain, because yours is the only party that has seen political affiliation as a pointed issue, and it is your party that has done what it can to put the pressure on commissioners who you say are your way inclined. That is a disgrace.

Here we have a party that says its members should be dissuaded from offering their names as potential commissioners, but then comes into the house and complains because it says the percentage from another party is too high. You cannot have it both ways. Do you want members of your party to be commissioners?

Hon. D. T. Walpole — Not particularly.

Hon. R. J. H. Wells — Record that; I think it should be noted.

Hon. R. M. HALLAM — I agree that it should be noted. You do not want members of the Labor Party to nominate as commissioners, and in the next breath you want the right to criticise those who do because of their party affiliation. I say that stinks of double standards. You say that there should be some guidelines under which these people are considered. One criterion that I used, Mr Nاردella — and there were plenty of them — was their previous role in local government. You picked the worst example you could have for south-west Victoria; you picked Tiger Wettenhall. You held him up as someone who should not be appointed as a commissioner because he demonstrated party patronage.

For the record, Tiger Wettenhall is a very experienced councillor whom I regard as one of the most competent people I have come across. You can seek to denigrate his role by taking a position on what you say he said on the previous occasion this issue of local government reform was debated, but I say that does you no credit either.

As I recall, for several years Tiger Wettenhall was an executive member of the Municipal Association of Victoria and represents the entire local government industry on the Country Fire Authority, as well as being a very successful grazier in his own right and well regarded by his community with a string of credits to his name for community work; yet you pick him as someone who is unsuitable. That is a disgrace. I am happy to hold Tiger Wettenhall up against all comers. I say he was an eminently qualified person to be appointed as a commissioner. The proof of the pudding is that he is doing a top job. It does you no credit to criticise him on the basis of what you say is his political affiliation.

You also mentioned Eda Ritchie. I make the point that Eda Ritchie has served her community well in her role as councillor and shire president. In fact she was at the helm of her council when the debate took place about the best outcome for her community. To her eternal credit she was prepared to become directly involved in the debate in a very tough environment and to lead her community to a very good outcome. She should be complimented and congratulated rather than being criticised for her role. You do this house no justice at all by the facile way with which you brought the argument.

In addition I make the following point. The notion was that the process is corrupt and that people have been chosen on their mateships. You levelled that accusation at a National Party minister in a coalition government. You have led evidence that in fact that process does not work. For the record, there have been people from your party who have criticised the appointments; there have been people from the Liberal Party who have criticised the appointments
and there have been people from the National Party who have criticised the appointments.

From where I sit as the minister responsible for this process I think it is working extremely well. Although it might be very difficult for you to hear the good news, Mr Nardella, and it might be particularly galling to see that the Kennett government is able to deliver something that you would have liked to be able to deliver but could not deliver, that is not a bad commentary on the process.

I make this point in passing. We have just seen a budget delivered in the City of Greater Geelong after less than two years of the operation of commissioners. That budget delivered the goods to the extent that it will see savings at the top end of those predicted by an independent consultant who viewed the process. That means something like a 20 per cent reduction in the cost of local government to the community of Geelong. That is a very good outcome. The appointment of commissioners was crucial to that outcome. If this is the best criticism of the Kennett government that the opposition can deliver I am delighted to live with it!

Hon. PAT POWER (Jika Jika) — I happily make a contribution to this debate as the shadow Minister for Local Government. The minister’s response indicated that he has not understood the intention of the comments that Mr Nardella led in support of his motion. I do not recall any point he made that attacked Tiger Wettenhall. I do not recall any point he made that attacked Eda Ritchie, but I do recall a number of points — —

Hon. R. M. Hallam — The challenge of mateship!

Hon. PAT POWER — I recall a number of points being made attacking the government and its use of mateship. This is not a motion that attacks the credibility or indeed, as Mr Forwood would say, the merit of those people in the south-western region who have accepted appointments as commissioners. This motion criticises the process used by the government.

Let us put to rest the assertion the minister made that the opposition is leading a debate that attacks the public service record of people such as Tiger Wettenhall and Eda Ritchie. This motion deals with the processes that the Premier and the minister have used to identify and appoint commissioners. I do not know the former south-western municipal region in the familiar way that the minister does, but I certainly do know well the more southern parts of the region.

Mr Nardella’s motion asserts in round figures that 60 per cent of the commissioners have been appointed from the membership of the Liberal Party.

Hon. Bill Forwood interjected.

Hon. PAT POWER — As Mr Forwood has said, implicit in the motion is the fact that the Premier and the minister took undue account of the political affiliations of those appointees.

Across Victoria there are people who belong to the Liberal Party, the National Party, the Australian Labor Party and to a lesser extent the Australian Democrats, and it is my experience of country life that the greater majority of people do not belong to any particular party. Not only does Mr Nardella’s contribution document that the Premier and the minister have shown undue bias towards the Liberal Party but it also demonstrates that the Premier and the minister have shown undue bias against the great majority of Victorians in that region who do not belong to any political party.

As a member of the ALP, I say — —

Hon. Bill Forwood — You will be saying that black is white!

Hon. PAT POWER — No, that is something that you would tell me! I do not believe it would be justifiable for the ALP to claim in terms of the total population that 60 per cent of the intellectual and merit base was captured by it. I have not the slightest doubt that if a Labor government were to make appointments along similar proportions the coalition would criticise those appointments; it would understandably say that we were rejecting the skills and talents of people from other political parties and, more importantly, that we were rejecting the skills and talents of the vast majority of Victorians who do not belong to any political parties.

I reiterate as the shadow minister that I am happy to support the motion moved by Mr Nardella in terms of the statistical observations he made about the south-western municipalities.

Hon. R. M. Hallam interjected.

Hon. PAT POWER — I note that the minister says it was an observation, but in his contribution he did not challenge the claims Mr Nardella made.
about those individuals. If the minister listened carefully to what the opposition is saying he would note that the motion deliberately refers to the government and not the Minister for Local Government. It is well known in this house and in the community at large that the Premier has a profound interest in local government change and that he has made his wishes known in respect to appointments.

I accept the undertaking given to this house by the Minister for Local Government that he did not ask about the political affiliations of the applicants. The opposition says that the government did.

Hon. R. M. Hallam — These were my appointments.

Hon. PAT POWER — The second half of the motion calls on the government — not the Minister for Local Government — to undertake an independent, open and accountable process for the appointment of commissioners.

Hon. Bill Forwood — Read the next bit!

Hon. PAT POWER — I will come to that. I believe the minister has agreed that the intention of the motion moved by Mr Nardella has not been met because there is no independent, open and accountable process for the appointment of commissioners.

It is not independent in the sense that the names of the people who have expressed an interest are known only to the minister. It is not open in the sense that only the minister, the Premier and a small group of people have access to the information. It is not accountable because the terms of appointment for commissioners state very clearly that the only person to whom they are answerable is the Minister for Local Government.

Hon. R. M. Hallam — Surprise, surprise.

Hon. PAT POWER — I welcome the minister's reiteration by interjection that he does not believe ratepayers and residents ought to be able to provide their assessments of the accountability of commissioners.

Hon. W. A. N. Hartigan interjected.

Hon. PAT POWER — This is Boston Tea Party stuff! It is about taxation without representation!

The difference between the opposition and coalition on these matters is that the opposition does not agree that democracy ought be removed from local government. It does not agree that the state government should appoint its chosen people to run local government in the absence of any local accountability.

As the shadow minister I have been quoted on the record as saying the opposition is prepared to accept the reality that the Premier is committed to the use of commissioners; but we do not believe it is good public policy. We do not believe it is a precedent for good government to appoint commissioners to act as agents of the state government in situations where there is no locally elected representation, especially when they are accountable only to the Minister for Local Government.

Mr Nardella’s motion is reasonable given that, in round figures, 60 per cent of the appointees belong to the one political party. That sends a bad message to the community especially when we accept that the great majority of Victorians do not belong to political parties. Not only is the appointment process an apparent rejection of the skills and talents that exist in other political parties, but, more importantly, it is a rejection of the skills and talents of the majority of Victorians who do not belong to any political party.

The opposition accepts that local government reform is part of the state and national agenda; that has been our view for some time. The motion has not been moved to try to stop the program of local government change. It has been moved because the opposition wants to demonstrate that the best way to reform local government is to make changes about which local communities feel, as much as possible, some degree of comfort. In my travels I have discovered that the way in which the government has appointed commissioners — —

Hon. Bill Forwood — Driving around in circles again.

Hon. PAT POWER — At least I know where I'm going, Bill! I went to Echuca and came back; you should try it sometime. You should talk to people and hear their message about how your coalition is travelling.

For some 10 years it has been the policy of the ALP to reform local government consistent with community views and expectations. It is interesting to contrast the words in the coalition's policy prior
to the state election — the Premier and the minister said there would be no changes to local government unless they were community driven — with the words they spat out to, and probably at, Victorians. The contrast highlights the totalitarian way in which they are pushing their juggernaut across Victoria. I have not met many Victorians — —

Hon. Bill Forwood — True.

Hon. PAT POWER — Mr Forwood, by interjection, asserts I have not met many Victorians.

Hon. Bill Forwood — That is what you said.

Hon. PAT POWER — I am happy for Mr Forwood, in his own words, to illustrate that he is a dimwit.

The DEPUTY PRESIDENT — Order! That is an unparliamentary comment. I ask the honourable member to withdraw.

Hon. PAT POWER — I withdraw. I am happy for Mr Forwood to illustrate in the clearest possible way that he knows not of what he speaks! Although our politics may differ, most honourable members on the other side would acknowledge that one of the things I have done since being elected to the house is spend as much time as possible in the community. I take great exception to Mr Forwood’s suggesting I have not met many Victorians through my work.

Mr Nardella’s motion is reasonable. I especially support the second half of the motion, because it is in line with my view about the process — in particular, the closed shop way the appointments have been made; the fact that the commissioners are accountable only to the minister; and the fact that the government is prepared to put in place commissioners who are not required in any way to have substantial, regular and open dialogue with their ratepayers and the communities they serve. In the context of the changed program, Mr Nardella’s motion is a good one.

Hon. W. A. N. HARTIGAN (Geelong) — Mr Deputy President — —

Hon. D. R. White — We’re all leaving.

Hon. W. A. N. HARTIGAN — That would not be a worry, Mr White; your presence here adds nothing to the Parliament.

I oppose the motion. It is an insult to this house that Mr Nardella should move it. The first part of his motion states:

That this house notes that 58.3 per cent of commissioners appointed ... I have done the best I can with the arithmetic, but the only way I can arrive at that figure is to assume that approximately 1000 commissioners were surveyed.

Hon. D. A. Nardella interjected.

Hon. W. A. N. HARTIGAN — You show your lack of knowledge of simple arithmetic — as well as accounting. You work it out: the only way you can get that percentage is by having a sample of 1000. You have mentioned only seven or eight names. At no time has Mr Nardella intended to do anything more than use this device to make a false, malicious and completely unwarranted attack on the quality of the people appointed to make the transition to local government as decided by the government.

It is in the best interests of the coalition to have the best possible people undertake the commissioners roles. I am not familiar with the area to which Mr Nardella refers. I certainly would not have a clue about who is a member of which party. The best figure I could have come up with in the case of Geelong is 25 per cent, which I assume is about the proportion of people who are members or supporters of the Labor Party.

I presume that Mr Wilkes has for some time been a member of the Labor Party, and he may still be. Incidentally, he has been a valuable — —

Hon. W. A. N. HARTIGAN — He has done a good job. Does Mr White wish to assassinate somebody else’s character, as he has everybody else’s? He has not missed too many people in his attempts at character assassination.

The government has appointed the best possible people as commissioners. It is all very well for Mr Power to argue Mr Nardella’s position that the appointment of two people prominent in local government and in the community are examples of what he calls political patronage. That he did not say anything about their competency and qualifications is an absolute disgrace. By any criteria the two people mentioned by Mr Nardella and referred to by
the minister are eminently qualified under any circumstances to accept appointment. We are damn lucky to have got them.

I find it curious that Mr Power has made it clear in the press that he is opposed to any member of the Labor Party offering his name for consideration.

Hon. PAT POWER (Jika Jika) — On a point of order, Mr Hartigan has just claimed that I have made it obvious in the newspapers that I do not wish any member of the Labor Party to accept appointment as a commissioner.

Hon. K. M. Smith — This is a personal explanation.

The DEPUTY PRESIDENT — Order! Mr Power will be heard without interruption on the point of order.

Hon. PAT POWER — I am well aware of what I am doing. Mr Hartigan has asserted that I have made it plain in the newspapers that I do not want any member of the Labor Party to be appointed as a commissioner. That is an incorrect, non-factual statement, and I take exception to it.

The DEPUTY PRESIDENT — Order! Mr Power has made a personal explanation rather than a point of order.

Hon. W. A. N. HARTIGAN (Geelong) — Mr Power says he is not opposed to the appointment of commissioners. I refer him to his speech on Wednesday, 9 November, reported at page 727 of Hansard. I asked the honourable member a question by way of interjection:

Would you elect them or appoint them?

Mr Power responded:

We would appoint them.

Hon. Pat Power — That is right.

Hon. W. A. N. HARTIGAN — Today you would not.

Hon. Pat Power — That is not true.

Hon. W. A. N. HARTIGAN — I am perfectly happy to have that confirmed. The fact is that Labor would have had to appoint commissioners; there is no argument about it.

It is true that the Minister for Local Government has a responsibility, as an elected member of Parliament and a minister of this government, to make those appointments. He makes them on the same basis that I have described — to get the best possible people available — because the important political outcome for the government is a successful transition from the outmoded structure of local government to one that will bring great benefits to the communities those local governments represent and to the state.

The evidence is already clear that we have been successful beyond reasonable expectations in the achievement of those goals. All Mr Nardella has to worry about is our having selected people of great competence who will carry through the changes this government has put in place, changes the intentions of which were announced before the election and changes which the government is carrying out so successfully. You fear success.

Mr Nardella spoke of Labor reforms to local government being opposed when Labor was in government. I have every sympathy with the people who opposed those reforms because it is clear that Labor was not reforming local government but attempting to reform the relationship between the states, the federal government and local government. Gough Whitlam made it perfectly clear a number of times that his intention was to bypass the states and deal directly with local government which would be in a supine and subordinate position.

I do not have the least doubt that that path was being prosecuted as actively as possible by Labor when in government in this state. I have no doubt, having listened to comments on local government structures by people like Mr Power and Mr Nardella, that the objectives of the Labor Party have not changed and that nothing will change. It is opposed to our making local government a more effective, stronger and higher quality operation, producing better services for the community at a much lower cost.

That is called micro-economic reform. That is what the Prime Minister talks about but does not act on. We are making progress. He is making a great contribution, with his $6.5 billion deficit in the last quarter in balance of payments exchange, his budget deficit of $12 billion and his screwing the states for money to protect his own interests. But don't get too worried about what Mr Keating and the Labor Party in Canberra have in mind!
The DEPUTY PRESIDENT — Order! This has little to do with the motion before the Chair.

Hon. W. A. N. HARTIGAN — The issue was raised by Mr Power.

Hon. Pat Power — I made no reference to the federal government.

Hon. W. A. N. HARTIGAN — Mr Power referred to what he would have done regarding the appointment of local government commissioners. I may have broadened the debate a fraction, but my comments are relevant.

The distinction in our reforming local government is that we wish to reform local government for the benefit of local government and the communities it serves. Local government is stronger and more capable as a consequence of those reforms. The government's political goals will be served by appointing as commissioners the most competent people we can find from any location.

The Labor Party's attempt to politicise the situation is extremely unhelpful. Mr Nardella's attempt to denigrate people of high quality and with great records in community performance is a disgraceful use of Parliament and is characteristic of the opposition's policy — that is, if you have no policies, attack the government's policies; if you cannot attack the government's policies, attack the people who deal with government. This has been the common thread running through opposition business since this Parliament sat. It has no policies of its own and no capacity to attack the government's policies, so it plays the man. It is another case in the long train of character assassinations that characterise the efforts of the Labor Party to participate in a sound process of government. I obviously oppose the motion and so should any thinking and responsible member of Parliament.

Hon. D. A. NARDELLA (Melbourne North) — I will answer a number of claims, especially those made by the mathematically illiterate Mr Hartigan, who said that 1000 commissioners were needed as a sample to work out the figure of 58.3 per cent. He does not know what he is talking about when he mentions a sample of 1000 commissioners because it is easy mathematics to work out that if 14 out of the 24 commissioners are Liberal Party members, that makes 58.3 per cent.

It is absolutely imperative that not only Mr Hartigan but also the minister understand this. The minister did not understand it either, so I will explain it to him in a mathematical formula: $14 \times \frac{100}{24} = 58.3$. That is how the figure 58.3 per cent is arrived at.

That demonstrates in an absolute sense to both the minister and Mr Hartigan that 58.3 per cent of commissioners in the south-west region of the state who have been appointed by the Liberal government are Liberal Party members. There is no further, more absolute demonstration of that than those figures and calculations that I have just given to the house.

Hon. R. M. Hallam — Who were the 14?

Hon. D. A. NARDELLA — I gave the house their names and their membership numbers, and that clearly demonstrated their political affiliation to the Liberal Party.

Mr Hartigan accused the previous Labor government of a malicious attack on local government. That accusation has no truth to it. However, this government has perpetrated a malicious attack on the Victorian community the like of which the Labor Party never pursued while in government. The appointment of Liberal commissioners has turned what should have been an independent process on its head; that is the malicious attack the government is perpetrating on the Victorian community.

The minister did not answer the question about due process, which is one of the key aspects of my motion. He went on about how people could apply and how 1100 applications were made to him and his department. The process was loose and lacked the formalised, independent steps that I outlined in my address to the house in the first instance. The opposition knows of people who were tapped on the shoulder and asked to be commissioners. There was no independent or accountable process.

The crux of my motion is that the government must put in place an independent, open and accountable process for the appointment of the next round of commissioners to make sure that communities in Victoria that are being restructured do not end up with commissioners who are on the gravy train of political patronage. It must be an independent process that the Victorian community is happy with. I ask honourable members to support the motion before the house.
House divided on motion:

Ayes, 11
Davidson, Mr  Mier, Mr
Gould, Miss  Nardella, Mr (Teller)
Henshaw, Mr  Power, Mr
Hogg, Mrs  Walpole, Mr
Ives, Mr  White, Mr
Kokocinski, Ms (Tdlc)

Noes, 26
Asher, Ms  de Fegely, Mr
Ashman, Mr  Forwood, Mr
Atkinson, Mr  Guest, Mr
Baxter, Mr  Hall, Mr
Best, Mr  Hallam, Mr
Birrell, Mr  Hartigan, Mr
Bishop, Mr  Knowles, Mr
Bowden, Mr (Teller)  Skegg, Mr
Brideson, Mr (Teller)  Smith, Mr
Connard, Mr  Storey, Mr
Cox, Mr  Strong, Mr
Craig, Mr  Wells, Dr
Davis, Mr  Wilding, Mrs

Pairs
Pullen, Mr  Stoney, Mr
Theophanous, Mr  Varty, Mrs

Motion negatived.

GAMING AND BETTING (AMENDMENT) BILL

Second reading

For Hon. HADDON STOREY (Minister for Gaming), Hon. R. I. Knowles (Minister for Housing) — I move:

That this bill be now read a second time.

The bill proposes a range of enabling and technical amendments in the areas of gaming and racing with specific amendments to the Gaming and Betting Act 1994, the Gaming Machine Control Act 1991, the Club Keno Act 1993, the Casino Control Act 1991 and the Racing Act 1958. The amendments will strengthen the role of the Victorian Casino and Gaming Authority in ensuring that the gaming industry is governed by the highest standards of probity and security.

The bill deals in part 2 with amendments to the Gaming and Betting Act 1994. Provision is made for a wholly owned subsidiary of Tabcorp Holdings Ltd to possess gaming machines and restricted components, thereby enabling that organisation the maximum flexibility to possess or dispose of gaming machines within its group structure.

The bill also inserts a specific power for the authority to delegate its functions under sections 70 or 95 of the act which deal respectively with approval of totalisator equipment and quarterly provision to the minister and Treasurer of a statement of the authority’s costs and expenses. In both cases this will enable the authority to operate more flexibly and effectively.

A number of commercial matters awaiting settlement were retained by the Totalisator Agency Board and not transferred to Tabcorp. The TAB has also retained cash and short-term deposits to support the settlement of these matters as required. As a further measure to ensure that the TAB will be able to meet any obligations arising from these outstanding matters the bill makes provision for the Treasurer to guarantee, indemnify or otherwise support the performance, satisfaction or discharge of obligations or liabilities of the TAB.

The bill also corrects an omission from the principal act by substituting the Victoria Racing Club for Vicracing, thereby properly assigning the liabilities and assets of the former racing division of the Racecourses Development Fund and Metropolitan Racing Clubs Fund to the Victoria Racing Club.

Part 3 of the bill relates to the Gaming Machine Control Act 1991. The bill proposes amendments to require the authority to be satisfied that the approval of a venue operator’s licence will not breach the maximum limit of 105 gaming machines set by ministerial direction and by the Casino (Management Agreement) Act. To this end the bill contains provisions to extend the matters the authority must consider in determining an application for a venue operator’s licence to include whether the management and operation of venues located close to each other are genuinely independent of each other. This clause provides the authority with grounds to refuse an application in cases where an applicant tries to circumvent the 105 maximum machine limit.

The government’s concern lies not in a hotel chain or club operating more than one venue, but with more than 105 machines being operated at the one location. In cases where an applicant’s premises are within 100 metres of an approved venue and there is an association between the applicant and the
operator of an already approved venue, the bill empowers the authority to consider the relationship between two venues to ensure they are genuinely independent of each other.

Next, the bill contains a provision which specifies the identity of the venue operator and clarifies the accountability which attaches to that person and to any nominee of that person. The bill does this by providing for a natural person to be nominated by a venue operator and approved by the authority, and for the person to then be liable for ensuring compliance with the act, regulations, rules and licence conditions. The nomination and approval of a person will, nonetheless, not limit the liability of the venue operator under the act. The bill also provides for appeals to the Supreme Court against a decision of the authority to approve or refuse to approve a person as a nominee.

This proposal has been communicated to the key sectors of the gaming industry and has general support. It has the advantage of simplifying the administration of the act for both the authority and venues while improving the security and accountability of gaming in venues. The proposed amendment is also consistent with the Liquor Control Act, which provides for a nominee at licensed premises.

The third major matter addressed by this part concerns the ongoing scrutiny of the persons who can influence the conduct of gaming. The bill provides for the approval of new persons who become or are likely to become associated with or able to influence the conduct of gaming. Provision is made to enable clearance to be given to a person prior to that person accepting a beneficial, ownership or management role and for that person not to exercise any influence in the business except with the prior approval of the authority. The bill also sets out the procedure to be applied in cases where a person is found not to be suitable to be associated with a gaming business.

Provision is also made in this part of the bill to address the changes which have been made in the sentencing policy of the courts. The amendment provides an additional ground for disciplinary action, which is that the licensee has been found guilty of an offence against the act under which that person is licensed or of a certain category of offence involving fraud or dishonesty, regardless of whether a conviction has been recorded against that person. The bill proposes amendment of section 51 of the Gaming Machine Control Act and section 52 of the Casino Control Act to achieve this.

Part 4 of the bill deals with club keno. The Club Keno Act came into operation in June 1993, and provides for Tabcorp and Tattersalls to run club keno games. Operations commenced in Victoria on 28 April 1994. To ensure and maintain the integrity of club keno, this bill creates specific offences. The offences include interference with the club keno system, use of defective equipment, extension of credit and sale of tickets to minors. They are based on similar offences in the Gaming Machine Control Act.

The bill also gives persons who are gaming inspectors under the Gaming Machine Control Act enforcement powers based on the powers in the Gaming Machine Control Act. These powers will enable inspectors to detect and investigate suspected offences under the Club Keno Act. Inspectors will also be able to gather evidence for prosecutions under the act.

The bill includes a provision which reflects the common-law privilege against self-incrimination for persons who refuse to provide information to inspectors. This privilege has recently been limited by the High Court case of Environment Protection Authority v. Caltex in which it was decided that the privilege is not available to corporations in some instances.

In addition, the Director of Gaming and Betting is given power to investigate complaints about the conduct of club keno games. The power will ensure that the interests of the public and the gaming industry in the conduct of games of club keno are protected.

The bill also gives gaming inspectors the power to test or inspect club keno equipment installed at a venue to ensure that it is properly connected and operating in a satisfactory way. The director is given power to order Tabcorp and Tattersalls to repair or withdraw defective machinery, equipment or computer systems.

Part 5 of the bill is an amendment to the Casino Control Act 1991 and has already been dealt with. Part 6 deals with amendments to the Racing Act 1958. The situation in respect of the transfer of race meetings is clarified to enable industry controlling bodies full flexibility in this area in accordance with the original intent of the act.
The bill also corrects the position in respect of bets with bookmakers made at greyhound race meetings to ensure that the industry portion from stamp duty is paid to the Greyhound Racing Control Board rather than the Victorian Country Racing Council. Finally, the bill also contains a number of machinery amendments in the nature of statute law revision.

The operation of the gaming industry in Victoria has been an outstanding success and credit is due to the administration of the Victorian Casino and Gaming Authority and the gaming operators, Tattersalls and Tabcorp, and to the foresight and commitment of the owners and managers of Victoria's hotels and clubs which have embraced this new form of entertainment to the benefit of their members, patrons and communities.

The government is proud of the role it has played in promoting the high standard of security and integrity of this industry and in ensuring an orderly extension of the facilities to maximise the benefits for Victorians. This bill reinforces the government's commitment to the honest conduct of gaming. It will continue the government's work to ensure that the conduct of gaming in Victoria is free from criminal influence or exploitation.

I commend the bill to the house.


Debate adjourned until next day.

LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL

Second reading

Hon. HADDON STOREY (Minister for Gaming) — I move:

That this bill be now read a second time.

The bill proposes a number of reforms in line with the government's general policy in the area of gaming for deregulation where possible while enhancing the level of probity and protection of participants in the industry.

Many of the specific proposals are the result of an extensive review of the minor gaming industry earlier this year and subsequent consultation with relevant persons and organisations. It is intended that further reforms be made next year as part of a total rewrite of the legislation relating to minor gaming.

The bill inserts a new definition of community or charitable organisations, reforms the conduct of bingo by removing a number of current restrictions, brings the bingo centre industry under a similar regulatory framework to that applying to electronic gaming machines, and makes changes to the regulations of raffles, lucky envelopes and trade promotion lotteries.

The government continues to recognise the important role the minor gaming industry plays in funding community and charitable organisations. To protect this important source of revenue, the bill provides for the Victorian Casino and Gaming Authority to declare which bodies are community or charitable organisations for the purposes of the act. It will mean that only bodies that satisfy the authority that they are genuine community or charitable organisations will be able to benefit from the conduct of bingo, raffles and lucky envelopes.

The reforms proposed to the conduct of bingo remove a number of outdated restrictions:

- the number of sessions which may be conducted over seven days is increased from two to four;
- the prohibition on Sunday bingo is removed;
- restrictions on time of day at which bingo may be played are removed;
- the maximum price per ticket is increased from 20 cents to 40 cents; and
- the number of tickets which may be sold for each game is increased from 500 to 600.

A person who conducts a session of bingo on behalf of an organisation will be accountable for the conduct of the session and the keeping of financial records.

The bill recognises the contribution of bingo centre operators to the bingo industry while endeavouring to ensure that their commercial aims do not conflict with the community-based aims of bingo permit holders. To this end, bingo centre operators and those of their employees carrying out significant duties will have to be licensed. They will be subject to a system of probity checks and investigations. This is based on the system that governs the licensing of venue operators and their employees.
under the Gaming Machine Control Act 1991. It will be possible to cancel or suspend these licences.

It will now be possible for a person holding a bingo permit on behalf of a community or charitable body to enter into a contract with a bingo centre operator. The contract will transfer all responsibility for compliance with the permit to the operator. In return for assuming this responsibility, the operator will receive a fee from the permit holder. This fee will be up to 2 per cent of the gross receipts for each session of bingo conducted under the contract.

The bill provides that the expenses of conducting a session of bingo must be no more than 10 per cent of gross receipts for that session excluding catering costs. Therefore, where a contract exists between a permit holder and a bingo centre operator, the amount of expenses must be no more than 12 per cent of the gross receipts.

This bill ensures there is a clear separation between the conduct of bingo for the benefit of community and charitable organisations and the operation of electronic gaming machines by larger clubs for their members and by hotels for profit. To this end, bingo centre operators will not be permitted to hold licences issued under the Gaming Machine Control Act 1991. This reflects the intent of a former regulation that sought to prevent the location of gaming machines within bingo centres. Special provision has been made for those bingo centre operators who already hold a venue operator’s licence under the Gaming Machine Control Act 1991. These persons are given until the year 2000 to phase out their dual interests.

In respect of lucky envelopes, a number of further controls are proposed to better safeguard the interests of the charities and community bodies which rely on income from the sale of lucky envelopes. The director of gaming and betting is given power to approve the types of lucky envelope machines. Suppliers are required to obtain the approval of the Victorian Casino and Gaming Authority.

In relation to raffles, this bill provides for regulations to be made to ensure that they are conducted fairly and honestly. A new charge, based on a percentage of the total prize value for each raffle, is required for a permit to conduct a raffle and replaces the former fixed fee. This is consistent with the present method of charging for permits for trade promotion lotteries. It will also reflect more accurately the overall costs of administration of a wide range of raffles, including those offering substantial prizes. A permit to conduct a raffle will no longer be required where the value of the prize pool is $5000 or less. This will reduce the cost burden to charities and community bodies in conducting smaller raffles.

The operation of trade promotion lotteries has also been considered and, to better ensure probity, the bill provides that a permit will be issued to an individual on behalf of an organisation, not to the organisation alone. It is considered desirable that in each case there be one person who can be held accountable for compliance with permit conditions and with whom contact may be made in relation to the lottery.

Each person or organisation responsible for the conduct of minor gaming will be required to keep the proceeds in a separate bank account. This replaces current requirements that proceeds from each form of minor gaming be kept in separate funds. This will protect the interests of the charity or community body that benefits from those proceeds.

The reforms in the area of minor gaming continue the government’s work in relation to the gaming industry in Victoria. The bill introduces tighter controls and stricter probity measures while deregulating where possible. This is consistent with the government’s desire to promote the highest standards of security and integrity in all facets of the gaming industry.

I commend the bill to the house.


Debate adjourned until next day.

VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL

Second reading

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Vocational Education and Training Act 1990 so as to implement within the Victorian employee relations system provisions of the national training wage interim award 1994.
The national training wage interim award was made by the Australian Industrial Relations Commission on 12 September this year. Among its provisions is the opportunity for employers covered by federal awards to discount award wage rates in return for the provision of accredited training, particularly for the young and the long-term unemployed.

The federal government has also made available subsidies for employers employing trainees under the federal award. These subsidies are intended to offset some of the structural and cost-related barriers to employing the long-term unemployed for purposes of providing on or off-the-job training.

Victoria welcomed the limited acceptance by the federal government in its Working Nation statement of May this year of the fact that the prescriptive nature of federal awards is a serious obstacle to the improvement of the Australian job market. This is especially so for those who have had the misfortune to be unemployed for very lengthy periods of time and are no longer considered job ready, or else, by virtue of their youthfulness and nothing more, have encountered difficulty in gaining entry to the workforce.

Over the course of the long proceedings in the Australian Industrial Relations Commission the state of Victoria supported the concept of a training wage. Admittedly, as the state of Victoria and employer groups made clear during the proceedings before the commission, the federal award may be far from a perfect instrument. It is more complex than it need have been. Furthermore, it may not on its own override the many continuing impediments to the creation of the stable, competitively driven economic growth rates which underpin a healthy job market. But, importantly, the training wage concept does offer prospects for increased training and, above all else, it offers hope where there has been none before.

The bill before the house therefore reinforces the Victorian government's commitment to enhance the job prospects of the young and the long-term unemployed who seek to develop the skills necessary for them to participate constructively in the labour market. The government has moved speedily and effectively to implement provisions of the national training wage award into the Victorian employee relations system.

Essentially the bill embodies the bulk of the provisions of the national training wage interim award in a legislative form through the establishment of a new schedule 3 to the Vocational Education and Training Act 1990. This will ensure that the discounted wage system and other provisions in the federal award such as the industry/skill levels to which trainees' wages are tied are stable and applied uniformly across the Victorian state and federal jurisdictions.

The bill therefore ensures that all employers and employees will have swift access to the provisions of the Victorian state training wage system and will not be confronted with a training scheme which differs in any substantial way between state and federal levels.

WAGE RATES

The bill, at clause 6 of schedule 3, provides that the wage rates applicable for trainees in Victoria employed under the schedule will be those as provided by the national training wage interim award 1994. This will ensure that employers do not face competing and different wage rates between the federal and state training wage systems.

As a consequence of the introduction of the discounted training wage system some amendments have been required in respect of trainees' minimum terms and conditions of employment. Clause 7 of schedule 3 ensures that trainees have continued access under the Employee Relations Act 1992 to the provisions of part 2 and division 2 of part 3 and schedule 1, except clause 1(c), which relates to minimum wages.

INDUSTRY/SKILL LEVELS

A complicated feature of the federal award is the interaction of prescribed wage rates with various industry sector and skill level classifications. Consistent with the bill's treatment of wage rates, the Victorian government does not wish to complicate the scheme of the training wage any further for employers. Consequently, at clause 6 of schedule 3 of the bill, for purposes of applying the weekly wages payable to trainees, the appropriate industry/skill level in relation to a trainee will be as specified federally through the national training wage interim award. Such industry/skill levels will themselves be specified in the Victorian employee relations system through a relevant determination made by the State Training Board under section 51 of the Vocational Education and Training Act 1990. Such determinations will simply mirror the industry/skill levels which apply in the federal award.
QUEEN VICTORIA WOMEN’S CENTRE BILL

Wednesday, 30 November 1994
COUNCIL

TRAINING AND EMPLOYMENT CONDITIONS

The bill provides that the conditions of training and conditions of employment under a training agreement have virtually the same effect for trainees and employers as under the national training wage interim award. A very similar approach has been taken in respect of the consultative arrangements which underpin the accreditation of approved training schemes under the terms of schedule 3.

NETTFORCE

The bill makes provision for the State Training Board to enter into an agreement with Netforce as provided by the national training wage interim award and to perform the function and exercise the powers given to it pursuant to any such agreement. I am pleased to inform the House that negotiations between Netforce and the Office of Training and Further Education are proceeding positively in this regard.

There are further consequential amendments to the principal act as detailed in the bill and as referenced within the explanatory memorandum as tabled.

CONCLUSION

In conclusion, I reaffirm the Victorian government’s genuine concern for the circumstances which face the young and long-term unemployed in developing relevant workplace skills and having the opportunities to become job ready. The introduction of the state training wage system by way of the bill now before the House is an important initiative in this regard.

Ultimately, however, the solutions to unemployment reside elsewhere, particularly in respect of the implementation at both the national and state levels of comprehensive policies to promote a dynamic and innovative economy. In the long run, such policies are the only real source of security for the labour market, present and future.

Notwithstanding this, there are important steps, of which the bill is one, that can be taken to ameliorate the current circumstances facing the young and the unemployed and to ensure that there are as few skill shortages as possible in the labour market over the coming years.

I commend the bill to the House.

Debate adjourned for Hon. C. J. HOGG (Melbourne North) on motion of Hon. Pat Power.

Debate adjourned until next day.

QUEEN VICTORIA WOMEN’S CENTRE BILL

Second reading

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The bill honours the government’s commitment to establish a women’s centre on the site of the old Queen Victoria Women’s Hospital and it recognises women’s historic claims to association with that site. If refurbishment of the existing building goes according to plan, we hope to be able to open the centre on the centenary of the first steps taken by women in 1896 to establish the first Victorian medical service specifically for women. If we can manage that it will be a fitting celebration of the centenary and a substantive demonstration of the government’s commitment to the interests of women.

The centre will have strong historic links with the progress of women in Victoria over the past 100 years, and I expect these links to add to the centre’s attractiveness as a facility for all women in the state. The first Queen Victoria Women’s Hospital was established in Lonsdale Street in 1898 by Dr Constance Stone, with the help of the results of the appeal known as the Shilling Fund. That appeal raised 63 250 shillings from the women of Victoria, and it was an overwhelming demonstration of their enthusiasm for the establishment of the hospital. The hospital moved to the site at Lonsdale and Swanston streets in 1949 and operated there until the service was moved to the Monash Medical Centre in 1989.

It was only as a result of pressure from the coalition parties that the previous government provided for the lease-back of the eastern tower on the hospital site for use by women when it sold the surrounding land to developers. Since the coalition came into government we have provided for the better preserved central tower to be used instead of the eastern tower and we have completely excised the land on which that tower stands from the sale to developers. As the government’s contribution to the vision for the women’s centre which has been developed by women’s organisations we will
refurbish the tower building and provide start-up costs for the centre.

This bill vests the land in the Queen Victoria Women’s Centre Trust, which is a statutory corporation created by the bill. The bill defines the purpose, functions and powers of the trust, and they are principally to be responsible for the management of the centre as a facility which will be attractive to all Victorian women and to provide services for women within the centre.

Another important function of the trust is to act as a fundraising body, and that is listed as one of its functions in the bill. The government’s commitments to retain the land and to refurbish the tower for use by women have always been made on the basis that the centre will operate independently of government funding and fundraising will therefore be a vital part of the trust’s work. The necessity to operate without government funding will be one of the centre’s greatest strengths and is one aspect of the idea for a centre which has been very important to women’s organisations. Our aim is to establish a trust which is independent of political pressures and which works solely for the benefit of Victorian women.

The bill provides for the trust to consist of 12 members appointed by the Governor in Council on the recommendation of the Minister responsible for Women’s Affairs. Up to four members of the trust will be selected from a panel of names submitted by the Queen Victoria Women’s Centre Inc., an organisation which has spent a great deal of time and effort developing a vision and support for the centre. Members will be appointed for terms of not more than four years and the bill provides for the appointment of a chairperson and for vacancies, resignations and removals from office. It also provides for the procedure at meetings of the trust and for declaration of any pecuniary interests by members.

One of the most important provisions of the bill is that I have already mentioned in passing, and that is that the bill vests in the trust the land on which the old hospital tower stands. This demonstrates the government’s commitment to the centre but ensures that the trust is independent of government. Of course there are the necessary provisions restricting the use of the land to the purposes of the trust, and preventing the sale or mortgage of the land.

As the government will be investing a very substantial amount of public money in the refurbishment of the building and will be vesting the ownership of land currently owned by the government in the trust, the bill makes provision for the efficient and responsible financial management of the centre by the trust. It would not be possible for us to invest public money in the centre, no matter how worthwhile a project, unless we created a structure within which the trust will be able to operate in a financially responsible manner. The bill gives the trust borrowing and investment powers subject to the approval of the Treasurer, and a responsibility to prepare and act in accordance with a business plan. If the minister determines that the trust is unable to pay its debts the trust may be wound up and the land would revert to the Crown.

These provisions for financial responsibility are absolutely necessary; however we have kept them to a minimum because we want the trust to operate independently, and it will be able to do so. Its decisions as to the uses and management of the centre and as to fundraising and spending are absolutely its own. All the government will do is keep an eye on its financial position and step in to wind it up in the unlikely event that financial difficulties overcome it. One of the necessary corollaries of independence from government is that we have purposely made no commitment to prop up the trust in the event of financial problems. That sort of commitment would require a far greater degree of political control than we wish to see imposed on the centre.

