Thursday, 25 May 1995

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

PETITION

Point Gellibrand

Hon. JEAN McLEAN (Melbourne West) presented a petition from certain citizens of Victoria requesting that public land at Point Gellibrand, Williamstown, be kept as open space and developed as a historic park in consultation with interested local groups. (1997 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:


MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL

Second reading

Hon. W. R. BAXTER (Minister for Roads and Ports) — I move:

That this bill be now read a second time.

The purpose of the bill is to create a new statutory corporation — the Melbourne and Olympic Parks Trust — to operate both the National Tennis Centre and Olympic Park, which incorporates the no. 1 and no. 2 grounds and the Melbourne Sports and Entertainment Centre, and to ensure modern joint administration of these strategic sports and entertainment assets. The corporation will be the successor in law of both the National Tennis Centre Trust and Olympic Park management.

The bill will also give the name Melbourne Park to the land reserved for the National Tennis Centre, including the vacated Jolimont railyard land, to give greater prominence to Melbourne as the home of the Australian Open and make a number of amendments to the Melbourne Cricket Ground Act 1933 and the Melbourne Cricket Ground Act 1984.

The National Tennis Centre and Olympic Park form a recognisable and discrete sports and entertainment precinct. As the venues are complementary in the entertainment market and in relation to some indoor sports their potential benefits have not been fully exploited under separate organisations. The creation of a single entity to operate the National Tennis Centre and Olympic Park offers opportunities for integrated planning and development to enhance public use and enjoyment of the facilities and to maximise their potential.

The trust will consist of 12 members appointed by the Governor in Council: 9 are to be appointed on the nomination of the minister; 2 are to be appointed on the nomination of the Lawn Tennis Association of Australia, or, as it is more commonly known, Tennis Australia; and 1 on the nomination of the Victorian Tennis Association. The chairperson is to be appointed by the Governor in Council from the members of the trust. Disclosure of pecuniary interests by members of the trust will be required and an immunity provision will ensure that a member of the trust is not liable for anything done or omitted to be done in good faith.

Consistent with the long-term management agreement with Tennis Australia the bill provides for the retention of the association as manager of the National Tennis Centre. It also establishes the scope for an independent administration accountable to the trust for all other facilities controlled by the trust. To this end provision is made in the bill for the corporation to appoint a secretary, subject to ministerial approval, and to appoint other staff required for effective administration of the trust. The rights, powers and obligations of the National Tennis Centre Trust under the management agreement will continue to apply to the Melbourne and Olympic Parks Trust upon commencement of the relevant section of the proposed act.

The trust will be responsible for the overall care, improvement, use and promotion of the National Tennis Centre and Olympic Park facilities for sport, recreation and entertainment. It will be required to prepare a business plan each year to the satisfaction of the minister. As a public body it will be required to prepare an annual report under the Financial Management Act.
Consistent with the financial arrangements agreed with Tennis Australia, the National Tennis Centre Fund will be preserved. Consequently, there is a need for an Olympic Park Fund to avoid mixing of funds with those for the National Tennis Centre. These separate funds will be maintained by the trust. All moneys received or disbursed by the trust in respect of Olympic Park will be paid to or out of the Olympic Park Fund.

This bill will also make amendments to the Melbourne Cricket Ground acts of 1933 and 1984 in order to set a term of four years for future Governor in Council appointments to the MCG trust while maintaining existing terms of office for trustees appointed prior to this bill, to provide for deputies for certain trustees, to provide for ministerial determinations in relation to the use of the floodlights and car parking at night events and to increase the maximum penalty for offences under the regulations.

This bill furthers the government's commitment to increased specialisation and accountability of statutory bodies including those established to manage public sport, recreation and entertainment facilities. It establishes a framework for enhancing the management, use and promotion of the National Tennis Centre and Olympic Park precinct facilities for sports and entertainment and provides for consistency in business planning and financial management across the facilities. The bill will also provide the MCG trust with greater operational flexibility.

I commend the bill to the house.

Debate adjourned for Hon. D. R. WHITE (Doutta Galla) on motion of Hon. C. J. Hogg.

Debate adjourned until next day.
the assistance of a full-time social worker. Finally, and most importantly, the Office and Director of Public Prosecutions have continued to operate in an independent, fair and just manner.

The Director of Public Prosecutions has drawn attention to a problem with section 29 of the act. Section 29 provides that where the Director of Public Prosecutions believes it is desirable in the interests of justice that he or she should not exercise any powers, for example in the case of a conflict of interest, he or she may request the Attorney-General to exercise those powers. However, there is no provision for a situation where the Attorney-General also has a conflict of interest. Moreover, if the Attorney-General accepts a referral, he or she may then be obliged to personally participate in directors’ meetings in respect of individual cases. This could impose an unnecessary burden on the Attorney-General.

The bill enables the Attorney-General to request the Chief Crown Prosecutor or any Crown prosecutor, including a senior Crown prosecutor, to perform the director’s functions or exercise the director’s powers.

Section 30 of the act provides the director with the power to delegate certain powers or functions to the Solicitor for Public Prosecutions. The power to delegate to the solicitor is unnecessary given the separation of functions and has been removed. Instead the director will additionally be able to delegate to any Crown prosecutor, including a senior Crown prosecutor.

The bill creates a third tier of Crown prosecutors to be known as associate Crown prosecutors. This will allow barristers to work as prosecutors for a limited period before returning to the private bar and will give the Office of Public Prosecutions the ability to maintain a flexible prosecutorial capacity. At the same time it will allow the office to enhance the skills of those who may wish, and have the ability, to develop careers as prosecutors. It will also enable better quality control of matters. Furthermore, it will enable additional work to be conducted from the resources within the office and thus assist in the further containment of costs.

The principal act permits the Solicitor for Public Prosecutions to brief outside counsel after consultation with the Director of Public Prosecutions. The obligation to consult in every case is seen by both the current director and solicitor as unduly onerous. The bill will permit the solicitor to brief outside counsel in individual matters without first consulting with the director except in cases that fall within a class or category of matters that the director has indicated require consultation.

The Director of Public Prosecutions, the Chief Crown Prosecutor and senior Crown prosecutors are currently entitled to receive pensions when they complete a 10-year term of service, provided that they are 60 years of age or more at that time. New provisions contained in other legislation will increase the minimum age for a pension entitlement to 65 years. The bill extends the term of appointment of the Director, the Chief Crown Prosecutor and senior Crown prosecutors from a term of 10 years to a term not exceeding 20 years. This will enable the recruitment of people younger than 55 years of age who in the future may not wish to accept an appointment, as they would complete their 10 years service prior to turning 65 years of age and thus not be eligible for a pension. The bill also permits the present incumbents to seek extensions of their terms of appointment in line with the new provisions.

In the event that a Director of Public Prosecutions, Chief Crown Prosecutor or senior Crown prosecutor is appointed to the County Court bench, the principal act allows their period of service to count, for pension purposes, as service in the office of judge of the County Court. It also allows the period of service of a Director of Public Prosecutions and a Chief Crown Prosecutor, but not of a senior Crown prosecutor, to count for pension purposes as service in the office of judge of the Supreme Court of Victoria in the event that any such person is appointed to the Supreme Court bench. In order to provide consistency, the bill provides that the period of service as a senior Crown prosecutor will count as service in the office of judge of the Supreme Court.

This bill continues the improvement to the Victorian prosecutions system effected by the commencement of the principal act in 1994. It is another contribution to this government’s record of achievement in creating a justice system that is independent, fair and accountable while operating within the boundaries of fiscal responsibility.

I commend the bill to the house.

Debate adjourned on motion of Hon. B. T. PULLEN (Melbourne).

Debate adjourned until next day.
PLANNING AND ENVIRONMENT (MISCELLANEOUS AMENDMENTS) BILL

Second reading

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

That this bill be now read a second time.

The purpose of the bill is to make miscellaneous amendments of a generally minor nature to the Planning and Environment Act 1987. They arise from ongoing experience with the operation of the act and are consistent with the government’s reform program for the planning system.

INFORMATION TO BE PROVIDED WITH PERMIT APPLICATIONS

Clause 3 provides that a planning scheme can specify information that must be provided with an application for a planning permit. The change will allow schemes to clearly set information requirements for specified applications. Recent changes to schemes regarding Viccode 2 for medium-density housing have emphasised the importance of applicants submitting proper information with an application.

REGIONAL PLANNING AUTHORITIES

The government has been reviewing the role and function of regional planning authorities. All these authorities, except the Latrobe Regional Commission, have been wound up or are being wound up. Clause 4 is a consequential provision on the forthcoming winding up of the Latrobe Regional Commission. The clause removes references to regional planning authorities in the act.

CONSIDERING AN ADOPTED AMENDMENT WHEN MAKING A DECISION ON A PERMIT APPLICATION

Clause 5 clarifies a provision in the act, the drafting of which has been the source of some difficulty for the Administrative Appeals Tribunal. The clause amends section 60 so that responsible authorities and the tribunal may consider proposed amendments to planning schemes as well as policies and codes when making a decision on a permit application.

REFERRAL OF PERMIT APPLICATIONS TO THE MINISTER FOR DECISION

Under 1993 amendments to the act the minister was empowered to call in an application for a permit which had been made to a responsible authority for determination by the minister. The minister must be satisfied that the application raises a major issue of policy or that the application has been unreasonably delayed.

This provision could also be used to facilitate consideration of proposals to use and develop land which also require consideration under other acts. For example, if a statement under the Environment Effects Act 1978 was required in relation to a proposal for which an application had been made to a responsible authority, the approval process would be more efficient if the minister called in the application. This would allow the panel appointed by the minister to consider submissions about the statement and objections about the application in one hearing. However, the current grounds for a call-in of an application do not extend to these circumstances.

Clause 6 amends the act to enable the minister to call in an application if consideration of the proposal by the minister under another act would be facilitated by referral of the application to the minister. The clause does not extend to circumstances in which the proposal must be considered by another minister or an authority under other acts. However, following review of the operation of the provision, future consideration will be given to extending the provision.

DISPUTES IN RELATION TO ENFORCEMENT ORDERS

Clause 7 corrects a drafting error in the act to ensure that the tribunal can arbitrate on a dispute about a requirement in an enforcement order that something be done to the satisfaction of the municipal council.

PAYMENT OF PANEL FEES BY PLANNING AUTHORITIES

When planning authorities prepare amendments to schemes, a panel is commonly required to independently hear and consider community views about the proposal. Currently planning authorities need to pay panel fees only if the minister directs them to do so. The minister requires payment in virtually all cases in accordance with user-pays principles.
Administration of the act would be streamlined if the provision stated that payment must be made in all cases unless the minister grants an exemption. Clause 8 changes the relevant provisions of the act accordingly. The minister will prepare a guideline about circumstances in which an exemption might be granted.

AGREEMENTS — CANCELLING TITLE REGISTRATION

The act currently provides for owners and responsible authorities to enter agreements to generally facilitate use and development in accordance with planning objectives. These agreements can be registered on title so that future owners remain bound by their terms.

Agreements are sometimes entered into with owners intending to subdivide land. It was always intended that the registration of the agreement could be removed on individual subdivided lots before the lots are sold if the ending of the agreement in relation to those lots is supported by the responsible authority. Responsible authorities would support the ending of the agreement if, for example, the owner had met all requirements under the agreement in relation to those lots.

The Registrar of Titles has pointed out that the drafting of relevant provisions in the act does not clearly give the registrar the power to cancel registration of agreements on a lot-by-lot basis. Clause 9 changes relevant provisions in the act so that the registrar has clear authority to cancel registration on a lot-by-lot basis. It will ensure that land such as lots in housing estates does not remain burdened with redundant title restrictions and that purchasers of that land do not face additional conveyancing costs. The proposed change has the support of the Registrar of Titles and the Law Institute of Victoria.

AGREEMENTS — DELEGATION BY RESPONSIBLE AUTHORITY

Currently a responsible authority cannot delegate the entering into of an agreement to a committee or to staff. Clause 10 changes provisions of the act so that a responsible authority may delegate this power, provided that the agreement does not provide for the sale or purchase of land. This will streamline planning administration in relation to relatively minor agreements for those authorities that wish to allow staff to exercise these powers.

STATUTE LAW REVISION

Clause 11 makes various minor changes to update the references to the minister, the secretary and the department.

I commend the bill to the house.

Debate adjourned on motion of Hon. B. T. PULLEN (Melbourne).

Debate adjourned until next day.

PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL

Second reading

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

That this bill be now read a second time.

The broad purpose of the bill is to establish a new system for development contributions under the Planning and Environment Act 1987. Development contributions are collected to meet the costs of local infrastructure and are administered by local councils. These levies are separate from those provided for in specific legislation such as those obtained by Melbourne Water under the board of works act.

Early in the life of this government a review of development contributions was initiated, as it was evident that both developers and councils were experiencing problems with their application. The Department of Planning and Development had earlier prepared interim guidelines but these did not provide sufficiently detailed advice to ensure consistency and certainty, given the somewhat general nature of the relevant section of the Planning and Environment Act — section 62(2)(h). Further, development contributions were becoming an increasingly common source of funds for a widening range of infrastructure as local government, in particular, attempted to limit its reliance on borrowings.

The major concerns expressed about the current system of levies have been:

lack of consistency in application between councils and between residential and commercial development;
rapidly increasing range of infrastructure being funded by levies and the increasing size of the developer’s contribution;

lack of certainty for developers to predict their costs and for councils to budget for infrastructure;

instances of inadequate justification for the items of infrastructure included in the levy, their amount and the timing of payment; and

lack of clear accountability for expenditure of the contributions.

As part of the review, a reference group was established comprising members drawn from local government, the development industry, state agencies, professional bodies and the finance industry. Following the consideration of some 60 submissions the reference group released a report in April 1994. A further 24 submissions were received in response to the report and were considered in developing a new approach. The government has accepted the proposals. Amendment of the Planning and Environment Act is necessary to implement the new system.

In arriving at its recommendations, the reference group considered a wide range of issues, which included:

- the relative merits of up-front developer contributions and recurrent methods of funding through taxes and user charges;
- the use of funding arrangements to encourage and reinforce an efficient pattern of urban development;
- the differentiation between essential and discretionary infrastructure and the timing of delivery;
- the range of infrastructure for which contributions would be appropriate;
- the impact of developer contributions on housing affordability;
- the essential differences between funding requirements of established areas and the urban fringe;
- the use of contributions for non-residential development;

mechanisms to improve consistency and certainty for developers and councils;

accountability in the collection and expenditure of developer contributions; and

equity for developers and homeowners in the apportionment of infrastructure costs.

A number of options for collecting and applying development contributions were examined by the reference group. While no single approach was seen to meet all demands, the preferred approach has the following characteristics.

It splits development contributions into two components; the first being for predominantly physical infrastructure required as development commences and the second for community infrastructure required as homes are built and the community develops. Community infrastructure includes facilities such as health centres, preschool and day care centres, community halls, libraries and recreational or sporting facilities.

The timing of collection of the two components reflects the timing at which the infrastructure is required. The first — development infrastructure — component is a contribution, or security guarantee, collected from the developer, as a condition of a planning permit where a permit is required. The second — community infrastructure — component is a contribution, or security guarantee, collected from the owner or builder prior to the issuing of a building permit.

The development infrastructure component will contribute to the costs of those items of infrastructure required to enable the development to proceed and will reflect the geographically differentiated costs of providing physical services, such as roads and drainage.

The community infrastructure component is restricted by an upper monetary limit — $450 per residential lot or 0.25 per cent of building construction cost of non-residential development — based on a benchmark value for essential social infrastructure. Given that construction of community facilities normally involves similar costs regardless of their location, a suitable upper limit can be established. The decision about which community facilities would be funded from this component, and to what value within the limit, would be made by individual councils. The upper monetary limit in
the bill can be varied by the Governor in Council to reflect cost changes and movements in the CPI.

The council will have discretion to implement either or both of the levy components, or neither of them, in which case the council would rely on other sources of funds, such as rates or borrowings.

Councils will be required to prepare a development contributions plan before being able to exact a levy under the Planning and Environment Act. The development contributions plan will be a schedule in the planning scheme which sets out the nature, cost and staging of the provision of infrastructure. The level of detail in this plan will vary between established and newly developing areas and will usually be linked to a geographic plan such as a local structure plan or municipal plan. The development contributions plan must be able to justify both the infrastructure items to be included and the level of the contribution.

Approval and amendment of the development contributions plan is to be by means of a planning scheme amendment, to encourage stability and to utilise well-established procedures, including public exhibition and scrutiny by the minister.

Key features of the proposed approach are:

- a single, consistent system across all municipalities, whether established or fringe metropolitan, provincial city or rural, which applies to both residential and non-residential development;
- councils will be encouraged to properly plan for infrastructure and services required for new development;
- a limit to the extent to which development contributions can be used to fund infrastructure;
- appropriate timing of contributions to match infrastructure demand, thereby supporting efficiency and affordability;
- clear rules on what infrastructure can be included in the levy;
- an equitable system which involves documented justification for the required infrastructure, its timing and costs; and
- a highly visible process to provide strong community accountability.

The provisions limit levies being obtained outside the development contributions framework to those of a minor nature directly related to the site in question, such as the crossovers outside a service station.

A development contributions plan will be required in all cases except in respect of works directly related to sites and for which payment is not shared with other private landowners. Conditions can be included for works, but not for services and facilities. Conditions to obtain contributions towards services and facilities may be imposed only in accordance with an approved development contributions plan.

There has been strong support, both within the reference group and among practitioners, for a comprehensive set of guidelines for councils in the introduction and administration of development contributions. The Department of Planning and Development is preparing guidelines to facilitate the implementation of the new system. These guidelines will include minister’s directions to planning authorities which they must have regard to in preparing or amending a development contribution plan. The guidelines will address procedures for establishing and administering a development contributions plan; criteria for preparing necessary documentation; appropriate methods for calculating contributions; and accountability for collection and expenditure of funds.

The guidelines will be released to coincide with the commencement of the provisions of the bill. They will be complemented by a policy to be included in the state section of planning schemes setting out provisions for administration of development contributions plans by responsible authorities under the act. The operation of the new system for levying development contributions will be reviewed two years after implementation of the new system. I commend the bill to the house.

Debate adjourned on motion of Hon. B. T. PULLEN (Melbourne).

Debate adjourned until next day.
ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL

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

That this house authorises and requires the honourable the President to permit the second-reading debate on the Planning and Environment (Miscellaneous Amendments) Bill and the Planning and Environment (Development Contributions) Bill to be taken concurrently.

Motion agreed to.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 23 May; motion of Hon. R. M. HALLAM (Minister for Local Government).

Hon. PAT POWER (Jika Jika) — The Local Government (Further Amendment) Bill is an important piece of legislation. Although the opposition agrees with the government on that point, it opposes the legislation for significant reasons and in today's contribution it will outline those reasons. I have noticed that the government has claimed that the main reason for the opposition's opposing the proposed legislation is that it does not wish to see ratepayers benefit from any reduction in general rates and charges. I state quite clearly that that is not the reason for our concern about the legislation.

In my concluding remarks I will return to those comments and set out mechanisms that would more appropriately allow the community to identify what reductions ought to be made in general rates and charges.

I acknowledge that this bill, like most of the local government amendment bills, is an important piece of legislation. The purpose of the act, as set out in the explanatory memorandum to the bill, is:

(a) to enable the minister to limit the amount of general rates and charges that municipal councils may levy in the next three financial years;
(b) to make the Auditor-General responsible for the auditing of municipal councils;
(c) to make changes concerning elections for the Melbourne City Council;
(d) to extend transitional provisions concerning the change of the dates of the municipal financial year;
(e) to make other miscellaneous changes to the Local Government Act 1989.

In substance I intend to concentrate my remarks on paragraphs (a) and (c) of the purpose of the act — that is, the limiting of general rates and charges, and the changes concerning elections for the Melbourne City Council.

The bill is a detailed document, and I will refer to some of its specific provisions. Proposed section 185B, which is inserted by clause 3, allows the minister to give directions on rates and charges. Proposed section 185B(1) says the minister may direct that a council's general income in respect of a financial year not exceed the council's general income in respect of a specified previous financial year or not exceed a specified percentage of the council's general income in respect of a specified previous financial year or not exceed a specified percentage of the council's general income in respect of a specified previous financial year. Under proposed section 185B(2) the minister may also specify a percentage of more or less than 100 per cent under proposed subsection (1) and that a direction such as that may apply to all councils, to one or more councils or to all councils other than one or more particular councils. That is a significant intervention power.

Subsection (7) of proposed section 185B provides that an order may specify how changes in the number of rateable properties in a municipal district between two relevant periods are to be taken into account and says that if the boundaries of a municipal district have changed or the council responsible for a municipal district has been restructured or reconstituted, an order may specify what the general income of the council is to be, taking into account a number of points.