This bill establishes a trust to run a centre which will be unique in Australia. It will be a centre dedicated to the benefit of women and to the improvement of their status in our society. It will be a place in which women can congregate and look for assistance, and we hope it will become a reference point for women across the state. Its support by the government is entirely consistent with our objectives to enhance women’s access to services and support, and to encourage women to meet and work to improve their opportunities and their participation in public life and decision making.

I commend the bill to the house.

Debate adjourned for Hon. C. J. HOGG
(Melbourne North) on motion of Hon. Pat Power.

Debate adjourned until next day.

Sitting suspended 1.00 p.m. until 2.03 p.m.
BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL

Second reading

Debate resumed from 15 November; motion of Hon. R. M. HALLAM (Minister for Regional Development).

Hon. T. C. THEOPHANOUS (Jika Jika) — This is a fairly small bill but it has significant and widespread ramifications because of the amendments it makes to the Borrowing and Investment Powers Act. The opposition is not concerned that one of the two major functions of the bill is to include the Public Transport Corporation as an enterprise that is able to assume certain obligations and rights under the act — that is a fairly sensible move, given that the body has been corporatised and therefore ought to be subject to the Borrowing and Investment Powers Act. However, the opposition is concerned that the bill broadens the scope of the Borrowing and Investment Powers Act to facilitate the provision by private enterprise of public infrastructure. I shall discuss a number of aspects of that in my contribution to the debate. At this point, I move:

That all the words after ‘that’ be omitted with the view of inserting in place thereof ‘this house refuses to read this bill a second time until the government establishes appropriate and transparent guidelines for the contracting out of essential services, particularly in relation to what should be considered commercial in confidence, what degree of transparency and disclosure is required by tenderers or bidders for public sector work and the process by which contracts should be renewed (so as not to unfairly favour the incumbent contract holder).’

Clauses 3 and 4 provide the government with the power to step in to provide services and to take on the financial obligations of the private sector firms that have been contracted by the state to provide services. These step-in arrangements appear to be innocuous enough, but when one reads the bill carefully one realises that clauses 3 and 4 appear to apply only if both parties agree to the implementation. They also give the state the capacity to underwrite a range of contracts and to provide a range of guarantees, which it has not had in the past. Essentially these provisions expand the scope of the Borrowing and Investment Powers Act, which at present relates to the borrowings of all government enterprises and therefore to government debt, effectively to bring a third party into the process, which means the act is extended to cover providers who enter into contracts with the government.

What these provisions mean in terms of the contingent liabilities of the state and the expansion of those liabilities in the context of virtually every agreement the government has entered into — they are done on the basis of commercial-in-confidence documentation with no access to information being provided to the opposition or to the public — is not clear. The opposition has considerable concern and is nervous about what clauses 3 and 4 mean.

In introducing those clauses and in trying to clarify the situation about contracts the government has indirectly highlighted one of the difficulties of private sector provision of public infrastructure and contracting out — that is, the different pressures on the government and private sectors to provide essential services.

Clauses 3 and 4 point to a situation where the government may wish to step in to ensure the performance of certain contracts. In practice that can be achieved in two ways: firstly, by the government taking over a company and assuming its entire liabilities — in effect, by running the company — and clauses 3 and 4 provide that power; and secondly, by the government taking on the employees and equipment of the company and then running the whole show itself, using its own resources and employees. In either case the government clearly establishes a right to step in. The legislation is a statement from the government that where essential services have been contracted out, those services must be provided, and if they are not provided the government has the capacity to step in.

What that means in practice is that if a company had contracted to provide services but a situation arose in which the government felt required to step in, the company would be subject to civil action for breach of contract, and if the company were to fail, the government would have to pay for losses as a consequence.

The problem is that there are innumerable examples of companies that have had contracts with the state but have fallen over and the state has attempted to take action against the company, only to find that the company is stony-broke and is unable to pay.

We have the Bonds, the Skases and all the rest who have entered into contracts with governments but
BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL

whose companies have lost many millions of dollars. They have either left their shareholders with nothing or breached their contracts, as a result of which parties such as governments have been unable to recover the amounts involved. We can assume that there will be situations in which the government is required to step in but it will be unable to recover the damages from the company that failed to provide the services it had contracted to provide. We can assume that both those things will happen in the future. This bill, in effect, makes it incumbent on the government to take over the debt.

Hon. R. M. Hallam — No, it does not. It provides the opportunity for the government to make that decision.

Hon. T. C. THEOPHANOUS — It is important to look at what the bill says. Clause 3 states, in part:

An authority to which this section applies may assume obligations and rights under or in connection with financial accommodation obtained by another person and any security for that financial accommodation if —

(a) the arrangements under which the other person obtained the financial accommodation or gave the security include provision for such an assumption by the authority; or

(b) all the parties to those arrangements and the authority agree in writing to the assumption by the authority —

and the Treasurer gives approval in writing.

That means that prior to the establishment of the contract between a contractor and the government the Treasurer is able to enter into an agreement whereby the government can assume or undertake to assume the obligation in the event that the contractor does not deliver the services. It is true that the Treasurer does not have to enter into that contract.

Hon. R. M. Hallam — I am pleased that is on the record.

Hon. T. C. THEOPHANOUS — But this bill provides him with the power to enter into such contracts. It provides him with the power to go to a company such as one of the major companies currently negotiating with the government to build the Western bypass or upgrade the Tullamarine Freeway and say to that company, 'We will enter into an agreement with you under which, if your tolling structure falls over and you are not getting the revenues you require to maintain the viability of this enterprise, we will undertake in the terms of this contract to' — —

Hon. R. M. Hallam — Why would the government do that?

Hon. T. C. THEOPHANOUS — That is a good question. Why would it? It probably would because this government is capable of anything. Why would you do it for the grand prix? But you did it! This bill provides an absolute power for the Treasurer to enter into those kinds of arrangements, which underwrite the private sector. Such an underwriting is in the form of an implied government guarantee that comes into effect in the event that the company falls over.

We should think about the implications of that. You could have a two-bob company and you could go out and get a contract with the Victorian government that says, 'If you fall over the government will pick up the tab' — not a bad basis on which to go out to borrow money! Lots of people will be prepared to lend you money if you can show a contract signed by the Treasurer of Victoria which says that if the company falls over the government will step in and assume the debt.

Under those circumstances the opposition is concerned that it does not have access to the confidential agreement to be signed by the Treasurer and these companies. Therefore, we do not know whether that clause exists; if it does exist, there is a potential liability on the State of Victoria that could perhaps run into millions of dollars, depending on what is involved.

This is a very serious extension of the powers of the Treasurer. One should read clause 4 in company with clause 3. Proposed subsection 14A(2), in clause 4, states in part:

The Treasurer may, on behalf of the government of Victoria execute a guarantee on such terms and conditions as the Treasurer determines in favour of any person or body of persons guaranteeing the due satisfaction of amounts that become payable and of other actions required to be performed as a result of or in connection with the assumption by the authority of obligations and rights in accordance with section 11AB ...

That makes it absolutely clear that the government not only has the power and is giving itself the power but intends actually to use this power to provide government guarantees for contractors. We can see
that the building of the Domain tunnel, the Western bypass and the other private sector-funded constructions will take place on the basis of a request from those companies — and nothing is more certain — that under clauses 3 and 4 the Treasurer should provide them with some kind of guarantee.

Hon. Bill Forwood — The only things we will do will be up front, not under the table like your deals!

Hon. T. C. THEOPHANOUS — It would be an absolute first for the government to show us any contract it has entered into with any one of its mates. We look forward to Mr Forwood going to his Treasurer and saying that the contract he has signed to build the Western bypass and the Domain tunnel ought to be made public and that he should not hide behind commercial-in-confidence clauses.

Unfortunately, this is a government of secrecy, not a government of disclosure. The bill allows the government to go to its mates with a government guarantee and to borrow money for public infrastructure provision and contracting out of various types, with that contingent liability resting with the state — all of that without the public of Victoria even knowing that such a government guarantee exists because all is hidden by the commercial-in-confidence notion.

The opposition does not oppose the PTC being brought within the ambit of the borrowing and investment powers. We would not necessarily oppose clauses 3 and 4 of the legislation if the government gave a guarantee of disclosure of those contracts so that we would know that implied government guarantees were not in place. That is why I have moved the reasoned amendment. The government has repeatedly hidden behind the commercial-in-confidence notion. It has not prepared appropriate guidelines to ensure that a range of potential problems down the track are avoided by appropriate action now in the private provision of infrastructure and in contracting out.

The bill does nothing to address those issues raised by the Auditor-General and a variety of other people. We know from the Tabcorp float that the government and the Treasurer, who has been described appropriately by the financial community as useless — —

Hon. Bill Forwood — Our Treasurer?

Hon. T. C. THEOPHANOUS — He was described in that way by the financial community, not me. He is useless. We need only look at the way he handled the Tabcorp float. In one deal he has lost the state $700 million. Whenever the opposition tries to get information about the Tabcorp sale and so on it is confronted with the government saying that it cannot give this information because it is all commercial in confidence.

The Treasurer rushed the entire Tabcorp process. He approved an $8 million salary package. He tried to float the TAB just after the casino had opened, then when it fell over he tried to blame the opposition. He put out a prospectus that has been questioned by the Australian Securities Commission.

The PRESIDENT — Order! Who put out a prospectus?

Hon. T. C. THEOPHANOUS — The government did for the Tabcorp float. The whole process took place without consultation and without the opposition being given any opportunity to vet the process. Whenever we tried to find out what was going on we were confronted with information being commercial in confidence.

Some $17 million was spent on consultancies to effect the sale. As we all know, that resulted in a loss to Victoria of up to $700 million. The flow of funds from Tabcorp is expected to be $115 million annually. Clearly to get $600 million for something that is bringing in $115 million every year is not a good deal by anybody’s standards, but it might be a good deal from the point of view of this Treasurer.

I give another example of the secrecy of the government. The opposition has tried on an enormous number of occasions to find out exactly what kind of contractual arrangements and government guarantees exist for the grand prix. It is not unreasonable for an opposition to seek to find out what debt it might have to manage for the state of Victoria in the future. The grand prix process — —

Hon. W. A. N. Hartigan interjected.

Hon. T. C. THEOPHANOUS — The government has increased the debt by $4 billion. That is how smart it is. The government keeps harping about this business, but when it is confronted with the facts it does not like them. The government borrowed $2 billion to sack people and the debt has blown out by $4 billion beyond budget sector debt, but it does not want to talk about that or the fact that it spent $200 million of taxpayers’ money sacking people who were over 55 years of age and who were going
to retire anyway. It does not want to talk about its incompetence and the fact that it has increased the debt. It keeps harking back to — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — The debt when this government came to power was $17 billion, and it is projected to be $23 billion in the next financial year. That is the extent of its management of the debt of the state. I am happy to have an economic debate on this government's incompetence.

Debate interrupted pursuant to sessional orders.

PHOTOGRAPHING OF PROCEEDINGS

The PRESIDENT — Order! Arrangements have been made for an official photograph to be taken of the Legislative Council in action. Apart from Mrs McLean, I think everyone is here.

QUESTIONS WITHOUT NOTICE

Workcover: delays

Hon. T. C. THEOPHANOUS (Jika Jika) — My question is directed to the Minister for Local Government, who has responsibility for Workcover. Two years after the start of Workcover we still have what the minister has described as unacceptable delays in courts. Will the minister advise the house whether the Victorian Workcover Authority is now considering introducing an arbitration system based on an arbitration agreement to handle the backlog, and if so is this not an admission that abolishing the Accident Compensation Tribunal was a mistake?

Hon. R. M. HALLAM (Minister for Local Government) — The answer in both cases is no. I am not contemplating any major changes to the resolution process, and I refute the imputation in Mr Theophanous's question that the process has been less than successful. Something like 16 000 cases have been resolved amicably since the process was changed. I refer Mr Theophanous to the budget for Workcare under the previous government, in which there was a line item of something like $140 million for legal expenses. The view of the government is that the changes in dispute resolution have been eminently successful.

Public Tenants Union of Victoria

Hon. LOUISE ASHER (Monash) — Will the Minister for Housing advise the house of changes to funding for the Public Tenants Union of Victoria?

Hon. R. I. KNOWLES (Minister for Housing) — I have previously advised the house of a review of the community resourcing program with the various functions being divided between more appropriate programs and a process being undertaken to establish the groups best positioned to carry out the various functions that were identified.

The Public Tenants Union applied for funding in two respects: to provide statewide advocacy and advisers, and to gain funding under the housing assistance planning scheme to provide advice on public housing needs and the administration of public housing. In both areas superior applications were lodged by other bodies and therefore the Public Tenants Union was not successful.

Hon. B. W. Mier — Shame!

Hon. R. I. KNOWLES — I place on record that Mr Mier is a supporter of the union's activities. This morning I saw a delegation from the Public Tenants Union and explained the process that was undertaken and that the applications were assessed not by me or members of my staff but at arm's length in the department. I spent almost an hour discussing the issue with the union and as the delegation left Parliament House another group claiming to be Public Tenants Union members stormed my office and assaulted staff.

Hon. D. R. White — That is not the first time.

Hon. R. I. KNOWLES — And just as we condemned any violence that occurred on that or any other occasion, I trust that Mr White would also condemn the violence that was perpetrated today.

Hon. D. R. White — We never had a peaceful meeting with them.

Hon. R. I. KNOWLES — The actions of the PTU are unbecoming. I have always been available to discuss issues with the PTU and have been to many meetings organised by it. I saw the delegation this morning and spent considerable time discussing the matter. I do not believe any member of the house would accept that the way to effect political protest is to assault staff or members of Parliament. It is
Hon. D. R. White — They haven't changed.

Hon. R. I. KNOWLES — They haven't, Mr White, and perhaps those who assessed the applications showed clear foresight in deciding that the PTU was inappropriately organised to provide the sort of advice public tenants need to have access to.

I condemn in the strongest way possible the appalling behaviour this morning. The PTU should stand condemned in the eyes of the public. The decision not to fund the organisation is even more strongly based than I had previously believed to be the case.

Crown Casino: guarantees

Hon. D. R. WHITE (Doutta Galla) — I refer the Minister for Gaming to the definition of sponsor's guarantees in clause 2 of schedule 1 of the Casino Management Agreement Act 1993, which states:

'Sponsor’s Guarantees’ means the guarantees by Hudson Conway Ltd in favour of the authority and in favour of the state.

Under the sponsor's guarantees does Hudson Conway guarantee the completion of the entire Melbourne casino complex, and if so, are Hudson Conway's guarantees backed by any form of bank security?

Hon. HADDON STOREY (Minister for Gaming) — The honourable member is asking for details of the terms of the agreement. I will examine the issue and inform him in due course.

Youth employment: workplace skills

Hon. P. R. HALL (Gippsland) — Can the Minister for Tertiary Education and Training inform the house of the action the government is taking to help young people develop workplace skills to better equip them for obtaining employment?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I thank the honourable member for his question, which is very timely given that 50 000 young people are about to leave school, many of whom will be seeking employment in the new year. Unfortunately, current employment opportunities are unsatisfactory, and many young people do not have the work skills they need to assist them in achieving employment and making their way in life.

Legislation currently before Parliament deals with the national youth training wage, which will assist employers to take on young people and formalise the government's relationship with Nettforce, the Commonwealth government's new agency that promotes the development and spread of industry traineeships. That has been done principally through industry training companies, which are the equivalent of group training companies and which have been set up throughout Australia to undertake the task.

I advise the house that one of the first industry training companies to be established under those arrangements is a new company set up by the Australian Football League which, of course, will operate out of Melbourne. The AFL will conduct a sports administration traineeship scheme for young people, and it is currently establishing a skills training centre for that purpose.

Recently the AFL approached me as the minister responsible for the agreement to set up the company because companies such as those must be established through state governments. Their purpose is to provide employment and training opportunities for young people by rotating them through a number of work placements. The new company will be an employer of trainees, with AFL clubs acting as the host employers. The scheme will have national application, with up to 200 trainees a year completing the work for accredited certificates in sport and recreation. Those young people will be supported by AFL clubs in Victoria and, indeed, in other parts of Australia.

The Victorian government will provide funding to assist young people, and those moneys will be matched by the Australian National Training Authority and the AFL, which will support their activities. I congratulate all of the organisations involved in the establishment of the scheme, including the AFL players and coaches associations, Nettforce and the Victorian Office of Training and Further Education. I believe the scheme will be a helpful addition to assisting young people to get appropriate training.

Local government: chief executive officers

Hon. PAT POWER (Jika Jika) — An advertisement appeared in the Ballarat Courier of 29 October for a chief executive officer for the
recently created Bannockburn-based Golden Plains Shire. The advertisement carried the endorsement of the current interim chief executive officer of the Shire of Moorabool, to whom inquiries are to be directed. Does the Minister for Local Government endorse that process for the recruitment and appointment of chief executive officers?

Hon. R. M. HALLAM (Minister for Local Government) - I am somewhat mystified by the way — —

Hon. M. A. Birrell - You're not the only one.

Hon. D. R. White - Intrigued!

Hon. R. M. HALLAM - I am mystified by the way the honourable member framed his question, and I am not sure of the point he is trying to make. In any event, I am happy to take the question on notice, and I will provide him with a formal response.

Parks: Cardinia Creek

Hon. G. H. COX (Nunawading) - Will the Minister for Conservation and Environment advise the house of the steps taken by the government to create new parkland in Melbourne's south-eastern growth corridor?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) - I am pleased to advise the house that Melbourne’s fastest growing suburban area, the south-eastern growth corridor, will now be home to a major new park that is designed to cater for the area’s population growth through to the 21st century.

The Cardinia Creek parklands will cover 440 hectares and will become one of Australia’s largest urban parks. The park will ensure that the population growth in the south-eastern corridor is matched by the creation of green open space for the benefit and enjoyment of existing and future residents.

The new park plan, which has been developed by Melbourne Parks and Waterways in consultation with the local community, contains a range of landscape settings suitable for passive recreation and conservation areas. There is also major potential, which will be pursued over the coming years, to progressively develop a trail system allowing for long walks and cycle trips.

The natural features of this great new parkland will include a high-quality hill setting in the north, urban parkland close to the Beaconsfield and Berwick townships and sweeping views over open farmland in the southern section of the park.

The Cardinia Creek parklands will be the new jewel in Melbourne’s world-class network of parks, enhancing our reputation as the park capital of Australia. They are certainly an investment in Melbourne’s future, one that we particularly welcome. For people in the south-eastern growth corridor the park will be an important area in which to encounter native vegetation and to enjoy the opportunity for passive recreation.

The next stage in the creation of the parkland will be the commencement of the formal statutory planning process, which provides a further opportunity for community comment. The government will welcome the comments of anyone who is interested in becoming involved in the statutory planning process so that construction can start on the park facilities in 1995.

Bushfire season

Hon. B. T. PULLEN (Melbourne) - Given community concern about the recent break-out of a controlled burn at Moggs Creek and about Victoria’s preparedness for what is likely to be a difficult summer season for bushfires, will the Minister for Conservation and Environment advise the house of the preparedness of the Department of Conservation and Natural Resources? We recognise there has been a substantial reduction in the department’s resources, but people are particularly interested to know about the state’s preparedness, including the department’s ability to both control fires and handle wild fires during a bushfire season that could prove quite difficult.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) - Victoria is one of the driest places on earth, which highlights the importance of the fire control issues we face. All honourable members know this season is likely to be a far more demanding bushfire season than any we have experienced for many years. The likelihood is that there will be a substantial number of fires. Back in August the department had to deal with a number of fires the intensity of which rated highly. The early incidence of such fires is extremely unusual.

A number of facts were passed on to the honourable member yesterday about the amount of preventive
burning that is already being done. That reached record levels last year, which I am sure all honourable members would be pleased about.

I am more than happy for the honourable member to be briefed on this matter by the Minister for Natural Resources. The Department of Conservation and Natural Resources has integrated fire management. There is a chief fire officer for the whole department, which is run from the Fire Management Branch. That is a great strength, because it means Victoria does not have the inadequacies once experienced in New South Wales, with its multiple fire managers. A full briefing can be given to the honourable member.

Eastern Freeway extension

Hon. B. N. ATKINSON (Koonung) — Notwithstanding the protests in recent weeks about the Eastern Freeway, which runs through my electorate, the Minister for Roads and Ports knows there is broad community support for the extension of the freeway. Will the minister inform the house of the progress that has been made on the Eastern Freeway and will he give the house some indication of whether the protesters have unduly disrupted or delayed the project?

Hon. W. R. BAXTER (Minister for Roads and Ports) — Mr Atkinson and a number of other members of the house have a keen interest in the extension of the Eastern Freeway to Springvale Road. I am pleased to report to the house that the current extension to Springvale Road is proceeding ahead of schedule, despite the antics of a few.

I am able to say that thus far the following milestones have been achieved. Side tracks have been opened at Blackburn and Springvale roads to enable the continued construction of the approaches and the bridges across the freeway. The concrete has been cast for the first pier of the bridge at Tram Road, and the Bebo arch culverts, which will take the Koonung Creek under Tram and Elgar roads, have largely been completed.

Not only is the construction of the actual roadway going ahead, but the work that will assist in the regeneration and revegetation of the area and the restoration of the valley to an attractive state — rather than the degraded condition in which it has been for some years — is also well on track. The work includes the installation of nesting boxes in the vicinity of Blackburn and Springvale roads to provide for bird habitats; the collection of seed for the more than 900 000 plants to be used to revegetate the valley; and the establishment of a wetlands nursery for the propagation of suitable plants to enable the revegetation to proceed.

Hon. M. A. Birrell interjected.

Hon. W. R. BAXTER — Mr Birrell will be well aware that Vicroads is much more attuned to those sorts of issues than it might have been in the past!

It is unfortunate that a small group continues to cause disruptions. I shall answer Mr Atkinson’s specific questions. Are they delaying the project unduly? The answer is no. Are they causing additional costs? The answer to that is yes. It is most unfortunate that those additional costs are being imposed on the community. I am thoroughly disappointed that some branches of the news media continue to play up the antics of that tiny minority without balancing their reports by indicating the extent of the support for the project among the thousands of other citizens of the eastern suburbs who are waiting most keenly for the completion of the project.

That is to say nothing of the cost to the taxpayers of Victoria, who do not want to see their taxes chewed up on unproductive activities such as dealing with protesters. Nevertheless, the project is proceeding ahead of schedule, and I look forward to making further reports to the house from time to time.

Seafood foreshore

Hon. B. E. DAVIDSON (Chelsea) — I direct a question to the Minister for Conservation and Environment about Seafood foreshore. It results from an article in an excellent local newspaper, the Independent, dated Tuesday —

Hon. M. A. Birrell — Don’t brag!

Hon. B. E. DAVIDSON — It is a good newspaper, and this is its 10th anniversary. I happen to be on very good terms with the proprietor, so I can recommend it. In the article, Mr Steven Garland, the Treasurer of the Friends of the Foreshore group, says that the Seafood foreshore has not been cared for for nearly a year and that the Minister for Conservation and Environment has built a wall of silence around the issue. Can the minister confirm that the Seafood foreshore has not had a working committee of management for nearly a year? If so, will the minister explain to the house why the situation has been allowed to continue? Has the minister bothered to take the trouble to investigate
the extent of the ongoing damage to the Seaford foreshore that his department's inactivity has allowed to occur?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I thank the honourable member for his question, despite its dubious source! The term of the appointment of the previous committee of management expired in about December 1993. Since then the Department of Conservation and Natural Resources has taken over the management of the site. I will be appointing a new committee of management within the next few weeks.

In the past year there have been a number of works programs in the area under the direct control of the DCNR. One of those has been a LEAP program, under which people have done very practical work on what is a very important part of the native vegetation around Port Philip Bay.

As local members will know, one ongoing issue I want to see resolved is the accident 'black spot', a road safety matter I would like to resolve amicably. I am told the former committee of management did not want to alter, even in a minor way, the boundaries of the foreshore reserve to enable a widening of part of the road to eliminate the black spot, where there have been a substantial number of accidents. Based on the briefings I have recently received, it appears that the department has come up with a possible solution. It is now consulting with local groups, including former members of the committee of management, to see whether they can resolve the issue.

In a broad sense, a committee of management will be appointed in a matter of weeks, which I will be happy to do. But it is regrettable that, given the local people involved, the black spot problem was not able to be resolved at that level at an earlier time. Overall, I think we can achieve an amicable outcome.

Finally, I have asked for a broad review of committees of management by the department. I believe it is highly desirable that we ensure that committees of management always represent, so far as they can, the public interest as against agreed, vested or captive interests. Some committees of management do not always reflect the broad interests and needs of the public — which is why I have asked for the review. That does not relate to this, but it relates to committees of management in general. I stress the fact that, whether they involve councils or local individuals, such committees play a very important role. There will always be a role for committees of management.

City of Greater Geelong: 1994-95 budget

Hon. W. A. N. HARTIGAN (Geelong) — Will the Minister for Local Government be good enough to inform the Council of the outcomes of the 1994-95 budget that was announced by the City of Greater Geelong last week and put out for public discussion?

Hon. R. M. HALLAM (Minister for Local Government) — I am delighted to have the opportunity to speak to the issues raised by the honourable member. The 1994-95 budget recently adopted by the commissioners of the City of Greater Geelong is not just good news but great news for that community. It confirms the amalgamation savings of $20.5 million per year.

An Opposition Member — How many jobs?

Hon. R. M. HALLAM — I will come to that. It predicts that by 1995-96 the level of savings is expected to increase to $23.5 million per year.

That is at the top end of the range of savings that were predicted by KPMG Peat Marwick in its earlier report. I can now confirm that on the basis of that budget the commissioners have achieved those projected savings in something less than two years. Just in case there be any criticism, I make the point that those savings have been achieved without reducing the capital investment. The budget outlines proposed capital investment of $22.5 million and notes that the debt of the new municipality will fall in the year under review by $5.6 million and that the cost of that servicing is projected to decline by $4.8 million.

I will respond to some of the implied criticism that has come from a couple of quarters that I or the Premier have had a hand in the outcome. In the first place I am delighted to be associated with such a successful report and I am very pleased by the outcome. Of course I have an interest in the process. After all, I am the minister responsible for local government, and the review process in Geelong was one of the earliest we undertook. Of course I have a proprietorial interest in it. More particularly, the creation of the City of Greater Geelong brought together six quite disparate, separate municipalities which had different rating bases and differing dates of valuation. Therefore the initial gain through reduced costs achieved by the merger must vary between ratepayers, and it follows that the new
BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL

Wednesday, 30 November 1994

COUNCIL

rating base had, by definition, to be phased in. For the commissioners to achieve that the Minister for Local Government is required to give an order. If I am required to be formally involved and to give such an order then of course I have a great interest in it.

I suggest that the criticism is very thin indeed, because I am reminded that it was in fact the previous government that made the first attempt to amalgamate municipalities across the community of Geelong and that experience was a dismal failure; about the only thing that — —

Hon. D. A. Nardella — Why was it a failure? Because you blocked it!

Hon. R. M. HALLAM — No, Mr Nardella! It finished up before the courts. It was not the then opposition that took the issue to the courts, it was in fact some of the municipalities, to try to get the amalgamation through, which is an interesting twist in the line you would have us believe.

I hear the criticism that the only thing we have achieved is the loss of jobs. I am told again and again by Mr Power that 283 senior jobs have gone out of the administration of Geelong. I make the point that if that can be achieved without a reduction in services it is the best of both worlds.

I remind the house that the Australian Labor Party has formally opposed the introduction of competitive tendering. In addition it has set out to ostracise those members of the ALP who would seek to serve their community through appointment as commissioners.

Honourable members interjecting.

Hon. R. M. HALLAM — On that basis the current criticism has no credibility whatsoever. The budget delivered by the commissioners of the City of Greater Geelong is a great outcome for that community and a ringing endorsement of the Kennett government’s local government reform agenda.

BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL

Second reading

Debate resumed.
The article goes on to quote the Treasurer:

'There are many, many confidential issues in relation to the operation of the grand prix,' Mr Stockdale said. ‘Some of the material is commercially confidential and its exposure would put at risk Victoria's retaining the grand prix.

That may or may not be true, but the fact is that grand prix arrangements have been made public in other circumstances. Where grand prix have occurred in other countries the full details of contracts have been provided for scrutiny by auditors-general and by the public. It is a dangerous precedent indeed not to make this information available to the Auditor-General.

I well remember that the Minister for Regional Development was one of those who, when the former Labor government said that a particular contract was commercial in confidence, made a big issue of the commercial-in-confidence nature of a contract when the former government entered into a $35 million interest-swap transaction. On that occasion, as a member of the former Economic and Budget Review Committee, he was given the opportunity of examining the contract, but he was asked to sign a confidentiality agreement before he did so. As I recall the course of events, he preferred not to sign that agreement and did not see the contract because he did not want to be in a position where he may have wanted to make a public comment after access to the contract.

The difference between the former Labor government and this government is that at least the former government was prepared to extend to the coalition — —

Hon. R. M. Hallam — Only when you were found out. We had to drag you kicking and screaming before you admitted the $35 million!

Hon. T. C. THEOPHANOUS — I have cited an example of the former government — —

Hon. R. M. Hallam — You got caught with your hands in the till!

Hon. T. C. THEOPHANOUS — Just like you have been caught with the grand prix. We have found out that you have given a government guarantee of $200 million, but you are not prepared to extend the same courtesy to us as the former Labor government did to you when we said, 'We recognise that this is something to which the opposition should have access'. The government has not said to the opposition that it will arrange for us to look at the contracts after we sign a confidentiality agreement. The former government extended that courtesy.

Hon. R. M. Hallam — Are you saying you don't understand the difference between the grand prix exercise and the $35 million interest-swap? Do you say they are both the same?

Hon. T. C. THEOPHANOUS — The interest swap was a contract with a private sector firm in relation to a debt transaction. The grand prix will be held under contract with a private sector firm.

Hon. R. M. Hallam — Which you know about in advance!

Hon. T. C. THEOPHANOUS — Both contracts have government exposure. They are similar. We do not know the nature of the government's exposure in relation to the grand prix.

I will give another example. When the former government sought to enter into a contract with Mission Energy the present minister insisted absolutely that every detail of the contract and the way it was to be set up be provided through numerous briefings. He was provided with all that information before the coalition was prepared to support the contract with Mission Energy. The coalition wanted all the information, and the information was provided to it, including information that was commercial in confidence. All that information was made available to the coalition opposition at the time. It satisfied itself that it was a reasonable contract. It supported the legislation that established the Loy Yang B enterprise.

Those two examples show the difference between the former government's preparedness to provide information to the former coalition opposition and the preparedness of this government to provide the present opposition with information. This government is not even prepared to provide information to the Auditor-General. He has stated in his report that he cannot obtain information about the financial analysis of the grand prix. The Treasurer said, 'Bad luck, this is a commercial-in-confidence matter and it is just stiff for anybody who wants to find out about it'.

We are concerned that the amendments to the Borrowing and Investment Powers Act will mean that it is not necessary to introduce legislation in
The bill is another example of the extremely secretive way the government has gone about the running of the state. There is example after example of deals that have been done, contracts that have been signed and consultants that have been hired. We saw $17 million expended on consultants when Tabcorp was sold. The Office of State Owned Enterprises has a budget of $50 million that it uses for consultancies, but we are not told what those consultants are producing and we are not provided with the reports they make to the government. Even the agreements that establish the consultancies are entered into on a commercial-in-confidence basis.

The government is running amuck in its contractual arrangements. It has broken up the State Electricity Commission into a number of corporate bodies, all of which are not subject to the Freedom of Information Act and all of which are entering into contracts that are of a commercial-in-confidence nature.

With an air of secrecy surrounding it, the Treasurer has brought in a small bill which gives him significant powers to provide government guarantees without giving Parliament the ability to vet those guarantees and without any consideration of the consequences down the track of the exposures Victoria may risk. This is of the utmost concern to the opposition, which is why I moved the reasoned amendment.

When one examines the bill and the plans the government and the Treasurer have adopted for a massive restructuring program, for contracting out and for the privatisation of gas, electricity and water services, and so on, and when one understands the changes the bill will make to the Borrowing and Investment Powers Act, one realises that it allows the Treasurer to enter into contracts containing a government guarantee provision that are covered by the commercial-in-confidence code. Most people in Victoria would be concerned about that.

Honourable members in this place ought to be concerned about that fact. Not only that but we see no appropriate and transparent guidelines for private investment in public infrastructure or contracting out; they have yet to be established. Yet, we have full speed ahead without knowing what the government believes ought to be considered as commercial in confidence and what should not be so classified. We do not know the degree of transparency or disclosure required of tenderers or bidders for public sector works. We have no idea of the process by which contracts should be renewed so as not to unfairly favour the incumbent contract holder.

The opposition believes the government should withdraw the bill and have serious discussions with the opposition and other interested parties about the establishment of clear and transparent guidelines for contracting out, clarify commercial-in-confidence issues and then return to the house with a clear explanation of what is meant by clauses 3 and 4 of this bill and how much power they provide to the Treasurer to allow him to enter into contracts giving an implied or actual government guarantee of which Victorians are not aware.

I urge honourable members to support the reasoned amendment, and I ask the government to withdraw the bill.

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

Ayes, 27
Asher, Ms
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bishop, Mr
Bowden, Mr
Brideson, Mr
Connard, Mr
Cox, Mr (Teller)
Craigie, Mr (Teller)
Davis, Mr
de Fegely, Mr

Noes, 13
Davidson, Mr
Gould, Miss
Henshaw, Mr
Hogg, Mrs
Ives, Mr
Kokocinski, Ms
Mier, Mr
Nardella, Mr
Power, Mr (Teller)
Pulien, Mr
Theophanous, Mr
Walpole, Mr (Teller)
White, Mr
Pair
Varty, Mrs McLean, Mrs

Amendment negatived.

Motion agreed to.

Read second time.

Third reading

Hon. R. M. HALLAM (Minister for Regional Development) — By leave, I move:

That this bill be now read a third time.

In doing so I thank Mr Theophanous for his contribution to the debate. He made the point that the opposition is not opposed to the inclusion of the Public Transport Corporation within the ambit of the Borrowing and Investment Powers Act. I acknowledge that:

As to the basis upon which he moved his reasoned amendment, I say to Mr Theophanous that I do not see as relevant what he has seen as the extended possible ramifications of this bill. In fact, the bill seeks in the step-in provisions to protect the Victorian community against the circumstances in which an external contractor might default. It is not designed to do other than to protect the Victorian community. Mr Theophanous has read more into it than was ever intended or thought likely to be the outcome. In any event, I thank Mr Theophanous for his support of the bill.

Motion agreed to.

Read third time.

Passed remaining stages.

ESTATE AGENTS (AMENDMENT) BILL

Second reading

Debate resumed from 15 November; motion of Hon. HADDON STOREY (Minister for Tertiary Education and Training).

Hon. T. C. THEOPHANOUS (Jika Jika) — The opposition is opposed to many provisions in this appalling legislation. It will leave consumers absolutely defenceless before unscrupulous estate agents; without doubt, it will lead to increases in estate agents fees for individuals who wish to sell their houses, as has been the case in other states where such changes have been introduced; and it will lead to unscrupulous practices and insider trading between families of agents. It opens the door to shonky trading. It is another example of the Kennett government's gravy train and mates mentality. It abolishes another watchdog body, the Estate Agents Board — —

Hon. Louise Asher — And replaces it with another one.

Hon. T. C. THEOPHANOUS — Actually it replaces it with three bodies. I am happy to address that later in my speech. It abolishes an effective watchdog body, the Estate Agents Board, which had a number of functions. More broadly, it weakens a range of controls put in place in the 1980 act. It is important to note that that act was conceived in the context of the 1970s land deals, which the present government's predecessor was involved in.

A bill that abolishes a watchdog, that is likely to result in increased prices for consumers and that allows for insider trading in the end will damage the standing of the industry. It does not assist an industry to appear to lack the trust of the community. As a result of our concerns, I move the following reasoned amendment:

That all words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until the matter of pricing and regulation of the real estate industry with particular reference to residential property transactions has been referred to an all-party parliamentary committee for inquiry, consideration and report'.

The DEPUTY PRESIDENT — Order! The honourable member will now address both the amendment and the bill.

Hon. T. C. THEOPHANOUS — I intend to address both the bill and the amendment.

There is no doubt that the bill will lead to increased costs for consumers, for the people who are buying and selling homes in the community. The government has claimed that the bill is necessary to foster competition, but what is not commonly understood is that there is already a capacity for competition in the industry because a maximum price is set — —

Hon. Louise Asher — Have you sold a house lately?
Hon. T. C. THEOPHANOUS — I make it perfectly clear that there is a maximum price ——

Hon. Louise Asher — And how frequently is that negotiated?

Hon. T. C. THEOPHANOUS — There is a capacity to negotiate down, and the price is negotiated down in some circumstances. This is no different from having a maximum price for petrol.

Hon. Louise Asher interjected.

Hon. T. C. THEOPHANOUS — The honourable member suggests that somehow it is the maximum price that limits competition.

Hon. Louise Asher — In this instance, it does.

Hon. T. C. THEOPHANOUS — The honourable member has said that the maximum price limits competition. It is clear that if one followed the course of logic the honourable member suggests there ought to be competition so that prices can go above the maximum price. The honourable member suggests that somehow the maximum price has served to hold prices down and says she has not seen many instances where the price has been negotiated below the maximum price.

On that basis the government is suggesting that, rather than looking at whether the maximum price is appropriate or ought to be changed in any way, we should have open slather. It suggests that we have competition but it will be competition one way, upwards from the maximum price. That is what is about to happen.

I give two specific examples of the hypocrisy of government. It treats different situations in different ways, depending on how it suits it. The government has said it will set a maximum price for electricity and gas. It has said the various electricity distribution companies will come in under that price. It has also said it has maintained a maximum price for petrol and companies can compete underneath that price. The government has no problem suggesting that a maximum price for electricity will foster competition, with people competing under that maximum price, but suddenly the setting of a maximum price for estate agent commissions inhibits competition. Where is the consistency? Is it the government that suggests a maximum price for electricity, gas and petrol is necessary and will result in significant competition.

Hon. Louise Asher interjected.

Hon. T. C. THEOPHANOUS — I have provided three different examples. Petrol is not the same as electricity; petrol is sold as a commodity. I look forward to Ms Asher explaining to the house why she cannot have competition below the maximum price. This has nothing to do with competition, it has to do with deregulation of the price structure and with the government being asked by the real estate industry to deregulate prices in order to allow prices to increase. That is what this is all about. It is doing a favour for a specific industry group and it is at the cost of consumers. In 12 months or two years time, when the average price goes up, I look forward to Ms Asher defending the position she seems to be taking on the bill, because there is nothing more certain than that the average price will go up.

I shall cite some examples. Following deregulation in New Zealand in 1985 estate agents' fees rose by 136 per cent in 4.5 years.

Hon. Louise Asher — What was the base rate?

Hon. T. C. THEOPHANOUS — On a $100 000 sale in Victoria at present the commission is $2660. In New Zealand the commission on a $100 000 property went from the pre-deregulation price of $2100 to $4450 in 1993. That is a concrete example of deregulation. If the rate went up in Victoria by the same proportion as in New Zealand within a short period people selling homes worth $100 000 would be up for a lot more than $2660, because even if the increase were only 100 per cent the fees would be well over $5000 and there is nothing that individuals would be able to do about the charges levied on them by estate agents.

Hon. Louise Asher — One does not have to use an agent.

Hon. T. C. THEOPHANOUS — That is also an option, but not everyone has the time or the capacity to sell his or her own home. A lot of expertise is involved in selling a house, and I am sure estate agents would not support the proposition that people should go out and sell their own homes.