Proposed section 185C says that councils must comply with the minister's directions. Subsection (1) states clearly and unambiguously that a council must comply with any direction under proposed section 185B that applies to it. Subsection (2) sets out the action that would ensue if a council failed to comply with a direction and makes it clear that the only circumstances under which a council would be allowed not to comply would be if it received ministerial approval in writing. The opposition believes the legislation has important ramifications for councils because it empowers the minister to intervene significantly in their affairs.
Clause 4 amends the Audit and Local Government acts and makes the Auditor-General responsible for council audits. That is a sensible move and the opposition is comfortable about it. Earlier I said the opposition is concerned about issues affecting the City of Melbourne. Proposed new section 18A outlines the procedures that will apply if no representative is appointed pursuant to section 13 of the principal act. I will later return to that matter.

Without referring in detail to discussions in another place, I point out that the opposition welcomes the amendments moved there by the minister's representative because they address some of the concerns that are abroad in the community. However, I will return later to deal with the curious and worrying mechanism for identifying corporate representatives on the roll.

Clause 21 inserts proposed section 40A, subsection (5) of which provides:

If one or both of the representatives appointed by a corporation fail to vote at an election —

(a) the corporation is guilty of an offence against sub-section (3);

(b) the representative is, or the representatives are, not guilty of an offence against sub-section (3).

I will deal with that matter later because the opposition is not convinced that although a person who is deemed to be a responsible voter is not guilty of an offence if he or she does not vote there is any good reason why the corporation he or she represents should be deemed to be guilty of an offence.

One corollary of that would be to suggest that although a private citizen who did not vote at his or her local council election would not be guilty of an offence some charge could be laid against that person's property title. The opposition is also not convinced of any reason why the government should go such lengths to create a corporate structure with a requirement for corporations to nominate representatives when the bill also provides that those representatives will suffer no penalty if for some unsatisfactory reason they do not vote.

I will comment in more detail on some of the provisions, starting with proposed section 185B, which spells out the power of the minister to give directions on rates and charges. I am sure the minister will concede that this is a major change in the practice traditionally followed in local government. Although I am sure he and the government have their views on why that is necessary, I am also sure he will acknowledge the significant unrest in both the industry and the general community about removing from municipalities their historical right to determine levels of rates and charges. The opposition views that as a theft of a democratic right — and it objected to the dismissal of local councillors for the same reason. Through their elected councillors communities have historically been able to determine priorities for works and services and, in concert with that, to establish revenue bases that, as we all know, are significantly funded by rates and charges. The opposition is unconvinced of the need to take that right away from local communities. The government's answer to community concern about the measure is its centralist view that it knows what is best for Victoria's 78 municipalities.

The proposed intervention power is also interesting when you consider that in 75 of those municipalities the hand-picked commissioners in charge are controlled and directed by this government. People in a number of places have pointed out to the opposition in clear terms that if the system of commissioners were working in the way the government said it would this level of intervention would not be necessary. The commissioners have been chosen by the minister; they are unequivocally his representatives. The riding instructions those commissioners have been given are clearly consistent with the political agenda of this government. The public concession that they are incapable of delivering the rate and charge levels the government sees as appropriate can reasonably be taken as evidence of the government's acknowledgment that at least in this respect the commissioners are failing in their tasks.

Local government has always had only limited autonomy, being a creature that works in the context of federal and state jurisdictions. The government's decision to tell each and every municipality what its rates and charges ought to be is an erosion of that limited autonomy. The opposition would like the minister to explain not only the mechanisms that were used but the information base that was or will be used to decide the levels at which rates and charges should be set. We have already seen major changes, given that the number of municipalities has been reduced from 210 to 78, and it is in that climate that the decisions about setting rates and charges are being made.

I ask the minister whether the per capita expenditures of previous councils were considered
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to be the amounts required by the amalgamated councils. What mechanisms have been or will be used to decide the appropriate levels of expenditure for the new municipalities? Does the minister acknowledge that the municipalities that contain older established areas are more expensive to administer? The opposition argues that civic needs are certainly not uniform. In my own electorate the former cities of Preston and Northcote have been amalgamated to create the new City of Darebin. The new city comprises disparate areas; and, for example, roadworks in those areas were given different priorities by the former municipalities.

I shall comment on the Auditor-General's being given responsibility for conducting council audits. In my opening remarks I said the opposition is prepared to give guarded support to the move. Given the importance of public accountability the opposition acknowledges that the Auditor-General's office should be seen as the place where the buck stops. In supporting this move we do not want to be seen as criticising the audit arrangements for the former or current municipalities. It is true that some significant untoward and embarrassing financial issues have been raised in some municipalities, but I think the minister will agree that they have been very much in the minority.

Although the opposition supports giving the Auditor-General the capacity to show what is happening, we do not want that to be seen as a general criticism of the way in which local government audits have been handled.

Proposed section 72A(3) states:

In addition to the matters listed in section 72(1), the office of the Lord Mayor of the City of Melbourne also becomes vacant if 6 Councillors pass a motion that the office be declared vacant.

As the minister knows, local government politics can be intense. Given that Melbourne is Victoria's capital city I have not the slightest doubt that when democracy is returned local government in the City of Melbourne will continue to be intense. Although the opposition would not want to see a situation in which the lord mayor could not be removed from office, we are concerned that it will be possible for six councillors to club together and, for spurious and opportunistic reasons, pass a resolution declaring the lord mayor be removed from office.

Hon. R. M. Hallam — It is a two-thirds majority.

Hon. PAT POWER — I understand that is a two-thirds majority, but that two-thirds majority is not required to give substantive reasons for its action. All councillors have a role to play in electing the lord mayor, and they should be required to demonstrate their ownership of that decision. The opposition is concerned that it will be possible for six councillors to remove a lord mayor simply because they decide it should be so.

Hon. R. M. Hallam — Even though he could be elected on a vote of five councillors?

Hon. PAT POWER — Absolutely.

Hon. R. M. Hallam — Our problem was that there was no exit clause.

Hon. PAT POWER — I understand that. We do not contest the need for a mechanism to declare the lord mayor's position vacant. It would have been more appropriate to require a certain number of councillors to request the minister to intervene. That would ensure a proper public disclosure of the reasons for a decision being taken.

I now turn to the City of Melbourne itself. We believe that the power of the minister to set general rates and charges amounts to significant political interference. The background to the changes in the method of electing councillors is alarming. They have had the sort of outcome that a former Premier of Queensland would no doubt have welcomed.

In setting out the reasons for our concern, I refer to the way the chief commissioner set about determining the electoral process for the City of Melbourne. It is now public knowledge that Mr Kevan Gosper authorised the appointment of Clifton Consulting to draw up recommendations at a cost of $50,000. It is well known that the principal of Clifton Consulting is Mr John Ridley, a former director of the Victorian Liberal Party. He received assistance from a Mr Leo Hawkins, a former state secretary of the Liberal Party.

The opposition acknowledges that those two gentlemen were ably assisted by Mr Rob Barfus, a former Chief Executive Officer of the Municipal Association of Victoria and a person whose credentials in this area should not be questioned. But the same cannot be said of the process used by Mr Gosper, knowing the qualities and qualifications of Mr Hawkins and, especially, Mr Ridley.
Mr Gosper initially sought to keep the details of the consultancy a secret, declining to advise ratepayers and the general public of the appointment. It was only after significant media speculation and community pressure that he was forced to publicly report that he had hired two former senior Liberal Party officials. It is difficult for the government to claim it is not politicising local government when it sought so assiduously to appoint former senior apparatchiks. It is stretching credibility to claim that the only people qualified and eligible to address the electoral reform of the City of Melbourne, which is Victoria's capital city, are two former senior Liberal Party officials.

The government is rubber stamping the Ridley-Hawkins electoral gerrymander. The minister can hardly be surprised by the significant community concern about such an overt political exercise. We must remember that the Premier appointed Mr Gosper and that Mr Gosper appointed two former Liberal Party officers. Now things have come full circle in the sense that the minister is asking us to rubber stamp their findings.

This basket of circumstances becomes even more serious when Mr Ridley's background is placed under even general scrutiny. I point out by way of preamble that in a previous occurrence in respect of the then CEO at the City of Wangaratta the minister told the house that he did not object to that CEO double dipping. He did not object to that CEO being paid by his municipality and by the Local Government Board. Now things have come full circle in the sense that the minister is asking us to rubber stamp their findings.

In another case, the minister advised that he did not object to the double dipping of a commissioner in Ballarat. In that case an individual who had taken a departure package from a state department — who we all know would normally be precluded from employment by the state for a set period — was then appointed as a commissioner. The minister advised us that there was no need to worry about the technicality or the morality of that because, despite being appointed by this government, the commissioner was paid by the ratepayers of Ballarat and therefore he was not infringing any redundancy agreement.

But the minister and the government are significantly upping the ante in this bill because they are seeking to stamp their approval on the work of not just the former state Liberal Party director but a person who is widely acknowledged as being a former agent of ASIS — the Australian Security and Intelligence Service. It has been widely acknowledged for a long time that this was the case. In his comments in this debate the minister might advise the house if he knows whether the observation widely held is, in fact, accurate or whether it is something he is concerned about.

Information that is readily available publicly indicates that Mr Ridley has worked as a private secretary to the then Minister for Foreign Affairs. He has worked in public relations and advertising for Alcoa, and certainly significant incidents can be related in respect of his work there.

It is also widely understood that Mr Ridley worked for ASIS, an overseas intelligence and espionage organisation — the organisation responsible, as some members might recall, for the bungled and embarrassing raid on the Sheraton Hotel in 1983.

Government members interjecting.

Hon. PAT POWER — The opposition is quite happy to acknowledge the mirth with which the government responds to these comments.

Hon. R. I. Knowles — It is because this is absolutely irrelevant. It is actually unbecoming of you. You normally make quite a good and sensible contribution, but this is nonsense — fantasy stuff.

Hon. PAT POWER — I note government members consider Mr Ridley's background as being irrelevant. The point I am making is that an enormous number of Victorians have wide expertise in local government and electoral matters, some of whom no doubt are members of the Liberal Party. The point I am making is that in respect of developing electoral proposals for Melbourne, which is Victoria's capital city, it is incredibly insensitive for such an appointment to be made.

Government members interjecting.

Hon. PAT POWER — In response to the interjections from the government side, I repeat that an enormous number of Victorians have wide expertise in local government and electoral matters, some of whom no doubt are members of the Liberal Party. I said then, and I repeat: some of those people may be members of the Liberal Party.

The DEPUTY PRESIDENT — Order! Mr Power has continued on this issue for some time. I am not quite clear on the section of the bill before the house.
to which he is referring, but it would be of advantage if he would refer to that.

Hon. PAT POWER — I am referring to part 3, which contains amendments relating to municipal elections. Through this bill the house is being asked to rubber-stamp election proposals that were recommended by the City of Melbourne. In terms of background and in the context of being lead speaker for the opposition, Mr Deputy President, I believe it is reasonable for me to point out the circumstances in which that recommendation arrives at this house. The fact is that it is quite legitimate for the opposition to bring to this house a significant community concern, and that is that this government — —

The DEPUTY PRESIDENT — Order! Mr Power has indicated that he has particular relevance because he is the lead speaker for the opposition. The forms of the house indicate that a debate on a bill should be confined to the actual provisions of the bill. There are other procedures under which an honourable member can bring matters of concern before the house. The fact that a bill refers to any particular act of Parliament is not automatically a licence to extend debate beyond the provisions of the bill itself. I believe it is reasonable for any member to refer briefly to any particular matter, but not to base the whole or a substantial part of his speech on it. I therefore ask that the issues of concern raised in the bill be the issues raised by all speakers, including the lead speaker for the opposition.

Hon. PAT POWER — Thank you, Mr Deputy President. I accept and understand your advice.

Hon. M. A. Birrell — It is not quite you, Pat. Are you still not well?

Hon. PAT POWER — No, I am still not well. It may be unlike me, but it is not unlike your government.

Hon. M. A. Birrell — Did he come straight from ASIS to us?

Hon. PAT POWER — No, definitely not; the path was quite circuitous. I accept Mr Birrell’s confirmation that the individual concerned was an ASIS agent.

Hon. M. A. Birrell — I didn’t confirm that.
compulsory to vote. In the context of the way the election is to be gerrymandered, it will be interesting to hear from the minister in due course as to how he believes any ordinary citizen would be capable of participating in an election in any real sense.

Given the electoral gerrymander that the legislation will create, it is difficult to see — and I will wait to hear from the minister — how the government envisages ordinary citizens participating in the election if they seek to be elected to council because, as Angela Munro says in her letter, assuming the minimum cost is 80 cents per communication, for 28 000 voters a candidate would require $22 000 to contest one of the five city-wide seats.

The opposition will wait with interest to hear the minister’s explanation of how he believes ordinary citizens will be able to participate in the election should they decide to be candidates in it.

Hon. R. M. Hallam interjected.

Hon. PAT POWER — I am happy to take up the minister’s interjection, because he is referring to the state government election. I think the analogy is apt: if you consider the number of ordinary citizens who nominate as candidates in a state election, the point the opposition is making is absolutely proven. The greater majority of candidates in a state election are nominees of their political party. Is the minister seeking to establish such a pattern in local government in the City of Melbourne?

Hon. R. M. Hallam — No.

Hon. PAT POWER — If the minister believes it is possible for ordinary citizens to find the $22 000 minimum to fund their campaigns, let him explain it.

The fact is, as I understand it, that the Melbourne City Council has determined that the election will be conducted by postal ballot — as is its right under legislation brought into this house by this minister — and, under the gerrymandered system that candidates will face, the assertion is founded on basic arithmetic. Angela Munro finishes her letter by saying:

... it’s hard to avoid — —

Hon. M. A. Birrell — She’s just an ALP hack; you know that!

Hon. PAT POWER — Mr Birrell describes Angela Munro as a Labor Party hack, but takes great exception to my describing Hawkins and Ridley as — —

Hon. R. I. Knowles — As spies.

Hon. PAT POWER — No. Mr Deputy President, the members opposite need to read the Hansard report, because I did not describe them as spies. I indicated that it is widely acknowledged — and Mr Ridley has never sought publicly to state otherwise — that Mr Ridley was an ASIS agent. Mr Ridley and Mr Hawkins together were senior Liberal Party officials. It is very difficult — —

The DEPUTY PRESIDENT — Order! The honourable member has again strayed away. It is not an excuse to stray from the bill simply to respond to interjections that are not apposite. I suggest that he come back to the bill.

Hon. PAT POWER — On a point of order, Mr Deputy President, by interjection the Minister for Conservation and Environment indicated that Angela Munro was a Labor Party hack. I was simply indicating that while Miss Munro may be a Labor Party hack, Hawkins and Ridley are also Liberal Party hacks and you cannot have your cake and eat it too.

Hon. R. I. Knowles interjected.

The DEPUTY PRESIDENT — Order! I had got the message and I think everyone else had. Perhaps you can proceed with the bill.

Hon. PAT POWER — Angela Munro concludes her letter by saying:

... it’s hard to avoid the following conclusions: the state has rigged the boundary, the franchise and the electoral system of the City of Melbourne ...

Hon. M. A. Birrell — Big deal!

Hon. PAT POWER — ‘Big deal!’ says the minister by interjection:

... not content with such a gerrymander, it has assumed the right to supervise the council’s budget.

One of the issues that has been of concern in the legislation is the property vote: the way this government is seeking to create a gerrymander by establishing an absolutely obvious bias towards business and against community representatives.
In the *Age* of the same date, Wednesday 24 May, a Ray Wilson from East Hawthorn, who may or may not be a Labor Party hack and who may or may not be a Liberal Party hack — —

**Hon. M. A. Birrell** — Or a spy?

**Hon. PAT POWER** — No comment.

**Hon. M. A. Birrell** — If you are not denying it, he must be a spy!

**Hon. PAT POWER** — No comment. Ray Wilson wrote in part:

A central principle of democracy has for some time been 'one vote — one value' and considerations of financial worth have specifically not been used to weight votes. The changes to the City of Melbourne electoral system cannot be seen to conform to this central tenet, so how can they be making the system more democratic?

Concluding his letter to the *Age*, Ray Wilson says:

If you wish to assert that the changes will produce a more businesslike approach by the City of Melbourne, by all means support them. If you see more efficiency and effectiveness resulting, OK. But remember that these are not and never have been similes for democracy.

This is a reasonable point to labour. What will occur under the legislation is of concern. As to the gerrymander by which the government proposes that business be significantly advantaged over residential ratepayers, the minister may care to comment on whether this is a sign of things to come. When the government addresses the matter of local government elections in Victorian provincial cities, will it again support a central business district-type municipality in which the business community has a legislated advantage over residential ratepayers?

The way it is decided which corporate representatives will be on the electoral roll is also most interesting. The legislation says in part that this provision applies if a corporation is the sole owner or occupier of any rateable land in a ward and the corporation has appointed two representatives who are entitled to be enrolled. If the corporation has validly appointed one representative it is deemed to have appointed as its other representative the first of a number of people listed in the bill. In that case, even if the corporation declines or fails to indicate its nominees, the government will decide who its nominees will be. Historically, it is usually required that a potential voter apply for admittance to the state electoral roll, and that roll is often used in local government elections. It is necessary for you or me to apply for admittance to the roll. However, the bill tips that requirement upside down: in fact it is tipped out! For the first time in Australia this government is telling voters that they have been chosen. The legislation says clearly that if a corporation fails to nominate two representatives the government will tell the corporation who its representatives will be. It is absolutely outrageous and incredibly heavy-handed. It is an example of the degree to which the government is prepared to go in establishing an electoral structure that suits its political agenda.

In respect of the issue of corporate voters, I mentioned earlier that we were unable to agree with the notion that if one or both of the representatives appointed by the corporation fail to vote at an election, the corporation is guilty of an offence but the representative or representatives are not guilty of the offence.

Mr Deputy President, normally when you or I apply to be on the roll, we understand that we have an obligation, subject to the provision of a reasonable excuse, to vote. If we do not we will suffer a penalty. However, the government is saying, 'We will tell you who will be on the roll', but if those persons do not vote they will suffer no penalty. Worse still, it is a feather duster issue to tell a corporation that it must pay a fine. By the time the corporation has lodged its tax return the amount of the fine it will actually pay for the breach will be little or nothing.

It is clear that the intention of the legislation regarding corporate voting is to create a gerrymander in which members of the business community have double the opportunity to outvote the residential community. If any of them fail to vote because they are on a golf course or the Porsche is stuck on the freeway, there will be no penalty. However, residential voters who fail to vote will be fined. This is an example of the double standard that the government is prepared to be party to.

I also refer to the way in which it is possible for the effect of the financial year changes to roll through to 1998-99.

**Hon. R. M. Hallam** — It is actually the rating year, Mr Power!
Hon. PAT POWER — I take the minister's point. I thought he would have understood that I was talking about the rating year, but to assist him I clarify that that is what I was talking about.

Hon. P. R. Hall — It was the minister who clarified it!

Hon. R. M. Hallam — There is a substantial difference between a rating year and a financial year.

Hon. PAT POWER — I am happy that he needed to clarify it. This legislation allows the government to intervene right through to the financial year 1998-99. That is a potential four-year program as distinct from a three-year program that is indicated in the background notes to the legislation.

In relation to financial matters, clause 24 is an extension of transitional provisions concerning the change of the financial year. This is something I am sure a lot of punters will watch with interest. Initially the government said that there would be a nine-month rating period, but the legislation, without providing a lot of public information, changes that nine-month rating period to the 1996-97 financial year. Of course, that is the time when we understand the state deficit levy is to be removed, which remarkably coincides with the timing of the state election.

Hon. R. M. Hallam — That’s a bit unkind.

Hon. PAT POWER — Mr Hallam seems to be advising us that is not when the state election will be held.

Hon. R. M. Hallam — That’s not what I am saying. I’m saying that the inference you drew is a bit unkind.

Hon. PAT POWER — We will wait and see.

Clause 10 on page 11 makes changes in relation to the membership of the Local Government Board, which is currently made up of seven people. The legislation provides that it will be comprised of up to seven members and allows the minister to nominate five of them. It is clear that could result in the members of the Local Government Board all being nominees of the minister. Again, in demonstrating evenhandedness to the community, it is unwise for such a piece of legislation to be introduced. It is unwise for the minister to say that he ought to be able to appoint all the members of the Local Government Board. The changes honourable members are contemplating include that the Local Government Board will not necessarily have seven members any more — there will be up to seven members — and that the minister can appoint five of them.

I refer to the proposed system of election in the Melbourne City Council, where there will be four wards electing a single councillor and the other five councillors will be elected in a Senate-style election. Such a system will create two distinct groups of councillors. Honourable members of this house ought to understand very clearly from their experience that that will be so. All of us know that our colleagues in the lower house have far more demands made of them by way of constituent inquiries than do those of us in the upper house.

Hon. P. R. Hall — Speak for yourself, Pat!

Hon. M. A. Birrell — It doesn’t apply to upper house members from the country, to start with!

Hon. PAT POWER — I am quite happy for government members to refute that statement.

Hon. R. M. Hallam — It would be opposition members, too, if you had some in country areas.

Hon. PAT POWER — It would also apply to the National Party, if you had any city members!

Hon. D. A. Nardella — That’s right!

Hon. M. A. Birrell — Heaven forbid!

Hon. PAT POWER — The Leader of the Government says in respect of the National Party, heaven forbid.

Hon. M. A. Birrell — They will want to introduce farms!

Hon. PAT POWER — Farming. Having two separate kinds of councillors will result in problems arising in respect of workloads. It is reasonable to suggest that the councillors representing a ward will be treated differently by their constituents from the councillors representing the city as a whole. In fact it is inevitable.

I mentioned earlier that the opposition does not recognise that the government has any mandate to steal from the community the practice of setting general rates and charges. As I also said earlier, historically communities have had the right through their elected councillors to determine priorities and
to set charges and rates that will fund those priorities. I ask the minister: how can external decisions be made about rates and charges without those decisions having an impact on local government services and jobs? No external agency can impose such a limit without affecting the quality and range of services and the level of employment, and prevent increases in — or the introduction of new — user charges.

This is a very interesting point. The government is demonstrating its hypocrisy in respect of taxes and charges. It has the temerity to tell local government that it will set revenue limits but this is the same government that has imposed on Victorian families an average of an extra $1800 a year in taxes and charges. So this government says to Victorians, 'We are demanding $1800 a year from each of you but we will tell your municipalities how much they can charge'. It is an unfortunate exercise in hypocrisy and double standards. How can this state government, this minister, demand of local government something that the government is not prepared to do itself?

As for this $1800 a year, was it not the then Leader of the Opposition, now the Premier, who said before October 1992 that no Victorian would be $1 worse off? Each Victorian is $1800 worse off and, under this minister's legislation, Victorians are about to suffer more, because a consequence of the legislation will be that municipalities will be forced to become creative about revenue-raising mechanisms.

Hon. R. M. Hallam — They just might become more efficient, as well!

Hon. PAT POWER — I am happy to respond to the minister's interjection because he said they 'might' become more efficient. Certainly I would not rule out that they might become more efficient.

Hon. R. M. Hallam — You have just ruled it out, with your challenge on hypocrisy. We are driving down the cost of local government and reducing rates, and you are opposing the bill!

Hon. PAT POWER — Let me respond to what I concede is a quite apposite interjection. The minister says that we are opposing the reduction in local government rates and charges.

Hon. R. M. Hallam — True!

Hon. PAT POWER — Let me walk the minister back to what I said when I started and again make it absolutely plain that the press release that he and his colleagues have used is inaccurate. The opposition supports ratepayers receiving their proportion of the rewards that flow from efficiencies and productivities in local government. This opposition does not agree that any state government can, for its own electoral advantage, tell local government what its level of rates and charges ought to be.

It is absolutely clear. I refer the minister to comments made by Adam Kempton, Chairperson at the City of Manningham, who told his ratepayers to prepare themselves for a rate reduction and an increase in municipal charges. Des Clark, Chairperson at the City of Port Phillip, who formerly served as an elected councillor at the City of Melbourne, also told his municipality that not all ratepayers should expect a reduction in municipal rates and charges. Clearly two government-appointed commissioners share the concerns of the opposition.

The government has no mandate either through precedent or through the traditional campaign undertakings made prior to a state election to hamstring local government in this way and to tell local government bodies what their taxes and charges must be.

The bill pays no attention to the principles of democracy and self-determination that have historically been part of local government; the diversity of Victoria's 78 municipalities; the recognition that there are older and newer areas; the significant and different demands of non-English-speaking background communities; the growth corridors that exist on Melbourne's fringe; or the issues of the aged and the young that are increasingly part of social agenda issues. Further, it will simply bring a Queensland-like gerrymander to Victoria's capital city.

I conclude by proposing some alternative solutions. Local government does not need this sort of interventionist approach and the heavy-handed demands of the state government. Instead, elections are needed in all of Victoria's 78 new municipalities. If the government were serious about allowing efficiencies and productivity savings to flow from local government changes it would cease the juggernaut of intervention and take democracy out of the deep freeze in which it has been stored since May of 1993. It would return democracy to communities and say to the remaining 75 municipalities in Victoria, 'Have your elections in a month's time, elect the people you want to run your
municipality and then work in partnership with them to decide your priorities and what savings you can make, the rate levels you desire to strike and what municipal charges should apply'. Until the government does that it will be seen as an anticommmunity government that is prepared to halt democracy to achieve the political outcomes it desires.

Whether the issue is Albert Park, learning assessment project tests or municipal rates and charges, the government is prepared to halt the normal process of democracy. If the government were genuinely interested in creating better local government it would allow a genuine partnership to develop between two very important levels of public administration: state and local government. The opposition does not contest the state government's right to show leadership in such a partnership as both levels of government work together to make efficiencies and identify savings that can be returned to ratepayers without endangering service standards, reducing job levels to inappropriate levels or requiring inequitable and inappropriate user charges.

There is sufficient evidence at both national and international levels to indicate that savings and efficiencies do not flow from programs of change that are driven by political agendas. There is ample evidence in local government in Victoria that communities are paying a significant cost for the government's politicisation of the local government industry, and the bill is just another example of that. The provision limiting the amount of general rates and charges is not designed to allow Victorians to participate in any alleged savings or efficiencies but is a cynical political strategy designed to advance the Kennett coalition at the state level.

The changes to elections for the City of Melbourne will not make Melbourne a better capital city for Victoria; they are part of a very clear and well-planned obvious exercise in creating a gerrymander at the City of Melbourne. The bill treats residential ratepayers of the City of Melbourne as second-class citizens and creates an opportunity for a gerrymander under which the business community will dominate and control the future management of Victoria's capital city. The opposition opposes the legislation in the strongest sense.

Hon. P. R. HALL (Gippsland) - I understand Mr Power has been absent for the past two days due to illness. The government wishes to convey to him its further sympathy because it is obvious that he is still suffering from that illness today. I am not sure what the nature of his illness was and is, but it has obviously had an impact and has addled his thought process because his arguments today lacked any coherence or continuity as he jumped from topic to topic. The standard of his contribution did not reflect well on a member from whom we have come to expect a lot better, and that is particularly true of his derogatory comments about people involved in preparing a report.

I had not intended to speak about aspects of the bill dealing with electoral arrangements for the City of Melbourne — Mr Guest has been more closely involved in that issue, particularly as Melbourne is in his electorate — but I cannot allow Mr Power's comments to go unchallenged. Although Mr Power made some comments about voter eligibility in the process, he did not comment significantly on the structure. Instead, he spent a great deal of time seeking to put down consultants employed by the City of Melbourne commissioners to recommend a voting system.

Because they had some connections to the Liberal Party in former times — and I am taking his word — for some reason Mr Power has concluded that their consultancy work is fundamentally flawed. Any logical person would take the reasonable view that in that context it matters not to which political party you belong — whether it is the Liberal Party, the Labor Party, the National Party, the Democrats, or whatever. That should not affect a person's ability to present a point of view or make a statement about something. The argument that people's past connections with a political party mean the whole report is politically motivated has no veracity at all. There is no sense or logic in that argument.

Mr Power's suggestion that the report is politically motivated because some of the consultants have had connections to a political party does not reflect well on him. I would say exactly the same thing whether it concerned the Labor Party or the National Party or any other political party. His argument in that respect was poor.

I will comment on three other significant aspects of the bill. The first relates to the fact that for the next three years the minister will have some control over the revenue councils will be able raise. The second is the change to the audit arrangements for local government. The third is the extension of the transitional provisions concerning the change in the financial year dates.
It is interesting that the opposition supports two of those amendments — the Auditor-General having responsibility for local government audits and the changes altering local government ratings periods. I am disappointed that the opposition has decided to oppose giving the minister the ability to impose controls on the levels of revenue councils can raise. I am particularly disappointed because, once again, Mr Power’s arguments lacked veracity. The only point Mr Power put was that it represents a loss of democratic rights and an erosion of the already limited autonomy of local government commissioners, to use his words.

Hon. Pat Power — It was 'local government'.

Hon. P. R. HALL — Despite the fact that we have heard Mr Power expound his arguments about the loss of democratic rights many times before, the changes to local government are proving to be an enormous success. I can honestly say that the reports I have received after visiting councils not only in my electorate but in other parts of Victoria demonstrate that people now see the sense of the changes. The significant improvements in local government are now benefiting the people the councils represent. We have heard the argument about the lack of democratic rights many times before; but despite the claims, local government is alive and well and thriving under the changes.

I turn to the changes to the Audit and Local Government acts that give the Auditor-General the responsibility of auditing of local councils. From my reading of the second-reading speech I understand that the Auditor-General is likely to contract out the audit responsibilities to private sector audit firms. That is now common practice, as most honourable members will be well aware. A similar system applies in hospitals, for example. The Auditor-General retains overall responsibility for auditing hospitals but the work is contracted out to other auditors. I welcome the opposition’s support for the amendment, which I believe is strongly supported by local government and the general community. The local government people I have spoken to have welcomed the move. The amendment will enable us to more accurately compare the performances of municipalities so we can better gauge the health of local government in different parts of the state.

The Office of Local Government published a document entitled Side by Side, in which it tried to compare the financial positions of various local councils. That document has been criticised because of the different accounting standards used by various local councils. Putting the Auditor-General in charge and giving him responsibility for the overall audit of local councils will ensure the use of more consistent accounting practices. We will then get better comparisons of the performances of councils throughout the state. The editorial of the Ballarat Courier of Thursday, 16 March, welcomed the move.

There has been yet another positive outcome from the municipal restructuring process. The state government’s latest move to regulate the auditing processes of councils follows the discovery of financial irregularities which only came to light after amalgamation. The editorial goes on to list some of those financial irregularities, which I do not need to put on the record today. It concludes by saying:

The new system will allow the government, and just as important ratepayers, to be in a better position to identify financial issues impacting on councils and gain an insight in the health of local government.

The arrangement will mean greater consistency in accounting and disclosure which is just not possible under present arrangements.

As I said, I believe that view is widely supported right across local government. Indeed, the opposition itself has echoed the sentiments expressed in the Ballarat Courier editorial.

The other aspect of the bill not opposed by the opposition is the changed rating year dates for councils. Both sides of the house agreed last year that the local government financial year should run from 1 July to 30 June, bringing it in line with local government in other states as well as other levels of government and the private sector. Although that bipartisan support was pleasing, Mr Power made some cynical comments about the timing of the change. I will let him second-guess when an election might occur. That is his prerogative.

Hon. Pat Power — Jeffrey certainly will not tell you.

Hon. P. R. HALL — No, he will not tell me — and he will not tell you, Mr Power. We will all just have to be alert. We do the very best job we can every day of the year, and in that sense we do not keep elections in mind. I will pay no attention to Mr Power’s suggestion that the timing of the change
may be related to the date of the next election. The change gives councils adequate time to move through the enormous amount of work created by the restructures. I think every member will agree that local government commissioners and officers have a great deal of work on their plates as a result of new administration structure. Indeed, the one-year delay will give them the opportunity to work through those structural changes before taking on the rating period initiative.

Clause 3 amends section 185 of the principal act by giving the minister the ability to cap increases or impose reductions in the general rates and charges raised by councils. That power gives the minister three or four years to exercise some control over the revenue raising activities of councils. Importantly, proposed section 185B also gives the minister some flexibility in directing particular councils. Mr Power put on the record some of the means by which the minister can exercise flexibility. He can set general directions for all councils across Victoria or all councils in an area of Victoria. Indeed, he can give directions to a single council if circumstances warrant it. The amendment gives the minister the flexibility to take into account the individual needs of councils. As Mr Power rightly said, not all councils line up at the same point. Some councils have greater and more urgent infrastructure needs than others, and some may have more urgent human service needs than others.

In some municipalities rate savings may not be great because of their need to quickly address local service priorities. The flexibility built into the legislation will enable the minister to take those sorts of things into account. I would be the first to agree that not all councils would be able to deliver the rate savings they would like in the first or second year, given the need to address particular local issues.

Hon. Pat Power — You agree that rates will increase?

Hon. P. R. HALL — I said councils may not be able to deliver all the rate reductions they would like in the first or second year because of their particular service requirements.

Hon. Pat Power — But will any of them increase?

Hon. P. R. HALL — The Local Government Board report makes it clear that there is no guarantee that rates will not increase, and I am happy to abide by that decision. I am talking about an average decrease in rates. Mr Henshaw knows what happened in Greater Geelong, which experienced a 20 per cent decrease. Rates may have increased in some areas, but on average there was a 20 per cent decrease. I am talking about average decreases; one cannot guarantee the same single rate level for every person throughout the state.

The flexibility will allow the minister to take into account the particular needs of municipalities, and that is important. For example, in East Gippsland local government commissioners are currently dealing with the access to Raymond Island, which is an important issue for people in that area. Currently a ferry operation takes people and their cars from Paynesville across to the island, where there are about 300 residential allotments. Over the years there has been a lot of debate about whether there should be permanent access to the island in the form of a bridge or whether the ferry should remain. Whatever the commissioners decide will cost a substantial amount, because it will require either the building of a new bridge or the replacement of the ferry. That will involve a heavy financial outlay, which may stop the commissioners from delivering the level of rate decreases expected by the people of East Gippsland. The minister should and will consider the particular circumstances of municipalities when setting revenue targets.

Opposition members have argued about rate increases and decreases, suggesting that it is impossible that rate decreases will not have a direct impact on levels of service or the prices charged for those services. If those arguments are followed through to their conclusion, the opposition is saying that there are no administrative savings to be made in local government and that any savings will be made at the expense of service provision. It is interesting to examine the experiences of those councils that have been amalgamated for some years — and I am referring to what is now the City of Greater Geelong.

Hon. Pat Power — To what political party does the mayor belong?

Hon. P. R. HALL — I am not worried about the politics of it; I am concerned about outcomes. I refer to a document produced by the Office of Local Government that contains a foreword by the Minister for Local Government. The minister outlines the review of local government in 1994 and comments on the restructuring of local councils as well as compulsory competitive tendering and other financial reforms. The document is worth while because it reports on a whole range of issues.
associated with local government across Victoria and gives an overview of the changes that have taken place over the past two and a half years.

At page 13 the minister says:

Greater Geelong announced its 1994-95 budget in November. It foreshadows rate cuts for some 71,000 properties over the next three years. These cuts will put $10.3 million back in the pockets of Geelong's ratepayers. Other key features of the budget include a $22.5 million capital works program, a $5.6 million reduction in total debt and a $4.8 million reduction in debt servicing costs.

A report commissioned by the government before it restructured Geelong suggested that savings of between $17.8 and $23.8 million per annum might be achievable. By November 1994, the Greater Geelong City Council's annual operating savings had reached $20.6 million. This figure is expected to rise to between $23 and $24 million by 1995-96 — matching if not exceeding the most optimistic estimate.

Importantly, the savings are primarily in the administrative and management areas, and the quality and availability of services will not be affected.

Hon. Pat Power — Nonsense! Does he talk about how many jobs were lost?

Hon. P. R. Hall — I am talking about service delivery. The opposition runs the argument that the savings are having an impact on services. Clearly that has not been the case in the City of Greater Geelong. Expecting that the opposition would challenge the statement made by the Minister for Local Government, I referred to the Geelong Advertiser of Monday, 13 February, to read the comments that were made about the performance of the commissioners. The newspaper gave them an 8-plus mark out of 10. We would be happy with such a result. The article states:

In short, they have so far achieved annual savings of $20.5 million and predict more, rates have come down 20.4 per cent after a two-year freeze, although not for everyone because of the new rating system and valuation ...

There is nothing wrong with that. Differences in rating structures will always entail increases and decreases. Nobody said there would be uniformity after the change. The average rate reduction of 20.4 per cent means 71,000 people in that city benefited from the savings.

The article goes on to say:

... and community services remain basically the same although user-pays commercial garbage collection has hurt some.

The other services remain basically the same. If the Geelong Advertiser and the minister are wrong, I would welcome comments from Mr Henshaw and other opposition members setting out the errors. That has been the outcome in the City of Greater Geelong.

A similar situation exists in the City of Bendigo, which has undertaken a greater range of responsibilities. Two years into the restructuring exercise substantial savings are being delivered to people in the municipality. I have used those two local council restructures, both of which have been in place for some time, to show the benefits that are flowing to ratepayers. The bill will ensure those sorts of benefits flow through to ratepayers across the state. The runs are on the board in those two areas. I do not see how the opposition can possibly refute the success that the reform in local government has been. It is already providing benefits to the people of Victoria.

There will be further benefits once this amending bill is passed today, and that is why we in government welcome it. That is why I am disappointed that the opposition has not come out with clear statements on aspects of the bill. Opposition members have not argued about the benefits of reform and the returns that will be achieved by way of rate reduction or service delivery and enhancement. All they have talked about is the lack of democratic right. We have heard those arguments before, but the people of Victoria are interested in outcomes.

I say to the opposition that the outcomes of local government reform have been tremendous. This bill will ensure those outcomes will further benefit the people of Victoria.

Hon. D. E. Henshaw (Geelong) — Clause 1 sets out the purposes of the bill. As my colleague Mr Power has indicated, the opposition is content with several of those purposes. For example, the purpose in paragraph (b) is:

... to amend the Local Government Act 1989 and the Audit Act 1994 to make the Auditor-General responsible for the auditing of municipal councils.
We see merit in that. Indeed, my understanding is that the local government industry also accepts the merit of that proposal, so we have no argument with that purpose. The purpose in paragraph (d) is:

(to extend transitional provisions concerning the change of the dates of the municipal financial year in the Local Government (Amendment) Act 1994.

Again, my understanding is that the local government industry desires that change, so the opposition is content with and prepared to support that provision of the bill. Paragraph (e) refers to various miscellaneous amendments. Again, we have no great argument with that.

I also add in passing that I observe from the bill that the minister has retained from the original Melbourne city bill quota preferential voting in multi-candidate elections. I commend the minister for that. I have argued in this house in past years the fairness of quota preferential voting as distinct from the current provision in the Local Government Act 1989 for majority preferential voting. The quota preferential system has the capacity to give a much fairer result in a multi-candidate election. I quote a recent example that occurred only in March: the election of the Surf Coast Shire Council under the majority preferential system. I am pleased that the minister has not changed that aspect with respect to the Melbourne City Council.

I remember years ago in this chamber the same minister arguing vehemently against the quota preferential system, saying it was a way of politicising local government. I am pleased to note he has not pursued the argument that he made some years ago.

The opposition is seriously concerned about the other two purposes of the bill — namely, paragraphs (a) and (c):

(a) to amend the Local Government Act 1989 to enable the minister to limit the amount of general rates and charges that municipal councils may levy in the next three financial years ...

(c) to amend the Local Government Act 1989 to make various changes concerning elections for the Melbourne City Council.

It is my proposition that the state government has shown an incredible degree of arrogance with respect to its proposed changes in those two areas. I am happy the opposition is expressing its opposition to those aspects of the bill, and I certainly support that opposition.

I shall deal firstly with the matter of rate capping for councils. It is widely accepted that there are and have been autonomous areas of democratic government applying to the three tiers of government in Australia — federal, state and local—and, indeed, to various tiers of government around the world. In the past opposition members in this chamber have argued strenuously for the maintenance of the autonomy of those various spheres of government. For the government to dictate to local government the cap on its rates is a matter of considerable arrogance and is contrary to the position of many and most democratic parliamentarians in the past.


Hon. D. E. Henshaw — Mr Hartigan suggests they have been mostly Labor Party members. He was not here, for example, to hear a predecessor of his, the Honourable Alan Hunt, defending the autonomy of local government.

Hon. W. A. N. Hartigan — Well, I’ll say that I don’t think Alan Hunt was very good on local government. I think he made errors going back 30 years.

Hon. D. A. Nardella — Get that on the public record, David!

Hon. D. E. Henshaw — It’s on the public record, I suspect. Those who are elected to local government are accountable to their constituents and not to a different sphere of government. They face future elections. If a constituency or electorate is concerned that its local government representatives have not met the council’s objectives or the requirements of the community in the achievement of rate charges or return for those rate charges, it has the right not to re-elect those representatives and to elect candidates that have different approaches. That is the accountability of local government; it should not be accountable to a minister or a separate tier of government.
Indeed, I suggest it is the height of arrogance to impose such rate caps on local government. It is a complete misunderstanding of the practices and traditions of democratic government in this country and other western democracies around the world. Let us suppose, for example, that a council were elected on the basis of a promise to institute a public housing or unemployment reduction program or perhaps a program of investment in tourism which would generate more economic activity in that municipality. It is suggested that the minister can say to that council, ‘You cannot implement those proposals because I have capped your rates. You should achieve major savings rather than invest in things that the community wants’. I suggest that is a complete denial of the democratic process.