In Tasmania following deregulation the fee for a $100 000 sale is now $3185, approximately $400 or $500 more than in Victoria. The most important issue here is what the average person will pay. Where deregulation has occurred, for instance in New Zealand and Tasmania, the rates have increased. Deregulation is a fairly recent event in
ESTATE AGENTS (AMENDMENT) BILL

COUNCIL

Wednesday, 30 November 1994

New South Wales — it took place in May 1993. A survey conducted seven months ago showed — —

Hon. Louise Asher — What is the title of that survey?

Hon. T. C. THEOPHANOUS — I do not have the survey with me but I am happy to make it available to Ms Asher. I assure the veracity of the figures I am quoting, and it is open to Ms Asher to challenge that. As I understand it the survey showed that twice as many agents increased their rates as reduced them in the first seven months of operation in New South Wales. An article in the Sun Herald of 20 February 1994 states in relation to the Sydney experience:

State development minister Peter Collins promised that strong competition would follow in the wake of the deregulation of estate agent commission fees.

Certainly, while never advertising the fact, select 1-on-1 commission cutting has occurred in some suburbs — especially those like Peter Collins’s North Shore electorate, Willoughby — long before deregulation.

But widespread anecdotal evidence says that since fees were deregulated last May fees up to double the previous maximum — 3.1 per cent on the first $100 000 and 2 per cent thereafter — have been charged by some estate agents, particularly in the outer western suburbs.

That clearly points out that in average working-class suburbs rates have increased, but for the more expensive areas in Sydney either they have decreased or the price was held down below the maximum even before deregulation. The average person will pay proportionately more under deregulation than those who are selling properties worth $500 000, $750 000 or $1 million.

The New South Wales opposition conducted its own survey in the western suburbs of Sydney and found that 18 of the 22 agents interviewed charged between $3600 and $4400 on a $120 000 house. This compares with the present situation in Victoria where the charge for a $120 000 house is $3060, which is $1000 less than is being charged in New South Wales under deregulation.

Since deregulation of the industry in New South Wales it has been discovered that people at the higher end of the scale, those who are selling their $750 000 and $1 million houses, are paying less commission and those at the bottom are paying more. That is what has happened in New South Wales under deregulation.

Although the government has said we can rely on consumer education to make consumers aware of their rights and ability to shop around, we know the number of complaints about estate agents has not abated. The industry has experienced an increasing number of complaints about estate agents has almost doubled.

Hon. T. C. THEOPHANOUS — It certainly shows more consumer complaints. You can certainly reach that conclusion.

Hon. Louise Asher — It may well be good that people are complaining where they were not previously complaining, but it must also be a reflection on the industry.

Hon. T. C. THEOPHANOUS — Most of the complaints are related to questions of service and price. I do not know what the breakdown of the complaints is, but the industry is certainly not free of complaints. Consumers cannot be confident that there will be no collusion among estate agents and that there will be adequate competition to keep the price down.

The bill also abolishes the Estate Agents Board, which had a number of important licensing, regulatory and tribunal functions that enabled it to control all those areas of the industry. The bill replaces the board with three new bodies: the Estate Agents Council, which is a peak body; the Estate Agents Licensing Authority, which consists of one person, the director, who will administer licensing and the Estate Agents Guarantee Fund; and the Estate Agents Disciplinary and Licensing Appeals Tribunal. Instead of having one effective, integrated board as the industry’s watchdog, three separate bodies will be established under the legislation with no essential rationale as to why it is necessary or why the government should go down that track.
That again raises the suspicion that this government is concerned with establishing bodies so that it can put in place its own nominees to run the various organisations. This issue raises the same sets of questions that have been raised in a number of other areas where it has taken similar action: where bodies have been abolished only to be replaced by other bodies comprising nominees or cronies of the government.

The constitution of the eight-person Estate Agents Council will be four estate agents, a barrister/solicitor, an accountant and two non-estate agent industry members. With a composition like that one wonders how impartial the council will be. The chairperson could easily be an estate agent. There is no consumer or customer representation on the council. In contrast to the previous board, which was an independent statutory body, the new council is subject to immediate direction and dismissal by the minister.

Previously we had an independent watchdog which undertook a set of integrated functions. We now have a council which has no consumer representation and could well be chaired by an estate agent to oversee the operation of the estate agents industry. Council members will be subject to direction by the minister and can be dismissed by the minister. What an appalling example of the way this government treats authorities. First it dismantles existing independent bodies and then it establishes bodies that have the clear appearance of not being independent.

The proposed legislation places the licensing and dispute-processing procedures within the Office of Fair Trading and Business Affairs but allows the licensing and administrative functions, including surveillance of estate agents’ trust funds, to be delegated to the Real Estate Institute of Victoria. Again functions including surveillance and administrative procedures can be delegated to the industry body. What does that say about issues affecting conflict of interest and the fact that Caesar is looking after Caesar? In addition, the chief executive of the existing board, Neil Dalton, will be disposed of.

I turn to another aspect of the legislation, which relates to lifting the previous ban on relatives of estate agency personnel purchasing property which the agency had been commissioned to sell. This happens under clause 29, which clearly establishes the prospect of insider trading within the industry. Insider trading has become prevalent in some other instances where similar restrictions have been removed — in particular, in New South Wales. That is a grave concern to the opposition.

Hon. B. E. Davidson — It hasn’t stopped a major company down in Frankston doing it, anyway.

Hon. T. C. THEOPHANOUS — That may well be true but if is it done in the present circumstances it is illegal. But it will now be legal for someone working in a real estate agency to sell a property to a relative or a friend.

Hon. Louise Asher — Come on, tell us about the provisos. It is not simply about selling; it is about selling under stringent conditions. You have deliberately misrepresented the bill.

Hon. T. C. THEOPHANOUS — It is not good enough for the government to say that a person working in a real estate agency will be able to sell under stringent conditions. That is not an acceptable answer to the basic conflict of interest that arises. It is like saying it is appropriate for members of Parliament to enter into contracts with the government so long as stringent conditions apply.

Hon. Louise Asher — Have you read the bill? The person has to consent!

Hon. T. C. THEOPHANOUS — There is the need for the person’s consent, of course; but let me give you one example. Say an elderly woman comes into an estate agent’s office and says, ‘I have a house that I think is worth about $70 000’. The nice estate agent at the counter turns to her and says, ‘You are absolutely correct about that, but you have undervalued it. I think I can get you $75 000 for your property. It just so happens that my brother is looking for a house exactly like that. He is willing to pay $5000 more than what you think it is worth. He is willing to pay $75 000’.

Hon. R. A. Best — I don’t know anyone who would pay $5000 more than they had to.
Hon. T. C. THEOPHANOUS — That is a good point, but in this particular example the house might be worth $100 000.

Hon. B. E. Davidson — How will we ever know? There will not be any licensed valuers around to tell!

Hon. T. C. THEOPHANOUS — That is right. Under another bill to be debated in this house, not only will the estate agent be able to sell it to his brother, he will be able to use his cousin to value the place. This is a disgrace because it is opening up the industry to shonky practices and insider trading. This government will rue the day it introduced the bill. There is no doubt whatsoever that it will engender those kinds of practices, especially when one compares it with what has been taking place and what the valuation of land bill will do. Within a very short time we will have land deals much worse than those that occurred in Victoria in the 1970s under this government’s political predecessor.

Under existing legislation money from the Estate Agents Guarantee Fund, which is derived from the interest accrued on trust accounts held by agents, has been allocated by the board, with the approval of the minister, for a range of housing projects. In 1993-94 the allocations included: $6 million for the HOLS scheme; $1 million for the self-build group; $350 000 for self-help technical assistance; $850 000 for the home renovations loans scheme; $310 000 for the home renovations advisory program; $1 450 000 for the Ashwood-Chadstone redevelopment; $125 000 for the housing advisory service and leaflets; $1 million for the conversion of HOLS to SHOS; and $1.35 million for relief for HOLS borrowers.

All of those projects, except for a small $20 000 grant to the REIV, were aimed at projects to assist low-income earners. Clause 37 changes those arrangements. The bill proposes that the minister, after consulting with the newly formed council, can apply the funds to promote the ownership of real estate. When one looks at what that might mean, one discovers that the funds could be directed towards funding the REIV’s internal disputes resolution system or the new database projects in the titles office.

We have not been able to get assurances from the minister about how these funds will be expended, but if you add it all up it is clear that nearly $15 million that in effect belonged to consumers anyway was expended through those schemes for the benefit of low-income earners. Those funds will now be spent at the whim of the minister on a range of other projects — in particular, projects that benefit the industry rather than consumers. I look forward to hearing the minister tell the house exactly how the money will be spent and whether the established practice of spending money on consumer projects rather than industry projects will continue.

The bill does a number of other things. It replaces the licensing criteria for subagents with new eligibility requirements. It includes a reference to certain types of criminal convictions, but the opposition is concerned that proposed new section 16 does not include offences under section 17 of the Summary Offences Act.

It seems unnecessary to specify the criteria when the present legislation is much broader and can be applied in more stringent ways — for example, by reference to terms such as ‘the applicant is not eligible to be granted a licence’ and ‘fit and proper person’. There is a very long history of establishing what that legal jargon means. We see no need to change the current section.

I conclude by reiterating the opposition’s concerns about the bill. It will result in cost increases to consumers which we estimate to be in the order of at least $1000 for commissions for the sale of the average home. That is based on what took place in New Zealand, Tasmania and New South Wales. We say that competition is possible below a maximum price and that the competition argument is a spurious one to be putting up about this issue.

We are concerned that the bill may effectively result in a cut of $15 million for housing projects which have been of benefit to consumers. We are concerned that it will open up insider trading and land deals in terms of the capacity of unscrupulous agents — yes, Ms Asher, with the consent of the person involved — to sell to their relatives and friends and to be able to arrange deals on that basis. We are concerned that it eliminates the independent scrutiny that has been offered by the existing board. Therefore we urge the government to accept the reasoned amendment that has been moved by the opposition for the matter of pricing and regulation of the real estate agent industry to go to an all-party parliamentary committee for a full and proper inquiry, consideration and a report back to the Parliament. The issue is complicated. We recognise that changes need to be made, but this is not the way to make those changes. It is necessary to have a proper inquiry and to bring in not just the industry
but other affected parties to consider what the likely outcomes of going down this path will be.

We consider the legislation as it stands to be anticonsumer and irresponsible from the point of view of scrutiny and accountability. Therefore we urge honourable members to support the reasoned amendment.

Hon. LOUISE ASHER (Monash) — We have heard an extreme interpretation of the bill from Mr Theophanous, something we have all come to expect from him: not a reasoned examination of the policy changes to see what the bill actually says, but an extreme interpretation that goes well beyond the actual words of the bill.

It is appropriate that I provide a background about the numbers of committees of inquiry and working parties that have been set up over time to investigate the issue. Mr Theophanous may wish to reconsider his call for yet another inquiry, given that there have been working parties, committees and inquiries galore on this issue.

Hon. B. E. Davidson — Name it — which one?

Hon. LOUISE ASHER — I will tell you, Mr Davidson; I am about to go through them. I am quite prepared to take a great deal of time on this as well.

The Attorney-General has had a series of requests for an amendment of the estate agents legislation from both the Estate Agents Board, the watchdog — the watchdog has requested substantial amending legislation — and the REIV, the industry body. The Prices Surveillance Authority has also produced a report on the deregulation of commissions. When this government came to office that was the scenario.

In June 1993 the Attorney-General requested the Estate Agents Board — the watchdog body, as Mr Theophanous referred to it — to review the Estate Agents Act. The Estate Agents Board set up two working parties to conduct that review. The first working party comprised representatives of industry bodies, those being the Real Estate Institute of Victoria and the Victorian Stock Agents Association, and of course the Estate Agents Board was represented. That working party looked at the legislation and the sorts of issues that we have looked at today.

The second working party was set up to investigate commission scales. On that were representatives from the board — the watchdog, as Mr Theophanous refers to it — and from the REIV. A series of people produced a series of reports.

Hon. T. C. Theophanous — When were these?

Hon. LOUISE ASHER — After June 1993 was when the task commenced, and from recollection the reports were finished at the end of 1993. The Attorney-General was then presented with a range of reports on these issues and established a ministerial working party to look at the range of reports that had been produced on the issue, to examine all the proposals and to evaluate them.

The members of the ministerial working party were as follows: Pamela Jenkins, who is one of the minister’s advisers; Greg Craven; Marilyn Head, a solicitor; Chris Humphreys, a representative from the Department of Justice; Garry Spry, the honourable member for Bellarine in another place, and myself. I can certainly tell you that I am not an apologist for the real estate industry; I am a simple consumer. I have sold one property in my life and it was very important —

Hon. T. C. Theophanous — That is very representative of the Liberal Party!

Hon. LOUISE ASHER — Not at all. I think a couple of people there would be marginally offended at that. That ministerial working party went through a period of consultation with key players in the particular field. The working party met ten times — they were substantial meetings, I might add — and the following parties came to address the working party: Frank Trimboli, the president of the REIV and a member of the Estate Agents Board; Neil Dalton, the chief executive officer of the Estate Agents Board; Ian Bremner, the executive director of the REIV; David Pollock, the executive director of the VSAA —

Hon. B. E. Davidson — They are all socialists.

Hon. LOUISE ASHER — I will tell David Pollock that Mr Davidson thinks he is a socialist; he will get a great deal of amusement out of that — and John Richards, the chairperson of the Estate Agents Board. All of these people came before the working party and explained their proposals. These proposals went to the minister, and the fair trading backbench committee also had a role in putting forward the final bill.

The bill has gone through so many committees, working parties, discussions and consultations that
there is absolutely no need for any further
consideration of the issues. A Prices Surveillance
Authority report recommending deregulation surely
has more value than a series of other reports.

There are a number of major issues concerning the
bill and those issues have been addressed by Mr
Theophanous in a most unsatisfactory manner. I will
go through the major issues dealt with by the bill
and make some observations on each of them.

The Estate Agents Board, which this bill abolishes,
was established in 1981. The role of the board was
manifold. Its role was to issue licences to estate
agents and subagents, to protect the public interest,
to ensure real estate practitioners maintained
appropriate standards, to conduct disciplinary
hearings, and to administer the Estate Agents
Guarantee Fund, which has been referred to in the
course of this debate.

The Estate Agents Guarantee Fund is a very
important fund which will remain, because it
receives income from the interests of estate agents' 
trust accounts, licence fees and so on, and those
funds can then compensate members of the public
who have suffered financial loss through
misappropriation of funds. The Estate Agents
Guarantee Fund will be used for other socially
valuable purposes.

The Estate Agents Board was well staffed.
According to its annual report in 1994 it had 35
full-time and 2 part-time staff, and in the previous
year it had 41 staff.

Hon. T. C. Theophanous interjected.

Hon. LOUISE ASHER — The key problem with
the Estate Agents Board is that it had so many
functions it is not able to separate out those
functions. It had a licensing function, policy
functions, and administration and quasi-judicial
functions. It is the government's policy — —

Hon. T. C. Theophanous interjected.

Hon. LOUISE ASHER — It had nothing to do
with the quality of the job.

Hon. T. C. Theophanous interjected.

Hon. LOUISE ASHER — The government has
separated the licensing function from the
quasi-judicial function. The government has been
consistent in its desire not to have one body
administering all the functions, but to separate the
licensing functions from the policy functions and
from the quasi-judicial functions. We believe boards
should have some sort of expertise if they take on a
quasi-judicial role. The structure we have set up will
allow that to occur.

Honourable members interjecting.

Hon. LOUISE ASHER — The bill actually splits
the functions of the former Estates Agents Board. It
splits its functions into three groups, which have
already been outlined. Firstly, the Estate Agents
Council will have a policy and advisory role. It will
develop expertise in that area without being
hampered by the administration function.

Hon. T. C. Theophanous interjected.

Hon. LOUISE ASHER — Secondly, the Estate
Agents Licensing Authority will perform
administrative functions and will be accountable to
the Estate Agents Council for policy implementation
that has been recommended by the council and
accepted by the minister. The third body established
under the bill is the Estate Agents Disciplinary and
Licensing Appeals Tribunal, which has a
quasi-judicial role, and appeals to the Supreme
Court will be allowed under the new structure.

The next major item of change provided in the bill,
the changes to the subagent’s licensing, was the
subject of a great degree of comment and has caused
some concern in the industry. I note that Mr
Theophanous skipped over this point quickly, which
is unlike his usual style. It is a major component of
the bill because it arose out of the VEETAC report,
which reviewed registration requirements for all
Australian partially-registered occupations — there
were 340 such occupations across the country — and
it was decided to see whether some sort of
consistency could be obtained so that the states and
territories could actually have mutual recognition. It
is important that a person who has qualifications in
one state or territory will still have valid
qualifications if he or she moves to another state or
territory.

Hon. D. A. Nardella — You have to recognise
that!

Hon. LOUISE ASHER — I acknowledge the role
of the former New South Wales Premier, Nick
Greiner, who pushed hard for these sorts of sensible
reforms. It was not required that subagents be
registered in the Australian Capital Territory. There
was a push for mutual recognition, but on the one hand one territory did not require registration and on the other hand all states required registration.

Hon. D. A. Nardella — You have taken the lowest common denominator.

Hon. LOUISE ASHER — It is not the lowest common denominator. That was one of the fears we tried to work through, and I hope the result will meet with your approval, Mr Nardella, because you know how important that is to us!

VEETAC recommended the abolition of the subagent licences, but there were legitimate concerns about the role of a subagent. If one is selling a house the keys are given to the real estate agent, often the subagent.

Hon. T. C. Theophanous interjected.

Hon. LOUISE ASHER — It is important for matters of privacy, probity and security that the person is someone whom one can trust. Apart from changing the title of 'subagent' to 'agent's representative' the bill also provides safeguards in the system, including criminal checks. If Mr Theophanous wants to broaden that I would be interested to hear him further. The agent's representative must still complete a course.

Hon. B. E. Davidson interjected.

Hon. LOUISE ASHER — It was a course run by the former RMIT. The qualifications for an agent's representative are still stringent. An agent's representative must be at least 18 years of age, must have passed prescribed courses of instruction or examination and must not within the past 10 years, in Australia or elsewhere, have been convicted or have found proven against him or her, any offence involving fraud, dishonesty, drug trafficking or violence that was punishable by imprisonment of three months or more. The person must also not be insolvent or be under administration.

We have kept the criteria to ensure that people who are given keys to homes on trust actually have a level of qualification, a level of education, and are subject to the criminal checks that existed previously. More importantly, the onus will be placed — —

Hon. T. C. Theophanous interjected.

Hon. LOUISE ASHER — We have spelt out what we believe a fit and proper person is. An important component of the bill is found in clause 8, which provides for employer responsibility. Far too often in the real estate industry an agent has allowed a subagent a great degree of latitude. Clause 8 provides that a real estate agent is responsible for the acts of his or her representative. It states:

If an estate agent employs an agent's representative, the estate agent is responsible, in tort and in contract, for anything done or not done by the agent's representative —

(a) within the scope of the agent's representative's authority; or
(b) for the benefit, or for the purported or intended benefit, of the estate agent or the estate agent's business.

We have included a number of key safeguards that will ensure that the standard of the agents' representatives is as high as the public expects.

The next major issue deals with branch managers. I do not recall Mr Theophanous addressing this matter at great length, but this is one of the most contentious aspects of the bill in rural areas. According to the Estate Agents Board there are 493 branch offices, and 361 of them are managed by subagents. One hundred and eighteen of them are in the metropolitan area, but of far greater concern are the 243 which are located in country areas. The rural branch offices, through their representatives on the VSAA, put a view to the ministerial working party that the issues were too broad to require conformity with licensed branch managers across the system all holding full licences. There were employment issues in the rural areas and there was the convenience aspect for farmers and so on. The end result was that the working party and the fair trading committee took note of the VSAA's argument and accepted the point that branch manager exemptions may be critical to the viability of some rural stock and station agencies.

The bill provides an acceptable compromise for country Victoria: existing branch managers will have the benefit of a grandfather clause for the duration of their working lives and in towns with populations of less than 4000 will receive special exemptions provided the branch manager completes a course. The VSAA supported this fair compromise, and I am pleased that it has been included in the bill.

I move now to the deregulation of commissions, which has been the cause of Labor Party comment
both here and in another place. Commission deregulation of commercial and industrial rates was put in place in 1990 and the sky has not fallen in so far as I am aware! The bill provides for commission deregulation for rural properties and, the most important area, residential properties.

The current system, as Mr Theophanous said, provides maximum commission rates prescribed by rules made under the Real Estate Act, which have not changed since 1973. I note that Mr Theophanous does have a great deal of sympathy for real estate agents.

Something that has not changed since 1973 probably needs to be examined. However, since 1973 the average price of houses has increased. The estate agents argue that has resulted in a decline in commission on the average house sale in urban areas from 3.75 to 2.43 per cent. In fairness, that argument should be put to the house. I tend to put the consumer view because being a member of Parliament I tend to look at what will affect constituents overall.

Those who work in the industry wish to make the point that because the commission rates have not been altered since 1973 and because the average price of a house in Melbourne has increased the estate agents can and do claim that they deserve a review of commissions paid. However, deregulation has been recommended by a number of people. It has been recommended by the regulation reform unit, the former Law Reform Commission and, most importantly, it has been recommended by the Prices Surveillance Authority in a report — unlike Mr Theophanous, I will not refer to a report of which I do not know the name. The report is entitled 'Inquiry into estate agents fees relating to residential property transactions' and is dated September 1992. Some key bodies have recommended deregulation of commissions.

Deregulation has occurred in the Northern Territory, Tasmania and New South Wales

Hon. T. C. Theophanous — And New Zealand.

Hon. LOUISE ASHER — I am an Australian, I am staying within our borders. For the moment I want to look at the Australian housing market. There are examples where overseas circumstances may well be relevant to Australia, but on the issue of housing prices it is preferable to look at Australian examples because Australian markets, particularly one as volatile as the housing market, have their own characteristics.

Honourable members interjecting.

Hon. LOUISE ASHER — Why not have examples of commission rates in Paris! That is not relevant to what we have to examine here.

Honourable members interjecting.

The PRESIDENT — Order! Ms Asher should ignore interjections.

Hon. LOUISE ASHER — Mr Theophanous did not mention the fact that commission rates are higher in other states than in Victoria. The regulated states have a higher level of commissions for their agents. Let us not become too sanctimonious about estate agents because they have not had a shift in commissions since 1973. Agents in other states get a higher return. In addition, practices distort fixed commission fees. I recently sold a small flat.

Hon. T. C. Theophanous — Got in before the act!

Hon. LOUISE ASHER — I got in before the election. I am a negotiator on prices for almost everything; if I go into a shop I will start negotiating prices. When I sold the flat the only area open to negotiation was the advertising rate. Every agent in my area was quoting exactly the same price because they were quoting the maximum commission scales. Certainly no-one in my area is prepared to negotiate downwards on commission scales. There were discrepancies between various agents depending on what they claimed would be the advertising services they could provide. I will be interested to know from Mr Theophanous if the advertising scales in New Zealand or elsewhere are included in the figures he gave or whether they are in addition to those figures.

Many costs are imposed when you sell a house. Agents have developed a system in Victoria where the commission is one thing and the advertising fees are charged separately. Mr Theophanous talked about New South Wales. He gave an example of a survey he was not able to name. He said, 'I will quote from it but I don't have it with me and I cannot tell you what it is'. That is really powerful stuff! He then quoted from a newspaper article. It was not a quote from an authority cited in the article; it was simply a small article which claimed prices had increased in western Sydney. I do not know whether one can comment on such surveys,
but I can convey this information to the house. The only point Mr Theophanous got right was that deregulation occurred on 1 July 1993 and obviously the impact has yet to be objectively assessed by those in whose assessments we would have intellectual faith.

The New South Wales Real Estate Services Council and the Real Estate Institute of New South Wales are monitoring the situation. Neither can identify consistent adverse price movements across the market. At this stage the comments made by Mr Theophanous and his claims that prices have increased have not been sourced. I think they are completely questionable.

According to the watchdog in New South Wales — Mr Theophanous is so keen on watchdogs — the council is still monitoring the effects. There is no official feedback.

Hon. T. C. Theophanous — At least I have newspaper articles; you have nothing.

Hon. LOUISE ASHER — How dare you walk in and quote a survey when you could not say where it came from, who wrote it or where your data was from! That is a disgraceful performance, Mr Theophanous.

Mr Theophanous made a number of points about consumer protection. I take up a number of those points because I too am very concerned about that. A consumer program will be conducted and a monitoring mechanism will be established by the estate agents council to check on commissions, processes and so on. The key issue is that the council will give further advice to the minister on this particular matter; obviously that will be studied further down the track.

Mr Theophanous raised the issue of complaints to the Estate Agents Board. He made the point that the number of complaints against estate agents had increased. I shall quote from the Estate Agents Board Victoria annual report for 1994. Mr Theophanous is right in the first step: there has been an increase in the number of complaints. According to the report in 1991-92, 396 complaints were received; in 1992-93 there were 389 complaints; and in 1993-94 there were 486 complaints. As I said, he is right; the number of complaints has increased. That was one of the very few factual matters in his contribution to the debate. But allow me to do more research.

I quote from page 16 of the Estate Agents Board annual report:

Although the number of complaints lodged increased by almost 20 per cent compared with 1992-93, the percentage of substantiated complaints fell significantly; only 36.5 per cent of complaints were substantiated or handed on for further investigation compared with 48.5 per cent in the previous year.

So the number of substantiated complaints identified by the watchdog, the Estate Agents Board, which Mr Theophanous does not want abolished, has been reduced. The following is probably the most significant figure provided by the watchdog.

Hon. T. C. Theophanous — The one you are trying to abolish.

Hon. LOUISE ASHER — Only to replace it with another one. Some 3.5 per cent of complaints were considered to be serious breaches of the legislation and were referred for investigation. It is one thing to come into this house and say that the number of complaints against estate agents has increased; it requires a little more analysis of which complaints were substantiated if one wants to make a point about complaints and consumer rights.

Mr Theophanous condemned the new Estate Agents Council, saying that it was outrageous that it will have no consumer representatives. I must pick him up on that comment. First I draw his attention to the Estate Agents Act, which established the board of which he is so fond. There is no consumer representative as of right on that board for a start. When Mr Theophanous was Minister for Consumer Affairs he did not alter that situation.

Hon. Haddon Storey — Why didn’t he fix that?

Hon. LOUISE ASHER — That is a valid point. Why didn’t he fix it if it is so important to him today? I draw his attention to the composition of the Estate Agents Council, as set out in clause 3. Proposed new section 6(2)(e) provides for what I would have thought would be a consumer representative. Among a range of people on the council:

2 are to be persons who are not estate agents and are not employed in the estate agency industry or in the provision of services to estate agents.

So there is clearly provision for a consumer representative to be appointed, yet Mr Theophanous
walked into the chamber today saying that the legislation is a disgrace. There was no provision for a consumer representative under the act he administered yet there is clear provision for non-estate agent representatives in this bill.

Hon. T. C. Theophanous - Will you give an undertaking on behalf of the government that there will be consumer representatives?

The PRESIDENT — Order! Mr Theophanous, get in your seat, please.

Hon. LOUISE ASHER — Let me explain some minor parliamentary procedures. This seat is called a backbench. One does not give undertakings from here. There is clearly provision for a consumer representative to be appointed to the Estate Agents Council.

I wish to make a couple of observations on the ALP’s view of the market. Mr Theophanous suggests that a person selling a property will be unable to negotiate a competitive or low commission fee and that all commission fees will increase. According to Mr Theophanous, the average seller of a house will be unable to negotiate a commission fee.

Hon. B. E. Davidson — Do you disagree with that?

Hon. LOUISE ASHER — I find that odd. Of all the examples of a free market, surely the established housing market is one. People negotiate to buy and sell houses. They buy at auction every Saturday. The average person is well able to negotiate the price of a house and to commit $150 000 to buy a house. People work out the market and manage well in negotiating a price for a house; Mr Theophanous suggests that they are capable of buying a house — I hope he is not suggesting they are incapable of negotiating the price of a house.

Hon. B. E. Davidson interjected.

Hon. LOUISE ASHER — Mr Theophanous has made the point that people cannot negotiate the several thousand dollars of commission — that is too difficult — but they can negotiate buying a house. It is an absolutely preposterous argument by the ALP that people can make a market-based decision on the purchase of a house valued at $150 000 but cannot negotiate an agent’s commission for a significantly lesser amount. It is an indictment of the average Australian to suggest that a commission fee cannot be negotiated.

I will turn to the Estate Agents Guarantee Fund, to which Mr Theophanous referred. He was particularly concerned about the application of excess moneys in the Estate Agents Guarantee Fund. As I indicated earlier, the fund was established to receive interest on moneys held in estate agents’ trust accounts from fines, fees and income generated from investment. The main purpose of the fund is to compensate clients who suffer a loss as a result of defalcation. However, the fund has excess moneys.

Under section 76 of the current act the excess moneys can be applied to community education programs, programs that promote home ownership, facilitation programs that provide housing assistance and programs promoting education for real estate agents and subagents.

Again I refer to the 1994 Estate Agents Board annual report. At page 24 the way these grants are distributed is set out. Mr Theophanous referred to the sorts of grants that have been made. Grants include $6 million for the home opportunity loan scheme and $20 000 to the Real Estate Institute of Victoria to conduct public seminars. These are useful for first home buyers, who may not have access to the information that many of us would have access to. There is $350 000 for a self-help program of technical assistance; $600 000 for the home renovation loans scheme; and $310 000 for the home renovation advisory program. A range of programs are funded by the excess of the fund.

However, there are some problems associated with the way the excess funds are allocated. Firstly, there is no justification for the Estate Agents Board allocating money to areas where it has no expertise. Secondly, the grants have been disproportionately allocated to the Department of Planning and Development. There may well be other more appropriate recipients of the funding in the Department of Justice or elsewhere.

Basically in clause 37 proposed new paragraphs (a), (b) and (c) of proposed new section 76(3) have very similar features to provisions of the 1980 act but some further components have been added as options. The minister will consult the new council to decide where the grants are going.

Hon. T. C. Theophanous — The council that he has established and can direct and sack.
ESTATE AGENTS (AMENDMENT) BILL

Wednesday, 30 November 1994

HON. LOUISE ASHER — In this case the minister is a she. It might come as a great shock to the honourable member that some women do make it. She will establish the new council and work out which grants will go where.

HON. T. C. THEOPHANOUS interjected.

HON. LOUISE ASHER — Mr Theophanous asks where the grants will go and whether I can give some guarantee. I cannot because the council will make a recommendation to the minister, and the minister will make a decision.

I move to the final substantive point

Mr Theophanous made concerning what he wildly called insider trading. That is a most inappropriate allegation.

There are certain prohibitions on who can buy property at the moment and they are imposed under section 55 of the Estate Agents Act. There is an absolute prohibition on any estate agent or his or her partner, employee or subagent being directly or indirectly in any way concerned or beneficially interested in the purchase of any real estate or business on which he or she obtains commission. The rationale for that is consumer protection.

One argument is that that section is too broad because it includes a purchase by the spouse, parent, brother, sister or child of any estate agent or his or her partner or employee. An estate agent gave the working party an example: an agent had just completed an auction and in the chitchat afterwards when the papers were being signed the purchaser said that his sister worked for the agent’s company in Perth. That was the end of the auction. I ask whether that was collusion. The law is too broad when the sister of a receptionist at the estate agency cannot bid on a property. That broad law has a huge impact in country towns where markets are considerably reduced, and the reforms introduced by the government will provide safeguards.

Mr Theophanous came into the chamber and said that clause 29 would simply allow relatives to buy properties. It is not just ‘simply’ allow, it is allow under certain conditions and with certain provisos. The proposal will allow a spouse, parent, brother, sister or child of an employee to buy property under certain circumstances provided the employee is not a licensed estate agent or an agent’s representative and provided the principal is informed in writing of the relationship that exists and agrees to the purchase and that agreement is recorded on an appropriate form. I have seen an example of a form from Canada and I assure the house that we will have a much better form than the Canadian version.

Clause 29(11) provides that not only must there be agreement by the principal, there is also a cooling-off period after the auction and the principal can actually withdraw from the contract. The ALP is calling that insider trading. That is nonsense. Under certain conditions if the purchaser agrees and if the property is sold at auction there is a cooling-off period. The provision in the act was too broad and we have made it a bit more sensible.

I should like to quote from a press release put out by our female Attorney-General — again I remind Mr Theophanous that we have women in senior positions in our party — dated 9 November:

Mrs Wade said it was nonsense to suggest that moves to allow agents to sell property to the relatives of their employees would lead to ‘insider trading’. The vendor had to give approval to any such purchase and in certain circumstances approval also had to be obtained from the Estate Agents Licensing Authority. In other words, the vendor was keeping total control of his or her interests by having the final say. Hardly ‘insider trading’!

The bill also simplifies licensing procedures. Currently agents have to reapply for a licence every two years, but the bill provides that agents will retain their licences unless the licence is cancelled or suspended. Agents will be required to submit a short annual statement plus a fee. The bill also addresses other issues such as the abolition of an auctioneer’s licence, but I shall not dwell on those other issues.

I conclude by making a number of observations. I note Mr Theophanous has left the chamber; such is his interest in real estate industry reforms. My first observation concerns the way the ALP conducted its public comments on the bill. I refer to an article that appeared in the Herald Sun of 16 November, which includes extreme statements reportedly made by the honourable member for Footscray:

He also said the plan to axe the industry watchdog, the Estate Agents Board, would leave consumers vulnerable to ‘uncrupulous’ agents ... There is no case for deregulation. In fact, in the past year complaints against estate agents have increased by almost 30 per cent ...
That is a deliberate misrepresentation of what the bill does because the Estate Agents Disciplinary and Licensing Appeals Tribunal will handle the work previously handled by the Estate Agents Board.

It is another example of the ALP getting agitated about a rejigging of roles and, in this case, a renaming of the body that will handle the quasi-judicial functions. It is scurrilous to claim that unscrupulous agents will be given encouragement as a result of the bill. They cannot be, because the tribunal will handle all complaints in exactly the same way as the Estate Agents Board handled them previously.

The honourable member for Footscray also reportedly made the observation that agents would be given permanent licences. That is not exactly so. Agents must meet the criteria set out in the bill. They must submit a short annual statement and pay a fee. The most important point is that if agents do something wrong — or shonky, as the ALP would call it — they will have their licences suspended or cancelled by the Estate Agents Disciplinary and Licensing Appeals Tribunal, as has always been the case. This campaign of deliberately overstating the extent of the reforms is scurrilous and mischievous.

I conclude by looking at the reasoned amendment moved by Mr Theophanous, in which he calls for pricing and regulation to be referred to an all-party parliamentary committee. Pricing and regulation will be examined by the Estate Agents Council. The council will look in an ongoing way at the deregulation of commissions and it will recommend policy. It is not an appropriate role for a parliamentary committee to be the umpteenth working party to look into these issues.

The bill will increase competition. It will empower consumers to negotiate commission rates. The bill will result in a streamlined operation of the regulatory functions in the real estate industry. The bill will allow the flexibility that people have been asking for for a long time. The reform is long overdue. Some important interests vis-a-vis consumers and country people have been preserved under the legislation, and I commend the bill to the house.

Hon. B. E. DAVIDSON (Chelsea) — I oppose the bill as it is constructed and support the reasoned amendment. My opposition is not because it is not time to bring the act up to date, because it is obviously time to do that and perhaps it could have been done even sooner. I do oppose the bill because it is not being popularly accepted by the fraternity and all the people who make up the real estate industry, because it has been accepted. The industry includes the people who have been so kind as to give their time freely to examine how the industry should be restructured. By and large the bill has been accepted by the industry, although I note that there are some provisions the industry does not particularly like.

I oppose the bill, but not because it contains no sensible and timely changes. If we lived in a perfect world, there would be little need for the opposition to oppose the measure, because as it stands it is reasonable legislation. Unfortunately we do not live in a perfect world, and the estate agents industry is littered with predators, shady operators and shonks.

It is my considered opinion that the vast majority of people who practise in real estate are honest and hardworking. They work long hours, both at night and on the weekends, and certainly earn their money. At present most of them are going through a particularly hard time in Victoria, especially those in the province I represent, which covers an area up to 50 kilometres south-east of Melbourne. The area is depressed, and real estate prices reflect that fact. The exodus of people from the state has resulted in an overabundance of houses being put on the market, and there are not enough people to buy them. Many of the people who would have purchased homes are out of work and cannot obtain loans. House prices have fallen and fewer houses are being sold.

Estate agents operate on fixed percentage commissions. Given the falling price of real estate and the small number of sales, it is easy to see why agents have not been having the best of times. Despite the fact that most estate agents are honest, there are still a few shady operators who are forever on the lookout for easy prey and a fast buck. There is a saying among such people that buyers are liars and vendors are worse. That is often heard whenever groups of those people get together. They regale you with stories of vendors who patch up their houses and who do all sorts of shonky things to trick agents and buyers into paying prices higher than the houses are worth. They talk about time-wasting and other tactics that buyers use to con the poor, unwary real estate agents out of their hard-earned bucks. They say they use that to justify ripping off such dreadful members of the community. The agents say, 'They do it to us so we do it to them to get even' — and they are happy to go around doing just that.
In many cases the people who want to sell their houses on the real estate market are novices. Because they are not experienced in the ways of the market they are at a serious disadvantage and are easy meat for those predators.

I will give the house an example of how vendors are unable to cope with the pressures associated with the sale of their properties. Last Sunday I attended the auction of a property in Caulfield.

Hon. B. N. Atkinson — Moving up, are we?

Hon. B. E. DAVIDSON — For the information of the honourable member, I attended an auction in Caulfield, which is at the northern end of my electorate. The vendors were the daughter and grand daughter of the deceased owner. They were in a highly emotional state: they were selling grandma’s family home of 40 years. It was the last tangible thing granny owned yet here they were, selling it. They felt pretty awful.

Honourable members can laugh, but it is something that happens to people all the time. It was a pleasant day, the auctioneers were there and many people were out the front of the house. There were only two bidders. When there was a lull in the proceedings the auction stopped. When they could not attract any more bids, the auctioneers, as is their wont, went inside to discuss the state of play with the vendors. While inside they persuaded the vendors to sell there and then, on the spot, without putting a reserve on the property and regardless of whether another bid might be made. Because of the lack of independent advice, if there had been no further bids on the property that is exactly what the vendors would have copped. As it happened there were further bids of $50,000, and the result turned out okay. But the vendors took a chance that further bids would be made. They took a $50,000 punt on the advice of the real estate agent. I bet there is not one person in this chamber who has had a $50,000 bet on a horse.

Hon. R. A. Best interjected.

Hon. B. E. DAVIDSON — Perhaps there is one exception! I am simply saying that although those people were in a highly emotional state and were unable to think clearly about what was going on while the auction was taking place, they took a chance that there would be further bids. As it turned out there were, but the agent was prepared to let them take the last offer. I might also say that the same agent had earlier stood outside with us and joked that he was hoping for a quick sale. He was quite happy to know there were only one or two bidders because he wanted to get away early and do some sailing. We knew where his priorities lay!

The agent was not crunching some hard-nosed business executives or property investors who understood the risks and knew what they were doing. Regardless of the price, he was prepared to crunch two people who were in no position to make a judgment. He was prepared to crunch very emotional and vulnerable vendors. That type of action is at the less serious end of the scale of unscrupulous practices, but it is a true story of what took place at an auction last Sunday. I can vouch for it because I was present and knew the people involved.