However, it might be reasonable for the government to encourage local councils to make savings. It seems to me that the minister should have contemplated some process of encouragement. Perhaps there could be incentive rewards in terms of grants for councils that achieve the savings required by a state government minister, or perhaps they could be given no more than just commendation, which would be of some significance to the electors in a subsequent council election. But it is the height of both hypocrisy and arrogance for a state government to impose this sort of rate cap on a different sphere of government — in this case local government. The opposition is entirely opposed to it.

I note, as did Mr Hall, that under this bill the minister has some flexibility in the way he responds to councils’ arguments or representations about the rate scale. The opposition would attain some measure of mollification if the minister were prepared to expand on the degree to which he would provide flexibility. The opposition would take into consideration the views expressed by ratepayers at a local government election who might elect a council with a particular program in mind.

If the minister were to give way to some extent in this area I think the opposition would be a little more satisfied with the bill. Let us see what his response will be.

The other area of the bill that is of major concern to the opposition relates to the change of the structure and nature of the voters’ roll for the City of Melbourne. In commenting on that I will make some points about the City of Melbourne as a major city in the world context. By the standards of major cities around the world, the council of the City of Melbourne is remarkably small: it covers a small area and population. Other cities around the world have much larger councils. For example, Tokyo has an enormous council consisting of various wards among which there is coordination and a mayor of the major city of Tokyo. If you look at just about any other large city you will see that major council conglomerates look after the affairs of the city council.

There is also a difference between the council in Melbourne and those in other major cities around the world in so far as the councils in other large cities have a much greater range of responsibilities: they may control the fire brigades, the police forces or water and sewerage — some even control the local ports and airports; and those larger cities tend to be bigger businesses.

The City of Melbourne is a relatively small major city with a large rate base. During the past 50 years the conditions have led to major confrontation within the city councils. There has been a confrontation between people representing the views of residents who have concerns about the quality of suburban life within the City of Melbourne and between representatives of, on the one hand, the business sector who are seeking to ensure more economic activity within the CBD when they have a decision base limited to a small area consisting of not much more than the CBD itself and, on the other hand, the developers who want to take advantage of the potential value of property within the CBD and therefore influence decisions of the city council. That unfortunate confrontation within the councils of the City of Melbourne has led to a lack of productive and forward achievement in past councils.

It seems to me — and I must say that from a Geelong point of view I have a degree of myopia and I do not profess to be an authority on the City of Melbourne — that during the 1980s the City of Melbourne was a fairly constructed operation. To quite a large degree that was because it no longer had control of the planning function within the city: the control was taken over by the previous state government. That meant that decisions made by people representing the urban householders within the city were not so geared to the restriction and the confrontation with the business sector because of their interests. Effectively the development was taken out of the control of the city council.

I am not suggesting that that is an ideal model for solving the problem for Melbourne; there are other possible models and if you looked around the world
you would find some. For example, the control of planning and economic development within the CBD may be the responsibility of some sort of indirectly elected independent body which represented the Melbourne City Council, perhaps the councils of the surrounding municipalities and also the business and development sector. That might have merit.

One would have to say that over its history a surfeit of non-elected bodies have controlled the affairs of the City of Melbourne, but it may be possible to devise a suitable model to encourage the development of the City of Melbourne in a way that all parties would accept.

To my mind the government’s proposal in the bill will not solve the problems which have been extant in the City of Melbourne over the past decades; in fact, it will encourage confrontation between householders of the city and those who represent business and commercial interests. While that confrontation is there or is encouraged there will be a lack of progress in the City of Melbourne.

Whereas the government has adopted what I think could fairly be called a gerrymander — my colleague Mr Power emphasised that — it seems to me it is unlikely to have a productive result. That is a matter of major concern.

There is also another important argument. Most people would accept the truth and the value of the saying that government of the people, by the people, and for the people must not perish from the earth. Under the bill that saying will be transformed into something like government of the people, by the corporations, for the corporations.

Earlier in my dissertation I suggested there are other ways of taking into account the wishes of the corporate sector. I am not denying that those wishes have value: the future of the CBD is essential in the whole economic development of Victoria and there are considerations that must be taken into account. However, the government should have found other models by which to take account of those considerations. It is taking a very dangerous and backward step. On the basis of my strong opposition to those two aspects, I oppose the bill and will be disappointed if it is passed.

Hon. J. V. C. GUEST (Monash) — I hear a lot of jargon —

Hon. D. A. Nardella — Like democracy!

Hon. J. V. C. GUEST — I hear words like ‘democracy’ and ‘gerrymander’ from the opposition. However, I will not dwell too much on that because listening to the opposition using terms like that is likely to make you go blind.

I do not think Governor Gerry would have recognised the use of the word ‘gerrymander’ by opposition speakers. Governor Gerry was about drawing boundaries to ensure that votes were distributed in the most appropriate way to maximise the chances of election of the greatest number of candidates. Nothing could be further from the description of the Melbourne City Council electoral system as it is now proposed.

As for ‘democracy’, that is the last resort of the demagogue, when you consider the marvellous book written by that well-known socialist academic and excellent political theorist Bernard Crick, in Defence of Politics. One of the institutions that it required defence against was democracy, because democracy can take so many forms.

It should be recognised that democracy, in the way that we want to make it work, is something which inevitably involves a great number of, not necessarily compromises, but balances, to ensure
that a number of different considerations are all given weight. Democracy is not exactly the same thing as the rule of law. Democracy is not the same thing as efficient government. Democracy is not the same thing as equity or economy.

I shall therefore deal with what the government has sought to achieve. I have two reasons for speaking on this bill. Firstly, the Minister for Local Government deserves the approbation of every member in this house and indeed in Parliament. In a very good government he is one of the most effective and the best performing ministers. He has done a marvellous job with Workcover, local government and also regional development as Mr Forwood reminds me. I am delighted to pay tribute to the work that he has done. In this bill we have another fine flower of his efforts.

I am one of the few members who has not only been resident for more than 10 years but has also for 35 years been a ratepayer in the City of Melbourne. I can tell the house that I have no enthusiasm for a return to anything like the good old days of the City of Melbourne. Anything that was said to have been wrong with it was probably correct! I do not speak about the most recent years, but I recall that in the early 1970s a solicitor who was a councillor came to my chambers and said that he could not find out what the bureaucrats at the town hall were doing. Different barrows were being pushed by different groups, mainly resident groups, simply because they were the most numerous. Under the efficient management put in place over the past few years many of those problems have been eliminated.

Of course there have been costs. In a sense I am speaking against my interest because one of the costs for resident ratepayers like me has been an increase of 20 per cent in rates. I have every confidence that the minister’s reforms will achieve a 20 per cent rate reduction over most of Victoria, but not in the City of Melbourne, for all the reasons that Mr Power well understands, but mostly to do with property valuations.

I have no desire to seek a return to a resident-controlled council. In saying that I do not denigrate the excellent work done by councillors in many municipalities who are seeking no more than to do some good for their fellow citizens by making their councils work efficiently and equitably. I do not deny that a number of councillors have been most effective because they have brought their business experience and other expertise effectively to bear on their municipal work. Many have given a great deal of time to their municipalities. However, there is a general feeling in the community, among both ratepayers and non-ratepayer residents, in many municipalities that they would be happy never to see a return to elected councils. They say, ‘Leave us with the commissioners!’ That is being heard all around Victoria.

In that situation the bill focuses attention on the real task facing the minister. Local government has always been the creature of state government. It is the way in which the state government arranged its affairs at the grassroots level, although that may not have been done to the best effect over the past 150 years or so. Given that, representation of community, resident and business interests need to be taken into account. Clearly it is desirable that there be a system of elections for councillors that will give a voice to all those interests, but exactly what balance is required is impossible to say with mathematical certainty. In most municipalities a preponderance should perhaps be given to the electoral roll, although there is a case to be made for the real moral of the planners of the Boston Tea Party who said, 'No taxation without representation' but who meant no taxation without proportional representation. If one takes that to its logical conclusion in the case of municipalities, which were originally concerned largely with services to property, one sees that the people who paid most of the rates were naturally those who were most concerned with the efficiency with which their rates were spent, and they would be most likely to keep their eyes on it. That was obviously a case for what was once an accepted principle that there should be a plural voting system, but that is not accepted now.

However, the bill rightly acknowledges that one of the contributions that business can make, particularly in municipalities like the City of Melbourne, is to provide a concentration on the needs of a central business district and also on the need to get value from rates and to keep them down.

We must ensure that we balance several considerations including those I have mentioned. I do not believe I have heard adequate recognition that to have a council of nine members is a sound development. When I have visited municipalities that have commissioners I have heard it suggested that in the future there should be as few as five councillors, with a maximum of nine. Clearly in the case of the City of Melbourne there is a case for having nine councillors to ensure proper representation. However, a body that has been given serious power with a membership of more than nine
will have members who do not feel a sense of responsibility because they will be saying that someone else will look after things.

Hon. D. A. Nardella — What a lot of rubbish! You are talking rubbish!

Hon. J. V. C. GUEST — The interjection by Mr Nardella gives me the opportunity to say that one of the problems that has brought down Labor governments time after time is their sheer incompetence. Even when they have had dynamic and strong leaders they have not had a clue about management or group behaviour. Their bodies always include every gabbler, every Nardella and every person who wants to chip in his or her scarcely formed thoughts when they are supposed to be effective decision-making bodies.

I rarely feel sorry for Gough Whitlam, but to have been inflicted with 27 people, not in his total ministry but just in his cabinet, and to have expected that to act as an executive body was totally absurd. If the Labor Party is ever to get into and perform in government again, it should look very hard at the great importance of the size of executive and of deliberative bodies. That is an extremely important factor.

Hon. D. A. Nardella interjected.

Hon. J. V. C. GUEST — Perhaps Mr Nardella would care to consider the significance of the group dynamics involved in having a parliamentary party of 10, 20, 30 or 40 members compared with, say, 200 or 300 in the House of Commons. The size of a group is extremely important. Nine members in an executive body is fairly close to the maximum. The reality that Mr Nardella unfortunately does not understand is that one of the reasons for the decline of parliaments in respect of decision making has been their excessive size and, although it is only one of the reasons, that is a reason why the party system had to develop.

I am delighted to support the very efficient, effective and sensible approach by the government in proposing to create a body with which it can work as part of its policy of not only having good government in the City of Melbourne, but also in taking responsibility, as the state government should, for its capital city and central business district and for doing so in a way that so far as possible, balancing all the considerations that have to be taken into account, will work exceedingly well.

Hon. D. A. NARDELLA (Melbourne North) — The opposition opposes the Local Government (Further Amendment) Bill, and I strenuously oppose it. Mr Guest has gone! The stock exchange must be opening at 1 o'clock, so Mr Guest made his speech and now he has gone! His contribution was one of the poorest speeches I have ever heard made by a member in this place. He has shown disregard for democracy in the state. He has shown that he does not understand the concept of democracy. He went off on a tangent and talked about the House of Commons and said it cannot make decisions because it has too many members. It has more than 300 members. Mr Guest made a ridiculous contribution to a very important debate.

The bill will change markedly the character and the franchise of the people of the City of Melbourne to a degree that is unacceptable to the Victorian community. Mr Guest has gone! He has more important things to do than debate these issues. Under new sections 185B and 185C the minister will have almost total control of local councils. That is in contrast with the battles of the mid-1980s. A Liberal opposition would never have allowed a Labor government to create that situation. It is an about-face by the government and it is untenable as far as the Victorian community is concerned.

The third tier of government is about, as it should be, having independent decision-making and accountability processes undertaken by democratically elected councillors.

Under new sections 185B and 185C the government allows the minister to decree what local councils will do about rate bases and rates. It is not good enough for such powers to be given to a minister, because local government should be in control of its own affairs in a real sense. The minister is saying that he does not trust his own commissioners. The ideological position is that they are to deliver rate savings — in most instances of 20 per cent.

Hon. Bill Forwood — You are against rate savings?

Hon. D. A. NARDELLA — I am against having a government determining and decreeing the level of rate decreases. The local community should be making such decisions — not a minister, not the government; the local people should make those decisions themselves, nobody else.

Hon. Bill Forwood interjected.
Hon. D. A. NARDELLA — It is not a matter of ducking the question; it is a matter of principle. The principle is that local people, the local constituents, should have the responsibility to make those choices. It is their right. Under the proposal the minister and only the minister will make those decisions. It is not democratic and it is not right! Candidates will be called for when it is decreed by the government that elections will be held. We do not trust the government, because it keeps breaking its promises. The government cannot be trusted. This minister has appointed local government commissioners, who are not elected and not accountable to their constituencies because they do not have any constituencies. Now we have a bill with proposed new sections that will impose changes on elected local government representatives and on ratepayers.

Sitting suspended 12.59 p.m. until 2.02 p.m.

Hon. D. A. NARDELLA — In 1989 the Liberal and National parties supported a new Local Government Bill, which was not prescriptive and which recognised the maturity of local government and the need for the responsibility for decision making to rest with the community. That progressive piece of legislation is still basically intact. However, the amending bill we are now debating proposes to take that control away from local communities and give it back to the minister. Self-determination is important to local government.

Hon. W. A. N. Hartigan — What does that mean?

Hon. D. A. NARDELLA — For a start, self-determination at the local government level means having elected councillors. Mr Hartigan does not understand that because he is not a democrat and does not understand democratic principles — he does not know what he is talking about.

Local government should control its own destiny; but in its usual patronising and childish way the government has demonstrated it does not believe that should happen. There is currently no opportunity for community input into the decision-making processes of the 75 councils that do not have elected representatives.

Hon. W. A. N. Hartigan — That does not follow. There is so much input it is terrifying.

Hon. D. A. NARDELLA — You are terrifying, Mr Hartigan, I do not think you understand what you are talking about. Some 75 Victorian councils have no elected representatives, so the minister, together with the commissioners and chief executive officers, decides what mythical savings will be made. Any savings that are made will not necessarily be given back to ratepayers. By contrast, many municipal charges will increase, just as a number of HACC service fees have already increased in the Shire of Corio. The government has saved $23 million by slugging pensioners, making them pay for its ideological bent. That is not fair! Local communities should be making those decisions through elected local representatives.

Hon. R. I. Knowles — Does the Labor Party support the development of some consistency in charging for HACC services across the state?

Hon. D. A. NARDELLA — I have no problem with that.

Hon. R. I. Knowles — That is exactly what has happened — and you are criticising it!

Hon. D. A. NARDELLA — The problem with what the Minister for Aged Care says is that decisions about those charges should be made by local community representatives, not by the commissars appointed by a government for ideological reasons. The government-appointed commissioners are not accountable to the community; they are responsible wholly and solely to the Minister for Local Government.

The provisions affecting the City of Melbourne are part of the gerrymandering of the local government electoral system.

Hon. Rosemary Varty — Donny has learnt a new word!

Hon. D. A. NARDELLA — It is not a new word.

Hon. R. M. Hallam — It is a new word for you!

Hon. D. A. NARDELLA — It is not a new word for me. It is an important word because the government is changing the nature of suffrage in Victoria: it is giving suffrage to corporations. Government members may be laughing but this is extremely serious. The notion of representation at the local government level is being stood on its head because of the government’s ideological beliefs. This bill takes us back many decades, beyond the early 1980s when property franchise was amended.

Hon. W. A. N. Hartigan — By whom?
Hon. D. A. NARDELLA — By the Cain Labor government. The bill goes even further, giving corporations and partners votes in local council elections. The new system will give them a disproportionate amount of influence, which is another of the opposition's concerns.

These are fundamental issues. We are fighting for rights and freedoms that are taken for granted overseas. The government is changing the tenets underlying local government democracy because it believes business should have a majority influence on the Melbourne City Council. That should not be the case. The most livable city in the world was well served by its elected representatives for many years. We should be maintaining that democracy so that Melbourne remains the world's most livable city. But this government does not want to be part of a civilised society that has as its basis real people — not corporations or businesses or partnerships — making the decisions and voting to elect local government representatives.

The government will now tell certain electors that they have been chosen to vote in a municipal election, which is different from the situation that applies in the federal and state arenas. If a corporation fails to appoint its two voters, the council will pick out two names in accordance with the provisions outlined in proposed section 18A.

Mr Hall's contribution was poor. He attempted to justify the denial of democracy on patchy, economic rationalist grounds. Using his reasoning, it is okay to take democratic processes away from local government. He believes the end justifies the means, but that is not what this society should be about. That is what a backward government does in implementing regressive change.

Hon. W. A. N. Hartigan — Isn't that the way you operate?

Hon. D. A. NARDELLA — It is not the way I operate at all. One of the basic tenets followed by members on this side of the house is the need to consult — in this case, with the local government industry. More importantly, the community needs to participate in the decisions that are being and should be made.

Hon. W. A. N. Hartigan — Carefully selected, you mean?

Hon. D. A. NARDELLA — No, not carefully selected. Unlike members of the government I believe the people are mature enough and smart enough. They should not be treated like children; and they should have the right to elect their own representatives.


Hon. D. A. NARDELLA — That is not what this piece of legislation is about. It is about restricting those rights we take for granted. It is a regressive step, a step the opposition does not agree with. I urge honourable members to oppose the bill.

House divided on motion:

Ayes, 27
Asher, Ms Forwood, Mr
Ashman, Mr Guest, Mr
Atkinson, Mr Hall, Mr
Baxter, Mr Hallam, Mr
Best, Mr Hartigan, Mr
Burrell, Mr Knowles, Mr
Bishop, Mr Skeggs, Mr
Brideson, Mr Smith, Mr
Connard, Mr Stoney, Mr
Cox, Mr Strong, Mr
Craigie, Mr (Teller) Varty, Mrs
Davis, Mr (Teller) Wells, Dr
de Fegely, Mr Wilding, Mrs
Evans, Mr

Noes, 12
Davidson, Mr Nardella, Mr (Teller)
Henshaw, Mr (Teller) Power, Mr
Hogg, Mrs Pullen, Mr
Ives, Mr Theophanous, Mr
Kokocinski, Ms Walpole, Mr
Mier, Mr White, Mr

Pairs
Bowden, Mr McLean, Mrs
Storey, Mr Gould, Miss

Motion agreed to by absolute majority.

Read second time.

Third reading

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

That this bill be now read a third time.
I am disappointed that the opposition has chosen to oppose the bill in its entirety because it is inconsistent with the comments made by Mr Power about several of its components. As the lead speaker for the opposition Mr Power concentrated on two aspects of the bill — the control over rates available to a minister of the Crown and the voting arrangements for the City of Melbourne. The honourable member went to some lengths to persuade the house that the introduction of an audit role for the Auditor-General should be supported, and he explained why the opposition has no real concerns about deferring the alignment of the rating and financial years.

On particular aspects of the bill Mr Power ran the argument that the opposition is not convinced that the corporations themselves rather than their deemed representatives should be held responsible for voting in City of Melbourne elections. I shall explain why the government decided to take that course. Given that we had taken the threshold decision that it was important to give the commercial sector of the City of Melbourne a stake in the running of the city, we believed the corporate world should have an opportunity to exercise a vote. We believed it was important to encourage the commercial sector to take up that opportunity. To convince the corporate sector of our determination we decided that if a corporation did not exercise that right we should deem that corporation to be represented by two of its executives. That is spelt out in the legislation.

Having taken that decision, we thought it would be unfair to penalise the executives who were deemed to be the representatives if their entitlements under the act were not exercised. Our view was that the organisation rather than the representatives should be held responsible and suffer any penalty. That is consistent with the threshold decision taken in the first instance. I suggest to Mr Power that the government has expanded voting entitlements in the City of Melbourne rather than restricting them. It is consistent with the concept of empowering all the stakeholders in our capital city — and it is a very good outcome. It was not a slap of the pen or some other misadventure that resulted in a corporation being held responsible for the exercise of its entitlement rather than those who were deemed to its representatives.

Mr Power asked what arrangements would apply to setting rates and charges in the newly restructured municipalities. The minister now has the opportunity to ensure that the benefits of the reform agenda are delivered to ratepayers through rate reductions. I leave aside the opportunity to take the opposition to task for what I believe to be a fundamental contradiction in terms, given that it claimed to respect the reform agenda and support the benefits that would flow to ratepayers but in the next breadth said it was not prepared to support a bill that is designed to deliver those benefits.

This authority to peg rates will be exercised as a reserve power. We do not envisage the minister being involved in the day-to-day setting of rates. I hope the minister never has to take that responsibility because it would indicate to the community at large that local government had not taken up the opportunity under the reform agenda to deliver those benefits. I emphasise two points: firstly, it is a reserve power that will be exercised only as a reserve power; and secondly, its term is limited. The legislation has been deliberately constructed to ensure that the authority to intervene is restricted to the term of the corporate plan, which is the responsibility of the commissioners.