To further illustrate the vulnerability of vendors I refer to a book entitled Relax and Sell More Real Estate by Graham White. It is interesting to note that in her contribution Ms Asher suggested that vendors are always able to sit down and negotiate thoroughly and competently when they are confronted with experts in the real estate field. She said all vendors are sufficiently competent to sit down and negotiate fee scales. She even accused us of denigrating the people of Australia because we suggested they might not always be in a position to do so.

The introduction to the book makes the following comments on the author:

Graham White started in the real estate profession in the late 1960s. During his early years in the field he progressed from salesman to manager and ran his own business on Sydney’s North Shore. He is a licensed real estate agent, general auctioneer and business broker, justice of the peace and an associate of the Real Estate Institute of Australia. After 16 years of face-to-face selling he was appointed to the position of training officer of L. J. Hooker Ltd and has now given all real estate staff, from the manager to the receptionist, the chance to learn from his experience ...

Without doubt, this is the most extraordinary book written on the subject of selling real estate. Never before has the subject been covered in such an understanding manner. The reader will receive a depth of knowledge which is retained because of the light-hearted approach, rather than diminished by it.

Chapter 10 at page 67 is headed ‘Giving your opinion on the value of a piece of property’. It is only a short excerpt, but it says something about the
state people are in when they are negotiating the sale of their properties. It states:

The vendors we deal with have an apprehension about dealing with us. It has been caused by us! For years and years, for some reason or another, we have chosen to make fools of ourselves, and not think for a minute about the feelings and worries of the people we are dealing with.

Everyone we are dealing with is mentally unbalanced at the time we are dealing with them — that is a significant statement.

They have gone through, or are going through, a major trauma in their lives and we are usually the last people to be called in to solve the problem that has occurred.

The property will be offered for sale for one of only seven reasons. Each of these is a major event in the lives of the people we are to deal with:

- A Birth.
- A Death.
- A Divorce.
- A Marriage.
- A Job Transfer.
- A Financial Gain.
- A Financial Loss.

Whichever of these has happened, they are under severe stress and you are one of the last people they want to deal with. They have never met you before, so you had better convince them you are on their side, quick smart.

They may not want to deal with you because at least two of the above reasons involve failure and embarrassment, and they don’t want anyone, particularly a stranger, to know their intimate secrets. As I have said before, you must think like a doctor and act like a doctor.

So there you have an expert in the field of real estate talking about the condition that a vendor is in at the time of sale. He gives instructions to people who want to learn how to sell real estate about how mentally unbalanced and vulnerable vendors are. If an agent happened to be a shonk, a crook or a shark, a morsel as juicy as that would be just about enough to send him into a feeding frenzy because agents know they could be faced with people with whom they could deal pretty harshly.

The legislation removes the safeguards that protect clients. No doubt honest agents will continue to deal fairly with their clients, but when this legislation is in place, God help those vulnerable people who fall into the clutches of the rapacious crooks and shonks that are about. It is far better to take the time to get legislation right than to rush it through and leave Victorian vendors at the mercy of the unscrupulous.

I believe it would be far better to conduct an all-party parliamentary inquiry into the industry. It need not take up too much time, and I believe it would come up with a report and recommendations that would have the support of both parties, the industry and consumers. That would not be too difficult. If we had an inquiry that examined submissions from all sides, we would soon come to conclusions which were acceptable to all. That is what happens with all-party parliamentary committees. They seem to get to a stage where everybody agrees, which is a far better consequence.

The need to amend the legislation is not at issue. I believe it needs amendment, but surely it would be better to amend it in an orderly and measured way rather than rushing in with a bill that, on any reading, will prove disastrous in the short-term.

Let us look at a few specific aspects of the measure. I note the second-reading speech refers to the government’s commitment to reducing bureaucratic impediments. It aims to reduce those impediments by removing the Estate Agents Board and replacing it with no less than three bureaucratic bodies — the Estate Agents Council, the Estate Agents Licensing Authority and the Estate Agents Disciplinary Licensing Appeals Tribunal. The government’s initial aim of removing bureaucratic impediments has already failed. An inquiry would certainly come up with a better method of handling that sort of thing than creating three bureaucratic bodies to replace one! Heavens above, surely we could have done something better than that.

I shall examine the decision to abolish subagents. A vendor or a buyer has the right to expect to deal with a suitably qualified representative when making what is probably the most important investment decision of his or her life. The bill does not say whether unlicensed agents representatives, as they are supposed to be called, will have to complete and pass a course identical to or even more comprehensive than the existing subagents course.
The second-reading speech says:

Safeguards have been designed to ensure the preservation of appropriate standards of competence and conduct for the benefit of the public.

I do not know what ‘appropriate standards of competence’ means. I do not know whether the course will be beefed up or watered down or whether it will be substantially the same as the course that is currently undertaken by subagents — which, by the way, is very comprehensive. It includes an examination of the Sale of Land Act, residential tenancies and a whole range of matters that a person who intends to deal in real estate should know about before he or she starts to practice.

The fact that the bill does not spell out the type of course to be undertaken by agents’ representatives gives me cause for concern. I would be grateful if the minister shed some light on that matter in his response. I ask him to give us a better idea of what type of course is envisaged for the new agents’ representative.

The legislation provides that licensed estate agents be held responsible for the actions of agents’ representatives, which is sensible. Again, I would be grateful if the minister could clarify the extent to which that covers liability under section 11 of the Fair Trading Act or section 22 of the Commonwealth Trade Practices Act for misleading or deceptive conduct. If I were given an idea of the types of liabilities that would cover, I would be a little more comfortable with some other aspects of the bill. I hope the minister will be able to give us some information on that.

Clause 10 is also sensible in that it permits an unlicensed person to be a working director of a licensed corporation if that person is an immediate relative of the officer in effective control who is also a working director. This has been a bone of contention for smaller husband-and-wife agencies and many country agencies. I am pleased about that aspect of the bill. As things are it is hard enough for smaller agencies to compete with the larger conglomerates. The provision will make it just that little bit easier for those agencies to continue in business.

I am concerned about one aspect of clause 13, which sets out the circumstances governing the automatic cancellation of an estate agent’s licence. My concern arises when a licence is automatically cancelled in circumstances where an agent becomes, firstly, an insolvent under administration; secondly, an externally administered corporation; or thirdly, a represented person within the meaning of the Guardianship and Administration Board Act 1986.

I am concerned that although an agent may not have been dishonest or incompetent in his business dealings a series of unfortunate financial events may make him unable to meet his financial commitments, thereby causing financial problems. In most other situations creditors have the option of placing a business under a part 10 agreement, allowing it to continue to operate and trade. If a debtor has not been vexatious or has not caused many problems but is just in an unfortunate situation, creditors will often not want to send him into bankruptcy. They would rather see the business trade on. The livelihoods of a whole lot of people may depend on that business continuing, so there are a whole lot of reasons why it should continue. I do not believe estate agents are substantially different.

Hon. B. N. Atkinson — Trust funds?

Hon. B. E. Davidson — If the trust funds have been tampered with, that would not apply. At that stage creditors would not say that it is all right to continue on; they would want to dump the person into the well. For illustration purposes I point out that part 10 of the federal act deals with the case of creditors wanting the person to continue to trade and agreeing that he or she should be able to do so. I cannot imagine a case where the creditors of somebody who has been dipping into a trust fund, or is likely to do so, would like that person to continue to trade.

The whole reason for the existence of part 10 of the act is to allow people who are not unscrupulous, who are not vexatious and who have not obviously blown their money in some wild scheme to continue to trade. The old legislation cuts across the spirit of part 10 of the federal act, and that is continued with this legislation. I think the part 10 provision came into being after the original provisions in the Estate Agents Act, and this bill has not been amended to take that into account. Now that we have come to the stage of amending the act we see that it is an aspect that we should have looked at in order to take into account part 10 of the federal legislation. I believe not to do so would be to treat estate agents differently from other business people, and that would probably be a denial of natural justice. If a part 10 agreement is available to some business people it ought to be available to others on the same
basis. These are people who, although they are basically honest and have not done the wrong thing, have fallen on bad times but can show their creditors that they are capable of continuing to trade if given a chance.

I ask that the minister look at this matter in light of the federal legislation to see if something better can be done for estate agents. I do not imagine it will be a matter that will occur very often, but when it does occur it is fairly dramatic. After all, if a licence is cancelled because it has to be cancelled, there is no appeal to the AAT; there can be an appeal only to a much higher court. If a person cannot pay bills that person cannot afford to appeal in any case. It is basically a catch-22 situation for that poor person: he or she is out of business and gone.

I turn to the area of deregulation of commission rates, which involves a vexed question: it is not simply a matter of a great windfall for the agents or a massive slug to the vendors, nor is it simply a case of saying that deregulation will introduce competition or will increase the cost of selling real estate. Two things are absolutely immutable: firstly, it will increase competition, because agents will be competing against each other; and secondly, it will increase the cost of selling houses.

If I had to clean up the high cost of selling real estate I would be much happier looking at the loan establishment fees charged by some banks than looking at a slight increase in the commission of real estate agents who perform a task. I can think of no other business where you do business with people and they say, 'We will sell you our product' — which in the case of banks is money — 'but first you must give us a whole lot of money to enable us to do so'. It is a ludicrous situation. The poor people who go to buy houses find themselves sitting down at the end of the day saying, 'There is this cost, this cost and this cost — my God, where did all that come from?'. Half the time I do not know where the costs come from. There is stamp duty for this, establishment fees for that, brokerage fees for somebody else; it seems that everybody who can possibly get in on the act does so. I would rather have a go at those people than the agents.

Deregulation will result in a large increase in costs; I do not think there is much doubt about that. To mount a contrary argument would be fatuous nonsense because I do not think it can be argued that deregulation will cause a price decrease. The point of having it is to allow the agents to regulate their own commission, and they will not do so in a manner that will send them broke.

However, I believe the real estate agents of Victoria are comparably in the worst position of all the states — and in an even worse position than New Zealand. I was gratified to hear Ms Asher say in her contribution that even where estate agents in other states are not deregulated, their commission sales are higher than those of Victorian agents; that is correct. Some states — I think New South Wales, the Northern Territory, Tasmania and now Victoria — have deregulation and the other states have higher scales of fees. New Zealand also has deregulation. Add to this the fact that Victoria is arguably the state that was worst affected by the recent recession, which has been compounded by the oppressive excesses of the Kennett government over the past two years that have resulted in householders having to pay somewhere in the vicinity of $1900 more in family charges and taxes —

The DEPUTY PRESIDENT — Order! The honourable member needs to understand that we are dealing with a real estate agents bill and not with the commercial performance of the government. I invite him to return to the bill.

Hon. B. E. DAVIDSON — Mr Deputy President, I am trying to establish the point of how difficult it is for real estate agents in a market where people's capacity to purchase has been diminished as a direct result of the actions of this government, which is framing this legislation. I will not take long to mount the argument, but it is very germane to the case that I am making, especially in view of the fact that at this stage I am talking on behalf of the real estate agents, not against them.

An amount of $2 billion was spent on redundancy packages and inviting people to become out of work. Many of those people have gone interstate and are no longer in the real estate market because they have sold their excess properties. As a result some areas have an oversupply of houses and small businesses. Over the past couple of years shops in some of the large shopping centres have been closing and there is nobody in them. People have not sold their businesses; they have walked away from them.

There are lower prices and fewer sales. I suspect the fact that there are fewer sales is reflected in the stamp duty revenue outlined in the budget — all this on top of an already very low commission base: in fact the lowest in Australia. I do not think there is
any doubt that Victorian real estate agents are at a
considerable disadvantage compared to their
interstate and close overseas neighbours.

In many places — and I have noticed it in my
electorate — a large number of the small family-type
real estate agencies have gone out of business and
simply closed their doors; they could not continue to
operate. I believe the time is right to take
appropriate measures to allow agents to catch up
with other states.

Before taking that point further I point out that
when you look at the costs charged by an agent for
the sale of a house you will see that many of the jobs
done by agents are not readily recognised or seen
and are basically no-pay jobs. Agents do not get paid
for them, but they have to go out and perform the
jobs, otherwise they are out of business. They have
their subagents putting advertisements in
letterboxes inviting people to ring them so they can
do appraisals, and that takes up a lot of time. Agents
have to do appraisals. As five or six agents might be
doing the same appraisal, only a certain percentage
of the appraisals performed will result in an agent
picking up a listing. Out of perhaps every four or
two appraisals an agent might pick up one listing.
They take up an agent’s expertise and time in the
office but they do not generate one dollar.

That happens to all agents. You also get non-sale
listings, when a number of agents are selling the one
property. There can be only one winner! It does not
matter how many prospective buyers you take
through a property, or how hard you work to sell
the property, if you are not the agent who sells the
property you do not make a dollar. There are
auction expenses, but in many cases agents in my
electorate auction free of charge because it is the
only way they can get a listing.

Of course, there is the case of the house that does not
sell no matter how hard you work. In some ways it
is a bit like what we do here. We work our insides
out, and then someone comes along with a ruler and
cuts out the best subdivisions in our electorates.
After then, no matter how hard you work, when you
go to the polls you lose the election. That is what
happens to some of us. Real estate agents have the
same sorts of problems. You can work as hard as
you like but if the god who smiles upon
salespersons is not smiling, you will not be paid.

There is the quick sale, slow sale. You invariably get
someone who says, 'Look, I rang up an estate agent
about my property. The next day the agent brought
the buyer around and it cost me $3000 when the real
estate agent did nothing.' The property owner does
not know about the other five or six jobs where the
real estate agent had done a lot of work but had not
been paid. Or conversely, a property has taken a
long time to sell and the vendor says, 'I don't think
this bloke is worth it. I have given him six months to
sell my rotten house' — it probably was a rotten
house, too!

A lot of unpaid work is done, and that is not taken
into account. It is not an easy business. It is my belief
that Victorian real estate agents would be delighted
if legislation provided that they could charge an
average of the commissions charged in all other
states. They would be delighted with that provision,
because that would be a substantial increase for
them, and consumers would be happier because
they would know where they stand. An inquiry by
an all-party parliamentary committee would find
out the best way to proceed with this vexed question
rather than going down the road of deregulation in
the hope that some force out there will guide us to
the correct level.

The level of competitive listing of properties by
agents also leaves a lot to be desired. If an agent
believes a vendor is gullible he will underprice the
property for a quick sale.

Hon. R. A. Best — Whose side are you on?

Hon. B. E. DAVIDSON — I am on the side of
getting this legislation right. I support an
amendment that will get to the truth of the matter.
That is the side I am on. There are many agents who,
if the vendor is particularly gullible or who does not
know what is going on, will underprice the property
secure in the knowledge that the vendor will not ask
any other agent and the agent can make a quick sale,
grab the commission and off he goes! A lot of
vendors are traumatised. They would not have a
clue how much their properties are worth. They do
not go out and ask. They are not like a lot of us, I can
assure you. They are babes in the woods, and they
will never get past that stage.

Hon. R. A. Best interjected.

Hon. B. E. DAVIDSON — You would not do it, I
would not do it and the minister would not do it,
but there are a lot of people who would.

Hon. W. R. Baxter — There is a limit to what we
can do to protect people from themselves. Are you
advocating making it compulsory to get six quotes?
Hon. B. E. DAVIDSON — I am not doing that. I am simply pointing out some of the practices that are currently indulged in. I shall not take a lot of time to do it.

Under the legislation an agent can undervalue deliberately with a view to selling to a family member or crony. If the agent is that type of person he or she can do it, and the legislation almost invites it. The safeguards are no longer in place. It is wide open.

In my electorate there is one agent who has not been deterred by the fact that that is not permitted. If you take away the safeguards, it becomes even easier for that type of agent. The door is wide open and it provides the opportunity for shonky land and property deals. One can only wonder at the motivation of those who removed the safeguards. Do they believe people are basically honest and these things will not occur, or have they done it deliberately in the hope of picking up something on the side? It is open slather for crookery!

The other method of obtaining a listing is for the real estate agent to promise the vendor more for the property than it is worth and then to salami-slice him back over the ensuing weeks and months to a more realistic price. Vendors will look in the newspapers where they will see that a four-bedroom house in their area is selling for $150 000, and because their properties have four bedrooms they believe they will be worth $150 000. The agent says, 'Yes, I believe it is worth $165 000', but the reality is that the houses advertised for $150 000 sold for $135 000. The agent knows that if he offers more than the next agent he will get the listing, and without the listing he cannot get the sale.

I again turn to the book I spoke of earlier, Relax and Sell More Real Estate. Page 69 has some comments that are germane to the bill. It states:

Unfortunately, many salespeople have been taught in the past to overvalue property in order to induce the vendor to sign an extended sole or exclusive agency agreement in the hope that they will be able to convince the vendor to reduce the asking price as time passes and as the vendor becomes more and more anxious. The final selling price is probably more or less the same as the original price that the 'honest' salespeople suggested in the first place.

This nasty technique, normally called 'buying listings', is a sign of a salesperson who does not have the courage to tell the vendor the truth. If nothing else, we should be able to be honest with our clients (and I have used the term 'correctly').

This is the important part:

In New South Wales it is now legislated that salespeople must fill out a sales inspection report at the point of doing the listing, on which the salesperson's opinion is written and the report is signed by the salesperson. I hope that the salespeople who have been buying listings up to now have realised the risks they are running if they persist in overvaluing their clients' property. It will only take one of their vendors to realise that they can take legal action to recover the difference to put a stop to that unfortunate practice.

The minister said in his second-reading speech that we will join New South Wales, Tasmania and the Northern Territory, which have already deregulated commissions. According to this article, in New South Wales agents must fill out a sales inspection report at the point of listing. Why does our legislation in Victoria not contain the same sensible safeguards? This is another area that could be examined properly were we to have an all-party parliamentary committee of inquiry. We are comparing ourselves with New South Wales but we have not inserted the same safeguards. We are not comparing apples with apples.

This is a complex issue that requires much deliberation and extensive consultation, not just consultation with the industry. It needs overall consultation. I have listed a few concerns I have about the bill. While I readily admit that reform is timely and a case can be made for increases in agents' fees — and even that some measures contained in the bill are sensible — I am afraid that such a curate's-egg approach is not good enough.

I call on honourable members to support the reasoned amendment moved by Mr Theophanous. Let us get it right for the benefit of all concerned.

Hon. R. A. BEST (North Western) — For a number of reasons it gives me pleasure to support the bill. I have friends in the industry and am conscious of the hard work and extended hours they put in in servicing the demands of the real estate industry.

As Mr Davidson quite rightly said, the experience, particularly for subagents, of trying to make sales and get property listings can be very cruel. It is not a particularly easy job; it is a service industry. It relies on people servicing the interests of their clients.
while creating credibility within the community and the industry so that clients return to deal with the same agents and subagents based on the service they received and the credibility of the agents.

I have been somewhat mystified by the fact that for some time the Estate Agents Board Victoria and the Real Estate Institute of Victoria have wanted to deregulate their commissions. They believe that is a way of providing the industry with a better service and giving consumers with a greater choice.

I congratulate the minister and the bills committee, in particular, the REV, the Estate Agents Board and the Victorian Stock Agents Association for the way they have been able to resolve the one issue I wish to raise, which is specific to the role and function of subagents acting as branch managers for stock and station agents in small country towns.

As honourable members will be aware, throughout country Victoria an extensive network of stock and station agents not only sell land but also deal in other things like farm merchandise, wool, insurance, the selling of cattle and sheep, and so forth. One of the original recommendations of the working party established to make changes to the act was:

The support of the Attorney-General be sought to amend section 30 of the Estate Agents Act 1980 to bring Victorian regulations into line with other jurisdictions so that from a date to be determined only licensed estate agents or the equivalent may manage an estate agency branch office.

That would have had severe ramifications for many small country towns and many small stock and station agencies.

In May 1994 Mr Pollock, the Executive Director of the Victorian Stock Agents Association, wrote to me, and I am sure to all other honourable members, advising that the association was unhappy with that provision in the bill. He asked honourable members to make changes. He states in his letter:

The Attorney-General has now received a report from the working party she recently appointed to review the Estate Agents Act, particularly aspects arising from mutual recognition.

Members of the Victorian Stock Agents Association, many of whom operate estate agency businesses through the current branch manager provisions of the Estate Agents Act, are concerned that these recommendations will remove the current provisions which will see the loss of estate agency facilities to many rural Victorians.

Already in recent months we have seen a decline in service facilities to rural Victorians with bank branch closures, post office closures, etcetera.

The question is, are stock agency closures going to be the next decline in service to rural Victorians?

Many rural communities are serviced by one or two branch offices of large stock agencies such as Dalgety/G and N, Elders Ltd, Victorian Producers Cooperative Company Ltd or the likes of Brian Rodwell and Company Pty Ltd.

Mr Rodwell, as a stock and station agent, operates from Bendigo and has many branches in small towns, particularly in the north-central area. The letter goes on to mention other problems associated with the implications of licensing all subagents to run branches. Mr Pollock concludes by saying:

I again write to urge you to use your best endeavours to ensure the ongoing provisions of subagency and branch managers in any review of the Estate Agents Act to ensure country Victorians are not adversely affected by any changes.

When one considers that the legislation institutes a two-year educational course to obtain a full licence as an estate agent, one realises that it was quite ridiculous to ask people who may have been in their 40s or 50s to take two years off from their jobs and return to school full time to become fully licensed estate agents because, when it is all said and done, that is only one component of their jobs in small towns.

It would have meant many small areas would have been left without any real form of estate agency or at least with little competition between agents in the local areas. The proposal would have restricted competition. It would have been biased in favour of one real estate company and would have damaged real estate services. It would have restricted the career paths of many stock and station agent employees and would have reduced the value of their unique expertise and skill.

That proposal would have created problems in the small north-central town of Boort in my electorate. I obtained the following example from the white paper produced by the working party of the Network Agency Group Association established by the Stock and Stations Agents Association. I shall
quote it so that honourable members will understand the implications of implementing that recommendation:

A typical example is the small Mallee town of Boort with its population of 850 — district of 1500. Over the last several difficult years both major companies, Dalgety and Elders, have closed their offices in Boort leaving two firms to service the town and district. They are VPC with two employees and Rodwell and Co. with four employees. Both these companies sell livestock, wool, rural merchandise, financial services and real estate.

If for any reason either company lost its branch manager and was unable to replace him with an existing employee, it would be unrealistic to employ a fully licensed agent who would have no knowledge of 90 per cent of the branch operation — livestock, marketing, etcetera.

The income generated from real estate sales is in most cases the difference between a profit or loss in the branch office. There is no doubt these offices would close with a resultant loss of jobs and service to the community.

This scenario would be repeated throughout rural Victoria where smaller country towns would be left with no real estate service and numerous branch closures.

How can this be acceptable to any government?

I am pleased to say that it was not acceptable to the government. In fact, the government has gone further than the recommendation put forward in the white paper to protect the service provided to many of these towns through the branch manager structure. It is a very important service because it really would have been impractical to uproot those branch managers and send them away for two-year full-time courses to obtain their estate agents licences.

The government has been consistent; to see that one has only to return to the late 1970s when the REIV made a similar attempt to introduce compulsory full licensing of branch office managers in almost the same manner as the present proposal. I am pleased that at that time the Liberal Attorney-General, Haddon Storey, who now occupies other ministerial roles, vetoed the suggestion. That action demonstrates the consistency of the government.

The government, through industry pressure and reflecting the numbers on the working party, could quite rightly have seen a recommendation pushed through that would have been adverse to the stock and station agency business. The full introduction of the deregulation of commissions has the potential to provide many people with the opportunity to negotiate better fees not only throughout country Victoria but also in the metropolitan area.

One thing of concern to me is the inconsistency of the opposition party during debate. This was first highlighted to me by differences in the contributions by Mr Theophanous and Mr Davidson.

Mr Theophanous suggested that commissions would increase to the detriment of everybody, but Mr Davidson said that changes will give the Victorian industry an opportunity to catch up with the other states. One opposition member recognises the hard work done and the difficulty in maintaining a viable industry while another, the Leader of the Opposition in this house, condemns the legislation for the sake of scaremongering, but that is fairly typical.

An article headed 'A new era for Victorian real estate' in the November issue of the REIV monthly publication states, in part:

It is unfortunate that the opposition, in seeking to score political points, has been selective and misleading in the information released to the public.

Their public attitude to the changes implemented by the government does not reflect the supportive comments previously made to institute officials.

The speeches and news releases authorised by the opposition consumer affairs spokesperson, Bruce Mildenhall, have been particularly disappointing, and either indicate his lack of understanding of the working of the Victorian real estate industry, as well as the details of the changes proposed by the state government, or are designed to achieve political mileage and denigrate his parliamentary opponent. If the latter is the case, such a strategy has not succeeded.

Hon. T. C. Theophanous — Where was that from?

Hon. R. A. BEST — I just quoted from the November edition of the REIV monthly publication.

Members of the opposition are divided on the position they wish to take, while the government has been consistent since the late 1970s, from the time
when the Honourable Haddon Storey held the position of Attorney-General until today, in its protection of the branch structure network of stock and station agents by introducing the grandfather clause, ensuring that people within the stock and station industry are able to move from branch to branch and agency to agency.

This good legislation has been worked through by all sections of the industry. While initially there was division between the Victorian Stock Agents Association, the REIV and the Estate Agents Board, they have now come together to the extent that I think most members would have received a letter from the Victorian Stock Agents Association urging them to support the bill. It gives me great pleasure to support the bill because this initiative has been worked through well by the minister, the bill committee and the people involved in the industry.

Hon. B. N. ATKINSON (Koonung) — I also support the bill and have some interest in the way it has been approached by the opposition. Mr Davidson's speech was one of some contrasts. He started off calling most of the industry operators shonks and charlatans but then made some constructive suggestions. Some of his suggestions towards the end of the speech were worth considering and certainly out of context with his original attention-grabbing statements. As Ms Asher said, Mr Theophanous's speech was also rather sensational and extreme. Her speech covered much sensible ground. I will not cover the same areas in my comments but will make brief comment on a couple of other matters. In some areas I share the concerns of Mr Davidson. I see the legislation as providing the opportunity to address those concerns.

The legislation streamlines administration while retaining consumer protection; in many ways consumer protection is enhanced. Certainly there is greater consistency in the operation of the legislation and with the industry in some other states, principally New South Wales, which is particularly important. It will only be a short while before most of the other states come into line, following changes to legislation in Victoria and New South Wales.

The legislation will reduce overregulation in the industry which has added significantly to costs for consumers without commensurate benefit or consumer protection. It impresses me that the legislation is very much performance-based. In many respects it guarantees that people will get what they pay for and will be able to audit the standards of service and commitments made to them by estate agents whom they engage to provide particular services.

I am particularly concerned about one matter — as I said, Mr Davidson would share this concern, judging by the tenor of his speech. I attended an auction held in our area last Sunday. The estate agent who auctioned that property had been involved in the auction of another property in the same locality within the past six months. On both occasions a woman was the highest bidder. On neither occasion was a sale made. She was a dummy bidder. That is of considerable concern to me because it greatly inconveniences people and causes much concern to vendors.

I am not sure whether in either case the vendors were aware that there would be a dummy bidder at the auction, but that would be of great concern to vendors because an auction is different from a straight sale. In most cases significant costs are associated with advertising and the conduct of the auction. It is of concern when that practice is engaged in by an estate agent, and it is worse still if the vendor is not aware that somebody will be trying to push the price up.

In the interests of the people buying the property the auction process ought to be fair and bids ought to be genuine. Obviously the practice has been in place for some time. At least this legislation gives the opportunity for people buying and selling properties to look at estate agents a little more closely to ensure their practices are appropriate.

Also of great concern from a consumer point of view and the source of much complaint, as referred to by Mr Theophanous earlier in debate, is the overestimation of the price that might be achieved on a property. Very often listing agents have well-presented, glossy brochures that make all sorts of promises about what might be achieved for the vendor. Mr Davidson suggested that people buying or selling their homes are faced with big decisions that involve trauma in their lives. I think the excerpt from the book he quoted was an overdramatisation, but I accept that for most people buying or selling a house is the biggest decision they make in their lives, and the event is extremely significant for them.

It is obviously a time when there is a certain amount of uncertainty about the process and people are vulnerable. In that context an agent who overestimates the price will make a vendor receptive to engaging that agent. Caveat emptor should apply in that case, because vendors should be wary of
agents promising inflated gains from a property sale to which other agents have perhaps taken a more moderate approach.

The key point in the bill is that it provides an opportunity for consumers to hold an agent to a promise or a commitment that has been made. If they are able to negotiate the commission that might be payable to the agent in anticipation of a specific return, if the agent does not achieve that estimate they should expect to pay considerably less commission than was provided for. They have the opportunity of negotiating better terms. The practice of excessive estimation by agents has disadvantaged consumers in the past, and it has also disadvantaged ethical agents who do not operate that way. It is important that the bill progress, because it gives the industry an opportunity to address that problem.

The principal act has stood since 1973 and the marketing context for the property industry generally is different. Today people are looking at different sorts of homes and have different housing needs. More importantly, marketing techniques have changed dramatically. The bill gives people the opportunity of setting a level of service and a deadline for the sale of a property that suits them, and agents will be expected to perform and may even face penalties provided for in agreements if they do not achieve their goals.

The bill is about the better performance of real estate agents. In many cases it has been suggested that it will lead to higher commissions being payable. I do not accept that, although it may be the case in some situations. However, it is acceptable if it is accompanied by a better standard of service from real estate agents commensurate with their actually achieving certain goals or meeting certain requirements that the consumer places on them.

In other respects the bill will reduce some of the regulation in the industry and allow commonsense to prevail so that by competition in the market agents will actually be able to reduce their commissions in some areas. Mr Davidson acknowledged these matters to some extent in his address, although, as I said before, his address took both sides.

The bill is appropriate. I have had some experience with the real estate industry through providing marketing services to one of the leading cooperatives of real estate professionals and I have had the opportunity of seeing the industry function at close quarters. I have a high regard for many people in the industry, who I believe are professional and ethical. I also admit that some people engage in practices that are deceptive, or at the very least questionable, and disadvantage consumers.

The changes in administration and disciplinary procedures will ensure that the industry functions effectively and in the best interests of consumers. Compensation and the opportunity to negotiate commissions and the basis upon which they pay those commissions will be a step forward for consumers.

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

Ayes, 24
Asher, Ms
Ashman, Mr
Atkinson, Mr (Teller)
Baxter, Mr
Best, Mr (Teller)
Birrell, Mr
Bowden, Mr
Brideson, Mr
Connard, Mr
Cox, Mr
Davis, Mr
de Fegely, Mr

Noes, 11
Davidson, Mr (Teller)
Gould, Miss
Henshaw, Mr
Hogg, Mrs
Ives, Mr
Kokocinski, Ms

Pairs
Bishop, Mr
Varty, Mrs
Wells, Dr

Amendment negatived.

House divided on motion:

Ayes, 24
Asher, Ms
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bowden, Mr

Evans, Mr
Forwood, Mr
Hall, Mr
Hallam, Mr
Hartigan, Mr
Knowles, Mr
Skeggs, Mr
Smith, Mr
Stoney, Mr
Storey, Mr
Strong, Mr
Wilding, Mrs
Nardella, Mr
McLean, Mrs
Walpole, Mr

VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL

Wednesday, 30 November 1994

Brideson, Mr
Connarci, Mr (Teller)
Cox, Mr
Davis, Mr
de Fegely, Mr
Davidson, Mr
Gould, Miss
Henshaw, Mr
Hogg, Mrs
Ives, Mr (Teller)
Kokocinski, Ms (Teller)
Bishop, Mr
Varty, Mrs
Wells, Dr

Smith, Mr
Stoney, Mr (Teller)
Storey, Mr
Strong, Mr
Wiling, Mrs
Mier, Mr
Power, Mr
Pullen, Mr
Theophanous, Mr
White, Mr
Nardella, Mr
McLean, Mrs
Walpole, Mr

Noses, 11

Motion agreed to.

Read second time.

Third reading

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — By leave, I move:

That this bill be now read a third time.

In so doing, I thank honourable members for their contributions. All of the issues have been well canvassed by both sides of the house and there is no need for me to respond to them.

Motion agreed to.

Read third time.

Passed remaining stages.

VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL

Debate resumed from 29 November; motion of Hon. M. A. BIRRELL (Minister for Conservation and Environment).

Hon. B. T. PULLEN (Melbourne) — The purpose of the bill is to make a number of adjustments and corrections to the holdings of the Victorian Plantations Corporation, which was the first body to be established under the State Owned Enterprises Act in July 1993. There is evidence that the corporation was set up in some haste and that there is now a need for a rectification process concerning

some of the land. Some 120 000 hectares of land was vested in the Victorian Plantations Corporation and it has been found necessary to make a number of adjustments. At first it was thought the land could remain vested in the Department of Conservation and Natural Resources but leased over a long period to the corporation. It has now been decided that it will be more appropriate and more direct if the land is transferred to the corporation.

The original reason for long-term leasing was based on the belief that after the timber was harvested the land had a residual value in terms of public use. It meant that at the end of that period it should revert back to public use and should not be replanted. So the land was intended for long-term uses other than regeneration for pine plantations. Negotiations had to take place between the department and the Victorian Plantations Corporation before the land could be vested in the corporation. That resulted in some 4800 of the 5000 hectares being vested in the corporation. It has been agreed that 200 hectares will remain with the department. Based on the briefings I received from the department, I believe the process is being conducted reasonably, and I have no reason to doubt that the outcome has been effective. Some 30 changes have been made as a result of the errors that have been picked up in the process. That is why I said that some of the original drafting showed a degree of haste.

The second aspect of the bill — clause 10, which amends section 29 of the principal act — provides for situations where there are share holdings, where plantations are grown on private land under sharing arrangements with the owners of that land. Under those agreements, the person who acts on behalf of the government is the Secretary to the Department of Conservation and Natural Resources. If the way an agreement is managed needs to be changed, an awkward situation arises. The corporation has to do so through the secretary because the relationship is between the secretary and the private land-holder. The amendment makes it possible for the corporation itself to make those adjustments, which seems sensible.

Some areas of property had been wrongly vested in the corporation when they should have remained with the department or the other way round — they needed to be vested in the corporation but remained with the department. Based on the figures I have been given, some 250 hectares needs to be vested in the Victorian Plantations Corporation and some 300 hectares needs to be moved to the department.
For instance, I understand the department office in Yarram has been transferred to the corporation.

The corporation has now been in operation for more than a year. It has produced its 1994 annual report, and on the face of things it seems to be settling down. The report says there have been some teething problems. At this stage it is difficult to judge whether the corporation will be effective in meeting its mission statement; but that needs to be monitored. The annual report refers to a net profit of a bit over $11 million on the sales of timber and says timber sales have increased over previous years.

The report is a little light-on in detailing the corporation’s efforts to add value to the timber. The value of the sales of timber is presented in such a way that it is not easy to see the actual gains based on cubic metres sold. It would be more helpful if the annual report showed a break down of the different aspects of the corporation's management of its pine plantations so that from one year to the next you could get an appreciation of what areas of activity were returning a profit and what areas were less profitable. It would also enable you to establish some relationship between the use of the timber and the value obtained.

The general thrust of the timber industry strategy has been to move towards a greater emphasis on value adding and the use and marketing of our timber for that purpose, which I think has been successful. The annual report does not make it easy to see the progress being made by the corporation to that end. It would be helpful if that information were included in future annual reports. Nevertheless, I have to admit that, because it has been in operation for only a year or so, it is too early to judge how effective the corporation has been in meeting its responsibilities.

The bill also limits the jurisdiction of the Supreme Court. It is another example of the government limiting the rights of people to involve the Supreme Court. There is little to justify the government’s systematically excluding the Supreme Court from compensation actions. I put my objection to that clause on the record. People affected by the operations of authorities of this type should not be excluded from seeking redress; their rights should not be restricted. Limiting their ability to go to the Supreme Court seems unnecessary.

However, the bill is a practical amendment to the legislation setting up the Victorian Plantations Corporation. It rationalises the boundaries of existing vested land and sorts out the land that needs to be vested in the corporation and the land that needs to be vested in the Department of Conservation and Natural Resources. The opposition will not oppose the bill.

The PRESIDENT — Order! I am of the opinion that the second and third-readings of this bill require to be passed by an absolute majority. In order that I may ascertain whether the required majority exists, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order that I may determine whether the required absolute majority has been ascertained, I ask those members who are in favour of the question that the bill be read a second time to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

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

That this bill be now read a third time.

In so doing, I thank Mr Pullen for his comments and record that the opposition did not oppose the bill; that was appreciated. Although it has undergone a minor change, the Plantations Corporation has been a great success. It is worthy of continued monitoring, but it has certainly gone through its early stages very well.

The PRESIDENT — Order! The question is that the bill be read a third time. I again ask honourable members who are in favour of the question to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Passed remaining stages.
Sitting suspended 6.33 p.m. until 8.03 p.m.

VALUATION OF LAND (AMENDMENT) BILL

Second reading

Debate resumed from 15 November; motion of Hon. R. M. HALLAM (Minister for Regional Development).

Hon. T. C THEOPHANOUS (Jika Jika) — The bill is the second leg of the government's reforms that will create a climate in Victoria for another round of land deals such as we saw in the 1970s under the conservative predecessors of this government.

The bill does a range of things that the opposition finds objectionable. It is a comprehensive bill that among other things abolishes the system of registering valuers; it abolishes the education and experience requirements for the Valuer-General and the Deputy Valuer-General; it abolishes the education and experience requirements for valuers and the Valuers Qualification Board; and it also abolishes the education and experience requirements for municipal valuers, the Municipal Valuation Fees Committee and the Valuation Land Review Committee. Furthermore, the bill modifies the appeal procedures in the Land Acquisition and Compensation Act and creates a Land Valuation Division of the Administrative Appeals Tribunal.

The bill has far-reaching implications. It proposes to amend some 20 acts of Parliament. Members of the opposition believe this legislation, along with the Estate Agents (Amendment) Bill, which has just been debated by this house, will set the scene for the most horrendous land deals since those of the 1970s, which were a hallmark of the former Conservative government in this state. The Estate Agents (Amendment) Bill allowed for a range of shonky practices to be put in place that will enable relatives of real estate agents to sell properties to each other. This bill builds on that legislation, and that concerns the opposition.

As I have said, the bill abolishes the Valuers Qualification Board and the existing registration system for valuers. It removes the education and experience standard for valuers, including the Valuer-General and the Deputy Valuer-General. The removal of the qualifications required of the Valuer-General means that the person holding that position does not need to be a qualified valuer, which is tantamount to saying that the educational qualifications and experience requirements for the Solicitor-General should not apply and that the Solicitor-General does not have to be a solicitor. In the same way the Auditor-General does not need to have any experience or qualifications relating to auditing. That is what the bill implies, and that is what the bill attempts to put in place.

It is important to go back over the history of the development of valuation in this state, because we have a strong tradition of valuation and a number of processes were put in place to ensure that that was so. The bill proposes to amend legislation that was first enacted by the Liberal government in the 1960s. In fact, the 1950s Labor government that preceded the 1960s Liberal government attempted to pass similar legislation, but it was defeated in the Legislative Council, which is not surprising.

Hon. D. A. Nardella — And not unusual!

Hon. T. C. THEOPHANOUS — Yes, and not unusual!

The primary concern about the 1960 act was that it would create a large bureaucracy in the form of a Valuer-General's department. At that time the Labor Party was so concerned about valuers' qualifications and experience that it attempted to amend the act by including the syllabus of the course to be studied, which students would be examined on by any future Valuer-General. That was the extent of the Labor Party's concern in the 1960s.

The present Liberal government — —

Hon. K. M. Smith — The coalition government.

Hon. T. C. THEOPHANOUS — A Liberal government with an appendage.

Hon. D. A. Nardella — And a small one at that.

Hon. Louise Asher — I could almost take a point of order on that.

Hon. T. C. THEOPHANOUS — Not only is the syllabus not specified, but any future Valuer-General would not need to have studied any course or have any land valuation qualifications. It is interesting to note that the then Country Party was so concerned about the ability of valuers to value property in various parts of the state that it wanted the state zoned into regions to prevent certain valuers from working in specific areas. That is how
determined the former Country Party was to protect valuation standards.

The wheel has turned. It is obvious that the current government does not care about country Victoria. The act has been amended many times. The attention of both sides of Parliament has been directed to the need to build a framework for the conduct of valuations. The Victorian division of the Australian Institute of Valuers and Land Economists (AIVLE) and the Real Estate Institute of Victoria (REIV) — its comments on the estate agents bill were much quoted by government members earlier today — the Valuer-General, the Valuers Qualification Board and many parliamentarians have advised the minister that the bill should not proceed.

Hon. W. A. N. Hartigan — We will pay as much attention to you on this bill as on everything else — none at all!

Hon. T. C. THEOPHANOUS — These are not my views but those of the Australian Institute of Valuers and Land Economists, the REIV and the Valuer-General.

Hon. Louise Asher — On the last bill you said they were vested interests whose views should not be quoted.

Hon. W. A. N. Hartigan — Any port in a storm!

Hon. T. C. THEOPHANOUS — It is important to put on the record that the bill is opposed by a body as conservative as the REIV, which demonstrates how draconian and ridiculous the measure is.

Hon. W. A. N. Hartigan — How reformist this government is — that is what it shows.

Hon. T. C. THEOPHANOUS — The government has proceeded with this bill notwithstanding the objections of the REIV and the AIVLE.

The minister has stated it is fundamental to the government's approach that no person should be prevented by law from practising as a valuer if others are prepared to hire him or her. That highlights the philosophy underlying the bill. If somebody is prepared to hire you as a valuer, nothing should stop you from being appointed as a valuer.

Honourable members should consider the implications of that philosophy. It is tantamount to saying that if somebody is prepared to hire me to represent him in a court of law, he should not be prevented from hiring me even though I do not have any legal qualifications. It is a ridiculous argument!

But the bill does more than that because it establishes two classes of valuers. One class will include those who are now qualified, experienced and registered; those who are bound by codes of ethics and practice; those who are bound by legislation; and those who are subject to being disciplined by their professional bodies. They include valuers such as those registered with professional bodies such as the AIVLE. The second class of valuers will have no rules. They will not have to be qualified. They will be able to set them up in business by sticking a notice on the door saying 'Valuer' — and that will be the end of the story! If you can con anybody into getting a valuation from you, that will be your good luck.

I ask the house a simple question: if you have two classes of valuers, one which must be registered, subject to codes of ethics and discipline and one which is subject to absolutely no rules whatsoever, which class will the crooks go to? Will they choose the class of valuers who are properly registered and subject to codes of ethics and all the rest of it? Or will they choose the others, who are subject to no rules at all, and ask them to provide valuations? It is clear that the bill will establish a class of valuers the members of which will be valuers on demand, valuers for whom you pay but whom you tell what you want a property valued for — and they will provide you with a valuation to suit.

The bill will give the equivalent of the corporate cowboys of the 1980s and other adventurers the key to the chookhouse. It will create a climate in which people will be able to get valuations that will have absolutely no credibility in the eyes of independent and qualified valuers.

The bill should be considered in combination with the estate agents bill we dealt with earlier today. Say you have an estate agent who wants to sell a property that has come to his brother. No worries, he will get his uncle or somebody else to do the valuation. The estate agent will be able to say, 'He is a valuer, he knows something about property. He once sold a house, he can do a valuation'. He may come back with a valuation and say, 'I have a valuation for you from a valuer. It is worth $70,000.'

Hon. D. A. Nardella — A good chookhouse!
Hon. T. C. THEOPHANOUS — You could say, 'My brother is prepared to buy it for $75,000!'

Hon. D. A. Nardella — A big chookhouse!

Hon. T. C. THEOPHANOUS — What a disgrace! How can a government introduce a bill like this, which promotes crooks and encourages shonky deals?

The Valuers Qualification Board should not be abolished because it operates at a profit. During the course of its existence — the past 30 years — it has made an average profit of $30,000, which it has paid to the government. It has provided the government with about $1 million in revenue as well as doing the job of ensuring that there are proper standards for valuation in this state. The cost efficiency of the existing board has been totally ignored by the present minister. He seeks to abolish it and establish his own bureaucracy. It is the same pattern: abolish the existing independent boards, abolish the checks and balances and put in their place — —

Hon. W. A. N. Hartigan — Which independent board?

Hon. T. C. THEOPHANOUS — The Valuers Qualification Board.

Hon. W. A. N. Hartigan — That is independent!

Hon. T. C. THEOPHANOUS — It is a lot more independent than the alternative proposed by the minister. The Valuers Qualification Board has done an exemplary job in ensuring that people in the industry are qualified and able to perform the task they are asked to perform. Under the legislation any person may be able to carry out valuations and call himself a land valuer or a real estate valuer. Unqualified people who would at this very moment commit an offence if they undertook a valuation of real estate in Victoria will after the proclamation of this legislation be free to perform those valuations and to charge others for them.

The only test of a valuer’s capacity to carry out a valuation will be that someone is prepared to hire him or that he holds qualifications or experience specified from time to time by the minister in a notice published in the Government Gazette. The latter will apply only to government valuations. The minister can, at whim, produce a notice in the Government Gazette and change whatever criteria he wants regarding what sort of person ought to hold a valuation qualification in the future.

There will be no disciplinary procedures and professional indemnity insurance will not be required for those unqualified valuers because that is considered by the minister to be a barrier to entry to the profession. What a disgrace! There is no indemnity insurance, so a valuation can be miles out — $50,000 or $100,000 out — and there will still be no requirement for indemnity or disciplinary procedures.

It is true that a Council of Australian Governments conference set up an inquiry into the level of restrictions placed on the practice of occupations in various states. This legislation derives partly from the establishment of an inquiry by a Council of Australian Governments meeting that resulted in the Hilmer report. It made some recommendations regarding mutual legislation allowing people to practise a profession in different parts of Australia.

That is fine. The opposition does not have any difficulty with that. However, as a result of those recommendations the Valuers Qualification Board undertook the practice of registering practising valuers from other states, allowing them to practise in Victoria without requiring them to meet the standards set for valuers in this state. The Valuers Qualification Board took the action necessary for mutual recognition to take place, so the minister cannot hide behind the notion that somehow it was necessary to get rid of qualifications altogether to bring the state into line with the recommendations of the Hilmer report. The Valuers Qualification Board had already taken action, bringing Victoria into line with the other states, even though the board had some concerns about that process.

So this bill has nothing to do with mutual recognition. It could be argued that the changes instituted by the government may work counter to mutual recognition because some states still maintain a registration system for valuers.

On 13 May 1993 the Valuer-General made certain recommendations to the minister regarding the Hilmer report, and these were approved by the minister on 17 May 1993. One recommendation approved by the minister at that time was that the Valuers Qualification Board and the present system of registration of valuers be retained, so the minister has made a decision contrary to the recommendation of the Valuer-General. Something happened between his decision to accept the recommendation of the Valuer-General and the appearance of this legislation. We do not know what
happened, but somehow the minister changed his mind.

Ever since then the minister has refused to take advice from the Valuer-General, the Valuers Qualification Board, the AIVLE and the REIV. All industry bodies and the Valuer-General of Victoria say that this legislation is wrong and that it should not be before the house. Despite this advice the minister has taken a position completely opposite to that advised without any explanation for the change of heart.

The minister has claimed on many occasions that the government firmly believes that the removal of barriers to competition will reduce business costs and yield significant benefits to the whole community, yet a New Zealand study found that deregistration of valuers in that country would increase business costs.

Hon. W. A. N. Hartigan — Which study was this?

Hon. T. C. THEOPHANOUS — I am happy to make it available to the honourable member. It was a study conducted by the government at that time to examine whether it was appropriate for New Zealand to deregister valuers. New Zealand is not one of those countries that have been backward in introducing deregulation, but the advice to the New Zealand government was that it ought not to deregulate the industry.

Hon. M. A. Birrell — Advice from whom?

Hon. T. C. THEOPHANOUS — It was advice from the body established to examine the question of deregulation. As a consequence of that significant study, New Zealand decided to retain the system of registration of valuers because there was no evidence whatsoever to suggest that deregistration would reduce business costs.

Another example is that in the 1980s the United States of America, that great bastion of free enterprise, operated without a system of valuer registration, which resulted in an extensive process of shonky land deals through the savings and loan structure in which billions of dollars were lost. There were no registered valuers in the system.

Hon. W. A. N. Hartigan — We have a system of registered valuers and the same shonky deals were done here.
of the four members of the board, the other being the Valuer-General. The letter states:

You will recall that Mr Alan D'Arcy, the Valuer-General, wrote to you in relation to the recommendations of the VEETAC working party on the 13 May last, setting out the purpose, background and issues, together with the recommendation that the Victorian Valuers Qualification Board be retained and that the present system of registration be retained. We note from this correspondence that it was supported and approved by you dated 17 May 1993.

What sort of minister would receive from his own Valuer-General a set of recommendations in relation to the VEETAC report, write back to him and say that he supported and approved those recommendations and then suddenly do a back flip? We want to know who has got at the minister. He obviously has some shonky land deals in mind. We do not know, but what we do know is that the Valuer-General —

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — On a point of order, Mr Deputy President, the honourable member has said that the Minister for Finance obviously has some shonky land deals in mind. The remark is offensive, and I ask him to withdraw.

Hon. T. C. THEOPHANOUS (Jika Jika) — I withdraw. We do not know why the Minister for Finance has resorted to changing his position, but we know he has in fact changed it. We also know that his own Valuer-General gave him some advice. We want to know why the minister has changed his mind.

Hon. R. I. Knowles — Have you heard of mutual recognition?

Hon. T. C. THEOPHANOUS — I am glad the minister raised that because the advice coming from the Valuer-General related to mutual recognition and the VEETAC report, and it put the point of view that all the mutual recognition issues had been addressed by the Valuers Qualification Board because the board had agreed to accept interstate qualifications. That issue was addressed directly by both the Valuer-General and the board, and they gave the minister the advice that retaining the present system, so long as interstate qualifications were recognised, would be in keeping with the VEETAC recommendation.

It is absolute nonsense to say that it has anything to do with mutual recognition. It has nothing to do with mutual recognition. It has something to do with the ideological bent of this minister and this government.

I refer the house to a letter from the Australian Institute of Valuers and Land Economists, because this group of people is the independent —

Hon. W. A. N. Hartigan — They are not independent!

Hon. T. C. THEOPHANOUS — They are independent.

Hon. W. A. N. Hartigan — They are not. They are valuers, for goodness sake.

Hon. T. C. THEOPHANOUS — They are an industry body. They are independent of government.

Hon. W. A. N. Hartigan — Everybody is!

Hon. T. C. THEOPHANOUS — That is not correct because the Valuers Qualification Board is actually appointed by government. This is an industry group that is representative of valuers in this state. In a letter of 8 November to the editor of West Australian Newspapers Ltd —

Hon. W. A. N. Hartigan — We are reaching far and wide now!

Hon. T. C. THEOPHANOUS — It is important. The letter written by Mr Garry Rothwell, the National President of the Australian Institute of Valuers and Land Economists, states:

References by the Victorian Minister for Finance to the valuation profession as being a 'cosy industry' and making 'cock-eyed' valuations (West Australian p. 33, 7 November) are grossly inaccurate and serve only to underscore the minister's apparent total lack of understanding of the profession and his total disdain for the public interest.

It is, of course, not unusual for a politician in an untenable position to substitute abuse for rational argument.

Hon. W. A. N. Hartigan — I have to agree with that. You do it all the time.
Hon. T. C. THEOPHANOUS — That was the institute's view of the comments of the Minister for Finance. The letter goes on to say:

If, as the minister would have us believe, the standard of valuation practice was a problem, it would be a strange person indeed who would address that issue by eliminating the requirement for a minimum standard of education, deleting the requirement for a minimum standard of practice and eliminating any effective means of disciplining a 'cock-eyed' valuer.

That is what the institute has to say in part in response to the minister's position. It is more than a little ironic for this bill to be presented to Parliament by the Minister for Finance, the minister who is reported as having said in another place on 11 October 1994 —

The DEPUTY PRESIDENT — Order! Mr Theophanous is not permitted to quote the minister's statement in another place in the same session.

Hon. T. C. THEOPHANOUS — I will paraphrase it. This is the same minister who has on other occasions said he thought the former Liberal government was criticised from 1979 to 1982 for the land deals when they were neither imprudent nor shonky because the former Liberal government had made a profit out of them. We have a minister who is seeking to defend the land deals of 1979 to 1982. He is saying those land deals were not imprudent or shonky, notwithstanding the fact that a board of inquiry and a royal commission investigated the land deals and a government was subsequently thrown out of office.

The minister who now says that the land deals were neither imprudent nor shonky is the person we have been asked to trust in relation to a piece of legislation that takes away —

Hon. W. A. N. Hartigan — You are not asked to trust the minister at all.

Hon. T. C. THEOPHANOUS — Yes, we are specifically being asked to trust the minister. It is this minister who has the right to establish the criteria for valuers. We are being asked to trust him in a very direct way. Your point is absolutely incorrect and shows your ignorance. You should stick to your tariff issues with Ford.

Hon. W. A. N. Hartigan — That's hurtful.

Hon. T. C. THEOPHANOUS — Well, you didn't do any good there, and you won't do any good here, either.

Hon. M. A. Birrell — Look where he has got. He has the same type of job as you have.

Hon. T. C. THEOPHANOUS — Not quite. He can say that when he has your job.

Hon. M. A. Birrell — He is more likely than you are to get it.

Hon. T. C. THEOPHANOUS — I wouldn't say that. That's a big statement.

Hon. R. I. Knowles — Absolutely. Your side will never occupy this side of the house.

Hon. T. C. THEOPHANOUS — That's a big statement. For your information: 1996!

Hon. M. A. Birrell — In your dreams. Hold on, I can see pigs flying!

Hon. R. I. Knowles — The eagles have just changed ends!

Hon. T. C. THEOPHANOUS — We know about your attempt to get Kooyong. We know how successful that was. We have been told about all the telephone calls you made and the rest of it, and how you were told to pull your head in. I think you have gone as far as you are going to go, as well.

Hon. R. I. Knowles — It's not bad: leader of this side of the house. You'll never make it.

The DEPUTY PRESIDENT — Order! The house should return to the bill.

Hon. T. C. THEOPHANOUS — It is important to remind Victorians exactly what the land deals were about in the 1970s because this bill, particularly when it is combined with the Estate Agents (Amendment) Bill, will certainly lead to a revival of the infamous land deals of the 1970s. We believe the only people who will benefit from the changes arising from this bill and the estate agents bill will be the same sorts of fraudulent property developers and crooks and charlatans who thrived under the Liberals in the 1970s and made millions of dollars from land deals involving their mates. It is the same group of people. These changes give the green light to cronyism, to corruption and to conflict of interest. They are the same sorts of cronyism, corruption and
conflicts of interest that were prevalent in the land deals of the 1970s. The proposed legislation will again give the green light to those people.

As most Victorians are fully aware, cronyism and conflict of interest are already prevalent in the state of Victoria under the Kennett regime, and the changes envisaged by this government in these bills will quickly ensure that that continues.

The land deals of the 1970s led to a board of inquiry and a royal commission. The Gowans report was tabled in Parliament in 1978. It criticised the housing minister of the day, Vance Dickie, and recommended criminal proceedings against people involved in land transactions, including Mr Robert Dillon, a real estate agent, and Mr Neil Riach, a purchasing officer for the former Housing Commission. The Gowans report also found that the Housing Commission paid an extra $4 million for land based on inadequate valuations.

This legislation opens the door to that kind of practice. After the Gowans inquiry further accusations and allegations were made about land deals, which finally led to the setting up of the Sir Sydney Frost royal commission. The Frost royal commission handed down its report in 1981. The report was a damning indictment of the government of the day and made it clear that conflicts of interest, cronyism and favouritism were all too evident.

Hon. R. I. Knowles — Did we have registration of valuers in those days. Did we or not? Yes, we did.

Hon. M. A. Birrell — What did that save us from?

Hon. T. C. THEOPHANOUS — You have asked the question; I am happy to respond to your interjection. The opposition is making a very simple point. If the land deals in the 1970s happened despite the existence of registered valuers, imagine the scope the bill gives today’s crooks and cronies!

It is true that one of the causes of the land deals scandal was the deals that were done by estate agents and valuers and by purchasing officers and valuers, as a result of which property was deliberately overvalued. That is absolutely correct. It took a Labor government to clean up the show.

Hon. R. I. Knowles — And break the state.

Hon. D. A. Nardella — Rubbish!

Hon. T. C. THEOPHANOUS — Absolute rubbish! It is about time you woke up to yourself. If the state is broke, how has it been possible for the present Treasurer to transform the current account deficit within 12 months, or at the most two years?

Hon. R. I. Knowles — Two years.

Hon. T. C. THEOPHANOUS — It depends on how you look at the shonky accounting. How has it been possible to transform it into a surplus in 12 months? You ought to wake up to yourselves. You obviously have absolutely no knowledge of economics.

Hon. R. I. Knowles — You don’t!

Hon. T. C. THEOPHANOUS — You stay out of it. The Minister for Housing ought to be concerned about the bill because his department has to purchase property on behalf of Victorians. Is the Minister for Housing saying he is prepared to use unregistered valuers for the purpose — —

Hon. R. I. Knowles interjected.

Hon. T. C. THEOPHANOUS — We want you to put on the record that you are prepared to use unqualified valuers.

Hon. R. I. Knowles — No, I am prepared to say whom I will nominate as the purchaser qualified to value.

Hon. T. C. THEOPHANOUS — I think we should get this absolutely clear.

Hon. R. I. Knowles — Absolutely!

Hon. T. C. THEOPHANOUS — What the Minister for Housing is saying is that, on behalf of the Department of Planning and Development, he, personally, is going to use qualified valuers.

Hon. R. I. Knowles — That is correct.

Hon. T. C. THEOPHANOUS — So it is good enough for the Department of Planning and Development, but it is not good enough for everybody else.

Hon. R. I. Knowles — Wrong! Wrong! Wrong!

Hon. T. C. THEOPHANOUS — Everybody else in Victoria can go and use whomever they want.
They can use their brothers or uncles or whomever they want as valuers of property. What a disgraceful double standard! When the minister says the valuers will be qualified, on what basis will they be qualified?

Hon. R. I. Knowles — I as the purchaser will nominate, just like everyone else in Victoria.

Hon. T. C. Theophanous — I have some news for you, Minister. It will not be up to you to say who is qualified and who is not. It will be up to the Minister for Finance to determine the qualifications a person needs to carry out the valuations. You ought to read about it; apparently you have not.

The Minister for Finance is able to determine the level of qualifications required to enable people to do valuations on behalf of the government. The Minister for Housing may want to put a different set of rules in place for his own department and override the Minister for Finance. That is fine. The opposition would certainly congratulate him if he did because he would be admitting that the Minister for Finance knows absolutely nothing about the valuation or sale of property.

The Minister for Housing is saying it is appropriate and proper for the Department of Planning and Development to use qualified valuers, but he is also saying that need not apply to all other government departments and to the general public. That is what he is saying! It is quite clear that the Minister for Housing does not support the intent of the bill.

By deregulating valuers and allowing inappropriately qualified people to value houses and land, the government is inviting a re-emergence of the corrupt practices of the 1970s. As a result of the land deals of the 1970s a number of people were sent to gaol, including an estate agent and a housing commission purchasing officer. The deals also led to the downfall of the Hamer government.

We on this side of the house would not be surprised if similar sorts of deals eventually lead to the downfall of the present government. The 1970s scandal led to the resignation of two Victorian housing ministers, Vance Dickie and Geoff Hayes, and Sir Phillip Lynch. It was a very sad period indeed in Victoria's history. Along with the Estate Agents (Amendment) Bill this bill will enable the Arthur Dalys of the world to put up signs on their doors and call themselves land valuers or real estate valuers.

It is an absolutely disgraceful piece of legislation, which the opposition will not support. In fact, we put on the record our vigorous opposition to it. We believe it will come back to haunt the present government. Nothing is more certain than that the bill opens the door to a range of shonky practices.

The opposition is concerned that a future Victorian Valuer-General could be appointed despite his having no valuation qualifications whatsoever. That should concern most Victorians. The opposition has put significant arguments as to why the legislation is inappropriate and should not be proceeded with. We believe this house should reject the legislation outright and tell the Minister for Finance that he should accept the advice offered by his own Valuer-General, the Australian Institute of Valuers and Land Economists, the Real Estate Institute of Victoria and the Valuers Qualification Board, which is that this shonky piece of legislation should not be proceeded with.

Hon. W. A. N. Hartigan (Geelong) — I support the legislation, which is fairly straightforward and which does not need elaboration of the sort offered by the Leader of the Opposition, who is clearly addicted to the Fidel Castro school of public speaking.

Hon. T. C. Theophanous — Which school?


Hon. T. C. Theophanous — That's a bit of an insult.

Hon. W. A. N. Hartigan — I would hope so!

Hon. T. C. Theophanous — Jean McLean is over there getting lessons at the moment.

Hon. W. A. N. Hartigan — Yes, that figures. The fact of the matter is that the action taken by the government is pretty straightforward, and the reasons for it are equally straightforward. We are on about removing unnecessary barriers to competition. The action is consistent with the mutual recognition process.

Hon. T. C. Theophanous — What a hypocrite; you were a tariff clerk!

Hon. W. A. N. Hartigan — It is consistent with the mutual recognition process. Fundamentally the agreement of the states provides for occupational
registrations like this which are not nationwide to be removed unless there are compelling reasons of public health or safety involved. For example, accountants are not required to meet any formal qualifications to practise, architects are not required to meet any formal qualifications, and in this case — —

An Honourable Member — Yes, they are!

Hon. W. A. N. HARTIGAN — They do not have to meet any formal requirements through registration.

An Honourable Member — They are not registered.

Hon. W. A. N. HARTIGAN — They are not registered. This legislation does nothing to remove the educational qualifications a valuer may obtain, nor does it in any way affect the viability of the Australian Institute of Valuers and Land Economists. The institute will continue to exist and will continue to offer insurance against defalcation, if that is appropriate, and to provide accreditation for those people who want it. Purchasers of services such as valuation will continue to be able to draw upon people who have the professional qualifications which have been earned at TAFE colleges or university, depending upon which state they are in. The government has already indicated its intention to require valuation qualifications to be used by valuers who value property for the purposes of calculating such tax ratings as the state government may desire.

We are not in any way walking away from the requirement that people who do valuations for us should be fully qualified. It is reasonable to expect that every other body that is in the business of valuing properties — and I refer to banks and insurance companies — will do the same thing. They will seek people with the appropriate qualifications and experience to do valuations.

It was curious to hear the meanderings and the non sequiturs of the Leader of the Opposition relating to something that happened in 1979 or 1982 — I have no idea of the reference — when valuers were required to be registered. I am not sure whether he was arguing my case that registration itself does not impose any ethical or moral superiority or whether he was trying to make some other point by blackening the character of somebody from 20-odd years ago. It would not surprise me if he is doing both or neither, because I think he has picked up the story from somebody else and he may have read the wrong piece of Hansard which deals with some other bill when raising the issue.

In this case registration applies only to land; there is no requirement for registration of the value of a whole raft of other property, including jewellery, vehicles and the like. At the end of the day the issue is simply this: people who require property valuations are fully capable of making sound judgments about the qualities and qualifications they expect to see in the people who do the work for them. There is not the remotest possibility that valuation in itself is dependent upon some organisation imposing a spurious ethical quality by virtue of its existence.

There is no threat to security of valuation, there is no threat to anybody’s business activity, but it is some measure of the truth that this will lead to fast, furious and rabid opposition to this move of the government’s. I have been visited by three, four or five valuers at various times pushing their argument and I must tell you, Mr Theophanous, that one of them said, ‘If you had your way I would be unemployed and living in public housing’. I do not know whether that is true or not, although there is a waiting list for public housing.

Hon. B. E. Davidson interjected.

Hon. W. A. N. HARTIGAN — The fact is that there is a concern, completely unjustified, that the AIVLE appears to lack confidence in the qualifications it requires of its membership because it does not appear able to believe that the services, qualifications, registration and other benefits its organisation offers will be sufficient to secure its business. I think that is being unduly pessimistic; I think they do a good job and I think their qualifications will be valued. However, they will find a more competitive environment; fundamentally that is what the issue is about.

The idea that it will lead to some change in the ethical or moral values of the people in the business is nonsense; not one argument presented by the Leader of the Opposition directly addresses the issue. What happened in the United States in terms of savings and loan companies happened here with banks.

Hon. T. C. Theophanous — You don’t know anything about it!
Hon. W. A. N. HARTIGAN — I know a great deal more about it than you do, Mr Theophanous, and there is no comparison of the virtues of regulated or deregulated valuation. There were errors made here of valuations of property for a variety of reasons, and I am reluctant to attribute dishonesty to any of them.

Hon. T. C. Theophanous interjected.

Hon. W. A. N. HARTIGAN — There were plenty of household valuations, Mr Theophanous. The issue has nothing to do with the qualifications of the valuer; it has a great deal more to do with the ethics and the morality of the valuer. I am assuring you that you cannot change that by merely setting up a private enterprise organisation to control and limit the number of people entering the profession.

The legislation is very simple and straightforward. It is designed to increase the level of competitiveness in the industry, as indeed has been the case with every other industry that has attempted to restrict access to the marketplace for services, and is consistent with our policy.

The Leader of the Opposition referred to conservative organisations. He may be right about them being conservative in the sense of being unwilling to face change. It may well be that if we are not careful the government will be considered to be a radical reformist government — and indeed it is.

It is curious that the Leader of the Opposition seems to be saying that the coalition government is required to listen to the views of industry groups that the Labor government would never have listened to. Mr Theophanous talked about cronism — if you want to look at the masters of the universe and the mates deal, look at the Labor Party; there were 50,000 incremental public servants just to maintain the vote and the union fees that funded its elections. Look at the number of its mates it brought in as advisers in government; look at the number of its people it put into every conceivable position of government — it was larded with Labor. It did not even have the good grace to require them to have any competence. They were plugged in there for no better reason than that they were members of the Labor Party and supported the Labor government.

It is no wonder that in its 10 years in government the Labor Party managed to lose some $16 billion to $19 billion without an asset to back it. What a disgraceful performance! We hear talk about corruption and we hear talk about cronism. If it was ever taken to a high art form, it was in the decade of the Labor government in Victoria. Not one element of it was not subject to cronism. The former Department of Housing about which my friend Mr Theophanous was giving gratuitous advice to the Minister for Housing is a classic case in point. For example, the amount of money — —

Honourable members interjecting.

Hon. W. A. N. HARTIGAN — Loans were given by the federal government to enable people on low incomes to buy houses; when repaid to the Department of Housing in trust the money was spent by Labor on new housing. When the time came to pay back the loans — guess what? No money. What was your comment at that time, Mr Theophanous, do you remember? You said, 'What difference does it make?'.

The reason I am talking about this matter is that it was raised by Mr Theophanous, who wanted to get involved in a discussion about cronism. If you want any benchmark for world leadership in cronism, look at the 10 years that the Labor Party was in government. I must say a measure of cronism still goes on — look at Canberra. Many of the relatives and friends of members of Parliament continue to enjoy the benefits of a friendly association with Labor in Canberra. I do not know how they have the hypocrisy to talk about cronism.

It is absolutely astonishing to hear this bill being debated on issues of cronism. The opposition started by saying we have offended all the conservative elements of the community; I would have thought that was the antithesis of cronism. To hear you talk, Mr Theophanous, anyone would think we do not have a friend in the world left! It is very difficult to effect cronism under those circumstances.

Hon. B. E. Davidson interjected.

Hon. W. A. N. HARTIGAN — Mr Davidson made the comment that the only friend we have left is him. That may well be true, if unfortunate.

Hon. B. E. Davidson — I have a strong stomach!

Hon. W. A. N. HARTIGAN — I am not sure whether Mr Davidson is referring to his medical condition or to his physical proportions; I will leave it to him to expatiate upon that matter at some point in time.
The fact of the matter is that the masters of cronyism sit on the opposition benches, and at the end of the day what happened to them should have happened. They were found out when they could hide it no longer.

We are a reforming government. It is true that we do not bow to pressure of vested interests, which is not the experience of Mr Theophanous and the ALP. They bowed to everybody! Mr Theophanous had the good grace to acknowledge that on a number of those occasions he bowed to everybody — and I shall refrain from being more descriptive of the acts they performed in those positions. This is a good bill. It is consistent with the government's policy.

Honourable members interjecting.

The PRESIDENT — Order! It is extraordinarily difficult to hear what Mr Hartigan is saying. I have counted four members who are interjecting at the one time on my left; Mr Smith is sitting quietly on my right, but I am sure he is likely to interject again. Mr Hartigan, without assistance.

Hon. W. A. N. HARTIGAN — Thank you, Mr President. I needed that help. I ask honourable members to queue in an orderly fashion so that I can deal with them one by one. So far, however, I do not believe their interjections were worthy of comment.

Hon. B. E. Davidson — You are not my friend any more!

Hon. W. A. N. HARTIGAN — Mr Davidson made me a promise. He said that he was not my friend any more. I shall try to battle through the rest of my contribution to the debate with that burden resting on my shoulders.

This is a reform government. It is true that some people are unhappy because they believe their vested interests may be affected, but we should ask ourselves whether that is a sufficient ground to cause us to refrain from reforming the administration in areas such as valuation, or whether we should proceed in the interests of the people at large. It is a good bill that is worthy of support, and I commend it to the house.

House divided on motion:
Second reading

Debate resumed from 29 November; motion of Hon. M. A. Birrell (Minister for Conservation and Environment).

Hon. B. T. Pullen (Melbourne) — This is one of those bills which from time to time is necessary to deal with a number of outstanding land matters. The main feature of the bill, as the name suggests, is to allow the expansion of the National Tennis Centre. It will provide for an additional area of about 5,496 hectares to be added to accommodate 11 new tennis courts — 8 rebound ace match courts, 2 stadium courts and 1 clay court. It will increase the car park area and provide a function area and a garden square. The majority of the area to be used is at present reserved for railway purposes. In all, the bill will almost double the available area for the tennis centre. The opposition does not oppose the changes and the improvements to the centre.

The second area of the bill concerns the former Eastern Market site. This amendment is required to preserve the rights of people who have taken leasing arrangements since the purchase of that site. Due to an error it transpired that the ability to maintain those leases and collect revenue from them has not been preserved. This amendment preserves that right until the total site is taken over by the Republic of Nauru in, I think, March 1996.

The third item in the bill concerns the Janefield land. The reservation for the Department of Health and Community Services is to be revoked and the land dealt with. A small area will be retained for the department. An area will be added to the Plenty Gorge Park as a buffer and the balance offered to the Urban Land Authority for housing development. An interim development will mean that some land will be held by the Department of Health and Community Services for its purposes until buildings to handle its needs on other sites and in other ways become available.

The plan seems reasonable as to the balance between the buffers provided; initially there was less buffering. I understand that has been increased. The opposition will not oppose that change.

The fourth area concerns land at Coburg. This seems fairly straightforward in that the revocation will allow the former Coburg City Council, now the Moreland council, to purchase the land for public open space. I know the land at the corner of Murray and Newlands roads reasonably well.

The fifth area of the bill relates to land at Hawthorn. It is quite odd that the necessary amendment results from the extension of some five properties over the years onto a reserve, which should not have been allowed. The land around Barton and Lennox streets was reserved for drainage and sanitary purposes. However, over the years permits have been approved by the Hawthorn council. It appears to have been difficult to resolve the problem in any way. The clock cannot be turned back to make changes without significant change to works carried out by residents. There seems no good reason why that should be done. This revocation will enable the council to arrange for the sale of the land to the property owners in question. By default, the property owners will obtain the land, but it appears from my briefings that there is little alternative to that course of action.

The sixth area concerns the Mordialloc public hall and courthouse. The reservation is to be revoked to enable the building to be used for municipal purposes. The City of Mordialloc is seeking to preserve the use of the building for the community.

The seventh area of the bill relates to land at Nagambie which is used by the Nagambie Golf Club but which is subject to flooding. The club is moving the course to other land it has purchased. The revocation will enable the 25 hectares of land on which the clubhouse now stands to be bought for resale. During the committee stage I will raise some questions about this particular process, such as whether it is necessary for the whole of the land to be dealt with in this way or whether there should be a more public tendering process, although I can see the logic in the change. I foreshadow some further discussions on that during the committee stage.

The eighth area of land is in Beaumaris, where the motor yacht squadron has built part of its clubrooms on a Crown reserve. It is not clear whether this has resulted from an error or from a movement of the low tide levels over the years, thereby creating a situation where part of the actual yacht squadron buildings intrude onto the Crown reserve. The amendment is planned to revoke the portion of foreshore, as is shown in a plan attached to the bill. That will enable the club’s lease to include not only the present area but also the reclaimed land that is part of the Crown reserve. My investigations on this
LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE (AMENDMENT) BILL

Wednesday, 30 November 1994

COUNCIL 1095

land and discussions with locals indicate that the situation there may have gone too far to be rectified. Although I accept that the original situation was the result of a genuine mistake or a change in the shoreline, it is inappropriate to have the public lose this land.

Hon. M. A. Birrell — You cannot use it now, though.

Hon. B. T. PULLEN — That is not how people see it. I have had a look at it and talked to people about the land. There is a principle about the maintenance of Crown land so that people can have access to it. If this land is made part of the lease, it is not in any sense preserved for public use in the future. Part of the land is fenced off, no doubt for security purposes, but there would be nothing to prevent a person with a total lease from denying people future access to the land.

That land has already been altered to a large extent, that is true, but people regard it as important because of the fossils there. Some people wish to continue accessing the land. It is not an area you would normally picnic on, but it is important in principle. Clearly, the locals think it is important. I foreshadow that I will move an amendment during the committee stage.

The ninth area of the bill concerns the Buninyong recreation reserve, where 40.8 hectares of golf course land to be revoked is regarded as surplus to government requirements. The sale would restrict the use of the land to golf club purposes only. I might seek some clarification on that. I understand that the City of Ballarat supports the move.

The tenth area relates to Lorne land and concerns the revocation of part of the cricket and public recreation reserve to enable the Country Fire Authority to purchase the public hall it now uses. It relates to only around 47 square metres. That seems to be the eminently reasonable thing to do.

The last point concerns the Thomson River bridge. We have already dealt with a mistake on a previous occasion. This legislation corrects a mistake that was not corrected at that time. In adjusting the situation regarding the Thomson River bridge, on the advice of the department, apparently we did not deal appropriately with the land underneath the bridge. Obviously we have no objection to that mistake being rectified.

With those remarks I indicate that we support the items of the bill that are reasonable measures in a bill of this kind. I will be asking some questions concerning the Nagambie land and moving an amendment to the provisions concerning the Beaumaris land in the committee stage.

The PRESIDENT — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! To ascertain whether an absolute majority has been obtained, I ask members to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

The CHAIRMAN — Order! I understand that the result of the division on amendment no. 1 will test amendments to all other clauses, including clause 15. I suggest that the honourable member canvass amendment no. 3 and test it on the first amendment.

Hon. B. T. PULLEN (Melbourne) — I move:

1. Clause 2, line 19, omit '18" and insert '17".

Amendment No. 3 strikes out that section of the bill that deals with the Beaumaris land. The bill should not attempt to handle the anomalous situation of a yacht squadron occupying an area of land that is part of a Crown reserve by revoking the whole of the area.

Apart from local concerns, that is a bad precedent. It would be better to have a lesser amendment concerning the area the yacht squadron is concerned about. I believe this situation has arisen not because
of any strenuous lobbying by the yacht squadron, the local member or any other such pressure but because the yacht squadron wishes to continue its occupation and make some improvements within the curtilage of its building. The preservation and protection of those improvements is at issue.

I understand that in about seven years its lease will come up for renewal. It is fair that it be able to operate at that site. That position has been accepted generally. In a letter I received from the Port Phillip Conservation Council, it indicated that at a meeting arranged by Mr Connard parties met and there was some acceptance by the conservation groups of the continuing rights of the yacht squadron.

There is a history to this issue, as is the case in many of these areas. I would not say that in the past the locals have relished or supported the idea of the yacht squadron development, but basically conservation groups accept that it is there and they are not attempting to use this legislation as a measure to frustrate the operation of the yacht squadron. They do not believe the amendment in this bill is at all appropriate. They have made this clear in a letter sent to the minister. As the minister would be aware, I have a copy of the letter sent to him. Those groups make their concerns quite clear in the opening paragraph of that letter:

The Port Phillip Conservation Council Inc. and, in particular, two of its member organisations, the Mordialloc-Beaumaris Conservation League and the Beaumaris Conservation Society, are very concerned about the intention, in clause 15 of the above bill, to revoke an area of land of about 2000 square metres from the permanent public recreation reserve created along the Beaumaris foreshore by order in council on 9 October 1906.

They further indicate in the letter:

The conservation groups want the outcome of having the lease treated as a single uniform area achieved by a means other than reducing the size of Beach Park. Such a reduction would be a most anachronistic and repugnant solution to a problem that is essentially an administrative technicality.

Further they indicate:

The 2000 square metres of land is important because of its palaeontological and geological significance as an internationally recognised site of Australian fossils. It has an historical and tourism significance as the foreground of the Tom Roberts painting Mentone in the National Gallery of Victoria. Its 88 years as a part of Beach Park is an achievement that should not be discontinued just for administrative convenience.

They are saying that they are not against the government’s putting forward a solution that meets the needs of the yacht club but are totally opposed to the relatively crude solution of revoking the reserve on all the land.

The conservation groups accept that the land will be divided by the filling that has been placed over it, but they want it to be preserved so that at some later stage people can use the land. They have said to me that although people are not actively using the land they are interested in it because of its geological significance. Many people also wish to be able to examine the cliffs and other areas, and they do not want that right to be weakened by the yacht squadron taking over the land as part of a lease. They fear that, regardless of what may be said today about their rights, as is their experience — and certainly the experience of many people with Crown land — once the reservation of Crown land is given up it becomes more and more developed over time to the point where its original setting aside for public use is lost.

They make a good point because the government has not always been vigilant in defending this principle about Crown land. I do not particularly single out the minister; I know it is a difficulty for any government. Incremental changes occur all the time. When a minister has the responsibility of protecting Crown land, he or she has a duty to take a strong position in looking for solutions to problems that impinge on that land. In this case possible solutions have not been explored sufficiently.

The Secretary of the Beaumaris Conservation Society, Mr Ken Rendell, also wrote to the Sandringham-Brighton Advertiser on 23 November in similar vein:

Tacked on to the Land (Miscellaneous Matters) Bill, now in state Parliament, is a clause that will, if not amended, contract the boundaries of the Beach Park Reserve along land at the foot of the Beaumaris cliff.

If passed it will reduce that area of the permanent reserve for public recreation by some 2000 square metres.

Mr Rendell objects to this solution but suggests a solution which reasonably protects the accepted rights of the club until the lease expires in 2002,
when the matter could be addressed. That is his proposal.