I turn to Mr Power's gratuitous swipe at the commissioners. He suggested that granting a reserve power to the minister means the commissioners have failed or are failing in their duty. We see the reserve power as being primarily designed to deliver the benefits achieved by the commissioners. Given that we have taken the trouble to intervene — and we acknowledge that that has embraced a range of sensitivities — it would be a travesty if the benefits were not delivered to the ratepayers.

It is on that basis that the minister has been given the reserve power to ensure that the benefits are passed on to ratepayers. It is not a slap in the face for the commissioners; it is simply an acknowledgment that the government is fair dinkum about its reform agenda and determined to pass on the benefits. The message is as much as for the elected councils as it is for the commission.

Hon. Pat Power — It is too late then.

Hon. R. M. HALLAM — It is not. If you had read the legislation carefully you would understand it is not too late. The corporate plan is established by legislation, as is the authority of the minister to intervene should the benefits not be passed on.

I am pleased Mr Power gave guarded support to some form of intervention by the Auditor-General. I reassure him that our motivation does not spring from some misgivings about the process in place...
across local government. Rather we believe it is important that we hold up a sign to the community of Victoria saying that the local government industry is beyond criticism to the extent that the Auditor-General is involved. We see that change as being very important indeed.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Workcover: ministerial press release

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the minister responsible for Workcover to his press release of 19 May 1995, which came from the office of the minister and which is entitled 'Federal Government Backs Down on Workers Comp'. Did the minister approve the inclusion of Eileen McMahon, a Victorian Workcover Authority employee, as a media contact person on what is clearly a political press release; and, if not, will he assure the house that Workcover authority staff will not be used for political purposes in this way?

Hon. R. M. HALLAM (Minister for Local Government) — I will not give the house such assurance because I do not agree with the inference and innuendo put by Mr Theophanous. The inference is that the only way we can get a decent outcome in workers compensation is through political intervention, and I disregard that absolutely.

Hon. B. E. Davidson — We don’t think you could even with that!

Hon. R. M. HALLAM — I am happy to have that on the record and have your lot judged by what you just said.

Honourable members interjecting.

Hon. R. M. HALLAM — It is on the record. I am happy to have it on the record. Just let the record show that when the Kennett government came to power it faced an unfunded liability of $2100 million. Worse still, it had a system, which could not be defended, that included 16 000 Victorians caught up in the long-term queue. We knew we had to make some tough decisions. If you want to ascribe that to political interference, Mr Theophanous, you are entitled to run that line.

Hon. T. C. Theophanous — This is a political press release.

Hon. R. M. HALLAM — It is not a political press release at all. It is a report upon a factual circumstance in respect of workers compensation.

Hon. D. R. White — According to you.

Hon. T. C. Theophanous — You must be joking!

Hon. R. M. HALLAM — The facts are the facts.

Hon. D. R. White — So it is a non-political press release?

Hon. R. M. HALLAM — Absolutely, it is a non-political press release. The facts are — —

Hon. B. E. Davidson — We are not sure you can tell, Mr Minister.

Hon. R. M. HALLAM — I suggest you keep going because all you’ll do is dig a bigger hole.

The PRESIDENT — Order! Judging by the way this question is going, it may be appropriate for the minister to round off the answer so we can move on to the next question.

Hon. R. M. HALLAM — I am happy to round off my answer.
Hon. B. T. Pullen — Round off to zero!

Hon. R. M. HALLAM — The zero is very appropriate: it happens to be the unfunded liability we have now achieved. That is not a bad result given that we were $2100 million behind.

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to settle down. Has the minister finished his answer?

Hon. R. M. HALLAM — No, Mr President.

The PRESIDENT — Order! I ask the minister to round off his answer so that we can move on to the next question.

Hon. R. M. HALLAM — Only in deference to your ruling, Sir, will I round up. Let me make the point in rounding up that until three months ago the federal government was making noises about a federal system, which would have been, even in your eyes, Mr Theophanous, an absolute disaster. Given the enormous cooperation between the states and the advent of harmonisation, the federal government has now recognised that we have the best of both worlds. What we will finish up with is a system which is fair and affordable but which takes account of the best of competition between the states; at the same time it is consistent across the states as well. So, we will avoid any criticism from national employers.

Honourable members interjecting.

Hon. R. M. HALLAM — It just so happens that Eileen McMahon is a very competent officer of the Victorian Workcover Authority. In fact, she was a competent officer of the Accident Compensation Commission under the previous administration. She has been employed for her professionalism, and I shall continue to defend her on every occasion.

Housing: Raleigh Street estate

Hon. LOUISE ASHER (Monash) — Will the Minister for Housing advise the house of the status of the redevelopment of the Raleigh Street housing estate at Prahran?

Hon. R. I. KNOWLES (Minister for Housing) — I thank Ms Asher for her question because this is an important redevelopment project of my department. The old concrete walk-ups in Raleigh Street have certainly exceeded their life cycle and provide very poor accommodation. The department has developed a three-stage process for redeveloping those blocks.

Stage 1 is under way. A contract has been let for about $7 million, which will involve demolishing old units and establishing 4 family units and a block of 63 older person units. It is anticipated that that project will be completed in August this year. That will enable some of the tenants in the remaining accommodation to be relocated into the new accommodation.

Tenders have closed for stage 2, which will involve the construction of 13 family units. It is anticipated that in September this year we will let the contract for the third stage, which will be for the construction of 24 family units. It is a project that is needed.

Hon. D. R. White — We did three dorothy dixers on Raleigh Street, and you are now doing the fourth.

Hon. R. I. KNOWLES — The opposition talks about Raleigh Street and the fact that it did three dorothy dixers on it, but it did not actually get around to doing anything. This government did not do dorothy dixers but actually called for tenders to undertake the redevelopment.

The evidence of the government’s action is on the ground. As I indicated, stage 1 will come to completion and over coming months stages 2 and 3 will be let: we will see a redevelopment and a significant upgrade in the standard of housing in that area. Ms Asher and our colleague the honourable member for Prahran, the Minister for Education, have taken a keen interest in and have lobbied the government on the issue, resulting in the action that is occurring. I look forward to the project coming to a successful conclusion.

Point Lillias: archaeological survey

Hon. D. R. WHITE (Doutta Galla) — The Minister for Conservation and Environment would be aware of a survey commissioned by the government’s Point Lillias consultative committee, which discovered artefacts during an archaeological survey of the relocation site at Point Lillias. Knowing the outcome of the survey, I ask the minister what impact it will have on the proposed relocation of the Coode Island facilities to Point Lillias, what assurance he can give the house and the community as to the timetable of when the
relocation will occur, and the extent to which the—

An honourable member interjected.

Hon. D. R. WHITE — The minister was the first person in the community to say that he would relocate the Coode Island facilities and ensure that would occur, yet nothing has happened. We want to know what impact the outcome of the archaeological survey will have and whether it will inhibit the relocation of the Coode Island facilities to that site.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I thank the honourable member for his brief question and his recitation of history. Currently both the commonwealth and state governments are conducting a full EES or EIS on the sites in question, and I expect that matters relevant to what Mr White raised are being considered. The matters will then be made public and the federal government will make decisions on the basis of the EES.

These matters are the responsibility of the Minister for Planning, and in stating the facts I would not want to pre-empt any EES. If a more detailed answer is needed, I will get it provided by the Minister for Industry Services.

EPA: environmental service export

Hon. S. de C. WILDING (Chelsea) — Can the Minister for Conservation and Environment advise the house of progress on the government's strategy to export the environmental expertise of the Victorian Environment Protection Authority to the Asia-Pacific region?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I am delighted to be able to advise the house that the Environment Protection Authority, in a joint venture with the Overseas Projects Corporation of Victoria, has won the bid to undertake a $3 million pollution minimisation project in ASEAN nations.

The bid is an important one for Victoria, for the EPA and for all of those who support the idea of exporting environmental services. The AusAID project will foster the use of technology to minimise pollution from the industry and improve waste water treatment. It will have a particular focus on Malaysia, the Philippines, Thailand and Indonesia. Apart from providing know-how to the ASEAN countries involved, the project will also provide stimulating new work for the Environment Protection Authority staff and valuable export dollars for both Victoria and Australia.

In addition to the involvement of Environmental Services Australia, the EPA-OPCV joint venture, the Melbourne-based Australian Centre for Cleaner Production will also play an important part in the project, as will the Melbourne-based environmental engineers CMPS and F, previously known as Camp, Scott and Furphy.

Specifically the project we have won, which is part of the ASEAN-Australia economic cooperation program, will reduce waste generation and improve the quality of waste water discharges in the target industries; increase understanding of available cleaner production and waste treatment technology; demonstrate Australian expertise and technology; and establish networks between Australian private sector consultants, technology suppliers and the collaborating institutions in ASEAN and public sector agencies.

It is an important bid for Victoria to be involved in, and I am delighted to see such progress in working with the ASEAN countries.

City Link project

Hon. D. T. WALPOLE (Melbourne) — Can the Minister for Roads and Ports confirm that the government has allocated approximately $200 000 for a publicity campaign by the Melbourne City Link Authority?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I am able to advise the honourable member that the advertising campaign is being conducted by the Melbourne City Link Authority, which has responsibility under the act passed by this Parliament last year, and I am unaware of what costs are being incurred in the campaign.

With a project of this nature it is important that the public be informed and obviously an advertising budget will be allocated for it. I think that is quite appropriate and I congratulate and commend the authority on the standard of its advertising.

Mildura: proposed marina

Hon. B. W. BISHOP (North Western) — Can the Minister for Regional Development advise on the progress, if any, of the proposed marina at Mildura
which has been on the drawing board for several years?

Hon. R. M. HALLAM (Minister for Regional Development) — I thank the honourable member for his question and for his enthusiastic support of an exciting venture. On several occasions I have visited the proposed marina site and on each occasion I have been excited by the proposal. At the moment it is a veritable wasteland with the exciting prospect of being transformed into a vibrant recreation centre.

In about the middle of 1991 a major Queensland property developer, Transtate Ltd, produced a visionary proposal to create a $40 million marina related complex on council-owned riverfront land adjacent to the George Chaffey Bridge. The proposal included a mix of public facilities: the marina, hotel, retail and residential components to maximise the site’s potential.

Unfortunately the proposal had been virtually shelved, or at least put in the too-hard basket, because of the approvals that would be required from no fewer than 27 different authorities if it were to proceed. One of the first briefs that came to my table as the Minister for Regional Development was to find a way through what was a daunting bureaucratic maze.

I had the opportunity to call representatives of the 27 authorities together in one room and to put to them the prospect and the need for cooperation. I am delighted to report that we got that as a matter of course. The first step was the requirement of an EES or an EIS — —

An Honourable Member — Or both.

Hon. R. M. HALLAM — Or perhaps both; and because the company was loath to commit the sort of investment that was involved for either or both, the proposal was stalled. Today I have the pleasure to announce that the state government will provide $110,000 towards the cost of the study.

Hon. D. R. White interjected.

Hon. R. M. HALLAM — Mr White, I know that deep down you are interested in the development of the state. That allocation may result in a $40 million complex for Mildura. The studies will look at the effects the development would have on the water environment, flora and fauna, visual noise, human environment and transport.

I am pleased to report that the development has the support of the Mildura Rural City Council, which together with the developers, Transtate Ltd, will be contributing the remaining cost of the studies. The project promises to revitalise the Mildura waterfront area. On that basis I believe all members will support it. We believe it will generate some 400 jobs during the construction stage and 200 jobs on an ongoing basis.

I am delighted that the government has made this decision and I believe the effort will be well rewarded. I fervently hope we will get the best possible outcome from the developers to achieve a magnificent development for the community of Mildura.

**Government: opinion polls**

Hon. D. A. NARDELLA (Melbourne North) — My question for the Minister for Conservation and Environment, who is the Leader of the Government in this house, refers to the release of results of public opinion polls conducted on behalf of the government and paid for by taxpayers. When the minister was in opposition he went to some effort to seek access to public opinion polls paid for by the Victorian taxpayers. I ask: will the minister arrange to release immediately the results of the public opinion polls paid for by the Victorian taxpayers?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I am happy to refer this matter to the Premier. The facts are that when I went to court I won, but when Thwaites went to court he lost. Who lost out of that? Your lot!

**Roads: Geelong arterial study**

Hon. W. A. N. HARTIGAN (Geelong) — My question is for the Minister for Roads and Ports. As the minister continually evidences by his active interest in the provision of a good road infrastructure for regional Victoria, nowhere more so than that in Geelong, will he advise the house what action he is taking to recognise Geelong as a multimodal transport hub to provide the best possible road infrastructure for Geelong and the surrounding area?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I thank Mr Hartigan for his commendatory remarks about the work that the government is doing by providing a road structure of significance to regional Victoria. It is important and it is acknowledged that a large number of projects are
under way. They are providing vastly increased efficiencies in transport movement in Victoria.

Geelong is one of the most significant regional areas in the state, and the government is paying a great deal of attention to its transport needs, particularly the intermodal transport hub. The reform of the port of Geelong goes to that issue, as does the standardisation of the rail link between Melbourne and Adelaide, which will go via Geelong. That provides added potential for Geelong, particularly for the port of Geelong.

It is time to take a fresh look at the infrastructure of the arterial roads in Geelong. A proposal has been abroad for some time for a bypass of Geelong and a route was identified many years ago. In fact, over time some of the land has been acquired by Vicroads. Perhaps Geelong's growth has not been in the areas that were originally envisaged, and a fresh examination is appropriate.

Accordingly, I am pleased to advise that Vicroads has entered into a partnership with the council of the City of Greater Geelong to examine the future road needs in the area, the possibility of a bypass and the time lines thereto. A steering committee has been established whose members include representatives of the city, the Public Transport Corporation and the Geelong transport advisory board. I expect the results will be available early next year and they will enable the formulation of an appropriate arterial road strategy for Geelong.

In the meantime we are not sitting back and doing nothing. A tremendous amount of work is being done to catch up on the backlog of maintenance left to us by the former government. Under the Better Roads program a number of worthy initiatives have either been completed or are under way in Geelong.

Libraries: compulsory competitive tendering

Hon. M. M. GOULD (Doutta Galla) — My question is for the Minister for Local Government. The Libraries Board of Victoria has released a document entitled Guide to Compulsory Competitive Tendering for Public Libraries. In part it says:

... in discussions with ... chief executive officers of Victorian councils, it has been confirmed that the consideration of public library services for competitive tendering is not an early priority ...

It suggests a timetable for CCT in which in the long term — five years plus — a move to identify opportunities for tendering whole library services would occur. Is the minister aware that Melbourne and Yarra commissioners are seeking to tender full library services and that they intend to choose a provider by September? Does the minister agree with this action or does he believe commissioners should hasten slowly in respect of library services?

Hon. R. M. HALLAM (Minister for Local Government) — I make the point at the outset that my advice to commissioners is not to hasten slowly, given that we have a short-term window in which to review the operation of local government, which by definition must include the provision of library services. I certainly would not be telling my commissioners to slow down. If anything, I would invite them to do the reverse, given the short time line they have to undertake the charter we have given them and to hand back to the elected council in due course.

Hon. M. M. Gould interjected.

Hon. R. M. HALLAM — Hang on! You asked about three questions the first time.

Hon. M. M. Gould — Do you know about it? Do you agree with it?

Hon. R. M. HALLAM — I do know about the review of library services because it is part of the local government agenda. I do not walk away from it. It is part and parcel of the process that we have asked commissioners to review, but as for some sort of dictatorial direction about where that should fall within their agendas, I am not prepared to give that. I am simply saying to commissioners that they need to look at every tier of endeavour and every field of enterprise within their portfolios to ensure that they get the best service available at the most efficient level of cost. By its definition that must include the provision of library services. I do not walk away from that.

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Hon. T. C. Theophanous interjected.

Hon. R. M. HALLAM — For your benefit, Mr Theophanous, I wholeheartedly support the performance and the commitment of commissioners who have been appointed to this task.
Housing: community program

Hon. K. M. SMITH (South Eastern) — Will the Minister for Housing advise the house of the most recent developments in the funding of the community housing program?

Hon. R. I. KNOWLES (Minister for Housing) — I am pleased to advise the house that the commonwealth government has agreed to a submission from me for an allocation of $512,000, which is the last of the project initiatives under the community housing program. The funding is for three projects: in the western region $90,600 has been provided for scaffolding to develop an infrastructure for the community housing program; $17,000 has been provided for Bendigo Emergency Housing Inc. to expand the emergency housing program in the Loddon-Campaspe area to fill an important gap in that service; and $404,620 has been provided to Community Housing Ltd to construct four two-bedroom units in Moe which will target people with intellectual disabilities on low incomes to provide more comprehensive housing opportunities in that area.

Previously I have indicated to the house that the government believes the community housing program is important to provide choices and therefore it requires the approval of both levels of government. I am pleased the commonwealth minister has agreed to these recommendations.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Third reading

Debate resumed.

Hon. R. M. HALLAM (Minister for Local Government) — I welcome the opportunity to speak briefly to some of the issues raised by Mr Power in the course of his contribution to the second-reading debate. The interesting thing about the honourable member's comments in relation to the change of electoral arrangements in the City of Melbourne was not his criticism of the process or the outcome but his attempt to blackguard the people who had been involved; in other words, his criticism of those who had been involved rather than their recommendation. That is a bit sad given that he was gracious enough to say of Rob Barfus, who is also a principal of Clifton Consulting Services Pty Ltd, that his background was not to be challenged.

Hon. Pat Power — Impeccable.

Hon. R. M. HALLAM — Thank you. I make two points in response to the honourable member's comments which I said at the time were unbecoming. It really did not do the process any good to try to blacken the names of those who had been directly involved. In any event, after the commissioners decided that the recommendations of Clifton consultancy should be put on public demonstration specifically for response, the commissioners reported to me that they had had not one single response from anywhere. They actually put it up for public debate out in the public forum by public advertisement, and they got not one response! You come into the house and by way of criticism say nothing about the outcome but prefer to have a go at those who have been directly involved. I do not intend to say anything more about those comments other than that they were not becoming.

In respect of the comment Mr Power ascribed to Angela Munro, again second-hand, again to establish that through the process of election of the council of the City of Melbourne people would be disenfranchised from candidacy —

Hon. Pat Power — You tell me how they can afford it!

Hon. R. M. HALLAM — I am coming to that. I have referred to it in the past. One of the pluses of having postal votes is that it may well be that it cuts down the cost of the operation.

Hon. Pat Power — For the candidates?

Hon. R. M. HALLAM — For the candidates.

Hon. Pat Power — You tell me how.

Hon. R. M. HALLAM — Because the process allows for a standard form of communication to the voting public. If you look at the examples in New Zealand and Tasmania, one finds that one of the big advantages is that it can overcome the price tag of democracy by having a standard form of communication going to the voters as a matter of course.

Hon. Pat Power — What will Australia Post charge for posting it? 45 cents or not?

Hon. R. M. HALLAM — The fact is that your comments may be premature. It may well be that it
involves no cost. On that basis I am very confident that more people will be attracted to put up their names as candidates and not be put off by the cost involved in the election. The experience in New Zealand and Tasmania is precisely that: more people are attracted to becoming candidates because one substantial cost has been overcome.

Mr Power can shake his head in disbelief but I suggest he does no more than check the experience in New Zealand and Tasmania. For some years postal voting has been used successfully in New Zealand and, more recently, on a mandatory basis in Tasmania. In the last elections the Tasmanian government chose to make it compulsory for the polls to be conducted by postal vote.

I put it to you: if at the end of the day we can establish that more people took part in an election as a result of the council’s decision to conduct the election by postal vote, would you still make the same criticism?

Hon. Pat Power — This is consultation.

Hon. R. M. HALLAM — I am simply suggesting that if you want to run your argument based on something Angela Munro said, you might ask yourself why she did not respond to the invitation to comment.

Hon. Pat Power — Why didn’t James write a letter saying how much he applauds it?

Hon. R. M. HALLAM — You ask James!

Hon. D. A. Nardella — It is your question.

Hon. R. M. HALLAM — For what it is worth, even though I know it will be difficult for you to understand, Mr Nardella, it was Mr Power’s contribution!

Hon. Pat Power — You are slagging people because they are not responding; you are slagging James.

Hon. R. M. HALLAM — The other issue Mr Power raised concerned what he described as a gerrymander in the City of Melbourne. Under normal circumstances I would let that go through to the keeper but in these circumstances I do not believe that is appropriate. If we are going to talk about gerrymanders it is important to understand where we started from. When the Kennett government was elected the City of Melbourne had 21 councillors, 3 of whom were elected from 7 ridings.

Hon. Pat Power — All of whom were!

Hon. R. M. HALLAM — Yes. Let the record show that the process involved 21 councillors from 7 ridings, 1 of which was the commercial centre, and that same commercial centre produced between two-thirds and three-quarters of the city’s rate revenue. And the opposition thinks that we are proposing a gerrymander! That former process was impossible because 18 councillors from places other than the commercial sector, where the bulk of rate revenue was generated, had the say over every decision. We are talking about our capital city.