I do not have an alternative form of words because this issue must be dealt with and worked out by the department. The only recourse I have at this stage by way of amendment is to suggest to the government that this is not a matter of extreme urgency. There is no prospect that the yacht squadron will be driven off this land. Clause 15 need not be passed during this sessional period and the government should accept omitting the clause from the bill and finding a solution that will be more compatible with the concerns of the local community and will give security to the yacht squadron for any changes it needs to make to improve its building.

Hon. G. P. CONNARD (Higinbotham) — I welcome the opportunity to speak on this issue. In earlier years when Mr Pullen was the Minister for Conservation we spoke on similar issues that caused conflict between the conservation groups and the motor yacht squadron, and I am happy that we created a situation whereby the conservation groups were able to speak freely to the motor yacht squadron.

This part of the world is a special place. The environment of the Beaumaris cliffs was earlier known by the Heidelberg painters as a special place because of the visual environmental site of those cliffs. They front the sea and are covered in interesting vegetation. I hold the area dear because I was born and bred there and my forefathers fished there and enjoyed that environment, as I do to this day.

When I came to Parliament in 1982 this matter was already an issue. There is no shadow of doubt that today the Beaumaris Motor Yacht Squadron would not have been given a permit to build on the foreshore, because we now know more about environmental considerations than people did years ago when the squadron was permitted to extend onto the foreshore and build a clubhouse. In the years since then the squadron has attempted to live harmoniously with the environment in which it exists and in recent years I have talked to conservation groups and the squadron in an effort to help them reach mutual objectives.

In relation to this bill some 10 days ago I called a meeting between the several groups involving Ken Rendell of the Beaumaris Conservation Society; Mary Remington of the Mordialloc-Beaumaris Society; Geoffrey Goode of the Port Phillip Conservation Council; Derek Jones, the Commodore of the Beaumaris Motor Yacht Squadron; and Peter Anderson, the vice-commodore of the squadron. I was joined by my colleague from the lower house, the honourable member for Sandringham.

Over an hour or two we explored the matter, and I assure the house that the question was not the result of any pressure from the motor yacht squadron or the local members. I understand the squadron's lease expires in 2002, and the squadron desires not to extend the building but merely to make interior improvements that will cost a fair amount of money. Sensibly, the squadron inquired from the department about its prospects of a continuous lease after 2002, but there has not yet been any resolution on that matter. We will work through that as the time for the expiry of the lease approaches.

The departmental officers then got out the maps and discovered to their horror that in earlier years the boundary of the hotel was not where it should have been. Mr Pullen is right. There appears to have been an earlier departmental error or, more likely, the low-water mark has altered over the years. The reality is that according to the most recent survey the existing boundary goes right through the middle of the clubhouse. This proposal will excise that area of land, and it is covered by a simple sentence in clause 15:

Revocation of reservation — Beaumaris land.

The Order in Council specified in item 7 of Schedule 1 is revoked to the extent that it applies to the land shown hatched on the plan in Schedule 3.

As with all government diagrams in bills, it is difficult to be sure of the extent of the excision, and on reading the bill I thought it was much a larger area than it is. When we called the meeting at the yacht club I was surprised to learn that it is a fairly narrow sliver of land.

I was equally surprised to learn that the provision will not extend the land beyond the existing peripheral boundary of the yacht club. No more fences will be extending out from the yacht club. All the clause does is give legal title to the yacht club for land that it and the conservation groups previously believed it owned. As the provision does no more than that, I was content.

However, in the discussions I had with the Beaumaris Motor Yacht Squadron and the
land (miscellaneous matters) and national tennis centre (amendment) bill

1098

COUNCIL

Wednesday, 30 November 1994

Conservation groups, the conservation groups fundamentally returned to their ideology and said they did not wish to excise any public land at any time — and I understand and broadly support that view. As a person who is interested in not only the physical area but also the general issue of conservation, I do not support government authorities excising public land for other uses unless there are strong reasons for doing so.

Although I support that view of the conservation groups, Mr Pullen's argument is basically flawed. He says that people should have access to the surrounding land. They already have access to the foreshore, so this bill does not alter that at all. If that is the core of Mr Pullen's argument, his argument is indeed flawed.

On behalf of the conservation groups and the motor yacht squadron, which hold common ground, I wrote to the minister expressing their views and asking for a report. I was very pleased to receive a letter from the minister within three days responding to the two issues I had brought to his attention. The main issue I raised was dealt with in the letter Mr Pullen had in his hands but did not read out, which contained the suggestion made by the conservation groups. The letter of 21 November from the Port Phillip Conservation Council states:

The means we suggested at the meeting was that the appropriate government minister write to the new City of Bayside, which will presumably be the body that succeeds the cities of Sandringham and Mordialloc in receiving a delegation to manage that part of Beach Park on behalf of the government. The minister could issue a written directive that the section of Beach Park within the squadron's leased area is to be regarded by the council, for administrative purposes, as part of the remainder of the squadron's leased area and that they may not charge the squadron fees or take any action that they would not be able to take or not need to take in respect of the remainder of the lease outside Beach Park.

That proposition was put by the conservation groups and agreed to by the motor yacht squadron. I was pleased to receive the response of the minister, who considered that view, and I agree with his answer. He said:

The administrative solution suggested by the Port Phillip Conservation Council is not favoured as it would fail to give the squadron legal tenure over all of the land it occupies.

That would be the result, particularly with Mr Pullen's amendment. The minister goes on to say:

Its present unauthorised occupation must be rectified.

The new lease will also provide a means to address the concerns of council over effective measures to protect the marine fossils.

Not only did he say that — and I am happy to agree with the minister's conclusion because it is soundly based and correct — but the minister also advised me that four other options were considered by the department. I have forwarded the letter to several groups.

So, it is not a trivial matter, as Mr Pullen seemed to indicate. I have already corresponded with the groups and am pleased the minister not only considered my correspondence but also considered the widest possible alternatives to solve the problem. It is a sensible response on a very tender issue. However, the conclusion does not altogether satisfy me as a local member. I appreciate and understand the letter the minister has written, and I am grateful for the efforts of his departmental officers.

In my letter, however, I said that because these are important issues in my local area perhaps when the lease has to be rewritten the minister could well issue a directive to include a condition that if the motor yacht squadron falls apart as a sporting body in 20 or 30 years time the land will revert in total or in part to the Crown. That would be acceptable to both the conservation groups and the motor yacht squadron.

That proposal has been discussed by them and they decided they would support it if their original proposition, as I outlined a moment ago, was not successful. I suggest that when the lease has to be rewritten the minister should consider recommending the insertion in that lease of a condition providing that if the sporting body collapses or falls over — I do not think it will in the near future — the land will revert to the Crown. That alternative came out of the discussions I had with the two groups, and I support it. I know that my colleague the honourable member for Sandringham also supports it as a solution to this very tender issue.

As a long-term resident and local member who is happy to be able to negotiate agreements between conservation groups and the various users of the foreshore, I trust the minister will consider
responding to this issue in a way that will satisfy the interests of both the yacht squadron and the conservation groups.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — This type of bill is introduced every session. It is a flotsam and jetsam bill dealing with different areas of land, but I welcome honourable members and members of the public scrutinising it properly because by derivation it is legislation drawn together on the advice of a range of different officers, interest groups and tenants. In a nutshell it boils down to rationalising land-holdings or land boundaries.

The case of special interest that has been raised through this amendment relates to some historic anomalies concerning the boundaries of land in Beaumaris that has been used in an improper manner, in a legal sense, since the early 1960s. The objective of the amendment to the act is to rationalise the boundaries and to ensure that we can lawfully control the activities on this piece of Crown land, which is highly desirable.

The land in question, while currently being lawfully zoned as a public park, in fact has no resemblance to that. It has been developed as a bitumen hardstand and comprises a portion of the Beaumaris Motor Yacht Squadron clubhouse. It is a small area of land which can be excised from the park formally because it has already been excised from the park practically. The area of land is fully developed. It is not available to the public for park purposes and has been alienated in this manner since the 1960s. It should not have been so alienated in the early 1960s, but we cannot rewrite history. If it had not been for the inquiring minds of the members of the Beaumaris Motor Yacht Squadron, no-one would have realised that was the case. It made legitimate and prudent inquiries of the department to find out about the boundaries of its leasehold, only to find it had a leasehold over an area that lawfully could not be the subject of such a lease.

The matter was directed to my attention by someone for whom I have a considerable amount of time, Mr Geoffrey Goode, the Secretary of the Port Philip Conservation Council. I welcomed its strong representations, and I also welcomed the quick response by the local member, the Honourable Geoff Connard, who not only directed it to my attention but also convened a meeting of the interested parties.

As a matter of principle I accept the argument put by the Port Philip Conservation Council, that we must be vigilant about any alienation of Crown land. In the broader sense there is no more sensitive Crown land than the land along the coast. Given the government’s commitment to augmenting the priority given to the management of the coast, I read the incoming letter keenly. After receiving the representation I asked the department to explain its recommendation to me, which the government had of course accepted. As a result I am perfectly at ease with the recommendations made by the department, which have now been reviewed, and its explanation of how it sifted through a range of options to deal with the anomaly.

In a real sense, it is all a matter of words. If the bill is enacted, it will not alter the use of the land, the appearance of the land or public access to or through the land. That was all altered in the 1960s. However, it will give us the lawful capacity to properly control the land under a strict lease. The department has prudently and with great insight looked at the different ways of dealing with the issue. As is the case with nearly all the issues involving Crown land, what seems simple on the surface is always deep and difficult underneath.

The options included issuing three leases to the squadron, one over the unreserved land under section 134 of the Land Act and two separate leases to the municipal councils. Do they still exist, Mr Connard?

Hon. G. P. Connard — Two councils, Mordialloc and Sandringham, as they currently are, will be one known as Bayside.

Hon. M. A. BIRRELL — Part of that option involved issuing two separate leases to the existing municipal councils, which would have acted as committees of management of the land reserved for public park under section 17D of the Crown Land Reserves Act. There would then have been a need for only one lease to the newly formed council, which we presumed would control the merged committees of management. We would have needed separate leases over separate areas under separate acts of Parliament. All of them would have affected the one principal asset, the clubhouse lease building. We would have had different tenures over the one area of land with different managing authorities. As a matter of logic it was not considered an ideal or viable outcome.

Another option was to say that although it is a piece of beach owned by the Crown we should recommend to Parliament that we allow it to be
leased as though it were not a piece of public access beach owned by the Crown. That option is available, but it is a nonsense and a contrivance, because it is a private yacht club. To deal with it by saying, 'Although it is a park we are going to lease it as a private yacht club', would be just as much a breach of principle as saying, as a broader objective, 'We will not alienate certain areas of Crown land'. Not one issue of principle squarely presents itself. I do not want to go through the contrivance of coming to Parliament and saying to my colleagues, 'I would like you to treat this as public land but I also want you to let me lease it as a private yacht club'. Although there will be circumstances in which we will do that in the future, they will be rare. If we can avoid doing so by permanently clarifying the underlying land status, we will be better off.

Although I accept the standing, credibility and the honesty of the representations put to me by Geoffrey Goode on behalf of the Port Philip Conservation Council, I believe the outcomes in the bill are wise, because it would have no effect because the lease agreement is between the government and the yacht squadron. Any leasehold condition I wrote in that context, only one other party would be left — the government. Any leasehold condition I wrote in now would not bind future governments. In other words, the lease will be irrelevant. It is not worth putting in because it would be dysfunctional. It would be legitimate to expect that if this area were no longer used by the yacht squadron it would be returned for public purposes, with public access. Although that appears to be academic at this time, it is worth putting on the record.

The Honourable Geoff Connard, whose support for this proposal I welcome, has asked whether the land would be reserved as public parkland for beachfront purposes if the yacht squadron did not operate in the longer term and for some unforeseen reason vacated its tenancy. One proposal was to put that into the lease, but it would have no effect because the lease agreement is between the government and the yacht squadron. It does not bind or involve any third party. If the yacht squadron vacated the site, only one other party would be left — the government. Any leasehold condition I wrote in now would not bind future governments. In other words, the lease will be irrelevant. It is not worth putting in because it would be dysfunctional. It would be legitimate to expect that if this area were no longer used by the yacht squadron it would be returned for public purposes, with public access. Although that appears to be academic at this time, it is worth putting on the record.

The government does not accept the opposition's amendment. The department's actions have been correct. Although there is no such thing as a perfect outcome and there are other legitimate points of view, on a scale of 1 to 10 I would give this conclusion 9 and I would give the others a lower rank. In saying that I do not mean to discredit the others. But I do not believe that they are correct or weighted in logic.

Hon. B. T. PULLEN (Melbourne) — The point I wish to press is that despite the action that has led to the yacht squadron occupying land that is still designated as beach reserve, it does not follow that the longer term interests of the public should be completely dismissed.

The solution I would still want to pursue would involve preserving the public interest in some way. It could be preserved in the sense that if at some stage the yacht squadron did not continue its occupancy, the land could be enjoyed by people who live in the area, not as a beach but as a place where they could cast a line in the water or do the sorts of things people like to do near the sea. Although the nature of the area has altered considerably, that use would not be inconsequential. You can actually fish from there at present. Indeed, you can find deeper water than you can on a shelving beach. It could be used by people who like to fossick around and wander along the shore. Although it is not a beachfront, the area is of some interest to people. That needs to be preserved.

In a sense the anomaly that is produced is the only leverage that the people of this area have in fighting for a better territory on their beachfront. One way of trying to address it would be to give it up and say, 'Okay, it is so altered, we regard this as a private place for the future', and let that be the end of it. In that case you would look for some offsetting proposal for the people of the area to try to reach agreement on a package, either some improvement of access or use in relation to surrounding areas so that people could at least see that the loss was being recognised and there was an attempt at compensation.

The other way of trying to address it would be to maintain in a sense their rights in the future. If this area is revoked there will basically be no check at all on what might happen incrementally; no leverage can be exerted on anything by the locals in terms of changes there. At least while the reserve is here they have some leverage, some bargaining power, some rights, some ability to raise the matter and say, 'This is public land'. That right is being used in many areas. People use that right and the knowledge that it is a public reserve, even though it has been significantly used by others, to argue their case. Accommodation is often reached and they get something out of it; it might be some guaranteed
access or some concession to their fishing from the area and so on.

People are quite smart about these matters; they know that they have to fight for their right to keep the areas. Although I accept the logic of the analysis of the department and the minister, I do not think it really goes to what the locals are concerned about.

That was clear from Mr Connard’s address. He is trying to have it both ways; he is respecting the advice he has had from the minister and the government, but he is trying to say that he wishes there could be another solution that was more in harmony with what his local constituents are telling him.

It is not possible to do that unless you come up with something that they accept as more representative of their interests. The whole issue is coloured by the fact that they have been seen to be losing out on this piece of land for a long time and this is the only leverage they have. Once the amendment is passed they see the game being up in respect to the land. They now have an opportunity to argue for it and I am arguing for them, because I think there is a principle involved.

The minister dismissed the idea of allowing the club to operate but maintaining it as Crown reserve land as fiction, but that occurs in other areas. Was it not the case with the Nagambie land that was used as a golf course? That land, which was reserved for racing and general recreation purposes, was being used by a golf club. Now the club members are not using it so we are taking the step of permitting them to purchase it, but there has been a use going on there. Now that they are removing themselves from the site the question does arise. If that land had been of some particular value and if the locals had an interest in it, the question would have arisen that it should not have been sold to the golf club, notwithstanding the use it had and the improvements that had been made; it might have been turned to a useful purpose for the locals.

If I had received representations on that change of use I would have wanted to take them up at this point. My understanding is that it has not been a matter of local concern, therefore I do not raise it. I accept the way it is being put, although I question the manner of putting it. In that sense I wish to persist with the amendment because I do not think the matter has been dealt with to the satisfaction of the locals, and it is not of such urgency that it could not be dealt with at the next session. If the matter were to be brought back and explored I would accept that as being sufficient and that the government had explored it in the time available. Then I would not be persisting with the amendment.

The CHAIRMAN — Order! I propose to test amendment no. 1 moved by Mr Pullen, which will also test his amendments numbered 2 to 9, by putting the amendment in two parts. If the first part is successful I will put the second part.

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

<table>
<thead>
<tr>
<th>Ayes, 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asher, Ms</td>
</tr>
<tr>
<td>Atkinson, Mr</td>
</tr>
<tr>
<td>Baxter, Mr</td>
</tr>
<tr>
<td>Best, Mr</td>
</tr>
<tr>
<td>Birrell, Mr</td>
</tr>
<tr>
<td>Bishop, Mr</td>
</tr>
<tr>
<td>Bowden, Mr</td>
</tr>
<tr>
<td>Brideson, Mr</td>
</tr>
<tr>
<td>Connard, Mr</td>
</tr>
<tr>
<td>Cox, Mr</td>
</tr>
<tr>
<td>Craigie, Mr (Teller)</td>
</tr>
<tr>
<td>Davis, Mr (Teller)</td>
</tr>
<tr>
<td>de Fegely, Mr</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Noes, 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davidson, Mr</td>
</tr>
<tr>
<td>Gould, Miss</td>
</tr>
<tr>
<td>Henshaw, Mr</td>
</tr>
<tr>
<td>Hogg, Mrs</td>
</tr>
<tr>
<td>Ives, Mr</td>
</tr>
<tr>
<td>Kokocinski, Ms (Teller)</td>
</tr>
<tr>
<td>Ashman, Mr</td>
</tr>
<tr>
<td>Varty, Mrs</td>
</tr>
<tr>
<td>Wells, Dr</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>White, Mr</td>
</tr>
<tr>
<td>McLean, Mrs</td>
</tr>
<tr>
<td>Walpole, Mr</td>
</tr>
</tbody>
</table>

Amendment negatived.

Clause agreed to; clauses 3 to 13 agreed to.

Clause 14

Hon. B. T. PULLEN (Melbourne) — I want to ask the minister a question in respect of the Nagambie Golf Club site: was any alternate use of this land considered now that the club will be moving off the land, and has any consideration been given to opening —

Hon. M. A. Birrell — They are swamps!
Hon. B. T. Pullen — No, they are not swamps, they are wetlands.

Hon. M. A. Birrell — This is the swamp.

Hon. B. T. Pullen — Are any other people interested or is some sort of public tendering process being offered to the club?

Hon. M. A. Birrell (Minister for Conservation and Environment) — This area of land in Nagambie was used by the golf club for a considerable period, although it was permanently reserved as a racecourse and for general recreation. The golf course is situated on 25 hectares of land that is permanently reserved and there is 7 hectares of freehold land, which is held on title by the Nagambie Golf Club next door. The reserve is managed by trustees subject to a restricted Crown grant, and the clubhouse is actually sited on permanently reserved land rather than on the freehold land.

The department has advised me that it has made an assessment of the land and has declared it as being surplus to the government’s requirements, and axiomatically it has negligible public land value given the way it has been used. The proposal is that, given that the golf club has a long historical connection with the land and has buildings on the land and given that the club is also the neighbour, it is logical to bring a proposal to Parliament for it to be sold to the club, subject to the Valuer-General’s valuation. This is a fairly modest, and in public land value terms insignificant, piece of land, and given that the golf club has the adjoining private land this step is logical.

It requires an act of Parliament because of the way we are removing its reservation as a racecourse. That in itself is logical. The matter would never have come to the attention of the department, let alone Parliament, except for the approaches that have been made by the existing user, which now has different plans for the golf course on a less flood-prone site. Given that it has its clubhouse on the land, obviously it has concerns about what it will do with that land and with the adjoining private land. I regard the advice as being logical and the outcome as being correct.

Hon. B. T. Pullen — Is it 25 hectares?

Hon. M. A. Birrell — The golf course is currently on 25 hectares of Crown land and it has 7 hectares of neighbouring freehold land.

Hon. B. T. Pullen — Has the department assessed any value for the land? That is the question.

Hon. M. A. Birrell — The department has advised me that it has assessed it as not being needed by the government. It did a land value assessment and it reached the conclusion that it was surplus to government requirements.

I hold the view with many of these longstanding golf courses or bowling clubs that there is no need for us to own them, particularly when they are highly modified environments. As Mr Pullen would know from his previous experience with Crown land, where there is a neighbour and where it is logical to sell it to the neighbour, you can do that, anyway. We are seeking to sell land which is reserved as a racecourse. That is the only reason for the provision.

Clause agreed to; clauses 15 to 22 agreed to; schedules 1 to 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That this bill be now read a third time.

I thank honourable members for their contributions during the committee stage.

The President — Order! I am of the opinion that the third reading of this bill is required to be passed by an absolute majority. I ask honourable members to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Passed remaining stages.
That the Council, at its rising, adjourn until Tuesday, 6 December.

Motion agreed to.

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

That the house do now adjourn.

**Donation collectors**

Hon. LICIA KOKOCINSKI (Melbourne West) — I direct to the attention of the Minister for Local Government a matter I originally raised in this house for the attention of the Attorney-General but which I understand has now been directed to the minister. My concern relates to the issuing of permits to people who collect money for charities at roadway intersections. I previously raised this matter in the house on 20 October 1994, following which the Attorney-General wrote to me and stated that municipal councils establish local laws to regulate the activities of donation collectors.

I have since been informed, however, that although the local municipal councils are able to take action against collectors they cannot take action against the organisations which send the collectors out without permits. The result is that people acting in good faith are exposed to hefty fines while the organisations for which they are working are free to continue their practice of ignoring the requirements of local laws.

The situation is highly unsatisfactory. I ask the minister to assist by providing local municipalities with the power to regulate charitable organisations by fining the actual organisations rather than the collectors. If the minister requires any background material I am happy to provide it.

**Electorate officer: Dandenong**

Hon. K. M. SMITH (South Eastern) — I direct a matter of concern to you, Mr President, in your capacity as President of the Legislative Council and as the person who has control over electorate officers and electorate offices. During the budget debate in this house I referred to Mr Dale Wilson, the endorsed ALP candidate for the state seat of Cranbourne. Mr Wilson is also the full-time electorate officer employed in the office of the honourable member for Dandenong in the other place, John Pandazopoulos.

During that debate I raised concerns about Mr Wilson being absent from the office where he is supposed to be employed while he is actually campaigning in the Cranbourne electorate.

Hon. M. A. Birrell — Shame!

Hon. K. M. SMITH — It is a shame that he is using taxpayers’ money to campaign. The Liberal Party is composed mainly of businessmen and businesswomen who are usually self-employed and must pay their own way.

Hon. M. A. Birrell — He should give the money back.

Hon. K. M. SMITH — He should give the money back. In one of the local newspapers, the *Independent News*, which has just celebrated 10 years of circulation, mention is made about Mr Wilson not needing to pay back the money because it was felt he was a competent electorate officer. He may well be a competent officer, but he has been rewarded by being endorsed as the ALP candidate for Cranbourne.

Since I initially raised this issue I have discovered articles in many local newspapers indicating that Mr Wilson does not spend the time for which he is paid in the office. An article in the *Cranbourne Sun* refers to the Leader of the Opposition, Mr Brumby, touring the area with the local ALP candidate, Mr Wilson, ‘for most of the day’.

Hon. M. A. Birrell — During working hours?

Hon. K. M. SMITH — Yes, when he should have been representing Mr Pandazopoulos.

Hon. T. C. Theophanous — He probably was.

Hon. R. S. Ives — What nonsense, what hypocritical nonsense. Imagine being ashamed of him — it is a character assassination!

The PRESIDENT — Order! Do you feel better now, Mr Ives?

Hon. R. S. Ives — Yes, thanks.

The PRESIDENT — Order! That is enough. Mr Smith, to summarise the issue.

Hon. K. M. SMITH — I raise this issue because of information gained from local newspapers. They report that Mr Wilson on one occasion spent most of
his day during normal working hours touring the Cranbourne electorate with the Leader of the Opposition.

**Hon. D. A. Nardella** — What are normal working hours?

**Hon. K. M. Smith** — When he is employed by the taxpayers. He was also seen visiting the senior citizens centre with the federal member of Parliament, Mr Alan Griffin. The celebratory 10-year edition of the *Independent News* shows a photograph of the Deputy Prime Minister, Mr Brian Howe, with Alan Griffin and the state ALP candidate, Mr Wilson, at the Cranbourne railway station. Again, Mr Pandazopoulos's representative — —

**The President** — Order! This is not the occasion for a debate; I think Mr Smith has made his point. I suggest that he wind up his remarks and provide me with the relevant written material.

**Hon. K. M. Smith** — I appreciate your understanding of the position, Mr President. I am concerned that the Victorian taxpayers — and you, Mr President, in charge of electorate officers — are funding this man, this ALP candidate employed by the honourable member for Dandenong to represent him when he is not in the office but out in the Dandenong electorate. This man should not be campaigning during normal office hours. I ask you, Mr President, to investigate this matter.

It is an appalling state of affairs. Mr Pandazopoulos must be condemned for supporting Mr Wilson in his action of robbing the people of Victoria of their hard-earned dollars.

**Taxis: M50 licences**

**Hon. M. M. Gould** (Doutta Galla) — The matter that I direct to the attention of the Minister for Roads and Ports concerns taxis. I have been approached by the Keilor Disability Service Advisory Committee which raises concerns about the availability of M50 taxis. North Suburban Taxis Ltd has 1561 licences, of which only 25 fall under the category of M50 licences. They include 17 metro cabs, 3 stretch cabs and 5 Nissan Urvans. Western District Cabs has 161 licences of which only three are for M50 taxis. They include 1 metro cab, 1 stretch cab and 1 Nissan Urvan.

The committee's concern is about the availability to disabled people in wheelchairs of those taxis after 7.00 p.m. It appears that the majority of the taxi drivers with M50 licences do not work after 7.00 p.m. Therefore, people with disabilities who are confined to wheelchairs cannot travel after that time because of the shortage of those taxis.

Their concerns are that people may have appointments or may have been visiting friends; they may have visited or are required to visit a doctor or a hospital but cannot return home because of the shortage of taxis which can accommodate wheelchairs.

I ask the minister to examine this situation to see if anything can be done about the hours during which those taxis are available or about the number of licences available to assist the disabled to get out and about. Some disabled people would be able to shop at night if appropriate taxis were available, but that is impossible now.

**Bushfires: controlled burning**

**Hon. R. S. Ives** (Eumemmerring) — At question time today the Minister for Conservation and Environment assured the house he recognised that all the climate details plus the very early incidence of fire outbreak this year indicated that the summer of 1995 has potentially a very high fire risk. The minister also assured the house that much was being done by the Department of Conservation and Natural Resources to minimise that risk, particularly through a large amount of protective burning — with at least one recent spectacular result.

However, there are persistent reports — I stress that they are anecdotal but persistent — that fire access trails in the Dandenong Ranges National Park but to a greater extent in the Buninyong State Park are overgrown, badly eroded and in many cases no longer serviceable.

I ask the minister to give an assurance that a particular effort will be made by the Department of Conservation and Natural Resources to ensure that programs for controlled burning, maintenance of fire access tracks and specific fire protection plans for the Dandenong Ranges National Park and Bunyip State Park are brought up to scratch and that sufficient resources are devoted to their maintenance.

**WorkCover: claims**

**Hon. D. A. Nardella** (Melbourne North) — I raise with the minister responsible for WorkCover a letter sent to the minister dated 15 November 1994 from the firm of Ludbrook Harper, the barristers
and solicitors acting on behalf of Mrs M. P. Herbert of Minyip and some problems Mrs Herbert has experienced.

Mrs Herbert was injured at work on 15 November 1990 while employed by the Melbourne City Council. She served a section 98 claim in writing to the council on 7 February 1994 and has sent other letters since that date, the last one being addressed personally to Ms Elizabeth Proust, CEO for the City of Melbourne. To this day Mrs Herbert has not received any response to these letters from either the council or the insurer. I ask the minister to follow up this case so that it can be speedily resolved.

Koonung Creek: pollution

Hon. B. T. PULLEN (Melbourne) — I previously raised with the Minister for Roads and Ports the question of the degree of environmental control exercised and care being taken in the construction of overpasses and other work concerning Koonung Creek. He indicated that he was not aware that Vicroads contractors were not engaging in the best possible practice and that he would make inquiries to ensure that all practical measures were being taken.

Since that time it has been reported to me that Vicroads or its contractors have been pumping water from the creek without permission. When they sought a licence from Melbourne Water, they were refused because it was considered inappropriate. If their practices are not satisfactory to Melbourne Water, that does not seem to line up with any assurances about using best possible practice. I ask the minister whether he has made any investigations and whether there have been any attempts to improve the practice of Vicroads or its contractors in light of this recent incident.

Workcover: dispute arbitration

Hon. T. C. THEOPHANOUS (Jika Jika) — This morning I asked the minister responsible for Workcover whether the Victorian Workcover Authority was in the process of instituting a system of dispute arbitration for court proceedings. The minister indicated in his response to me that it was not. He went on to say that it was also not the case that somehow the abolition of the Accident Compensation Tribunal was a mistake.

A copy of an agreement called the standard expert determination agreement has been provided to me. I quote from the agreement:

The purpose of the agreement is to provide a cheap and quick method for resolving proceedings for damages brought by workers for injuries suffered prior to 1 December 1992.

This agreement has been circulated to lawyers. They have been asked whether they will support — —

Hon. Louise Asher — Which lawyers?

Hon. T. C. THEOPHANOUS — Lawyers who deal with workers compensation. They have been asked to comment on the agreement, which the Victorian Workcover Authority is considering introducing. Again I quote from the agreement:

The basis of the agreement is that an expert will, after examination of all relevant documents submitted by each party and following a short address by a representative of any party requiring it, determine all questions arising for decision in the proceedings and that determination will be final and binding on the parties.

As I understand it, this has been introduced to overcome the backlog of cases currently before the courts, in particular those cases that deal with injuries suffered prior to 1 December 1992. The minister would know that there is a significant number of such cases. My concern is that the agreement also states:

It is specifically intended that hearing the other party’s case and having the opportunity to answer it, not be part of this process.

It appears from this document, which has been distributed by the Victorian Workcover Authority — so at the very minimum we know that it is considering such a process, although the minister appears to know nothing about it — that it is clearly intended to establish a process for arbitrating disputes that would otherwise finish up in the courts.

I ask the minister whether he will investigate the basis of this agreement from the Workcover Authority and indicate to us how he intends such a process to fit in with the existing conciliation process and the process he has adopted for bringing cases before the courts where there is only one offer made and no subsequent offer can be made without the matter being resolved by the courts. This agreement would clearly resolve cases in a way that might not be in keeping with the original offer made by the Victorian Workcover Authority.
Minister for Local Government: Telecom listing

Hon. PAT POWER (Jika Jika) — I seek the assistance of the Minister for Local Government on an administrative issue. Some time ago the minister's office and department moved from its former location at 500 Bourke Street to Myer House. There appears to have been a problem with the phone number listed in the Telecom directory. I acknowledge that in the Legislative Council listing there is an insert that indicates the minister's new address and telephone number, but there is still a problem because Telecom's information records the minister's former address and telephone number. Even now someone ringing Telecom and asking for the phone number of the Minister for Local Government will get the details of the former 500 Bourke Street location.

I am not suggesting that this is a life and death matter, as the minister knows, but in the context of the major changes in local government it is important that people seeking information from Telecom have access to the latest information.

I ask the minister to inform the house of the date he moved his office from Bourke Street to Myer House and when he expects that Telecom’s information service will advise inquirers of the current telephone number.

Responses

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Mr Ives raised what he called anecdotal reports of some access tracks in the Bunyip and Dandenong state parks being overgrown and the problems that may cause. I am pleased he has raised that specific complaint and I shall ensure that it is investigated and that a written response is provided to him.

Hon. W. R. BAXTER (Minister for Roads and Ports) — Miss Gould raised the important issue of the availability of M50 taxis, especially in the western and north-western suburbs. Difficulties with M50 taxis in the metropolitan area have been experienced, especially their availability after normal working hours.

The Victorian Taxi Directorate, which was established earlier this year, is at the moment reassessing the availability of M50 taxis and considering whether more licences should be issued and whether there should be only one telephone number for the metropolitan area so that there is a single allocation point. I am confident that some improvements will be forthcoming in the not-too-distant future. I shall pass on her remarks to the directorate so that the examples given can be taken into account as arrangements are reassessed for M50 taxis.

Mr Fullen referred to environmental concerns about Vicroads contractors on the Eastern Freeway construction. Since he raised the issue some weeks ago I have examined the matter, and I am satisfied from my investigations that Vicroads contractors are employing appropriate environmental standards on the construction. Mr Fullen mentioned the specific matter of drawing water from the creek. I am not aware of the details.

Hon. B. T. Pullen — At Blackburn Road.

Hon. W. R. BAXTER — I shall acquaint myself with the details. I should be most disturbed if the contractor was being refused the right to draw from the creek water for dust suppression purposes. I assume that that is what the water was probably required for. A few tankerfuls of water from the creek would be infinitesimal in comparison with the volume in the creek, despite the fact that it is a relatively small creek. Because of environmental considerations it is important that dust be suppressed, but I shall have inquiries made to see what the situation is.

Hon. R. M. HALLAM (Minister for Local Government) — Ms Kokocinski raised the matter of local laws promulgated by local government relating to collectors who solicit publicly on behalf of particular charities. She believes collectors should be regulated and that the existing law is insufficient in some respects, and she asked that I investigate to see what action may be taken to address the issue. She also offered documentation which I should be pleased to have. I shall certainly take up the issue and report back to her.

Mr Nardella raised a Workcover claim made by a Mrs Herbert and related a story that I shall certainly investigate and report back to him on.

Mr Theophanous again raised the question of what he describes as arbitration in workers compensation.

Hon. T. C. Theophanous — A form of arbitration.

Hon. R. M. HALLAM — So now it is qualified to a form of arbitration. The whole issue of dispute
resolution in workers compensation in this state has worked extremely well. It has become something of a model for other administrations, and as recently as this evening I welcomed delegates to a conference on dispute resolution in workers compensation which included persons who had travelled from New Zealand. Apparently there is something to be learnt from the system that is operating in Victoria.

I shall not be cute and talk about whether it qualifies as arbitration, other than to say that the Victorian Workcover Authority is extremely interested in improving the rate of resolution, notwithstanding that in many cases those efforts are frustrated by the legal system, which has a vested interest in making sure that the old system is retained. In any event, Mr Theophanous asked how this suggestion by the authority fits into the general scheme of dispute resolution, and I shall take that on notice and report back to him.

Hon. T. C. Theophanous — You don’t know anything about it. You didn’t even know it existed.

Hon. R. M. Hallam — Mr Theophanous can draw that conclusion if he wishes, but I do know the system is working extremely well.

Hon. T. C. Theophanous — You have never seen it before. You don’t know anything about it. Why don’t you be honest and tell the house you don’t know anything about it?

The President — Order!

Hon. T. C. Theophanous — At least be honest and stop misleading the house.

The President — Order!

Hon. T. C. Theophanous — I asked him a question about this and he hasn’t answered the question.

The President — Order! Mr Theophanous knows the rules in relation to answering questions.

Hon. T. C. Theophanous — Have you ever seen one, Minister?

The President — Order! I ask the minister to move onto the next issue.

Hon. T. C. Theophanous — What a hopeless minister.

Honourable members interjecting.

The President — Order! I ask Mr Theophanous to either leave the chamber or desist from interjecting. The minister, to wind up his response.

Hon. T. C. Theophanous — We don’t like being treated like fools. We have asked a reasonable question.

The President — Order! The minister, in response to Mr Power’s matter.

Hon. R. M. Hallam — Mr Power again raised with me the question of the telephone number of my office. He raised this matter with me privately a few days ago, and I took the opportunity of again suggesting to Telecom that its records might be updated. Mr Power asked me the date on which I moved my office from 500 Bourke Street to Myer House, but I cannot remember; it is not all that long ago. I must say that I am comfortably accommodated in the new office. Mr Power also asked when Telecom might get its records into line. I do not know that, but I shall give Telecom a second reminder on the issue.

The President — Order! Mr Smith raised with me the question of the activities of the electorate officer of the honourable member for Dandenong. I invite him to provide me with the material to which he referred, and I shall have the matter investigated and report back to him.

Motion agreed to.