Hon. D. A. Nardella — Who cares about the capital city? This is about democracy!

Hon. R. M. HALLAM — That interjection should be on the record. Even Mr Nardella would understand that people who live in the most distant
and remotest places in Victoria have an interest in what happens in Melbourne. It is our capital city! Melbourne is Victoria’s window to the world and its commercial centre. What happens in the City of Melbourne should not be driven totally by those who happen to live within its boundaries when many others have a vested interest in the outcome.

What the government is doing is moving away from what was the greatest gerrymander known to mankind: 18 councillors with the bulk of the say and 3 councillors representing the community from which was derived the bulk of the rate revenue. Opposition members are out of step with reality and wrong if they say that there are no special circumstances involved because Melbourne happens to be a capital city. They rely on those who give them comfort in other arenas, but I say they are wrong.

To comfort Mr Power I give an assurance that the electoral position in the City of Melbourne is unique to the capital city and will not be used as a precedent in other municipalities. That commitment is consistent with the concept of the City of Melbourne being unique: it is Victoria’s capital city and is subject to its own legislation. On that basis the government considers it is appropriate to take special account of the fact that there are stakeholders with an interest in the City of Melbourne that goes way beyond the interests of those who happen to reside in it.

Hon. Pat Power — It is Victoria’s capital city, and it is a disgrace that wealth and property determine how many votes you get.

Hon. R. M. HALLAM — I do not want that interjection to go unchallenged. I suggest to Mr Power that in his own domestic situation he would anticipate that both he and his new wife would get a vote: that is, his household would get two votes. How then can he countenance that BHP, which has a far bigger stake in the municipality than a person who simply happens to own a domestic dwelling within its boundaries, should get only one vote? Does he actually think that is fair?

Hon. D. A. Nardella — Is BHP a person?

Hon. R. M. HALLAM — It might be some strain on your intelligence, Mr Nardella, but it will be a person — they will have people in control at BHP! I refute absolutely that what the government has done with the City of Melbourne demonstrates any double standard. I challenge the allegation of hypocrisy. What the government has done is absolutely at one with the concept of a capital city. The bill is appropriate legislation. I genuinely thank all honourable members who have contributed to the debate.

The PRESIDENT — Order! I am of the opinion that the third reading of this 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! So that I may be satisfied that an absolute majority exists, I 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.

Remaining stages

Passed remaining stages.

RETAIL TENANCIES (AMENDMENT) BILL

Second reading

Debate resumed from 23 May; motion of Hon. W. R. BAXTER (Minister for Roads and Ports).

Hon. T. C. THEOPHANOUS (Jika Jika) — The opposition will not oppose the bill. However, I wish to make a number of points of concern to the opposition, not so much as to what is included in the bill but as to what the bill fails to do and the abrogation of responsibility by the government in dealing with the complex area of retail tenancies.

The bill is in four major parts: the first extends the prohibition on the payment of key money; the second introduces conciliation prior to the arbitration of disputes; the third provides improved professional indemnity to panel members; and the fourth validates the decisions of panel members in the event of a defect or irregularity in their
RETAIL TENANCIES (AMENDMENT) BILL

Thursday, 25 May 1995

COUNCIL

appointment. The opposition does not oppose those four key purposes of the bill.

However, the opposition is concerned that the bill does not address a range of issues which should have been addressed in light of the history and background of its development, particularly assurances that were given as to reviews of the legislation.

Retail tenancy leases are probably one of two topics most discussed by small business. Whenever I talk to small business operators they are interested in discussing two crucial issues — shop trading hours and retail tenancy lease arrangements. That was also the case when I was the Minister for Small Business. Costs, regulations and government imposts are also important to small business, but the negotiation of lease agreements is paramount, as is the issue of the unfair competitive practices of major outlets resulting from the deregulation of shop trading.

The previous government set up a working party to review the act in accordance with section 26, which provides for a review to be undertaken at the end of five years. The review was under way by the time of the October 1992 state election. The working party subsequently reported to Minister Heffernan, who promptly pigeonholed the report and asked the working party to conduct a further review. That report was given to the minister on 3 March 1993 — and again he pigeonholed it. He recently formed another working party, which has presented him with options for the reform of the act.

Retail traders and their representative organisations are anxious for changes to be made to the Retail Tenancies Act. Although the act set in place a regulatory framework that was appropriate in 1986, it has since been shown to be deficient in a range of areas and is in need of a major overhaul. Generally speaking both the small business community and the opposition support the amendments. They are as a step in the right direction and follow the intent of the principal act.

The conciliation provision attempts to introduce conciliation into the process, which is a good thing given the high cost of lengthy arbitration procedures. For those reasons many people cannot be bothered instituting proceedings and finish up having to cope any unfortunate consequences they experience after negotiating with landlords. The opposition has no difficulty with that part of the bill.

The bill does not address many of the concerns of retail tenants that were dealt with by the reviews I referred to. The bill does not address how the act applies to franchises and public corporations; it does not address the extension of the regulations governing rent reviews; and it does not address the supply by landlords of disclosure statements, the equivalent of which are contained in the Residential Tenancies Act. The bill does not address the extension of compensation rights resulting from tenancy mix changes in retail shopping centres, and it does not address the unconscionable conduct clauses in leases or any unconscionable behaviour by the parties to those leases. For those reasons we believe the bill is deficient in a number of areas.

We have all heard small business people tell horrific stories about retail tenancy leases, examples of which continue to crop up almost weekly. The government has failed to grasp the opportunity the bill offers to address those issues satisfactorily. The opposition believes retail tenancy legislation is extremely important. Legislation such as this ought to ensure a proper balance between the rights and powers of tenants and landlords in both lease negotiations and any subsequent disputes.

The opposition does not believe the act as it stands adequately deals with all those issues. This bill addresses some important issues but overlooks others. The small business community was thankful for the Labor government’s introduction of the 1986 act, but it now believes changes need to be made to increase the effectiveness of the legislation. It is no secret that there are still significant problems with retail lease arrangements and that they occur frequently. The opposition believes it is time all those issues were addressed. This bill is at best half-hearted and shows the extent to which the coalition is dominated by the Liberal Party. The National Party has once again given up on an important part of a constituency it once sought to represent.

During the 1986 debate on the original legislation the National Party was keen to ensure small businesses in the retail tenancy area were protected.
The National Party held the line against some of the more outrageous free marketeers in the Liberal Party, who did not want any legislation that protected small businesses engaged in lease arrangements. I dare say the minister would have been one of those who in 1986 supported the introduction of legislation to protect small businesses engaged in retail tenancies. In 1986 the National Party made a big song and dance about the need for three-yearly reviews. Once the opportunity for a review presented itself the current minister stalled. He sought further reviews by other working parties; and now he has introduced a bill that does not address the serious problems in the retail tenancy area. In one sense that is not surprising because the Liberal Party has never been committed to introducing the changes that retailers are interested in. National Party members once pretended they were on the side of small businesses in retail tenancies, but it is now clear that the National Party can be bought for a couple of ministerial positions. Small businesses know the National Party is unlikely to take up their cause in either case, despite claiming to represent their interests.

As I said, the bill has four essential components, which the opposition does not oppose so far as they go. Nevertheless, we are concerned that they do not go far enough. The amendment to the key money provision is absolutely necessary. It is important to clarify that key money will not in any circumstance be part of any negotiation for the renewal of a retail lease. We strongly support that provision. I make it clear that under no circumstances is key money allowed to be paid by a small business to a landlord to secure a lease into the future. The issue was raised in the March 1993 working party report and was the subject of a specific recommendation. Page 13 of the report states:

The key money provisions were seen as most important and in need of extension to cover all situations where capital payments may be sought in return for benefits provided by a landlord and it was submitted by the REIV, for example, that there should be a penalty for demanding key money equal to the amount demanded.

The recommendation was that the act:

... should be amended to provide that the supply of a disclosure statement in the terms required by section 7 shall be mandatory unless the parties agree in writing to the contrary.

The recommendation went on to say that the key money provision in section 9 should be extended to apply to all payments in the nature of premiums that may be sought in any tenancy transactions.

The amendments in part 3, which deals with the determination of disputes, also addresses an issue of considerable concern — the cost of access to dispute resolution. I know from my experience as the responsible minister that the cost of arbitration is inordinately high. It is almost beyond the ability of most people to pay — unless the dispute is over a substantial amount of money — and virtually prevents people taking matters to court. It has caused many people to abandon their search for justice. The existing dispute determination process is both lengthy and costly, and the industry has been concerned about it for some time.

The opposition has no problem with the concept of conciliation, which should have been introduced earlier. An efficient conciliation process that results in lower costs would obviously be supported not only by the opposition but by the industry and the general community. We hope that the process will work and that retail tenancy disputes will be resolved speedily and more cheaply. However, that remains to be seen.

Conciliation is a complicated area because a range of issues have to be taken into consideration. We must ensure we have skilled negotiators who are well trained and able to make recommendations and resolve disputes at low cost. Again, that is yet to the tested. There is nothing in the bill that requires the provision of trained and skilled negotiators. Nevertheless, I presume the minister and the government will try to provide skilled and trained negotiators, because conciliation requires a lot of skill.

This is yet another bill that varies section 85 of the constitution. Although it may be justified in this particular instance, it is part of an ongoing pattern. It is a tactic the government uses at every opportunity — especially whenever things look like being difficult.

I am sure most people now believe the Victorian constitution is a bit of a joke because the government can change it at will in just about every bill that comes before Parliament. From a broader philosophical perspective, most people have some concerns about that. I am sure there are people even in the coalition parties who are concerned that we have a constitution that is changed as easily as
putting any bill through Parliament. This is an ongoing concern certainly for the opposition.

I said that the minister had not addressed or had sidestepped most of the issues which ought to have been addressed and which the industry itself called on him to address. So, the bill does only half the job.

I shall quote the remarks of a Victorian barrister who practises in retail matters. As reported in the *Law Institute Journal* of June 1993, Mr Peter Best had this to say:

> Since coming into force over five years ago the Retail Tenancies Act 1986 ... has been the subject of considerable litigation. There is little doubt that its construction by the courts has altered the perspective and perhaps intent of the legislation.

Mr Best was saying that the legislation was inadequate and needed to be examined. He concluded by saying:

> What is certain is that the legislature (and any subsequent committee reporting into it) must do more than tinker around the edges if the act is to give any comfort to disputants over the next five years.

It is quite clear that people who know — and I understand Mr Best is a practising barrister who has been involved in this area for a very long time — are saying the government has to do more than just tinker around the edges. Unfortunately, tinkering is what we have in this circumstance.

Mr Best was not alone in his views. In fact, at the 1993 property law conference Mr Derry Davine, Chairman of the Leases Committee, also submitted a paper on this matter in which he indicates something about the process that was adopted:

> The working party was set up in the last days of the Kennett government as one of the recommendations of the final report of the Retail Tenancies Act review. The role of the working party was to assist in the implementation of the recommendations of the review.

He continues:

> ... when the Kennett government came to power, the working party's brief was changed from one of implementation to that of a further review of the act.

That is what went on and on until we finally got an act which — —

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Hon. K. M. Smith — Who said that?

Hon. T. C. THEOPHANOUS — Derry Davine. His remarks are in the *Property Law Bulletin* no. 28. Other people have also expressed concerns. I have a letter from the Furnishers Society of Victoria, which wrote to the shadow minister in another place, Mr Peter Loney, in relation to the bill. The letter states:

> ... the amendments in our view don't go far enough in that they do not prevent the situation whereby a landlord refuses to renew the lease or issue a new lease and thereafter continues to operate the business of his former lessee. This practice has been referred to as 'goodwill capture' and we find it repugnant.

I think most members here would find such action repugnant as well. The society is referring to the experience of some of its members who may have started a retail furniture business and built up the business only to find when the lease has come up for renewal they are unable, for one reason or another, to negotiate another lease agreement with the landlord. Perhaps the landlord will not negotiate it or will put up the cost of the lease to a rate that is impossible for the business to accept. The lease then expires and, lo and behold, within a few days a business is opened by the landlord, perhaps under a different name, taking advantage of the goodwill that was built up by the previous tenant. The society refers to this practice as goodwill capture, and I am sure all members would find it quite repugnant.

Hon. B. N. Atkinson — Has the society given examples of where that has happened?

Hon. T. C. THEOPHANOUS — It does not provide an example in this particular letter, but if Mr Atkinson were to contact the society, I am sure it would be able to provide him with specific examples. I am certain the society is not raising the issue with the shadow minister simply because it feels like doing so. I am sure its members have had problems along these lines and that is why they have raised the matter with the shadow minister. The society also says:

> The second matter we think should have been addressed is the issue of when the tenant is advised that an option is required to be exercised. It was originally Parliament's intention that the landlord be obliged to remind the tenant within three and six months of the date for taking up the option. What has happened in practice is that the 'reminder' is now provided in the schedule to the original lease.
The society is saying that although it was the original intention of the legislation that reminders be sent at three and six-monthly intervals before the closing date of taking up the option for a subsequent period, that has not occurred; for one reason or another, the reminder notice is included in the schedule to the original lease, perhaps just in case the landlord forgets to remind the tenant later on about the need to take up the option. So, in the past the landlord has missed the date of taking up the option and the tenant has found himself unable legally to take up the option provided under the lease. The society says it would have been a simple problem to overcome in the legislation, but the minister has decided not to do so.

The Furnishers Society also points to an omission in redrafting the legislation in relation to the definition of retail floor space and says that the omission is surprising given the conflicting judicial interpretations and the essential nature of the definition in relation to the entire act. The society says that the need for the redefinition has been a principal recommendation in at least two substantial inquiries into the act.

The society says that the definition of the retail floor space is an important part of the leasing arrangements and that the definition in the act is inadequate. It points to the fact that it has been raised as an issue in the reviews that have been conducted. Again it was something that for one reason or another was not taken up by the present government.

I also point out that in New South Wales, where there was not an act in place, legislation was introduced recently for retail tenancies. It was very successful: it was first introduced by the Liberal government and has been applauded by the industry not only in New South Wales but also in Victoria.

Although the legislation was introduced by the Liberal government in New South Wales to protect retail tenants because they had no protection in that state, it was introduced in the upper house by Mr Bryan Vaughan, a Labor member, as a private member's bill. That forced the New South Wales government to introduce its own bill, which was passed in the upper house. Subsequently the New South Wales act came into being.

An interesting article by Margaret Lyons published in the Business Review Weekly of 4 July 1994 states:

Although NSW has been criticised for being the last mainland state to introduce protection for small retail tenants, recent reports from other states indicate that the NSW law will be more effective than Victoria and South Australia.

From discussions we have had with representatives of businesses that would be affected it is apparent that they would have preferred Victoria to adopt the entire New South Wales legislation in relation to this area rather than making the patchy amendments in the bill, which they believe are inadequate and will not protect them.

Hon. B. N. Atkinson — When was the last article you referred to written?

Hon. T. C. THEOPHANOUS — July 1994; so the bill must have been introduced around that time or just before. I am not sure of the date of the bill in New South Wales, but it is fairly recent.

I do not want to speak at length on the bill because we do not oppose it. However, it is an important area. I have a number of examples of tenants who are concerned about the way they are treated by the landlords of large centres. The same article in the Business Review Weekly of 4 July also refers to a Mr Gilbert who has some clients in the area. It says:

One of Mr Gilbert's clients was told that her business would turn over up to $20 000 a month, and the rent was set on that basis. Woolworths, the anchor tenant, then set up a rival specialty division just metres from her door, and she is now lucky to turn over $12 000 a month.

Gilbert says landlords use the threat of eviction to make tenants accept rent increases ...

Hon. B. N. Atkinson — Where was that?

Hon. T. C. THEOPHANOUS — In New South Wales.

Hon. B. N. Atkinson — Because Gilbert, I think, is a South Australian.

Hon. T. C. THEOPHANOUS — You are obviously well versed in the area; I look forward to your contribution. The point I am making is that this problem occurs quite frequently. I am not raising these issues to be confrontationist; we are all concerned about small businesses and their capacity to survive, and we want an act that allows them a
reasonable degree of protection against the big landlords.

Perhaps this is an isolated case: I do not know. However, sometimes not all the information is provided to the tenant prior to the signing of the lease. For instance, the tenant may not have been told that a major firm — in this case Woolworths — intended to establish a business next door which would sell the same sorts of items, so the tenant did not sign the lease on the basis that he or she would be able to operate a business but that a similar business would be set up next door. It may not be illegal, but it is not exactly fair either. It is the kind of thing that the Retail Tenancies (Amendment) Bill should be able to address; however at the moment it does not.

An article published in the Ringwood Mail of 7 December 1994 talks about a Mrs Christophorou, a market trader who was involved with the Ringwood market traders, and relates her experience in the area:

Mrs Christophorou said she was 'made to believe' business was good when she signed up for her shop four years ago.

'What they didn't tell me was that they were signing up someone else who sold exactly the same produce as me — I saw figures that did not take into consideration direct competition.

'The only reason I haven't gone under is my husband works and pours everything he has into this business.'

That is an example of a market situation where a person has signed up for a lease but is not given adequate information or told what would be happening next door, in the same centre, or whatever, and therefore is not informed of the likely level of competition he or she would face.

An article headed 'Small retailers cry foul' published in the Herald Sun of 30 May 1994 quotes Mr Tony Christakakis — who, as we know, is the executive officer of the Combined Retailers Association — as saying that he received a number of complaints from tenants in regional shopping centres about landlords who refused to renew their leases.

According to Mr Christakakis, tenants spend years building up their businesses into profitable operations only to find they are effectively shut down because they could not negotiate new leases, despite the fact that they had abided by their lease conditions and paid their rent on time. He gave an example of Mrs Clare Hofmann, who ran a tobacco shop in Box Hill Central. When she took over the five-year lease she was assured that as long as she paid her rent on time she would be granted a new lease. Mrs Hofmann accepted the lease, presuming that when the time came to renew it there would be no trouble. However, the lease was not renewed and the matter was not open to negotiation. She cannot sell her business as her lease runs out in June, so she cannot realise the value of the goodwill she has built up.

This example is not an isolated one. It occurs in many cases because the managers of large centres say, 'We will give you a five-year lease but as a matter of policy we do not provide an extension to the lease'. When it comes up for renewal they make a judgment about the kind of business mix they want in their centres. If a shop does not fulfil their mix requirements, or if they believe they should be paid a higher rent, the shop proprietor is held over a barrel. If people have run a business for four years and are coming up to the fifth year they do not have any option because they cannot sell the business. It probably takes three years to build up a business, whether it is in a centre or elsewhere. It is necessary to be able to negotiate a longer term lease. Many centres are not playing ball with the small business tenants.

It is unfortunate also that the legislation does not cover motel leases. To some extent that is a separate issue, but it ought to have been addressed in the legislation. I urge the government to examine the area to see whether it is possible to address it because it has been of concern in the past.

I genuinely hope the government does not see the bill as the end of the story and believe that as a result of it somehow this area of retail tenancies will be fixed up. There are enormous problems associated with retail tenancies, and I urge the government to examine the New South Wales act, which has the interests of small business and those of the landlord.

I urge the government to introduce in the future another bill that addresses some of the important issues that we and the industry have put on the record so at least in this area small business will have a fair structure in which it can be assured that it will not have to suffer the sorts of threats it suffers at present. With those comments, I simply say that the opposition does not oppose the legislation.
Hon. K. M. SMITH (South Eastern) — It gives me pleasure to support the bill for the benefit of small business and small business operators in Victoria who for nine years have been acting under legislation introduced by the former Labor government in 1986 about which those on our side were not enthusiastic.

Hon. T. C. Theophanous — The National Party was!

Hon. K. M. SMITH — You did it quietly and I will try to do it quietly and we might do all right! They were not enthusiastic about it because of their general belief that business has a right to operate decently and fairly. The law was in place to follow through on issues, disputes and debates about leases that could be left to the court system, and if someone signed a lease it was with the full knowledge of all its contents. Unfortunately, many small business people tend to get starry-eyed and do not read all the nasty aspects that are written into leases. It is only when crunch time arrives at the end of the lease period that they suddenly discover they have to be out of the building in a short time, or they have to renew the lease and the landlord says, 'If you want a new lease you will have to pay additional money to go into it', and they want to continue in the business.

I can look at this from both sides: that of the landlord and that of the small business operator. A small business operator who is prepared to let his lease run out and suddenly discovers he must take out a new lease may consider selling his business. However, the lessee may be asked to pay key money to go into the business. I do not agree with that but I understand those things occur from time to time.

I do not agree with what happens in some of the big shopping centres. Some of the people who run them are prepared to go out of their way so far as key money is concerned. They are prepared to screw small business for every cent they can get, and they put small business operators in a position where they can either close the business or pay the key money or additional premium for the renewal of the lease. It is most unfortunate that the act was drafted in such a way as to allow people to be put in that position.