House adjourned 10.58 p.m. until Tuesday, 6 December.
INDEX

Spring 1994 — VOLS 419, 420, 421

LEGISLATIVE COUNCIL

Index is divided into:

Bills 1
Divisions 5
Reports 6
Substantive motions 7
Subjects 8
Members 16
Questions on notice 32

BILLS

Agricultural and Veterinary Chemicals (Victoria) Bill
Introduction and first reading, 280
Second reading (absolute majority), 292, 709
Third reading (absolute majority), 715
Remaining stages, 715

Agriculture (Registered Occupations) Bill
Introduction and first reading, 280
Second reading, 280, 294
Third reading, 296
Remaining stages, 296

Appropriation (1994-95, No. 1) Bill
Introduction and first reading, 502
Second reading, 502, 582, 623, 657
Committee, 663
Third reading, 668
Remaining stages, 668

Appropriation (Parliament 1994-95, No. 1) Bill
Introduction and first reading, 502
Second reading, 502, 668

Third reading, 676
Remaining stages, 676

Australian Grand Prix Bill
Introduction and first reading, 285
Second reading (absolute majority), 392, 441, 478
Committee, 518
Third reading (absolute majority), 536
Remaining stages, 536

Borrowing and Investment Powers (Public Transport Corporation) Bill
Introduction and first reading, 793
Second reading, 802, 1047, 1055
Third reading, 1058
Remaining stages, 1058

Business Franchise Acts (Amendment) Bill
Introduction and first reading, 717
Second reading, 717, 897
Third reading, 899
Remaining stages, 899
Casino (Management Agreement) (Amendment) Bill
  Introduction and first reading, 1109
  Second reading, 1118, 1307
  Third reading, 1316, 1325
  Remaining stages, 1329

Classification of Films and Publications (Amendment) Bill
  Introduction and first reading, 1357
  Second reading, 1361, 1468
  Third reading, 1468
  Remaining stages, 1468

Como Project Bill
  Introduction and first reading, 793
  Second reading, 800, 908
  Third reading, 910
  Remaining stages, 911

Constitution (Amendment) Bill
  Introduction and first reading, 1357
  Second reading, 1359, 1375, 1391
  Third reading, 1395
  Remaining stages, 1395

Constitution (Court of Appeal) Bill
  Introduction and first reading, 1252
  Second reading (absolute majority), 1350, 1404
  Third reading (absolute majority), 1406
  Remaining stages, 1406

Corrections (Amendment) Bill
  Introduction and first reading, 945
  Second reading, 959, 1172
  Third reading, 1178
  Remaining stages, 1179

Crimes (Amendment) Bill
  Introduction and first reading, 945
  Second reading, 967, 1240
  Committee, 1251
  Remaining stages, 1252

Crown Lands Acts (Amendment) Bill
  Introduction and first reading, 937
  Second reading, 955, 1125
  Third reading, 1146
  Remaining stages, 1147

Dentists (Amendment) Bill
  Introduction and first reading, 54
  Second reading, 79, 105
  Third reading, 110
  Remaining stages, 110

Domestic (Feral and Nuisance) Animals Bill
  Introduction and first reading, 511
  Second reading (absolute majority), 579, 764
  Committee, 777
  Third reading (absolute majority), 778
  Remaining stages, 778

Electricity Industry (Further Amendment) Bill
  Introduction and first reading, 1109
  Second reading, 1252, 1338
  Third reading, 1350
  Remaining stages, 1350

Emerald Tourist Railway (Amendment) Bill
  Introduction and first reading, 54
  Second reading (absolute majority), 81, 110
  Third reading (absolute majority), 114
  Remaining stages, 114

Emergency Management (Amendment) Bill
  Introduction and first reading, 945
  Second reading, 961, 1294
  Third reading, 1300
  Remaining stages, 1300

Employee Relations (Amendment) Bill
  Introduction and first reading, 793
  Second reading, 803, 911, 921
  Third reading, 937
  Remaining stages, 937

Environment Effects (Amendment) Bill
  Introduction and first reading, 725
  Second reading, 784, 956, 974
  Third reading, 979
  Remaining stages, 980

Estate Agents (Amendment) Bill
  Introduction and first reading, 793
  Second reading, 808, 1058
  Third reading, 1081
  Remaining stages, 1081

Financial Management (Amendment) Bill
  Introduction and first reading, 683
  Second reading, 715, 815, 859
  Third reading, 864
  Remaining stages, 864

Fisheries (Amendment) Bill
  Introduction and first reading, 891
  Second reading, 937, 999
  Third reading, 1008
  Remaining stages, 1009
LEGISLATIVE COUNCIL

Gaming and Betting (Amendment) Bill
Introduction and first reading, 1009
Second reading, 1040, 1282
Third reading, 1285
Remaining stages, 1285

Gas Industry Bill
Introduction and first reading, 1172
Second reading, 1259, 1422
Remaining stages, 1433

Health Services (Amendment) Bill
Introduction and first reading, 793
Second reading, 801, 981
Committee, 994
Remaining stages, 999

Impounding of Livestock Bill
Introduction and first reading, 169
Second reading, 169, 691
Third reading, 695
Remaining stages, 695

Intellectually Disabled Persons' Services (Amendment) Bill
Introduction and first reading, 683
Second reading, 718, 864
Committee, 880
Remaining stages, 887

Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill
Introduction and first reading, 945
Second reading (absolute majority), 971, 1094
Committee, 1095
Third reading (absolute majority), 1102
Remaining stages, 1102

Land Tax (Amendment) Bill
Introduction and first reading, 1278
Second reading, 1279, 1366
Remaining stages, 1370

Land Titles Validation Bill
Introduction and first reading, 1357
Second reading, 1358, 1395
Third reading, 1404
Remaining stages, 1404

Liquor Control (Amendment) Bill
Introduction and first reading, 715
Second reading, 719, 891
Remaining stages, 897

Livestock Disease Control Bill
Introduction and first reading, 1259
Second reading (absolute majority), 1291, 1460
Third reading (absolute majority), 1467
Remaining stages, 1467

Local Government (Amendment) Bill
Introduction and first reading, 945
Second reading, 956, 1151
Third reading, 1171
Remaining stages, 1172

Lotteries Gaming and Betting (Betting) Bill
Introduction and first reading, 619
Second reading, 619, 763
Third reading, 764
Remaining stages, 764

Lotteries Gaming and Betting (General Amendment) Bill
Introduction and first reading, 1009
Second reading, 1042, 1329
Third reading, 1332
Remaining stages, 1332

Margarine (Repeal) Bill
Introduction and first reading, 95
Second reading, 104, 219
Third reading, 222
Remaining stages, 222

Melbourne City Link Authority Bill
Introduction and first reading, 1357
Second reading, 1362, 1468, 1476
Remaining stages, 1496

Melbourne Sports and Aquatic Centre Bill
Introduction and first reading, 1179
Second reading, 1255, 1364
Third reading, 1366
Remaining stages, 1366

Planning Authorities Repeal Bill
Introduction and first reading, 1109
Second reading, 1117, 1496
Third reading, 1510
Remaining stages, 1510

Project Development and Construction Management Bill
Introduction and first reading, 1109
Second reading, 1120, 1300
Committee, 1305
Remaining stages, 1307
INDEX

Property Law (Amendment) Bill
Introduction and first reading, 11
Second reading, 80, 105
Third reading, 105
Remaining stages, 105

Prostitution Control Bill
Introduction and first reading, 945
Second reading, 962, 1263
Third reading, 1278
Remaining stages, 1278

Queen Victoria Women's Centre Bill
Introduction and first reading, 1017
Second reading, 1045, 1214, 1223
Third reading, 1230
Remaining stages, 1230

Road Safety (Further Amendment) Bill
Introduction and first reading, 683
Second reading, 715, 811
Third reading, 814
Remaining stages, 815

Royal Agricultural Show-grounds (Amendment) Bill
Introduction and first reading, 54
Second reading, 81, 115
Declared public, 115
Third reading, 125
Remaining stages, 125

State Taxation (Amendment) Bill
Introduction and first reading, 1278
Second reading, 1280, 1370
Third reading, 1374
Remaining stages, 1374

Subordinate Legislation Bill
Introduction and first reading, 1109
Second reading, 1122, 1332
Third reading, 1338
Remaining stages, 1338

Superannuation Acts (Further Amendment) Bill
Introduction and first reading, 1172
Second reading, 1262, 1467
Third reading, 1468
Remaining stages, 1468

Therapeutic Goods (Victoria) Bill
Introduction and first reading, 677
Second reading, 690, 779
Third reading, 784
Remaining stages, 784

Transport Accident (General Amendment) Bill
Introduction and first reading, 784
Second reading, 810, 899
Committee, 904
Remaining stages, 908

University Acts (Amendment) Bill
Introduction and first reading, 578
Second reading, 578, 695
Third reading, 708
Remaining stages, 709

Valuation of Land (Amendment) Bill
Introduction and first reading, 793
Second reading, 806, 1083
Third reading, 1093
Remaining stages, 1093

Victorian Plantations Corporation (Amendment) Bill,
Introduction and first reading, 945
Second reading (absolute majority), 969, 1081
Third reading (absolute majority), 1082
Remaining stages, 1082

Vocational Education and Training (State Training Wage) Bill
Introduction and first reading, 1009
Second reading, 1043, 1230
Third reading, 1239
Remaining stages, 1240

Water Industry Bill
Introduction and first reading, 1109
Second reading, 1256, 1406
Third reading, 1422
Remaining stages, 1422
DIVISIONS

Australian Grand Prix Bill, 501, 524, 535
Borrowing and Investment Powers (Public Transport Corporation) Bill, 1057
Business of the house: sessional orders, 79
Casino (Management Agreement) (Amendment) Bill, 1316, 1329
Constitution (Amendment) Bill, 1395
Constitution (Court of Appeal) Bill, 1406
Corrections Amendment Bill, 1178
Crown Casino, 392
Crown Lands Acts (Amendment) Bill, 1145, 1147
Dissent from President's ruling, 1460
Electricity charges, 73
Electricity Industry (Further Amendment) Bill, 1349
Employee Relations (Amendment) Bill, 936
Environment Effects (Amendment) Bill, 979, 980
Estate Agents (Amendment) Bill, 1080
Financial Management (Amendment) Bill, 863
Gas Industry Bill, 1433
Health Services (Amendment) Bill, 993
Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill, 1101
Liquor Control (Amendment) Bill, 897
Local Government (Amendment) Bill, 1171
Local government commissioners, 1040
Local government restructure, 757
Melbourne City Link Authority Bill, 1495, 1496
Naming and suspension of member, 606
Planning Authorities Repeal Bill, 1510
Privatisation: electricity and water, 1213
Project Development and Construction Management Bill, 1305, 1306
Prostitution Control Bill, 1278
Transport Accident (General Amendment) Bill, 907
Valuation of Land (Amendment) Bill, 1093
Water Industry Bill, 1422
Workcover, 164
REPORTS

Aboriginal deaths in custody, 1291

Auditor-General
  City of Sunshine and former City of Bendigo, 1441
  Finance statement, 623

Australian and New Zealand Fisheries and Aquaculture Council, 101

BLF Custodian, 20, 1115

Economic Development Committee
  Building and construction industry, 131, 950

Environment and Natural Resources Committee
  Impact of commonwealth activities, 891

Farrow group
  Final report of Mr Habersberger, QC, 1291

Health Computing Services Victoria Ltd, 950

House Committee, 725

Legal aid services, 1291

Legislative Council, Department of the, 623

Parliamentary Debates, Department of the, 623

Parliamentary Library, Department of the, 623

Presiding Officers, 725

Protective Services, 1291

Public Accounts and Estimates Committee
  Budget estimates and outcomes, 1115
  Housing Guarantee Fund Ltd, 20

Road Safety Committee
  Demerit points scheme, 725

Scrutiny of Acts and Regulations Committee
  Alert Digest, 102, 517, 688, 799, 950
  Australian Federalism Conference, 950
  Redundant and unclear legislation, 688
  Subordinate legislation, 1115

Solicitors Guarantee Fund, 799

Supreme Court judges, 1185

Task Force Victor
  Police shootings, 1115

Vistel Ltd, 799

Women’s Budget, 1115
SUBSTANTIVE MOTIONS

Crown Casino bid, 339, 379, 1114, 1147

Dissent from President's ruling, 1442

Electricity charges, 54

Freeway tolls, 828, 845

Local government
  Commissioners, 1031
  Restructure, 725

Parliamentary privilege, 1018

Privatisation
  Electricity and water, 1185
  Water, 541

Workcover, 131
B

Ballarat, City of
   Election date, q 249
   School closures, 436, 439

BARA-VIC funding, 677, 678

Barwon Water meter-reading charges, 333, 722, 724

Bellarine Peninsula coastal management, q 477

Bemm River access road, 721, 723

Bendigo, City of Greater
   Enterprise centre, q 574
   Regional development, q 686

Bendigo, former City of
   Ministerial statement, 1441

BLF Custodian, 20, 1115

Boating safety, q 291

Braeside Park, q 843

Broadmeadows Domestic Violence Outreach Service, 212

Brothels
   Casino bonuses, 41, 44

Budget papers, 1994-95, 101, 317, 398, 582, 623, 657

Bullock Island development, q 290

Bunyip State Park
   Fire tracks, 1433, 1438

Bus services
   Reghan Drive, Sunbury, 1011, 1013

Bushfires (See Fire)

Business and Industry
   Effects of drought, q 948
   Franchising code of practice, 83, 86
   Workcover premiums for small business, q 473

Business of the house (See Parliament)

C

Camp Fairnie, Tyabb, 1434, 1438

Cardinia Creek parklands, 213, 216, 1052

Carrum
   Relocation of sporting clubs, 939, 941

Casey, proposed city of, 785, 791

Casino (See Crown Casino)
Catalytic converters, q 1474
Catchment and Land Protection Council, q 573
Child-care allowance, q 798
Christie, The late Sir Vernon Howard Colville, 679
Christmas felicitations, 1511
Clerks, Parliamentary, 214, 218
Coast Action, q 1110
Community housing program, q 578
Community residential units, 125, 129, 333, 336, 620, 621
Community resourcing program, q 687
Community service orders, 1287, 1288
Community Visitors, q 1222
Conservation
Native grass, 787, 789
Conservation and Natural Resources, Department of
Grants program, q 513, q 946
Corryong multipurpose centre, q 762
CPM Construction Management, q 252
Creative Nation statement, q 574
Crown Casino
Atlantis Recordings, q 916, q 1387
Bid, q 285, q 287, q 289, q 291, 339, q 374, 379, q 512, q 576, q 577, q 655, q 656, q 685, 1114, 1147, q 1475
Brothel bonuses, 41, 44
Builder, q 96
Car parking, q 842
Entertainment, q 684
Food regulations, q 917
Gaming machines, q 374
Guarantees, q 1051
Hotel, q 949
Illegal gambling, q 798
Non-completion penalties, q 762
Probity checks, q 477, q 841
Rent payments, q 13
Signage, q 372
War memorial, q 1322
Williams, Mr Lloyd, q 761
Cumberland Resort, Lorne, q 1220

Dairy industry
Drought, q 1111
Five-year program, q 474

Dandenong Festival of Arts and Music for Youth, 1010, 1012

Dandenong Ranges
Environmental safeguards, 332, 336, 720, 723
National Park, 41, 43
Sewerage facilities, q 758

Deaths
Christie, Sir Vernon Howard Colville, 679
Garrett, Sir Raymond William, AFC, AEA, 507
Hayes, The Honourable Geoffrey Phillip, 89
Swinburne, The Honourable Ivan Archie, CMG, 5
Walton, The Honourable John Malcolm, 8

Deputy Ombudsman (Police Complaints), 436, 439

Dereel, Township of, 215, 216

Disabled persons parking scheme, q 685

Domain tunnel, q 918, 1179, 1182

Donation collectors, 677, 678, 1103, 1106

Driver education
North-central school cluster, 941, 942

Drought
Effects, q 948, q 1111
Roadside grazing, 1012, 1013

E

Eastern Freeway
Extension, q 1053

Economic Development Committee
Building and construction industry, 131, 950

Education
Community providers, q 1388
Driver, 941, 942
Integration aides, 1433, 1438
Standardised qualifications, q 684
Victorian certificate of, 332, 335
(See also Schools and colleges and Tertiary education and training)

Electorate office security, 40, 45

Electorate officer, Dandenong, 1103

Electricity industry
Uniform tariffs, q 165

Electricity Services Victoria
Demand management, q 511, q 652, 789, 790
Late payment charges, 335
Service, 887, 889
INDEX

Employment
Youth, q 1051

Environment
Good Neighbour initiative, q 14

Environment and Natural Resources Committee
Impact of commonwealth activities, 891

Environment Protection Authority
Prosecutions, q 684

F
Farrow group, 1291
Film industry, q 98
Fire
Bushfires
controlled burning, 1104, 1106
responses, 1286, 1288
season, q 1052
Hydrants, 213, 216
Mitigation, q 575
Prevention, q 653
Rural brigade vehicle registrations, q 51
Fitzroy Swimming Pool, q 376, q 656, q 758
Flinders, Shire of
Playground expenditure, 126, 129
Forests
Code of practice, q 1471
National policy, q 1389
Forklift operator licence, 1179, 1182
Franchises (See Business and Industry)
Frankston pier, q 1390
Freeways (See Roads)

G
Gaming machines, q 513, q 514
Garrett, The late Sir Raymond William, AFC, AEA, 507
Gas and Fuel Corporation charges, 536
Gas meter connection, 1434, 1438
Geelong, City of Greater
1994-95 budget, q 1054
Council elections, q 99, q 474, q 686
Regional development, q 946
Good Neighbour initiative, q 14
Goulburn Valley Highway, 786, 790
Governor, The
Presentation of address-in-reply, 757, 827
Speech on opening of Parliament, 1
(See also Address-in-reply)
Grampians National Park, q 168
Greater Green Triangle Association, q 1323
Gresswell habitat link, q 1390

H
Harris Daishowa, q 687
Hayes, The late Honourable Geoffrey Phillip, 89
Health
North East Women’s Health Service, 537, 539
Health Computing Services Victoria Ltd, 950
Henty Bay, Portland, q 760, 1180, 1182
Herbicides
Aerial spraying, 215, 216
Hilmer report, q 1386
Historic buildings, q 797
Home and community care
Expansion of services, q 841
Funding, q 476
Program, q 1324
Services, q 52, q 168
House Committee
Membership, 516
Report, 725
Householder mail, 1180, 1181
Housing
Community program, q 578
East Preston redevelopment, q 920
Elderly person accommodation, q 50
For the disadvantaged, q 99
Heidelberg redevelopment, q 289
Income assessment, q 166
Initiatives in Mauritius, q 1114
Priority, q 252
Public, 128, 129
Public waiting lists, q 515
Tenant safety, q 1390
LEGISLATIVE COUNCIL

I
Information technology outsourcing, 678, q 796
Intellectual disability services, 125, 129

J
John Cain Memorial Park, 84, 86, q 248
Joint Printing Committee
Membership, 516

K
Kingston Centre, q 946
Koonung Creek
Pollution, 888, 889, 1105, 1106

L
Lakes Entrance
Dredging, q 515
Legal aid services, 1291
Library Committee
Membership, 517
Lighthouses, q 1471
Lillydale, Shire of
Dandenong Ranges National Park boundaries, 41, 43
Literary Awards, Premier's, q 250
Local government
Amalgamations, q 251, 282, 283, q 1219, 1353, 1354
Boundaries, 1287, 1288
Casey, proposed city of, 785, 791
Chief executive officers, q 1051
Commissioners, q 167, 214, 217, q 247, q 919, 939, 943, 1031
Compulsory competitive tendering, 40, 44, q 48, q 98, q 1324
Cross-subsidisation, 537, 539
Elections, q 49
Finances, 786, 791, q 919
Fire hydrants, 213, 216
Postal voting, q 1218
Restructure, 725, q 918
Rural rates, q 1323
Workcover, q 1474
(See also municipalities indexed by name)

Local Government Board
Chairmanship, q 475
Independence, q 844

Report, 940, 943
Sherbrooke, 1181, 1183
Sunbury, 1180, 1183
Log grading, q 687
Lorne pier, 787, 790

M
McDonnell, Richard and Carol, 83, 86
Mallacoota
Boat launching, 722
Inlet, 282, 283
Meals on Wheels Day, 85, 86
Melbourne, City of
Transport strategy, q 1217
Melbourne International Festival of the Arts, q 511
Melbourne market, q 655
Melbourne Parks and Waterways
Government programs, q 248
Melbourne Theatre Company, q 291
Melbourne Water
Braeside Park, q 843
Drainage, q 164
Regulator-General, q 97

Members
Naming and suspension of Honourable T. C. Theophanous, 605
Merinda Park railway station, 939, 941
Ministerial statements
City of Sunshine and former City of Bendigo, 1441

Ministers
for Local Government: Telecom listing, 1106, 1107
for Major Projects: federal ambitions, q 95

Moorabool, Shire of, q 1221
Moreland, City of, q 1112
Mount Buffalo National Park, q 918
Mount Eliza Regional Park, q 1220
Mount Macedon memorial cross, q 843

N
Naming and suspension of member, 605
INDEX

Natimuk conservation and natural resources depot, 42, 43

National Carers Awareness Week, q 515

National Environment Protection Council, 1320

National Parks
Dandenong Ranges, 41, 43
Access, 437, 438
Mount Buffalo, q 918

North East Women’s Health Service, 537, 539

Northcote, City of
John Cain Memorial Park, 84, 86, q 248

Notice of motion, 518

Nurses, state-enrolled, q 843, q 1113

P

Parks
Cardinia Creek, q 1052

Parks Week, q 797

Parliament
Adjournment of bills, 20
Broadcasting and televising of proceedings, 19, 339, 1017, 1050
Days and hours of meeting, 19
Opening of session, 1
Periodic discharge of orders of the day, general business, 18
Privilege, 19, 1018
Proclamations fixing operative dates, 18
Program, 784, 950
Sessional orders, 73, 368, 541, 827, 1115, 1357
Sitting days, 39, 42, 920
Temporary chairmen of committees, 11, 19

Parliamentary privilege, 1018

Payroll tax, q 1222

Personal explanations
Hallam, Honourable R. M., 285
Knowles, Honourable R. I., 1116

Petitions
Australian Grand Prix, 516, 541, 1115
Community resourcing program, 53
Minibah Adult Unit, Pakenham, 101
Railway crossing gates, Yarraville, 1441
Sexual discrimination, 53, 101, 131, 219, 292, 516, 541, 623, 688
Sodomy, 54, 101, 292, 516, 687, 950

Petrol prices, q 1388

Planning and Development, Department of
CPM Construction Management, q 252
Subcontractors, 334, 336, 1010, 1014
(See also Housing)

Police
Deputy Ombudsman (Police Complaints), 436, 439

Port of Portland Authority
Henty Bay land claims, 1180, 1182

Port Phillip, City of, q 797

Ports
Charges, q 1112
Competition, q 14
Facilities, q 167
Privatisation, q 12, q 14, q 17

Prahran Market, 1010, 1014

Premier’s Literary Awards, q 250

Preschools
Melton Central, 1286, 1288

President, The
Absence, 89
Dissent from ruling, 1442
Return, 687

Presiding Officers, 725

Privatisation
Electricity, 1185
Water, 541, 1185

Privileges Committee
Membership, 517

Protective services, 1291

Public Accounts and Estimates Committee
Budget estimates and outcomes, 1115
Housing Guarantee Fund Ltd, 20

Public Tenants Union of Victoria, q 1050

Public transport
Concession fares, 333
Rapid transit link, q 1221
(See also Rail and Transport, Department of)

Public Transport Corporation
Information technology outsourcing, 678, q 796
Queenscliff
Dredging, 1179, 1181
Environment effects statement, q 1113
Maritime Centre and Museum, 1286, 1288

Questions on notice
Answers, 253, 281, 378

Racing
Country clubs, q 1110

RACV road survey, q 1322

Raiders of the Lost Archives exhibition, q 1219

Rail
Competition policy reforms, q 1386
Disused lines and reservations, q 53
Passenger services, q 1320
Tullamarine Freeway link, q 947

Recycling, q 97, q 375

Regional development
Awards, q 373
BARA-VIC funding, 677, 678
Business opportunities, q 247
Committees, 437, 439
Geelong, City of Greater, q 946
Melbourne market, q 655
North-eastern Victoria, q 12
Services and jobs, q 1473

Road Safety Committee
Demerit points scheme, 725

Roads
Access to Bemm River, 721, 723
Arterial access, q 917
Black spot program, q 949
Competition policy reforms, q 1386
Domain tunnel, q 918, 1179, 1182
Donation collectors, 1103, 1106
Eastern Freeway, q 1053
Freeway tolls, q 793, q 794, 828, 845
Funding, q 95
Grazing leases for unused, q 375
Overpass construction, Koonung Creek, 888, 889
RACV survey, q 1322
School crossing supervisors, 437, 438
Southern bypass, q 13, q 1387
Springvale bypass, q 51
Western bypass, q 13, q 918, q 1387

Rugby stadium, proposed, q 795

Rulings by the Chair
Admissibility amendment, 1396
matter raised on adjournment, 126, 127, 128, 1288
motion, 1018, 1147, 1150, 1185, 1445, 1452
question, 249, 251, 577, 919
Debates of same session, 1088, 1401, 1500
Division list, 1329
Eligibility of President to preside over dissent
motion, 1444
Identification of documents, 825, 837
Incorporation of documents, 549, 555, 556
Misleading statements, 11, 15, 16, 276, 661
Pecuniary interest, 482, 500, 1328
Questions on notice, 253, 281
Questions seeking opinion, 476
Quoted documents, 146, 147, 343, 1021, 1312
Reading from documents, 274
Reading of speeches, 608, 1346
Relevance, 43, 60, 64, 141, 288, 351, 352, 465, 474, 512,
573, 601, 602, 603, 604, 605, 826, 895, 931, 1075,
1159, 1308, 1309, 1313, 1314, 1315, 1316, 1369, 1377,
1378, 1379, 1380, 1446
Tedious repetition, 847, 1158, 1208, 1211, 1346, 1380
Unparliamentary and offensive remarks, 48, 157, 288,
360, 426, 850, 851, 852, 1432, 1433, 1447, 1449, 1454
Withdrawal of remarks, 243, 1453, 1455

School crossings (See Roads)

Schools and colleges
Carlton North Primary, 334
Closures in Ballarat, 436, 439
Coburg-Preston Secondary, 82, 85
Roxburgh Park primary, 39, 43
St Kevin’s College, q 918
Scotch College, q 918
South Melbourne Special Development, 888, 890
Whiteside Primary, 1009, 1013
(See also Education)

Scrutiny of Acts and Regulations Committee
Alert Digest, 102, 517, 688, 799, 950
Australian Federalism Conference, 950
Redundant and unclear legislation, 688
Subordinate legislation, 1115

Seafoord foreshore, q 1053

SEC (See Electricity Services Victoria)

Sewerage charges, q 477

Small business (See Business and Industry)

Smith, Mr Neil, q 47
INDEX

Solicitors Guarantee Fund, 799
South Eastern Arterial, q 374
Southern bypass, q 13, q 1387
Sports Federation Foundation Inc., 677, 678
Sports grants, 1436, 1438
Springvale, City of
Whiteside Primary School site, 1009, 1013
Springvale Information Service for People with Disabilities, 504, 505
Standing Orders Committee
Membership, 517
Stonnington, City of
Commissioners, q 47
Prahran Market, 1010, 1014
Sunshine, City of
Ministerial statement, 1441
Supreme Court judges, 1185
Surf Coast Shire
Commissioner, 503, 505
Swinburne, The late Honourable Ivan Archie, CMG, 5

T

Task Force Victor
Police shootings, 1115
Taxis
Driver training and testing, q 1389
Fare increases, q 52, 85, 86
M50 licences, 1104, 1106
Multipurpose program, q 654
Technical and further education (See Tertiary Education and Training and Vocational training)
Tenants unions, 887, 889, q 1050
Tertiary education and training
Entry, q 948
Federal legislation, q 164
La Trobe University: Abbotsford campus, 787, 789
TAFE college councils, q 916
TAFE programs, q 652
Training courses, q 1321
University places, q 15
Wimmera Community College of TAFE, 939, 942

Tourism
Trentham Falls, q 947
Traffic signal technology, q 476
Training (See Tertiary education and training)
Trams
W-class, 1353, 1354
Transport
Strategy for Melbourne, q 1217
Transport, Department of
Henty Bay land claims, 1180, 1182
Tullamarine airport
Rapid transit link, q 1221
Tullamarine Freeway
Rail link, q 947, q 1387, q 1472
Signage, 1437, 1438

U

Unemployment
Ballarat/Ararat region, q 1474
Rural, q 572
Universities (See Tertiary education and training)

V

Vehicles
B-doubles, q 760, q 844
Rural fire brigades registration, q 51
Speed limits for heavy, q 251
Uniform regulations for heavy, q 575
Vicroads
Information technology outsourcing, 678, q 796
Staffing, 939, 942
Victorian Advocacy League for Individuals with Disability, 620, 621
Victorian certificate of education, 332, 335
Vistel Ltd, 799
Vocational training, q 475

W

Walton, The late Honourable John Malcolm, 8
War memorial
Bulldozing, q 1322
**Legislative Council**

**Warrnambool, City of**
- Subsidy increases, 722, 723

**Warrnambool Woollen Mills**, q 1387

**Water**
- Privatisation, 541
- (See also Melbourne Parks and Waterways and Melbourne Water)

**Westall Road, Springvale**, q 51

**Western bypass**, q 13, q 918, q 1387

**Western Support Services**, 620, 621

**Williams, Mr Lloyd**, q 761, 1018

**Wilson, Mr Dale**, 1103

**Winchelsea City Council**, q 1220

**Wojcik, Mr**, 436, 439

**Women**
- Broadmeadows Domestic Violence Outreach Service, 212

**Women’s Budget**, 1115

**Workcover**
- Annual report, q 513
- Claims
  - challenges, 214, 217
  - delays, 1104, 1106
  - payment, 125, 126, 129, q 1111, q 1321, 1435, 1437, 1438
- Conciliation guidelines, q 761
- Consultants, q 757
- Costs, q 840
- Delays, q 1050
- Dispute arbitration, 1105, 1106
- Experience rating system, 131
- Hospital overpayments, 538, 539
- Injured worker groups, q 1109
- Local government, q 1474
- Medical panels, q 842
- Medical treatment, q 945, 1011, 1014
- National scheme, 131
- Non-payment of debt, 788, 791
- Premiums, q 287, q 473
- Statistical information, 213, 216
- Trusts, q 683

**Workers compensation scheme, national**, q 100

**Youth**
- Dandenong Festival of Arts and Music, 1010, 1012
- Workplace skills, q 1051
- Young Achievers awards, q 656

**Yarra River**
- Proposed advertising, 721, 723
MEMBERS

ASHER, Hon. Louise (Monash)
Address-in-reply, 222
Adjournment
  Domain tunnel, 1179
  Prahran Market, 1010
  Special Development School, South Melbourne, 888
  Yarra River: proposed advertising, 721

Bills
  Australian Grand Prix Bill, 453
  Constitution (Amendment) Bill, 1380
  Crimes (Amendment) Bill, 1243
  Dentists (Amendment) Bill, 107
  Estate Agents (Amendment) Bill, 1063
  Health Services (Amendment) Bill, 985
  Local Government (Amendment) Bill, 1167
  Melbourne Sports and Aquatic Centre Bill, 1364
  Subordinate Legislation Bill, 1333

Crown Casino bid, 366

Petitions
  Australian Grand Prix, 516
  Sexual discrimination, 53, 101, 131, 219, 292

Questions without notice
  Arts Centre spire, 793
  Public Tenants Union of Victoria, 1050
  Recycling: household waste, 375
  Western and Southern bypasses, 13

ASHMAN, Hon. G. B. (Boronia)

Bills
  Melbourne City Link Authority Bill, 1481
  Transport Accident (General Amendment) Bill, 902

Deaths
  Hayes, Honourable Geoffrey Phillip, 92

Economic Development Committee
  Building and construction industry, 131, 950

Questions without notice
  Melbourne Theatre Company, 291
  Roads: arterial access, 917
  Traffic signal technology, 476
  Tullamarine airport rapid transit link, 1221

INDEX

ASHMAN, Hon. G. B. (Boronia)

Bills
  Melbourne City Link Authority Bill, 1481
  Transport Accident (General Amendment) Bill, 902

Deaths
  Hayes, Honourable Geoffrey Phillip, 92

Questions without notice
  Arts Centre spire, 793
  Public Tenants Union of Victoria, 1050
  Recycling: household waste, 375
  Western and Southern bypasses, 13

BAXTER, Hon. W.R. (North Eastern)(Minister for Roads and Ports)

Adjournment
  Aerial spraying, Dereel, 216
  Bus services: Reghan Drive, Sunbury, 1013
  Christmas felicitations, 1512
  Domain tunnel, 1182
  Driver education: north-central school cluster, 942
  Goulburn Valley Highway, 790
  Henty Bay, 1182
  Information technology outsourcing, 678
  Koonung Creek pollution, 889, 1106
  Local government amalgamations, 1354
  Lorne pier, 790
  Mallacoota
    boat launching, 722
    Inlet, 283
  Queenscliff dredging, 1181
  School crossing supervisors, 438
  Sports grants, 1438
  Taxis
    fare increases, 86
    M50 licences, 1106
  Tullamarine Freeway signage, 1438
  Vicroads staffing, 942
  W-class trams, 1354
LEGISLATIVE COUNCIL

Bills
Agricultural and Veterinary Chemicals (Victoria) Bill, 280, 292, 715
Agriculture (Registered Occupations) Bill, 280, 296
Corrections (Amendment) Bill, 945, 959, 1178
Domestic (Feral and Nuisance) Animals Bill, 571, 579, 777, 778
Emergency Management (Amendment) Bill, 945, 961, 1300
Liquor Control (Amendment) Bill, 719, 896
Livestock Disease Control Bill, 1259, 1291, 1467
Lotteries Gaming and Betting (Betting) Bill, 619, 764
Margarine (Repeal) Bill, 95, 104
Melbourne City Link Authority Bill, 1357, 1362, 1494
Melbourne Sports and Aquatic Centre Bill, 1179, 1255
Road Safety (Further Amendment) Bill, 683, 715, 814
Royal Agricultural Show-grounds (Amendment) Bill, 54, 81, 115, 125
Superannuation Acts (Further Amendment) Bill, 1468

Business of the house
Sessional orders, 75

Deaths
Christie, Sir Vernon Howard Colville, 680
Garrett, Sir Raymond William, AFC, AEA, 508
Hayes, Honourable Geoffrey Phillip, 91
Swinburne, Honourable Ivan Archie, CMG, 6
Walton, Honourable John Malcolm, 9

Freeway tolls, 835, 845

Petitions
Task Force Victor, 1115

Points of order, 141

Questions without notice
Boating safety, 291
Catalytic converters, 1474
City of Moreland, 1113
Competition policy reforms, 1387
Crown Casino
rent payments, 13
signage, 373
Disabled persons parking scheme, 685
Domain tunnel and Western bypass, 918
Eastern Freeway extension, 1053
Frankston pier, 1390
Heavy vehicles
speed limits, 251
uniform regulations, 575
Henty Bay, Portland, 760
Information technology outsourcing, 796
Lakes Entrance dredging, 515
Multipurpose taxi program, 654
Ports
charges, 1112

competition, 15
facilities, 167
privatisation, 12, 14, 17
RACV road survey, 1322
Rural fire brigade vehicle registrations, 51
South Eastern Arterial, 374
Springvale bypass, 51
Taxis: driver training and testing, 1389
Traffic signal technology, 476
Transport strategy for Melbourne, 1217
Tullamarine airport rapid transit link, 1221
Tullamarine Freeway rail link, 947, 1472
Vehicles: B-doubles, 760, 845
Western and Southern bypasses, 13

BEST, Hon. R.A. (North Western)

Adjournment
Driver education: north-central school cluster, 941

Bills
Estate Agents (Amendment) Bill, 1076
Project Development and Construction Management Bill, 1304

Budget papers, 1994-95, 317

Petitions
Sodomy, 687

Questions without notice
Dairy industry
drought, 1111
five-year program, 474
Education and training, 164
Melbourne market, 655
Regional development, 12
TAFE college councils, 916
Warrnambool Woollen Mills, 1387

BIRRELL, Hon. M. A. (East Yarra)(Minister for Conservation and Environment and Minister for Major Projects)

Adjournment
Bunyip State Park fire tracks, 1438
Bushfires
controlled burning, 1106
response, 1288
Camp Fairnie, Tyabb, 1438
Cardinia Regional Park Reserve, 216
Carrum: relocation of sporting clubs, 941
INDEX

Christmas felicitations, 1511
Conservation: native grass, 789
Dandenong Ranges National Park, 43
Electricity Services Victoria demand management, 790
Fire hydrants, 216
La Trobe University: Abbotsford campus, 789
Legislative Council sitting days, 42
Merinda Park railway station, 941
Natimuk conservation and natural resources depot, 43
National parks: access, 438
Australian and New Zealand Fisheries and Aquaculture Council, 101

Bills
Appropriation (Parliament 1994-95, No. 1) Bill, 668, 676
Constitution (Amendment) Bill, 1357, 1359
Crown Lands Acts (Amendment) Bill, 937, 1146
Fisheries (Amendment) Bill, 891, 937, 1008
Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill, 945, 971, 1099, 1102
Land Titles Validation Bill, 1357, 1358, 1404
Subordinate Legislation Bill, 1109, 1122, 1338
Valuation of Land (Amendment) Bill, 1093
Victorian Plantations Corporation (Amendment) Bill, 945, 969, 1082
Water Industry Bill, 1109, 1256, 1422

Business of the house
Sessional orders, 76

Crown Casino bid, 1150

Deaths
Christie, Sir Vernon Howard Colville, 679
Garrett, Sir Raymond William, AFC, AEA, 507
Hayes, Honourable Geoffrey Phillip, 89
Swinburne, Honourable Ivan Archie, CMG, 5
Walton, Honourable John Malcolm, 8

Points of order, 288, 342, 556, 931, 1087, 1328, 1443, 1446, 1447, 1448, 1449, 1450, 1453

President, The
Absence, 89
Return, 687

Privatisation: electricity and water, 1186

Questions without notice
Bellarine Peninsula coastal management, 477
Braeside Park, 843
Bullock Island development, 290
Bushfire season, 1052
Catchment and Land Protection Council, 573
Coast Action, 1110
Code of forest practice, 1471

BISHOP, Hon. B. W. (North Western)

Bills
Agricultural and Veterinary Chemicals (Victoria) Bill, 710
Agriculture (Registered Occupations) Bill, 295
Crown Lands Acts (Amendment) Bill, 1137
Emergency Management (Amendment) Bill, 1296
Impounding of Livestock Bill, 693
Livestock Disease Control Bill, 1462
Margarine (Repeal) Bill, 220
Royal Agricultural Show-grounds (Amendment) Bill, 121

Questions without notice
Good Neighbour initiative, 14
Heavy vehicle uniform regulations, 575
Regional development awards, 373
Vehicles: B-doubles, 844
BOWDEN, Hon. R. H. (South Eastern)

Address-in-reply, 234
Adjournment
Flinders shire playground expenditure, 126

Bills
Como Project Bill, 909
Liquor Control (Amendment) Bill, 894
Lotteries Gaming and Betting (Betting) Bill, 763
Royal Agricultural Show-grounds (Amendment) Bill, 116

Budget papers, 1994-95, 416

Questions without notice
Housing: tenant safety, 1390
Roads: black spot program, 949
Safety initiatives for the elderly, 169
TAFE programs, 652
Workcover
annual report, 513
conciliation guidelines, 761

BRIDESON, Hon. Andrew (Waverley)

Petitions
Sexual discrimination, 516
Sodomy, 516

Questions without notice
Education: standardised qualifications, 684
Kingston Centre, 946
National Carers Awareness Week, 515
State-enrolled nurses, 843

CHAIRMAN OF COMMITTEES, The (Hon. D. M. Evans) (See Rulings by the Chair in SUBJECTS and Evans, Hon. D. M. (North Eastern))

CHAMBERLAIN, Hon. B. A. (Western) (See President, The (Hon. B. A. Chamberlain) and Rulings by the Chair in SUBJECTS)

CONNARD, Hon. G. P. (Higinbotham)

Bills
Appropriation (1994-95, No. 1) Bill, 606
Appropriation (Parliament 1994-95, No. 1) Bill, 674
Constitution (Amendment) Bill, 1392
Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill, 1097
Therapeutic Goods (Victoria) Bill, 781

Budget papers, 1994-95, 606

Petitions
Sexual discrimination, 623
Sodomy, 516

Questions without notice
Aged care, 1476
Apollo Bay multipurpose service centre, 656
HACC program, 1324

COX, Hon. G. H. (Nunawading)

Bills
Australian Grand Prix Bill, 470
Emerald Tourist Railway (Amendment) Bill, 111
Transport Accident (General Amendment) Bill, 904

Deaths
Garrett, Sir Raymond William, AFC, AEA, 510
Hayes, Honourable Geoffrey Phillip, 94

Petitions
Sexual discrimination, 101

Questions without notice
Arts: multicultural organisations, 759
Creative Nation statement, 574
Disused railway lines and reservations, 53
Local government: loan allocations, 166
Parks: Cardinia Creek, 1052

CRAIGE, Hon. G. R. (Central Highlands)

Bills
Fisheries (Amendment) Bill, 1005
Freeway tolls, 849
Privatisation: water, 568

Questions without notice
Arts organisations funding, 50
Multipurpose taxi program, 654
Raiders of the Lost Archives exhibition, 1219
Regional development: business opportunities, 247
Taxis: driver training and testing, 1389

DAVIDSON, Hon. B. E. (Chelsea)

Address-in-reply, 239, 254
Adjournment
Ambulances: helicopter services, 887, 1437
Bemm River access road, 721
INDEX

Parliamentary reports, 725
Questions without notice
Coast Action, 1110
Corryong multipurpose centre, 762
Disabled persons parking scheme, 685

Statements as Deputy/Acting President
Absence of President, 89
Death of Honourable Geoffrey Phillip Hayes, 95
Parliamentary Clerks, 218

FORWOOD, Hon. Bill (Templestowe)

Bills
Employee Relations (Amendment) Bill, 914
Financial Management (Amendment) Bill, 821, 859
Intellectually Disabled Persons' Services (Amendment) Bill, 877
Land Titles Validation Bill, 1401
Water Industry Bill, 1414

Budget papers, 1994-95, 325

Deaths
Garrett, Sir Raymond William, AFC, AEA, 510

Petitions
Sexual discrimination, 101

Points of order, 139

Privatisation: water, 556

Questions without notice
Greswell habitat link, 1390
Heidelberg public housing redevelopment, 289
Home and community care, 841
Local government: postal voting, 1218
National workers compensation scheme, 100

Workcover, 145

GOULD, Hon. M. M. (Doutta Galla)

Address-in-reply, 179

Adjournment
Ballarat: school closures, 436
Conservation: native grass, 787
Fire hydrants, 213
Melton Central Preschool, 1286
Taxis: M50 licences, 1104

Bills
Appropriation (1994-95, No. 1) Bill, 607
Australian Grand Prix Bill, 521, 527, 528, 531, 536
Employee Relations (Amendment) Bill, 927

EVANS, Hon. D. M. (North Eastern)

Bills
Crown Lands Acts (Amendment) Bill, 1140
Subordinate Legislation Bill, 1336
University Acts (Amendment) Bill, 706

DAVIS, Hon. P. R. (Gippsland)
Address-in-reply, 31

Bills
Australian Grand Prix Bill, 492
Corrections Amendment Bill, 1175
Employee Relations (Amendment) Bill, 924

Questions without notice
Boating safety, 291
Historic buildings, 797
Lakes Entrance dredging, 515

de FEGELY, Hon. R. S. (Ballarat)
Address-in-reply, 314

Bills
Domestic (Feral and Nuisance) Animals Bill, 770
Emergency Management (Amendment) Bill, 1299

Questions without notice
Catchment and Land Protection Council, 573
Environment Protection Authority prosecutions, 684
Grampians National Park, 168
Greater Green Triangle Association, 1323
Information technology outsourcing, 796
Mount Macedon memorial cross, 843
Tourism: Trentham Falls, 947
Vehicles: B-doubles, 760

Budget papers, 1994-95, 644

Crown Casino bid, 390
Dissent from President's ruling, 1457
Freeway tolls, 852
Points of order, 607, 847, 1442, 1443, 1450
Questions without notice
Crown Casino bid, 291
Frankston pier, 1390
Seaford foreshore, 1053

EVANS, Hon. D. M. (North Eastern)

Bills
Crown Lands Acts (Amendment) Bill, 1140
Subordinate Legislation Bill, 1336
University Acts (Amendment) Bill, 706

Points of order, 607, 847, 1442, 1443, 1450
Questions without notice
Crown Casino bid, 291
Frankston pier, 1390
Seaford foreshore, 1053
Melbourne City Link Authority Bill, 1489
Vocational Education and Training (State Training Wage) Bill, 1237

Budget papers, 1994-1995, 607

Questions on notice
Answers, 254, 378

Questions without notice
Unemployment: Ballarat/Ararat region, 1474

GUEST, Hon. J. V. C (Monash)

Bills
Australian Grand Prix Bill, 481
Casino (Management Agreement)(Amendment) Bill, 1325

Petitions
Grand prix, 541
Sexual discrimination, 53, 131, 541

Points of order, 47, 661, 1018, 1325

HALL, Hon. P. R. (Gippsland)

Address-in-reply, 185

Bills
Fisheries (Amendment) Bill, 1007
Local Government (Amendment) Bill, 1163
Queen Victoria Women’s Centre Bill, 1228
Road Safety (Further Amendment) Bill, 812
University Acts (Amendment) Bill, 697
Vocational Education and Training (State Training Wage) Bill, 1233

Petitions
Sodomy, 950

Public Accounts and Estimates Committee
Budget estimates and outcomes, 1115
Housing Guarantee Fund Ltd, 20

Questions without notice
Bullock Island development, 290
Catalytic converters, 1474
Heavy vehicle speed limits, 251
Recycling, 97
Workplace vocational training, 475
Youth employment: workplace skills, 1051

HALLAM, Hon. R. M. (Western) (Minister for Regional Development and Minister for Local Government)

Adjournment
BARA-VIC funding, 678
Bemm River access road, 723
City of Warrnambool: subsidy increases, 723
Compulsory competitive tendering, 44, 48, 98
Dandenong Ranges environmental safeguards, 336, 723
Donation collectors, 1106
Electricity Services Victoria: services, 889
Flinders shire playground expenditure, 129
Forklift operator licence, 1182
Gas and Fuel Corporation charges, 538
John Cain Memorial Park, 86
Local government
amalgamations, 283
boundaries, 1288
commissioners, 217, 919
cross-subsidisation, 539
finances, 791
financial management, 919
proposed City of Casey, 791
restructure, 919

Local Government Board
Sherbrooke, 1183
Sunbury, 1183

Minister for Local Government: Telecom listing, 1107
Prahran Market, 1014
Regional development: committees, 439
Special Development School, South Melbourne, 890
Surf Coast Shire commissioner, 505
Whiteside Primary School, 1013

Workcover
challenges to claims, 217
claim payments, 129
claims, 1106, 1438
dispute arbitration, 1106
hospital overpayments, 539
medical treatment, 1014
non-payment of claims, 791
statistical information, 216

Yarraville Community Centre, 890

Auditor-General
City of Sunshine and former City of Bendigo, 1441

Bills
Appropriation (1994-95, No. 1) Bill, 502
Appropriation (Parliament 1994-95, No. 1) Bill, 502
Borrowing and Investment Powers (Public Transport Corporation) Bill, 793, 802, 1058
Business Franchise Acts (Amendment) Bill, 717, 899
Electricity Industry (Further Amendment) Bill, 1109, 1252, 1350
Financial Management (Amendment) Bill, 683, 715, 864
Gas Industry Bill, 1172, 1259
Impounding of Livestock Bill, 169, 695
INDEX

Land Tax (Amendment) Bill, 1278, 1279
Local Government (Amendment) Bill, 945, 956, 1171
State Taxation (Amendment) Bill, 1278, 1280
Superannuation Acts (Further Amendment) Bill, 1172, 1262
Transport Accident (General Amendment) Bill, 810, 904
Valuation of Land (Amendment) Bill, 793, 806

Budget papers, 1994-95, 101
Electricity charges, 65
Local government commissioners, 1033
Local government restructure, 753
Ministerial statements
City of Sunshine and former City of Bendigo, 1441

Personal Explanations, 285
Points of order, 15, 601, 1158
Questions without notice
Australian Defence Industries, 576
Ballarat city: election date, 249
Bendigo enterprise centre, 574
City of Greater Geelong
1994-95 budget, 1054
elections, 100, 475
regional development, 946
structure, 686
City of Port Phillip, 797
City of Stonnington commissioner, 47
Compulsory competitive tendering, 98
Country racing clubs, 1110
Dairy industry
drought, 1111
five-year program, 474
Drought: effects on small business, 948
Electricity industry: uniform tariffs, 165
Fitzroy Swimming Pool, 376, 656, 759
Greater Green Triangle Association, 1323
John Cain Memorial Park, 248
Local government
amalgamations, 251, 1219
chief executive officers, 1052
commissioners, 167, 247
compulsory competitive tendering, 1324
elections, 49
loan allocations, 166
postal voting, 1218
rural rates, 1323
Local Government Board
chairmanship, 476
independence, 844
Melbourne market, 655
National workers compensation scheme, 100
Petrol prices, 1388
Rail passenger services, 1320
Regional development
awards, 373
Bendigo, 686
business opportunities, 247
north-eastern Victoria, 12
services and jobs, 1473
Shire of Moorabool, 1221
Unemployment
Ballarat/Ararat region, 1474
rural, 572
Warrnambool Woollen Mills, 1387
Winchelsea City Council, 1220
Workcover
annual report, 513
claims payments, 129
conciliation guidelines, 761
consultants, 757
costs, 840
delays, 1050
Industry Commission inquiry, 794
injured worker groups, 1109
local government, 1475
medical panels, 842
medical treatment, 946
payments, 1321
premiums, 287
small business premiums, 473
trusts, 683
Vistel Ltd, 799
Workcover, 154

HARTIGAN, Hon. W. A. N. (Geelong)
Address-in-reply, 276

Bills
Valuation of Land (Amendment) Bill, 1090

Budget papers, 1994-1995, 428
Crown Casino bid, 361
Electricity charges, 58
Local government commissioners, 1037
Local government restructure, 738
Points of order, 343
Privatisation: electricity and water, 1202

Questions without notice
Bellarine Peninsula coastal management, 477
City of Greater Geelong
1994-95 budget, 1054
regional development, 946
CPM Construction Management, 252
Ports: facilities, 167
Regional development: Bendigo, 686
State-enrolled nurses, 1113

HENSHAW, Hon. D. E. (Geelong)
Address-in-reply, 210

Adjournment
Community residential units, 333
Lorne pier, 787
Queenscliff Maritime Centre and Museum, 1286

Bills
Appropriation (1994-95, No. 1) Bill, 617
Domestic (Feral and Nuisance) Animals Bill, 775
Local Government (Amendment) Bill, 1170
Water Industry Bill, 1415

Budget papers, 1994-1995, 617

Questions without notice
City of Greater Geelong elections, 99, 474, 686
Local government: rural rates, 1323
Ports: privatisation, 17
Roads: freeway tolls, 794
Winchelsea City Council, 1220

HOGG, Hon. C. J. (Melbourne North)
Address-in-reply, 170

Adjournment
Broadmeadows Domestic Violence Outreach Service, 212
Coburg-Preston Secondary College, 82
Education: integration aides, 1433
Intellectual disability services, 125
North East Women's Health Service, 537
Victorian certificate of education, 332
Wimmera Community College of TAFE, 939

Bills
Appropriation (1994-95, No. 1) Bill, 588
Dentists (Amendment) Bill, 105
Environment Effects (Amendment) Bill, 956
Health Services (Amendment) Bill, 981
Intellectually Disabled Persons' Services (Amendment) Bill, 864, 884, 885, 886, 887
Queen Victoria Women's Centre Bill, 1214
Therapeutic Goods (Victoria) Bill, 779
University Acts (Amendment) Bill, 695
Vocational Education and Training (State Training Wage) Bill, 1230

Deaths
Hayes, Honourable Geoffrey Phillip, 93
Walton, Honourable John Malcolm, 10

Questions without notice
Payroll tax, 1222
Public housing: income assessment, 166

IVES, Hon. R. S. (Eumemmerring)
Address-in-reply, 192

Adjournment
Bunyip State Park fire tracks, 1433
Bushfires
controlled burning, 1104
response, 1286
Dandenong Festival of Arts and Music for Youth, 1010
Dandenong Ranges
environmental safeguards, 332, 720
National Park, 41
Information technology outsourcing, 678
Local government
amalgamations, 1353
cross-subsidisation, 537
proposed City of Casey, 785
Local Government Board: Sherbrooke, 1181
National Meals on Wheels Day, 85
Public housing, 128, 129
School crossing supervisors, 437
Springvale Information Service for People with Disabilities, 504
Tenants unions, 887
Vicroads staffing, 939

Bills
Appropriation (1994-95, No. 1) Bill, 663
Domestic (Feral and Nuisance) Animals Bill, 769
Emerald Tourist Railway (Amendment) Bill, 112
Emergency Management (Amendment) Bill, 1297
Health Services (Amendment) Bill, 989
Intellectually Disabled Persons' Services (Amendment) Bill, 874
Planning Authorities Repeal Bill, 1503
Vocational Education and Training (State Training Wage) Bill, 1235

Budget papers, 1994-1995, 430
Crown Casino bid, 365
Parliamentary privilege, 1029
Points of order, 598, 1451

Questions without notice
Housing: public waiting lists, 515
INDEX

KNOWLES, Hon. R. I. (Ballarat) (Minister for Housing and Minister for Aged Care)

Aboriginal deaths in custody, 1291

Adjournment
Ambulances: helicopter services, 889, 1439
Atherton Gardens Residents Association, 1354
Ballarat: school closures, 439
Barwon Water: meter-reading charges, 724
Broadmeadows Domestic Violence Outreach Service, 217
Clerk, The, 1353
Community residential units, 336
Department of Planning and Development subcontractors, 1014
Deputy Ombudsman (Police Complaints), 439
Donation collectors, 678
Gas meters: connection, 1438
Housing initiatives in Mauritius, 1114
Intellectual disability services, 129
Local Government Board report, 943
Local government commissioners, 943
Melbourne Sports and Aquatic Centre Bill, 1366
Melton Central Preschool, 1288
National Meals on Wheels Day, 86
North East Women's Health Service, 539
Springvale Information Service for People with Disabilities, 505
Tenants unions, 889
Victorian Advocacy League for Individuals with Disability, 621
Western Support Services: community residential units, 621
Yarra River: proposed advertising, 723

Bills
Como Project Bill, 793, 800, 910
Crown Lands Acts (Amendment) Bill, 955
Dentists (Amendment) Bill, 54, 79, 110
Environment Effects (Amendment) Bill, 784, 979
Health Services (Amendment) Bill, 793, 801, 994
Intellectually Disabled Persons' Services (Amendment) Bill, 683, 718, 880, 884, 885, 886
Land Titles Validation Bill, 1396
Margarine (Repeal) Bill, 222
Planning Authorities Repeal Bill, 1109, 1117, 1510
Project Development and Construction Management Bill, 1109, 1120, 1304, 1306
Property Law (Amendment) Bill, 105
Therapeutic Goods (Victoria) Bill, 690, 784

Business of the house
Adjournment of bills, 20
Broadcasting of proceedings, 19
Days and hours of meeting, 19
Naming and suspension of member, 605
Periodic discharge of orders of the day, general business, 18
Privilege, 19
Proclamations fixing operative dates, 18
Sessional orders, 73, 541, 1115
Sitting days, 920
Temporary relief in chair, 19

Dissent from President's ruling, 1459
Health Computing Services Victoria Ltd, 950
Parliamentary committees
House Committee, 516
Joint Printing Committee, 516
Library Committee, 517
Privileges Committee, 517
Standing Orders Committee, 517

Personal explanations, 1116
Points of order, 60, 127, 242, 577, 608, 826, 1377, 1378, 1443, 1444, 1451, 1454
Protective services, 1291

Questions on notice
Answers, 254

Questions without notice
Aged care, 1476
Apollo Bay multipurpose service centre, 656
Asthma Awareness Week, 378
Community housing program, 578
Community resourcing program, 687
Community Visitors, 1222
Corryong multipurpose centre, 762
CPM Construction Management, 252
Elderly person accommodation, 51
Heidelberg public housing redevelopment, 289
Home and community care funding, 476, 1324
services, 52, 168, 841
Home child-care allowance, 798
Housing
East Preston redevelopment, 920
for the disadvantaged, 99
public waiting lists, 515
tenant safety, 1390
Injury prevention, 18
Kingston Centre, 947
National Carers Awareness Week, 516
Priority housing, 252
Public housing: income assessment, 166
Public Tenants Union of Victoria, 1050
Safety initiatives for the elderly, 169
Sewerage charges, 477
Taxis: fare increases, 52
KOKOCINSKI, Hon. LICIA (Melbourne West)

Address-in-reply, 311

Adjournment

Deputy Ombudsman (Police Complaints), 436
Donation collectors, 677, 1103
Public transport: concession fares, 333
Western Support Services: community residential units, 620

Bills

Australian Grand Prix Bill, 464
Domestic (Feral and Nuisance) Animals Bill, 764, 777, 778
Royal Agricultural Show-grounds (Amendment) Bill, 118
University Acts (Amendment) Bill, 699

Budget papers, 1994-1995, 421

Points of order, 481, 500, 501, 570, 604, 1328

Questions without notice

Elderly person accommodation, 50
Home and community care funding, 476
services, 168

McLEAN, Hon. JEAN (Melbourne West)

Address-in-reply, 203

Adjournment

Casino bonuses at brothels, 41
Taxis: fare increases, 85
Yarraville Community Centre, 888

Bills

Appropriation (1994-95, No. 1) Bill, 638
Australian Grand Prix Bill, 489
Prostitution Control Bill, 1263

Budget papers, 1994-1995, 638

Petitions

Railway crossing gates: Yarraville, 1441

Questions without notice

Crown Casino: illegal gambling, 798
Priority housing, 252
Taxis: fare increases, 52

MIER, Hon. B. W. (Waverley)

Adjournment

Whiteside Primary School, 1009
Workcover: non-payment of debt, 788

Bills

Appropriation (1994-95, No. 1) Bill, 676
Constitution (Amendment) Bill, 1383
Crown Lands Acts (Amendment) Bill, 1139
Electricity Industry (Further Amendment) Bill, 1347
Fisheries (Amendment) Bill, 1003
Gas Industry Bill, 1431

Crown Casino bid, 388

Points of order, 481, 500, 501, 570, 604, 1328

Questions without notice

Domain tunnel and Western bypass, 918
Local government amalgamations, 251
Log grading, 687
Springvale bypass, 51

NARDELLA, Hon. D. A. (Melbourne North)

Address-in-reply, 228

Adjournment

Bus services: Reghon Drive, Sunbury, 1011
City of Warrnambool: subsidy increases, 722
Local Government Board report, 940
Sunbury, 1180
Tullamarine Freeway signage, 1437

Workcover challenges to claims, 214
claims payment, 126, 1104
non-payment of debt, 788

Bills

Appropriation (1994-95, No. 1) Bill, 600, 606
Appropriation (Parliament 1994-95, No. 1) Bill, 668
Australian Grand Prix Bill, 493, 523, 532, 533, 534
Constitution (Amendment) Bill, 1385, 1391
Corrections (Amendment) Bill, 1176
Crimes (Amendment) Bill, 1249
Domestic (Feral and Nuisance) Animals Bill, 776
Emerald Tourist Railway (Amendment) Bill, 114
Employee Relations (Amendment) Bill, 930
Financial Management (Amendment) Bill, 861
Gas Industry Bill, 1426
Health Services (Amendment) Bill, 992
Intellectually Disabled Persons’ Services (Amendment) Bill, 879
Local Government (Amendment) Bill, 1165
Margarine (Repeal) Bill, 221
Melbourne City Link Authority Bill, 1485
Prostitution Control Bill, 1276
Transport Accident (General Amendment) Bill, 907
Water Industry Bill, 1420

Budget papers, 1994-1995, 600, 606
INDEX

Livestock Disease Control Bill, 1460
Local Government (Amendment) Bill, 1151
Margarine (Repeal) Bill, 219
Melbourne City Link Authority Bill, 1468, 1476
Road Safety (Further Amendment) Bill, 811
Royal Agricultural Show-grounds (Amendment) Bill, 115
Water Industry Bill, 1417

Budget papers, 1994-1995, 613
Local government commissioners, 1035
Local government restructure, 725, 756
Points of order, 146, 147, 368, 456, 526, 573, 1038, 1159
Privatisation: water, 564

Questions without notice

Ballarat city: election date, 249
Bendigo enterprise centre, 574
City of Port Phillip, 797
Compulsory competitive tendering, 98
Country racing clubs, 1110
Drought: effects on small business, 948
Fitzroy Swimming Pool, 376
Henty Bay, Portland, 760
Local government
  chief executive officers, 1051
  commissioners, 167
  compulsory competitive tendering, 1324
  elections, 49
  restructure, 918
Local Government Board
  chairmanship, 475
  independence, 844
Petrol prices, 1388
Rail: passenger services, 1320
Regional development: services and jobs, 1473
Shire of Moorabool, 1221
Unemployment: rural, 572

PRESIDENT, The (Hon. B. A. Chamberlain)(See also Rulings by the Chair in SUBJECTS)

Adjournment

Christmas felicitations, 1513
Electorate offices
  Dandenong, 1107
  Safety, 45

Governor's speech
  Presentation of address-in-reply, 757, 827

Parliamentary reports, 725

President, The
  Return, 687
LEGISLATIVE COUNCIL

PULLEN, Hon. B. T. (Melbourne)

Adjournment
Aerial spraying, Dereel, 215
Atherton Gardens Residents Association, 1353
Camp Fairnie, Tyabb, 1434
Carlton North Primary School, 334
Environment effects statement, 1113
Koonung Creek pollution, 888, 1105
La Trobe University: Abbotsford campus, 787
Mallacoota
boat launching, 722
Inlet, 282
Merinda Park railway station, 939
Natimuk conservation and natural resources depot, 42
National parks: access, 437
Queenscliff dredging, 1179

Bills
Appropriation (1994-95, No. 1) Bill, 623
Australian Grand Prix Bill, 441, 519, 522, 524, 526, 528, 529, 530, 531, 534, 535, 536
Classification of Films and Publications (Amendment) Bill, 1468
Como Project Bill, 908
Constitution (Court of Appeal) Bill, 1404
Corrections Amendment Bill, 1172
Crimes (Amendment) Bill, 1240, 1251, 1252
Crown Lands Acts (Amendment) Bill, 1126
Emergency Management (Amendment) Bill, 1294
Environment Effects (Amendment) Bill, 974
Fisheries (Amendment) Bill, 999
Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill, 1094, 1095, 1100, 1101
Melbourne City Link Authority Bill, 1491
Planning Authorities Repeal Bill, 1496
Property Law (Amendment) Bill, 105
Prostitution Control Bill, 1272
Victorian Plantations Corporation (Amendment) Bill, 1081
Water Industry Bill, 1406

Budget papers, 1994-1995, 623

Environment and Natural Resources Committee
Impact of commonwealth activities, 891
Local government restructure, 747

Petitions
Australian grand prix, 1115
Community resourcing program, 53

Points of order, 499

Privatisation: water, 541

Questions on notice
Answers, 253

Questions without notice
Braeside Park, 843
Bushfire season, 1052
Department of Conservation and Natural Resources: grants, 946
Fire prevention, 653
Fitzroy Swimming Pool, 656, 758
Forests: national policy, 1389
Leases: unused roads, 375
Local government amalgamations, 1219
Melbourne Water drainage, 164
Regulator-General, 97
Tullamarine Freeway rail link, 1472

SKEGGS, Hon. B. A. (Templestowe)

Address-in-reply, 207

Adjournment
Sports grants, 1436

Bills
Casino (Management Agreement)(Amendment) Bill, 1310
Constitution (Amendment) Bill, 1384
Gaming and Betting (Amendment) Bill, 1283
Liquor Control (Amendment) Bill, 895
Lotteries Gaming and Betting (General Amendment) Bill, 1330
Royal Agricultural Show-grounds (Amendment) Bill, 120
Subordinate Legislation Bill, 1335

Deaths
Christie, Sir Vernon Howard Colville, 681
Garrett, Honourable Sir Raymond William, AFC, AEA, 509
Hayes, Honourable Geoffrey Phillip, 94

Petitions
Sexual discrimination, 101

Questions without notice
Film industry, 98
Housing: East Preston redevelopment, 920
National Environment Protection Council, 1320
Project grants program, 513
University places, 15

Scrutiny of Acts and Regulations Committee
Alert Digest, 102, 517, 688, 799, 950
Australian Federalism Conference, 950
INDEX

Householder mail, 1181
Queenscliff Maritime Centre and Museum, 1288
Roxburgh Park primary school, 43
Victorian certificate of education, 335
Wimmera Community College of TAFE, 942

Bills
Australian Grand Prix Bill, 392, 518, 521, 525, 526, 528, 529, 530, 532, 533, 536, 538
Casino (Management Agreement)(Amendment) Bill, 1109, 1118, 1316, 1327
Classification of Films and Publications (Amendment) Bill, 1357, 1361, 1468
Constitution (Court of Appeal) Bill, 1252, 1350
Crimes (Amendment) Bill, 945, 967, 1251
Emerald Tourist Railway (Amendment) Bill, 54, 81
Employee Relations (Amendment) Bill, 793, 803, 937
Estate Agents (Amendment) Bill, 793, 808, 1081
Gaming and Betting (Amendment) Bill, 1009, 1040, 1285
Lotteries Gaming and Betting (General Amendment) Bill, 1009, 1042, 1332
Property Law (Amendment) Bill, 80
Prostitution Control Bill, 945, 962, 1278
Queen Victoria Women’s Centre Bill, 1017, 1045, 1230
University Acts (Amendment) Bill, 578, 708
Vocational Education and Training (State Training Wage) Bill, 1009, 1043, 1239

BLF Custodian, 20, 1115

Crown Casino: bid, 352, 1149

Deaths
Christie, Sir Vernon Howard Colville, 681
Hayes, Honourable Geoffrey Phillip, 91

Dissent from President’s ruling, 1456

Farrow group inquiry, 1299

Legal aid services, 1291

Parliamentary privilege, 1026

Points of order, 360, 481, 500, 663, 1019, 1021, 1445, 1450, 1453

Questions on notice
Answers, 254, 378

Questions without notice

Arts
Centre spire, 794
exhibition, 1472
multicultural organisations, 759
organisations funding, 50
Atlantis Recordings, 916, 1387
Bulldozing of war memorial, 1322
Community education providers, 1388
Creative Nation statement, 574
Crown Casino
builder, 96
car parking, 842
entertainment, 684
food regulations, 917
gaming machines, 374
guarantees, 1051
hotel, 949
illegal gambling, 798
Mr Lloyd Williams, 761
non-completion penalties, 762
probity checks, 477, 841
Education
adult, community and further, 376
standardised qualifications, 684
Education and training, 165
Film industry, 98
Gaming machines, 513, 514
Melbourne International Festival of the Arts, 511
Payroll tax, 1222
Premier’s Literary Awards, 250
Raiders of the Lost Archives exhibition, 1219
State-enrolled nurses, 843, 1113
TAFE
college councils, 916
programs, 652
Tertiary institutions: entry, 948
Training courses, 1321
University places, 15
Workplace vocational training, 475
Youth employment: workplace skills, 1051

Solicitors Guarantee Fund, 799
Supreme Court judges, 1185
Women’s Budget, 1115

STRONG, Hon. C. A. (Higinbotham)

Bills
Appropriation (1994-95, No.1) Bill, 595
Electricity Industry (Further Amendment) Bill, 1343
Financial Management (Amendment) Bill, 863
Gas Industry Bill, 1428
Project Development and Construction Management Bill, 1302
State Taxation (Amendment) Bill, 1373

Budget papers, 1994-95, 595
Freeway tolls, 854
Points of order, 598, 1346
Privatisation: electricity and water, 1211

Questions without notice
Education: adult, community and further, 376
Lighthouses, 1471
Ports: charges, 1112
Workcover: medical panels, 842
Young Achievers awards, 656

THEOPHANOUS, Hon. T. C. (Jika Jika)
Address-in-reply, 308

Adjournment
Christmas felicitations, 1511
Community service orders, 1287
Electorate office security, 40
Electricity Services Victoria
demand management, 789
late payment charges, 335
John Cain Memorial Park, 84
Workcover
claim payments, 125, 1435
dispute arbitration, 1105
hospital overpayments, 538
medical treatment, 1011
statistical information, 213

Bills
Borrowing and Investment Powers (Public Transport Corporation) Bill, 1047, 1055
Business Franchise Acts (Amendment) Bill, 897
Casino (Management Agreement)(Amendment) Bill, 1311, 1318
Constitution (Amendment) Bill, 1375
Electricity Industry (Further Amendment) Bill, 1338
Estate Agents (Amendment) Bill, 1058
Financial Management (Amendment) Bill, 815
Gas Industry Bill, 1428
Land Tax (Amendment) Bill, 1366
Land Titles Validation Bill, 1395, 1396
Liquor Control (Amendment) Bill, 892
State Taxation (Amendment) Bill, 1370
Subordinate Legislation Bill, 1332
Superannuation Acts (Further Amendment) Bill, 1467
Transport Accident (General Amendment) Bill, 899, 905, 907
Valuation of Land (Amendment) Bill, 1083

Budget papers, 1994-95, 398

Business of the house
Sessional orders, 74

Crown Casino bid, 370, 379, 1149

Deaths
Christie, Honourable Sir Vernon Howard Colville, 679
INDEX

Garrett, Honourable Sir Raymond William, AFC, AEA, 508
Hayes, Honourable Geoffrey Phillip, 90
Swinburne, Honourable Ivan Archie, CMG, 6
Walton, Honourable John Malcolm, 8

Electricity charges, 54, 70

Freeway tolls, 828

Naming and suspension of member, 605

Points of order, 15, 16, 60, 128, 139, 141, 146, 153, 156, 288, 473, 577, 602, 825, 826, 839, 847, 1204, 1315, 1377, 1378, 1379, 1454

President, The
   Absence, 89

Privatisation: electricity and water, 1186

Questions without notice
   Code of forest practice, 1471
   Competition policy reforms, 1386
   Crown Casino
      bid, 287, 576
      signage, 372
   Electricity Services Victoria: demand management, 511, 652
   Fire mitigation, 575
   John Cain Memorial Park, 248
   Minister for Major Projects: federal ambitions, 95
   Ports: privatisation, 12
   Roads: freeway tolls, 793
   Workcover
      claims, 1111
      consultants, 737
      costs, 840
      delays, 1050
      injured worker group, 1109
      medical treatment, 945
      payments, 1321
      small business premiums, 473
      trusts, 683
   Workcover, 131, 162

VARTY, Hon. ROSEMARY (Silvan)

Bills
   Planning Authorities Repeal Bill, 1498
   Prostitution Control Bill, 1267
   Queen Victoria Women’s Centre Bill, 1223

Petitions
   Sexual discrimination, 688

Questions without notice
   Community Visitors, 1222

WALPOLE, Hon. D. T. (Melbourne)

Address-in-reply, 296

Adjournment
   Forklift operator licence, 1179

Bills
   Employee Relations (Amendment) Bill, 921

Points of order, 127

Questions without notice
   City of Moreland, 1112
   Gaming machines, 513

WELLS, Hon. R. J. H. (Eumemmerring)

Address-in-reply, 265

Bills
   Agriculture and Veterinary Chemicals (Victoria) Bill, 712
   Appropriation (1994-95, No. 1) Bill, 631
   Livestock Disease Control Bill, 1464
   Royal Agricultural Show-grounds (Amendment) Bill, 122
   University Acts (Amendment) Bill, 702

Budget papers, 1994-95, 631

Petitions
   Minibah Adult Unit, Pakenham, 101
   Sexual discrimination, 292
   Sodomy, 292

Questions without notice
   Road funding, 95
   Training courses, 1321
   Workcover
      local government, 1474
      premiums, 287

WHITE, Hon. D. R. (Doutta Galla)

Address-in-reply, 272

Adjournment
   Department of Planning and Development
      subcontractors, 334, 1010
   Henty Bay, Portland, 1180
   Legislative Council: sitting days, 39
   Parliamentary clerks, 214
LEGISLATIVE COUNCIL

Bills
Appropriation (1994-95, No. 1) Bill, 657
Casino (Management Agreement)(Amendment) Bill, 1307, 1327
Electricity Industry (Further Amendment) Bill, 1349
Employee Relations (Amendment) Bill, 911
Gaming and Betting (Amendment) Bill, 1282
Gas Industry Bill, 1422
Lotteries Gaming and Betting (Betting) Bill, 763, 1329
Melbourne Sports and Aquatic Centre Bill, 1364
Project Development and Construction Management Bill, 1301, 1306

Budget papers, 1994-95, 657

Business of the house
Sessional orders, 75

Crown Casino bid, 339, 1114, 1148

Deaths
Walton, Honourable John Malcolm, 10

Dissent from President's ruling, 1442

Electricity charges, 62
Freeway tolls, 847

Parliamentary privilege, 1019

Points of order, 42, 43, 47, 77, 274, 275, 288, 360, 482, 512, 601, 661, 1018, 1027, 1313, 1315, 1325, 1346, 1443, 1445, 1447, 1448, 1449, 1450, 1451, 1452

Privatisation: electricity and water, 1206

Questions without notice
Atlantis Recordings, 916, 1387
Bulldozing of war memorial, 1322
City of Stonnington commissioner, 47
Crown Casino
bid, 285, 289, 512, 655, 656, 1475
builder, 96
car parking, 842
entertainment, 684
gaming machines, 374
guarantees, 1051
Mr Lloyd Williams, 761
non-completion penalties, 762
probity checks, 477
rent payments, 13
Electricity industry: uniform tariffs, 165
Local government commissioners, 247
Rugby stadium, 795
Transport strategy for Melbourne, 1217
Tullamarine Freeway rail link, 947

WILDING, Hon. S. de C. (Chelsea)
Address-in-reply, 35

Adjournment
Carrum: relocation of sporting clubs, 939

Bills
Intellectually Disabled Persons' Services (Amendment) Bill, 869
Queen Victoria Women's Centre Bill, 1227

Petitions
Sexual discrimination, 101
Sodomy, 101

Questions without notice
Arts exhibition, 1472
Home and community care services, 52
Home child-care allowance, 798
Housing for the disadvantaged, 99
Mount Eliza Regional Park, 1220
Sewerage charges, 477
Tertiary institutions: entry, 948

Road Safety Committee
Demerit points scheme, 725
### INDEX

#### QUESTION ON NOTICE

Questions on notice answered during period covered by this index.

<table>
<thead>
<tr>
<th>Qn</th>
<th>Subject matter</th>
<th>Asked by</th>
<th>Answered by</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Conservation and Environment: staff numbers</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1521</td>
</tr>
<tr>
<td>2</td>
<td>Port Phillip Bay: marine toxicity reports</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1521</td>
</tr>
<tr>
<td>3</td>
<td>Public Transport: patronage</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1515</td>
</tr>
<tr>
<td>4</td>
<td>Public Transport: tram travel times</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1516</td>
</tr>
<tr>
<td>5</td>
<td>Lighthouses: status</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1522</td>
</tr>
<tr>
<td>6</td>
<td>Public Transport: station staffing</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1518</td>
</tr>
<tr>
<td>7</td>
<td>Roads: traffic monitoring costs</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1519</td>
</tr>
<tr>
<td>8</td>
<td>Workcover: advertising expenditure</td>
<td>Mr Pullen</td>
<td>Mr Hallam</td>
<td>1520</td>
</tr>
<tr>
<td>9</td>
<td>Community health centres: annual budgets</td>
<td>Mr Pullen</td>
<td>Mr Knowles</td>
<td>1522</td>
</tr>
<tr>
<td>10</td>
<td>Water: catchments</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1522</td>
</tr>
<tr>
<td>11</td>
<td>Herbicides: reports on use</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1523</td>
</tr>
<tr>
<td>12</td>
<td>Port Phillip Bay — Western Port: marine toxicology expenditure</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1523</td>
</tr>
<tr>
<td>13</td>
<td>Land: sale of Crown</td>
<td>Mr Pullen</td>
<td>Mr Hallam</td>
<td>1523</td>
</tr>
<tr>
<td>14</td>
<td>Bicycle paths</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1524</td>
</tr>
<tr>
<td>15</td>
<td>Land: coastal transferred to leasehold</td>
<td>Mr Pullen</td>
<td>Mr Hallam</td>
<td>1526</td>
</tr>
<tr>
<td>16</td>
<td>Education: outsourcing</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1528</td>
</tr>
<tr>
<td>17</td>
<td>Education: outsourcing</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1528</td>
</tr>
<tr>
<td>18</td>
<td>Education: school enrolments</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1527</td>
</tr>
<tr>
<td>19</td>
<td>Education: consultancies</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1527</td>
</tr>
<tr>
<td>20</td>
<td>Education: print and electronic communication expenditure</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1533</td>
</tr>
<tr>
<td>21</td>
<td>Education: departmental committees</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1534</td>
</tr>
<tr>
<td>22</td>
<td>Government: intergovernmental agreements</td>
<td>Mrs McLean</td>
<td>Mr Birrell</td>
<td>1593</td>
</tr>
<tr>
<td>23</td>
<td>Education: parent representation on school councils</td>
<td>Mrs McLean</td>
<td>Mr Storey</td>
<td>1547</td>
</tr>
<tr>
<td>24</td>
<td>Olympic Games: Melbourne bid for 1996</td>
<td>Mrs McLean</td>
<td>Mr Birrell</td>
<td>1593</td>
</tr>
<tr>
<td>25</td>
<td>Government intergovernmental agreements</td>
<td>Mrs McLean</td>
<td>Mr Birrell</td>
<td>1542</td>
</tr>
<tr>
<td>26</td>
<td>Education: allocation of funds</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1547</td>
</tr>
<tr>
<td>27</td>
<td>Education: role of regional offices</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1553</td>
</tr>
<tr>
<td>28</td>
<td>Education: school maintenance</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1558</td>
</tr>
<tr>
<td>29</td>
<td>Education: school sites sold to Hudson Conway</td>
<td>Mrs Gould</td>
<td>Mr Storey</td>
<td>1558</td>
</tr>
<tr>
<td>30</td>
<td>Housing: D &amp; M Painters</td>
<td>Mr Davidson</td>
<td>Mr Knowles</td>
<td>1595</td>
</tr>
<tr>
<td>31</td>
<td>Melbourne Water: consultancies</td>
<td>Mr Theophanous</td>
<td>Mr Birrell</td>
<td>1561</td>
</tr>
<tr>
<td>32</td>
<td>State Owned Enterprises, Office of consultancies</td>
<td>Mr Theophanous</td>
<td>Mr Hallam</td>
<td>1558</td>
</tr>
<tr>
<td>33</td>
<td>Transport: tram shuttle service between Bundoora and West Preston</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1546</td>
</tr>
<tr>
<td>34</td>
<td>Municipalities: swimming pool costs</td>
<td>Mr Pullen</td>
<td>Mr Hallam</td>
<td>1563</td>
</tr>
<tr>
<td>35</td>
<td>Public Transport: patronage</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1563</td>
</tr>
<tr>
<td>36</td>
<td>Natural Resources: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1563</td>
</tr>
<tr>
<td>37</td>
<td>Conservation and Environment: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1564</td>
</tr>
<tr>
<td>No.</td>
<td>Committee / Function</td>
<td>Staff Members</td>
<td>Consultant(s)</td>
<td>Reference</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------------------------</td>
<td>---------------------------</td>
<td>---------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>45</td>
<td>Natural Resources: staff</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1564</td>
</tr>
<tr>
<td>46</td>
<td>Conservation and Environment: staff</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1565</td>
</tr>
<tr>
<td>47</td>
<td>Conservation and Environment: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1565</td>
</tr>
<tr>
<td>48</td>
<td>Planning: unexhibited planning scheme amendments</td>
<td>Mr Pullen</td>
<td>Mr Knowles</td>
<td>1595</td>
</tr>
<tr>
<td>49</td>
<td>Planning: permit applications called in</td>
<td>Mr Pullen</td>
<td>Mr Knowles</td>
<td>1595</td>
</tr>
<tr>
<td>50</td>
<td>Planning: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Knowles</td>
<td>1578</td>
</tr>
<tr>
<td>51</td>
<td>Tertiary Education and Training: staff</td>
<td>Mr Pullen</td>
<td>Mr Storey</td>
<td>1596</td>
</tr>
<tr>
<td>52</td>
<td>Housing: staff</td>
<td>Mr Pullen</td>
<td>Mr Knowles</td>
<td>1560</td>
</tr>
<tr>
<td>53</td>
<td>Major Projects: staff</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1584</td>
</tr>
<tr>
<td>54</td>
<td>Local Government: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Hallam</td>
<td>1584</td>
</tr>
<tr>
<td>55</td>
<td>Housing: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Knowles</td>
<td>1597</td>
</tr>
<tr>
<td>56</td>
<td>Roads and Ports: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Baxter</td>
<td>1587</td>
</tr>
<tr>
<td>57</td>
<td>Major Projects: consultancies</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1587</td>
</tr>
<tr>
<td>58</td>
<td>Timber industry: grading and sale of logs</td>
<td>Mr Mier</td>
<td>Mr Birrell</td>
<td>1588</td>
</tr>
<tr>
<td>59</td>
<td>Melbourne Water: water conservation</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1591</td>
</tr>
<tr>
<td>60</td>
<td>Natural Resources: fire prevention</td>
<td>Mr Pullen</td>
<td>Mr Birrell</td>
<td>1591</td>
</tr>
<tr>
<td>61</td>
<td>Timber industry: log grading audits</td>
<td>Mr Mier</td>
<td>Mr Birrell</td>
<td>1602</td>
</tr>
<tr>
<td>62</td>
<td>Timber industry: contracts with Harris Daishowa Ltd</td>
<td>Mr Mier</td>
<td>Mr Birrell</td>
<td>1601</td>
</tr>
</tbody>
</table>