This matter was brought to our attention by a ruling of the Supreme Court in the case of Burke v. Gillett that stated that the provision against key money in the Retail Tenancies Act was able to be breached. The Supreme Court ruled that the way the act was drafted allowed this to happen.

I shall tell the house a bit about the case. It related to a full court decision regarding section 9(1) of the Retail Tenancies Act 1986. The court interpreted that section to mean that tenants were not protected from being required by landlords to make key money available or to make goodwill payments upon entering into or renewing a lease. This case has quite a story to it and because it is important to the debate I should go through some of the details.

Back in 1972 the Burkes wanted to purchase a hotel. They became the publicans at the Shamrock Hotel, which is apparently 7 kilometres out of the Ballarat area. They put everything they had on the line to go into the hotel business. They ran the business themselves reasonably successfully for some seven years and then decided it was time to get out of the business. In 1979 the Burkes leased their premises to Mr and Mrs Gillett who leased the premises for four years with an option at the end of that time for another four years.

In 1987 or thereabouts, when the Gilletts had built up a pretty good business and it was running reasonably well, they looked to selling their business and, of course, the goodwill that went with it. For about six months they were not given any decision about the renewal of their lease. The difficulty came when they pushed a bit about having their lease extended and also having a further option on their lease. They apparently got on very well with the Burkes who owned the property. They talked about selling the business on to somebody else but they wanted a secure lease for the in-coming people.

The Burkes came back through their solicitor asking that an additional sum of $35 000 be paid as extra key money or more as an additional premium to sign the new lease and have a further four-year option. At that stage the Gilletts had the opportunity of selling the hotel business with about a seven-year lease on it if the next people took on the four-year option as well. It sounds convoluted because it is. The Gilletts agreed to pay the extra $35 000 and they sold their business. They were paid $100 000 for the goodwill, which was not too bad. They considered they could retire from business with the $100 000 after they paid the agreed $35 000 to the Burkes.

Another solicitor who became involved in the matter said: you should not have to pay the additional amount because the act says that you do not have to pay key money or any additional money. The Gilletts took the Burkes to the County Court. The County Court found in favour of the Gilletts and
because the demand for key money was found to be illegal, the $35 000 was awarded back to them.

On further legal advice the Burkes decided that they would take the issue to the Supreme Court. When the Full Court of the Supreme Court looked at it, it overturned the ruling of the County Court. The Gillets were then in the position of having to repay the $35 000 and unfortunately the legal costs of about $150 000. So they had worked for a long time in the hotel business, they had secured an ongoing lease, they had paid the $35 000 premium to the Burkes and they thought: we have still get $65 000. In the end, they were $85 000 in the red, and they were not going to have a very satisfactory life after that.

What happened to the Gillets is an illustration of one of the reasons the bill has been introduced, that is, so that key money cannot be demanded in any shape or form from a small business person. It is a good thing that is being done.

Mr Theophanous, the former minister for small business, said a couple of things that concerned me a bit. Firstly, he said that the bill did not address a range of issues. He said that this bill does not go far enough, that the minister has sidestepped the issues and that the bill does only half the job.

Hon. T. C. Theophanous — That’s right.

Hon. K. M. SMITH — Mr Theophanous expressed the hope that this bill will not be the end of the matter but that there will be another bill. I can assure Mr Theophanous that is something the government is reacting to because of the Burke v. Gillett case. We are trying to close a loophole and trying to protect small businesses. Therefore three things are included in the bill.

I refer to other matters Mr Theophanous spoke about. The Redfern committee was appointed under the former government, perhaps under Mr Theophanous.

Hon. T. C. Theophanous — No, I didn’t have retail tenancy.

Hon. K. M. SMITH — That was about 1992, which was the year that they lost government. We allowed that review to continue. No great changes were made in that time. The committee made 78 recommendations. A large group of people undertook that review, including representatives from all sorts of areas who could have some input into considering aspects of retail trading, leases, what is retail land and so forth. In the end that group of people could reach agreement on only five of the 78 recommendations. It was a farce. It was unfortunate that it reached that stage but I suppose when you have a committee that has both landlords and tenants on it, you are never going to get them to agree.

Hon. T. C. Theophanous — That is when the minister has to make decisions.

Hon. K. M. SMITH — But you could have made these decisions.

Hon. T. C. Theophanous — It only started when we left government.

Hon. K. M. SMITH — Let’s not argue.

Hon. T. C. Theophanous — Just the facts.

Hon. K. M. SMITH — The former government could have made some decisions. Mr Theophanous recounted a number of concerns and referred to newspaper clippings, some from New South Wales and some from Victoria. The concerns have been expressed over a long time. It has not been only in the past five minutes that people have been concerned. Ministers in your government could have made decisions as well.

Mr Theophanous should be aware that there is a small business advisory network, a group of industry people who are looking at the issue of retail tenancies. They are going to undertake a review of the act including the amendments being made now. They will come back to the minister and then some decisions will be made. The part regarding key money has been introduced because the Full Court of the Supreme Court has made a ruling.

We have included a number of other matters in the bill, among them conciliation prior to arbitration, in the hope that conciliation will be able to overcome most of the difficulties that are experienced. That will be an inexpensive process for people, which is something honourable members on both sides of house are looking for. Unfortunately in most instances the people who make money in a dispute are not the parties but the lawyers, because they always win, and never lose. That process will not cost a fortune if the dispute is resolved in conciliation. Of course, if there has to be a ruling on it and it must go to arbitration, certainly it will go to arbitration.
We are also looking to provide some protection to the arbitrators and conciliators by covering them with some professional immunity so that they are not caught up in the decisions they make. That must be seen as being worth while, because it is no good having people arbitrating or conciliating on issues only to find themselves being dragged into the courts at some later time and having rulings made against them that may affect them in all sorts of ways, including financially, because of the way they go about doing their business.

We are looking at validating the decisions made by the arbitrators and the conciliators to ensure that no technical problems arise, that decisions cannot go to a higher court where they might be overturned on technical mistakes made by the arbitrators or the conciliators, and that is a good thing.

Small businesses comprise approximately 95 per cent of all businesses in Victoria. Approximately 200 000 small businesses employ almost 750 000 people, all of whom are working their butts off to get Victoria up and going and to drive Victoria’s economy to bigger and better things. Under the Kennett coalition government approximately 30 000 jobs have been created in small business in the past two years. The government has been successful because it recognises that small business plays an important role in the Victorian economy and has encouraged people to go into business.

Small businesses are faced with many challenges. I can see Mr Theophanous nodding his head but I wonder how he would know what problems small businesses face.

Hon. T. C. Theophanous — My wife has a pharmacy!

Hon. K. M. SMITH — Then Mr Theophanous undoubtedly does understand the trials and tribulations of small business people. His stint in small business was obviously important to him and his wife in gaining an understanding of how businesses work.

The government is doing its best to ensure that small business as a whole can work effectively. For example, it wants to ensure that landlords and tenants are able to overcome differences through conciliation rather than having to go to court or pay large amounts for arbitration. The bill takes four small steps following a review by the Small Business Advisory Network, an independent group involved in the industry.

I am pleased that the opposition supports what the government is doing in the retail tenancies industry. I support the bill.

Hon. B. N. ATKINSON (Koonung) — I also welcome the comments of the Leader of the Opposition on the bill. He showed a great deal more sense and understanding of the issues in this debate than he sometimes shows in other debates.

I have particular expertise in the retail tenancies area. I have worked as a shopping centre manager; been involved in leasing space to retailers; assisted shopping centre owners looking to revitalise centres experiencing difficulty; been involved in helping to revitalise strip shopping centres in Australia and New Zealand; assisted retailers to address business improvement measures to increase their viability and achieve success in the longer term; and advised a number of individual retailers on lease negotiations, both in complexes and in individual retail stores where there was a single landlord.

The extreme diversity and dynamism of the retail tenancies industry creates problems for government in trying to regulate it. Prescriptive legislation is easily overtaken and outrun by the dynamism of the industry. That is why New South Wales took so long to enact legislation and why all state legislation has been revisited. In the past two months South Australia has enacted legislation that many retailers consider to be a significant advance on the New South Wales legislation. Although in the middle of last year the New South Wales provisions may have been perceived as groundbreaking legislation enacted in the best interests of retail tenants, the South Australian legislation is now viewed with similar enthusiasm and is seen as attacking issues that 12 months down the track the New South Wales legislation is not considered to have addressed effectively.

We are really talking about an enormous number of different retail animals — perhaps a retail zoo — none of which has the same characteristics or needs and for which it is difficult to legislate comprehensively. The Leader of the Opposition said it was a pity that motel lessees were not covered by the legislation while at the same time acknowledging that dealing with their problems is a different issue. It is very much a different issue. Clearly motel lessees have had significant problems concerning finance, business goodwill and various operating practices, but I do not understand how those issues could be addressed in retail tenancies legislation.
The range of retail tenancies stretches from main-street retailers — I presume Mrs Theophanous's pharmacy is in a high street — who have to deal with landlords who might own one or a number of premises and tenants in shopping complexes to the emerging retail superstore format of Bunnings, Rebel, Harvey Norman and similar stores that occupy freestanding premises with areas of up to 10,000 square metres surrounded by car parks. Clearly the interests of the large retailers, whose landlords are providing single-purpose, custom-built premises, are different from those of tenants in shopping complexes.

Problems with shopping complex tenancies have really given rise to most retail tenancies legislation in Australia. Most has been introduced in an attempt to address a perceived imbalance between major investors and landlords — who in many cases own a number of shopping centres and because of planning restrictions in Australia tend to accumulate fairly significant property portfolios and therefore have significant power and influence in the retail market — and their tenants. Retailers across the board, from the one-off retailer who owns a small shop to organisations such as Coles Myer, have legitimate concerns about negotiating with landlords on a range of issues. The many different types of retailers have different problems and it is difficult to draft legislation that provides a simple, tight, concise solution for everyone.

Mr Theophanous talked about the review commissioned by the Labor government. I agree that there was a great deal of enthusiasm for that review. The people I spoke to across a range of industries, including the retail industry, were concerned that the report had not progressed further, especially as they had made submissions to the review panel.

But as Mr Smith rightly said, the biggest problem with the review was that the different parties involved could not agree on the issues and could not reach a consensus on the submissions. In part that was due to the actual structure of the review panel, which included people from a number of retail organisations, including the Building Owners and Managers Association. As I remember it, the panel included people from one of the legal bodies, the Real Estate Institute of Victoria, motel lessees, the Australian Small Business Association and a range of other parties. The panel contributed to the debate on many of the issues that were raised, but it found it difficult to reach consensus on the major issues, given the situation I described earlier in my speech. There were simply too many issues to deal with. The picture was so big the nub of the problem was lost — and that especially applied to the issues raised by the Retail Traders Association of Victoria and the Combined Retailers Association of Victoria, who were mainly concerned about tenants' dealings with the landlords of centres, represented by the Building Owners and Managers Association.

Hon. T. C. Theophanous — Did they get through these issues in South Australia?

Hon. B. N. Atkinson — Not really, no. South Australia has activist legislation. It believes it has the strongest retail tenant legislation in the country — but in making that claim it relies on only one section.

Two things strike me about the South Australian legislation. The first is that it has redefined the definition of who is covered by the legislation. Most acts look at floor space and exclude chain stores. South Australia has opted for a defining rent level that, off the top of my head, is between $200,000 and $250,000 per annum, which means that anybody whose rental cost exceeds that amount is not covered by the act.

South Australia has removed chain retailers from its legislation — as is the case with most retail tenancy legislation around Australia. But the South Australians see their legislation as taking in a wider group of retailers than the others. They believe that, although chain stores are excluded, if landlords are forced to change the ways in which they cover their tenants to comply with the act, a lot of the resulting benefits will flow on to other tenants, irrespective of whether or not they are retailers.

The changes to the disclosure and operating-cost provisions will flow on to all tenants, not just the tobacconists and the ice-cream vendors — and you might as well include Just Jeans.

Hon. T. C. Theophanous — Why didn't the government take some of these things up?

Hon. B. N. Atkinson — All governments are looking very closely at retail tenancy legislation. It is a complex and diverse area, given the types and numbers of landlords and retail tenancies and tenants it covers, all with different needs. The government is concerned about producing workable legislation that is not so prescriptive that it becomes quickly outdated. It is trying hard to promote consensus in the industry. I would argue that the legislation attempts to do some of the things Mr Theophanous suggested the government ought
to take up, including the introduction of conciliation processes. I would argue that most tenants in Victoria and right around Australia have had opportunities to take most of their grievances to court, under either common law or trade practices legislation. I include in that some of the cases he raised as examples of problems in the industry.

When tenants take landlords to court their success rate is remarkably good. Landlords are losing a lot of cases in the courts because of their unreasonable enforcement of some provisions in their leases. The problem for tenants is the prohibitive cost of going to court. As Mr Smith rightly says, and as Mr Theophanous pointed out, the legislation introduces a conciliation process that we hope will address the problem. We hope the conciliation process will set up a system of communication that will allow a wide range of grievances — not just those covered by the act — to be discussed and taken into account by the parties well before any matter goes to court.

The other section the South Australians claim is a major improvement on the legislation in other states introduces the concept of unconscionable conduct. Again, that is seen as going a step further than the Trade Practices Act. That act provides a comfort zone for retailers taking action against landlords for the unreasonable enforcement of lease provisions or the unreasonable use of power in lease arrangements. Unconscionable conduct will need to be defined by the courts over time. It is believed our legislation will be less restrictive. Tenants will find its provisions easier to establish in court proceedings than those of the Trade Practices Act.

It is appropriate that Mr Theophanous asked why the government does not go further and look at other areas. A great many retail industry concerns need to be addressed, only some of which Mr Theophanous enunciated today. Again, the number of players and the diversity of the industry means there is a lot of anecdotal evidence around, but there has not been much hard research on trends and impacts. A lot of information is very subjective.

One enormous problem is the belief held by many people that shopping complexes are successful only because of the financial discipline landlords are able to impose on their tenants. That discipline means that if I open a butcher’s shop in a shopping centre next to Mr Cox, who runs a greengrocer’s shop, the standard of his signage must match mine, he must follow the same hygiene practices and present good merchandise, and he must contribute to an advertising fund and so on. If I know he is compelled to do that, I will accept the compulsion to conform to the rules because I know the centre will develop a consistent standard that will appeal to the sorts of customers I want.

It is difficult to balance market forces and that sort of discipline in a shopping complex. Tenants often feel hard done by, but in fact they are in many ways protected by the very rules they express concern about. Because I have undertaken retail consultancies I know how difficult it is for people to get involved — and it will certainly be difficult for the conciliators. That is partly why the legislation contains the constitutional provision Mr Theophanous spoke about. It is difficult for other people to come in and make judgments about these sorts of things. It is impossible for governments to legislate to protect a tenant whose misbehaviour imperils all the other tenants and upsets the balance of the centre. I am not sure of the answer to that, even though I am probably better equipped to speak on this than most, given my experience on both sides of the fence.

I should like to see the government get involved in educating people before they go into business so that they fully understand the ramifications of their decisions and understand the rules and regulations they will have to comply with.

The payment of key money has been around for a long time. I disagree with it; in fact I abhor it. It should be outlawed, and legislation here and interstate has tried to do just that. It will be interesting to see how the amendment operates. We may have to revisit the matter given the issues that are involved. We will be able to learn from what happens in other states, especially in South Australia. We will soon have a lot of additional information because the new retailers association, which principally represents the major chains, is now collecting hard evidence — statistics and other information — on what is happening in shopping centres. Given that we often do not know much about the specific circumstances of particular tenant-landlord relationships it is hard to effectively judge the worth of a lot of the anecdotal evidence we hear.

The legislation should be balanced by education. We must ensure we achieve a proper understanding of the rights and obligations of shopping centre tenants and get across to landlords and owners of premises, particularly some of the smaller ones in the high street, the obligations they have to their tenants.
Retailing is facing interesting times. Over the next few years some of the power players in the industry will face significant challenges, which may reduce a good deal of the power they currently exert. Rents in many centres will begin to fall and tenancy mixes may change, given the competitive factors applying to the super stores and the major centres, which are continuing to expand. The use of computers for home shopping will put significant pressure on the industry. Market forces may change the balance of power in ways that have not been evident for two or three decades.

We are revisiting the legislation at a time when the market is almost taking care of itself because of the competitive changes that have taken place. Some shopping centre owners have seen the warning signs. Over the past couple of years a number of major retailers have collapsed, including McEwans, Brashs, Venture and Best is Less, as well as a range of others which we grew up with and knew as strong, solid institutions. They collapsed because they could not survive in the environments they were in. From now on they will be looking at different retail situations.

As Mr Smith said — I am sure the minister will concur — the opposition's support for the legislation is appropriate. The bill may not go as far as Mr Theophanous and his colleagues would like, but I hope I have gone some way towards explaining the reasons for that.

I have an ongoing interest in the area. The Minister for Small Business in the other place will watch with interest to see what happens, especially if the opposition comes up with sensible suggestions on how the government might properly and adequately address the issues they have raised — and if they can be agreed to in advance. I am sure the minister would be happy to talk them through and, if necessary, include them in legislation. The government is prepared to go further if it can be shown that sensible opportunities are available which, if taken advantage of, would benefit people in this industry, the motel industry and so on.

This is important amending legislation that will improve the act. I am sure it will be welcomed by the industry as a whole.

The PRESIDENT — Order! I am of the opinion that the second reading of this bill is required to be passed by an absolute majority. As there is not an absolute majority of members present, I ask the Clerk to ring the bells.

Members having assembled in chamber:

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members who support the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. W. R. BAXTER (Minister for Roads and Ports) — By leave, I move:

That this bill be now read a third time.

In doing so I must say it was a pleasure to listen to Mr Smith's positive and constructive contribution. Although I might have put a different complexion on some of the issues Mr Theophanous raised, I do not doubt for one moment the sincerity with which he raised them. Mr Smith made a moderate and modest speech, one that went to the nub of a number of the issues that concern tenants and landlords. Finally, we heard an excellent speech from Mr Atkinson, obviously drawn from his wide experience in the retail industry.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ROYAL BOTANIC GARDENS AND VICTORIAN CONSERVATION TRUST (AMENDMENT) BILL

Second reading

Debate resumed from 23 May; motion of Hon. M. A. BIRRELL (Minister for Conservation and Environment).

Hon. R. S. IVES (Eumemmerring) — I speak in support of the Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Bill. I speak particularly in support of clause 5, which extends
the right of the botanic gardens board to provide specialist advice and services.

I wish to stress the potential for such a provision to assist the creation of two gardens of national and, indeed, world importance with tremendous recreational and tourist appeal within the south-east growth corridor. Most honourable members will be aware that with the great and continuing growth of the south-east of Melbourne, the population centre of Melbourne is moving steadily to the south-east. I understand it is currently somewhere in the vicinity of Noble Park. Yet it is not an area rich in recreational and tourist facilities.

The City of Casey is now richly bestowed with two magnificent botanic garden sites: the Royal Botanic Gardens in Cranbourne and the Wilson Botanic Park in Berwick. At this stage both are in their infant and developmental stages. Both will take decades, possibly 100 years, to reach their full potential. But both have the potential — particularly as they occupy, in part, former quarry sites — to present dramatic perspectives and landforms, a rich profusion of landscaped vistas and a world-class collection of plants; become treasure-houses of botanical, horticultural and scientific knowledge; and present rich educational and conservation resources, recreational assets and tourist attractions to the region.

Therefore, I am particularly attracted by clause 5 of the bill, which widens the functions of the Royal Botanic Gardens Board to include provision of specialist advice and services on horticulture, arboriculture, landscaping and maintenance of gardens to public bodies.

Wilson Botanic Park on Princes Highway as it approaches Berwick is some 30 hectares in size — approximately 100 acres in the old measure — and only one-tenth the size of Cranbourne Botanic Gardens. But it was a very forward-thinking and ambitious undertaking by the former Berwick council. Because it is an old quarry site, the landforms are particularly dramatic and arresting, very much in the European romantic landscape tradition, and reveal ancient rock strata of particular geological importance and fossils of great significance.

The park is based on a garden concept similar to one in Vancouver, which is now more than a century old, and it will probably take a century for Wilson Botanic Park to reach its full potential. It really is a laudable example of very long-term planning at local government level. But the development of this asset represents a major drain on the local council and I am sure that any assistance which could be provided over the years by the Cranbourne Botanic Gardens would be greatly appreciated.

The creation of the Cranbourne Botanic Gardens marks the end of a 30-year struggle by native plant enthusiasts and conservationists to establish a world-class, purely native botanic garden on the site of a former quarry. Part of the site was once within a commonwealth-owned military reserve. That was acquired by the Bolte government in the mid-1960s.

A donation from the Maud Gibson Trust, a philanthropic trust whose members include Dame Elizabeth Murdoch, added 174 hectares to the original tract in the 1970s. Subsequent purchases saw the area expand to its present 350 hectares, or almost 1000 acres, in the 1970s. Extensive landscape development works began in 1988 with the excavation of several lakes and associated earthworks.

The master plan for the gardens funded by the Maud Gibson Trust will guide the development of the gardens over the next 30 years. The master plan includes tea-tree heathland; swamps and sedge lands; wet heathland; a bushland conservation area; a display garden; major scientific collections; and research collections. The landscapes of Australian plants and scientific collections will be complemented by the 250 hectares of significant indigenous plant communities and the associated fauna. Of course, there will be walking tracks, observation points and appropriate visitor facilities. With its distinctly Australian character the garden is intended to become a unique scientific, educational and recreational resource and an important tourist attraction.

I hope over future decades — and I believe the provisions of this bill will aid this process — Wilson Botanic Park and the Cranbourne Botanic Gardens will be developed to support and complement each other and can be promoted as a package to reinforce their combined appeal, to the mutual benefit of the gardens and the region as a whole. The two sites are in reasonable proximity to each other and fall within the one local government area: namely, the City of Casey. Perhaps to enhance their mutual appeal the two gardens should be developed along different lines. A fanciful suggestion might be that if the Cranbourne garden is the home to native plants, in contrast, the Wilson Botanic Park should cultivate a more manicured, artificial, surreal landscape effect,
concentrating on exotic plants and hanging garden effects.

However, whatever form such a complementary development may finally take, if it is to be achieved in practice, it will require cooperation and close liaison both at an operational and strategic level between the City of Casey and the board of the Royal Botanic Gardens, which is responsible for both the Melbourne and the Cranbourne botanic gardens. It will also require the assistance of philanthropic trusts, corporate sponsors and the general public. The best result is likely to be achieved through cooperation rather than competition. To the extent that the bill aids this through the provisions of clause 5, I endorse its passage.

Hon. B. T. PULLEN (Melbourne) — The Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Bill deals with two quite separate bodies. I suppose they are brought together by the theme that both bodies are concerned with the flora of Victoria and are important institutions, so it can be said that the bill is basically supported by the bodies concerned. They have had discussions about most of the changes they have sought and they have wanted to have those additions or changes in the way they operate. In that sense it seems sensible legislation. The bill basically supports the operation of the Royal Botanic Gardens and the Victorian Conservation Trust.

It is worth running through the provisions involved as they affect the two bodies. In the case of the Royal Botanic Gardens, an important provision gives the board the ability now to give specialist advice. It could always give advice and assistance to other botanical gardens but the bill extends that ability so that it can give advice to other public bodies and, with the approval of the minister, to corporations. So, the bill widens the ability of the expertise of the Royal Botanic Gardens to be spread and used. The board certainly wants to do that.

The criticism I have is the rather limited way the government has supported the board. The use of the expertise is limited in that the Royal Botanic Gardens Board cannot compete with the private sector. On the one hand the government says the board can extend its scope of operation but, on the other hand, although the board’s expertise might be better and more beneficial to people who want its botanical advice, such as those developing gardens of excellence, the government says it is a no-no if it is seen to be competing with the private sector. Where is the even playing field in that? I would have thought the minister — —

Hon. M. A. Birrell — They could do it but they would have to do things like imputed taxation.

Hon. B. T. PULLEN — What I am saying is that I agree entirely with the spirit of the bill and, after talking about it with Dr Moore and others, I accept fully that it is something they want. I am making it clear that I have no quarrel with the minister on intention, but the government’s philosophy is hampering that. In addition, there is a clause which actually removes the ability to run a retail nursery. It is something they have not done; they did not seek it — —

Hon. M. A. Birrell — They didn’t want it.

Hon. B. T. PULLEN — It is not quite that; they did not seek it and they are circumspect in the way they address themselves to that question. However, that provision has been added by the government. It is not a response to what they wanted; it is a ministerial addition to the bill and it hampers the spirit of the bill and the ability of the Royal Botanic Gardens to enter into the field and in a sense be more active and proactive.

The board may not want to do so, and I do not want to suggest that it should, but its business is really to run the Royal Botanic Gardens and to provide an excellent service for the enjoyment and pleasure of the people of Melbourne and those interested in the Victorian and international flora that can be seen there as well as for scientific interest.

The Royal Botanic Gardens are very close to the hearts of many people in Melbourne: parks are part of Melbourne’s soul and many people who live here are gardeners, so the Royal Botanic Gardens occupy a special place in the hearts of many Melburnians. Therefore I do not want the board to become a commercially orientated body. However, if it wanted to provide a service for people and had the stock to provide special types of plant which the skills of the gardens staff might provide, under the legislation it would not be allowed to charge for that service because it would not be allowed to be a commercial nursery, even in the smallest sense.

I say to the minister that that is completely against the spirit of the good provisions in the legislation, which I am sure he has his heart in. I have been prone to criticise him a bit lately; however, I have never criticised him for his lack of
interest in the Royal Botanic Gardens. For the
minister to have put in these restrictions seems quite
unnecessary.

Hon. M. A. Birrell — But they do not want to run
a retail nursery.

Hon. B. T. Pullen — I know; but it is there
because in some circumstances it might assist them
in providing a full service. What we are calling a full
retail nursery does not have to be the sort of nursery
where people buy a lot of things. Perhaps the
gardens board would just get a fee for service,
presumably to enable it to provide a wider service to
public bodies and corporations, with the approval of
the minister, to provide some return that would
become part of the input to its budget. Yet the other
parts of the bill that say the gardens must not
compete with the private sector and cannot have a
commercial nursery seem to run against that.

I do not in any sense oppose the bill. However, there
is inconsistency between the good ideas in the bill
and to assist the Royal Botanic Gardens and the
hampering philosophy of the government.

I turn to some other provisions in the bill. The
period for which the board may grant leases is
increased from 15 to 21 years. That provision in
context is reasonable: it is consistent with the Crown
Land (Reserves) Act and may assist capital
investment, and I am sure there are enough
watchdogs on the Royal Botanic Gardens Board to
ensure that it will not be abused.

There are changes to allow residences in the botanic
gardens to be leased for residential purposes: I
understand the changes were sought by the board to
allow greater flexibility. There is a power to appoint
an acting director and to widen and strengthen the
ability to take action against offenders when there is
abuse to plants and other holdings, including the
botanical collection. On the whole the set of changes
is reasonable.

The changes relating to the Victorian Conservation
Trust appear to have been sought by and have
stemmed from discussions with the people
operating the trust. Again, I do not object to the
changes: they will assist the development of the
trust, which has a good history and is supported by
many people.

The name change is perhaps an attempt to give
people a better idea of what the trust is about. I
suppose that has been considered, and I have no
objection to it. The trust will be known as Trust for
Nature (Victoria) — a more distinctive name. Other
provisions are designed basically to facilitate the
operation of the trust.

I queried the requirement to advertise proposed
covenants and variations or releases of covenants in
the Government Gazette. The answer I received was
that there has not been much response: it does not
seem to offend or affect other people because it
happens on private land and with the agreement of
the person who made the covenant with the trust.
Therefore it is not likely to offend or cause a reaction
from adjoining land-holders. It still allows for
advertising and consultation, if the need arises, but
it does not make it a necessity. The argument has
been put to me that in some areas the provision has
become more onerous than intended because of the
larger number of properties in the area that would
have to be contacted. Probably it was originally
intended for a rural area with fewer properties.
Again there is no opposition to that change. Other
consequential amendments simply replace the name
of the Victorian Conservation Trust in other places.

The opposition supports the legislation. I am simply
expressing our disappointment that the move to
improve the scope of the Royal Botanic Gardens
Board seems to be hampered by the philosophy of
the government not to invite or encourage public
enterprise, resulting in the inability of a very good
institution to show what it can do in the
marketplace. That is unfortunate.

Motion agreed to.

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 doing so I thank the opposition for its support for
the legislation. There are two separate matters: the
Royal Botanic Gardens is getting some modest extra
powers and the Victorian Conservation Trust is
changing its name and taking a slightly different
direction. I think both the changes are welcome.

Motion agreed to.

Read third time.
Remaining stages

Passed remaining stages.

PLANT HEALTH AND PLANT PRODUCTS BILL

Second reading

Debate resumed from 9 May; motion of Hon. W. R. BAXTER (Minister for Roads and Ports).

Hon. PAT POWER (Jika Jika) — I am the bearer of good tidings: the opposition supports the Plant Health and Plant Products Bill. However, it did not do it lightly: it ran a very fine toothcomb over it and could find no association with Liberal Party hacks, Labor Party hacks or ASIS agents!

We support the bill because it updates and maintains the commitment to protect our plants and plant products. As I am sure the minister and some of his colleagues will demonstrate, it is extremely important to ensure that Victoria's participation in this important part of agricultural and horticultural activity is able to be not just maintained, but increased.

It is a detailed bill but its intentions are simple: to improve the general controls on plant pests and diseases; to provide general control measures; to address issues relating to exotic pests and diseases; and to deal with issues relating to importation and to seeds, fruit, vegetables and nuts. I shall take a few minutes to run through the reasons why the opposition is comfortable about the legislation.

Clause 6 provides that a person must not import into Victoria any prescribed plant or plant product. It refers also to used packaging or used agricultural equipment or soil and sets out the reasons why that must be so. Similarly, a person may not import any plant or plant product affected by any disease or pest except for scientific purposes and with the written consent of the minister. That is an important provision to enable scientific work and associated activities in the relevant agencies to proceed.

Clause 10 again refers to plants and plant products, associated packaging, equipment and soil, and provides for them to be treated, destroyed or otherwise disposed of when required. I am sure all honourable members understand that it is necessary not only for this provision to be included but also for it to be provided in such a manner that the relevant authorities can act speedily.

Clause 11 enables inspectors to seize plants or plant products and to apply whatever treatment is necessary or to dispose of them as may be required.

Members will be familiar with the practice of having declared areas across the state. Clause 17 allows the minister, if he reasonably suspects that exotic pests or diseases are present, to declare that place to be a quarantine area, and the normal flow of events associated with that declaration would fall into place, including prohibitions relating to the movement not just of plant and plant products but also of persons and vehicles.

Importation restraints are also important measures. Clause 24 deals with those. It allows the minister, again if there is reasonable suspicion, to prohibit the importation of certain items. When I was reading the legislation I was reminded of the incident in Western Australia that showed it was possible for people associated with a Japanese cult to use a remote part of the country to undertake some outrageous experiments with a dangerous gas. Although I do not suggest that sort of activity is prevalent in Victoria, or indeed exists in Victoria, it does give an example of how alert and aware authorities must be about people who knowingly or unknowingly bring in plants, plant products or associated materials that could be dangerous to our agriculture and horticulture.

Other provisions in the bill deal with seeds, fruit, vegetables and nuts. I am sure members of the house who are associated with this aspect of agriculture and horticulture will understand why these provisions apply. Inspection is a critical provision of the legislation. Clause 52 sets out the powers of inspectors who need to be able to go about their business relating to plants and plant products. Clause 58 refers to additional powers of inspectors to deal with exotic diseases. It clarifies the rights that inspectors have to issue infringement notices.

At the outset I indicated that the opposition supports the legislation because it believes it is an important part of the ongoing research and activity that keep Victoria at the coalface of national and international activity in this industry. I commend the minister and the government on the bill. The minister said in his second-reading speech:

This legislation will ensure that the plant industries of Victoria are adequately protected through the
introduction of modern approaches to pest and disease control.

The opposition believes this to be so, and it is happy to support the bill.

Hon. B. W. BISHOP (North Western) — I commend the opposition for its support of the Plant Health and Plant Products Bill, which I have pleasure supporting. It may appear to some to be a technical bill because of the terms it uses, but agriculture is crucial to the wellbeing of Victoria and to Australia as a whole.

I direct the attention of the house to the difficulties that the agricultural industry would have everywhere in the world if it did not have the ability to sustain plants. I do not believe there is any area of agriculture that is not reliant in some way or other on the plant system.

Agriculture is of huge importance to Victoria and Australia because 40 per cent of Victoria's exports totalling $9.5 billion come from the 33 000 farms throughout Victoria. I have spoken to the BARA-VIC people, who do such a grand job throughout Victoria promoting regional development. Sometimes we think of regional development as comprising the factories that are situated in the regional centres of Victoria, but we should look at every farm in Victoria as a factory that is increasing our development and our ability to be competitive and earn valuable export and domestic dollars.

Everyone will agree that we cannot have agriculture without plants. The bill is important because it will provide the framework within which plant pests and diseases will be controlled. The bill replaces the Vegetation and Vine Diseases Act 1958, the Fruit and Vegetables Act 1958 and the Seeds Act 1982. Although I am pleased that what I would describe as older-style acts are being replaced by a modern act, it is reassuring to note that the solid practical base that has been a feature of the old acts is retained in this bill.

The bill is enabling legislation. It will give the minister and departmental officers the heads of power necessary to deliver flexible and modern systems of control over an industry that has seen rapid change over the past couple of decades particularly, and no doubt will see rapid change in the future.

Plant health is an important issue. People involved in agriculture continue to strive throughout Victoria and Australia to increase productivity, to retain the viability of the industry and to be market driven, which is most important, so that we can better compete on both the international and domestic markets that are so important to us. In striving to increase production and in looking at wider markets, no doubt new methods and new plants will be introduced as we make use of our natural advantages — our soil, our water supply and particularly our sciences, about which Victorians and Australians are now so skilled.

Our research and development is a good example of how hard we are striving. Only a couple of weeks ago in this house we passed a bill to establish the Australian Food Industry Science Centre at Werribee. It may be difficult for those not involved in agriculture to understand the devastation that can be caused by a single plant disease or pest as it ravages plants or crops through a particular area. I refer, for example, to the damage fruit fly can cause in horticultural areas. While on the subject, I commend the Minister for Agriculture and his department for putting in place a program seeking to minimise the risk of fruit fly being transported into the Sunraysia area, which I represent. The tri-state initiative features eye-catching road signs that give progressive warnings of the dangers of bringing fruit into the area. The signs, which also advise motorists of the location of fruit disposal bins, have been erected on roads in South Australia, New South Wales and other parts of Victoria that lead into the Sunraysia area.

I also commend the Minister for Roads and Ports and Vicroads for the part they have played in establishing the program and introducing the signage to which I referred, which is quite striking and certainly eye-catching and plays a major part in the program. The program also includes on-the-spot fines from roving inspectors and has a component of research into fruit fly sterilisation. So a multi-pronged attack has been put in place, with signage, surveillance, promotion, education and research.

I refer to another side of agriculture. In the mid-1980s enormous devastation and huge losses were caused by a new strain of wheat rust. Research was undertaken and new wheat varieties with resistant characteristics were brought on stream. I remember the panic that arose when a new type of aphid attacked the Hunter River lucerne, which was the base lucerne grown in Victoria and many parts
of Australia. Many producers thought it would be the end of the lucerne industry. In the early days of aphid attacks chemicals were used widely to try to control the pest, but over time researchers produced a new lucerne variety that is strongly resistant to that particular aphid.

Pests and diseases have created problems in, among others, the potato industry, which highlights the fact that we must be ever vigilant and ever alert. Fire blight, for example, is an extremely dangerous virus that would decimate Australia’s apple and pear industries if it ever entered the country. It is a real risk because of its existence close by in New Zealand. Other countries with which we trade are quick to act if there is the whiff of a possibility of fruit fly being imported. They soon restrict our products. I do not blame them for that and we should do the same.

The mechanisms established in the bill will certainly protect our agricultural sector. The state does not generally have the power to determine which products come in from overseas, but our concern is well known by those in the commonwealth agencies. We can have a strong role in that area. The state government is committed to the removal of barriers to effective trade where that can be done without exposing our own industries to unacceptable risks, which is important. While we will do everything possible to promote trade and business growth and employment, it will not be at the expense of our industry’s production.

An excellent example of that is in feed grains. The commonwealth has responsibility for the importation of feed grains to service Australia’s huge and expanding feedlot industry. Obviously in good years we would not need to import any grain to fill our needs. However, the savage drought in eastern Australia, right across the grain belt, has created an enormous shortfall in feed grains. The Grains Council of Australia has negotiated a practical arrangement between the commonwealth and the lot feeders, which said, in effect, ‘We understand the problem but we want protection against pests and weeds that might come into this country if grains are imported’. As the negotiations progressed, there was substantial disagreement between the grains industry and the commonwealth, represented mainly through the Australian Quarantine Inspection Service (AQIS). Generally the disagreement was about where the imported product should be treated to eliminate any pests or weeds slipping through the system.

Negotiations were conducted on the anticipated volume of tonnage imported and the way imported grains would be treated. It is important that the practicalities are put in place. Obviously if a small amount of product is coming into Australia everyone is on the ball; they take notice of it. A reasonable tonnage has to be imported to ensure that a good test is done of the particular procedures. Those negotiations have reached almost the end of their run and there is general agreement.

Currently officers of AQIS and people from the Grains Council of Australia are in the United States assessing the danger of importing disease and weeds from various states. Obviously the different states have different risks in respect of product and the pests that may be present in various states. No doubt we will work through it all and achieve a balance so that we can take the opportunity of importing grain we do not have in sufficient quantities in Australia to see out the year. We must ensure that grain is imported at minimum risk.

I refer to the wine industry, which has expanded enormously and will continue to do so provided the commonwealth government does not impose the unrealistic taxes it is suggesting because they would penalise an industry whose members are prepared to invest heavily and have a go at their expense for the benefit of all Australians.

I return to the expansion of the wine industry. It is important for the industry to increase production and to concentrate on the varieties needed to compete internationally and domestically. That will mean introducing new varieties, generally by means of root stocks. The real danger is the spread of phylloxera, either from imported root stocks or from infected quarantine areas of Victoria. The disease can also be spread by machinery, and extreme care must be exercised when transporting equipment. The disease can even travel from small patches of infected soil or from soil on the working parts of machines.

The bill introduces a series of controls on the movement of plants and plant products, including machinery that may be required to move across state borders. Machinery must be closely inspected and passed as disease free or, in some cases, given a plant health certificate. The bill also establishes control areas and control measures to be put in place should a pest or disease outbreak occur.

I commend the department of agriculture for the swift, positive and practical actions it has taken a
number of times in the past to control outbreaks of disease. I also commend Dr Malcolm Campbell, Manager of the Sunraysia Horticultural Centre, who has quite often had to deal with this type of difficulty. His practical actions in managing those difficulties have been well recognised by the industry.

The bill provides for flexibility in establishing quarantine areas to create a buffer zone. Earlier provisions were too rigid in that regard. For example, a producer who was unfortunate enough to live next door to or even near a property on which there was an outbreak of disease, even if he or she had no problem with the disease or issue and may not even have been growing the product involved, was often caught in the quarantine net and was unable to move products or equipment on or off the property. That severely affected the ability of those people to live normally and earn money. The bill provides the minister and the department with greater flexibility in managing future problems. I am sure that will be welcomed by many in Victoria’s horticultural areas.

The bill also provides for and encourages certification schemes, particularly for seeds. Domestic and international buyers want specific products from our producers and we must be able to satisfy their requirements. Certification of products will open up niche markets for us and enable us to earn premiums on products that cover all types of seeds.

I am a former director of the Australian Wheat Board which established at Werribee the Academy of Grain Technology. It is a world-class organisation with an ability to test products, particularly seeds, and provide educational facilities, including outreach programs. The academy’s facilities will be used more and more as we drive into niche markets and are required to certify and guarantee our products.

Providing quality assurance for our agricultural products is simply a matter of imposing a system of discipline. The Victorian meat industry has been particularly successful in implementing a quality assurance program and it is now internationally recognised as essential that our products are subject to such a program.

Part 8 of the bill deals with enforcement and inspection. Enforcement provisions in legislation cause difficulties, and problems are best worked out on the ground. Inspectors must have the right of entry to properties to seize plants, make inspections and take samples, but the bill does not extend the right of entry to homes. Inspectors are also able to treat products and plants and destroy plants they believe are a strong risk to neighbouring farms. To achieve the correct balance a right of appeal is also provided. The bill provides for minor offences to be handled without the need to go to court.

The bill extends the opportunity for industries to put in place levies similar to those that fund research to establish a compensation pool, if that is desired, to help alleviate the devastation that may take place in particular years.

The industry has been widely consulted and strongly supports the bill. It is important in this complex area to strike the right balance in providing protection from pests and diseases, and the bill accomplishes that. I commend the bill to the house.

Hon. E. G. STONEY (Central Highlands) — I support this important bill, which upgrades Victoria’s plant legislation. The bill improves government mechanisms and provides for rapid responses to pest and disease problems.

I will confine my remarks to the section of the bill which updates and improves the provisions of the existing pasture and other seed certification schemes operating in Victoria and upgrades the Seeds Act. The bill also deals with the requirement for government to be involved in overseeing and approving seed certification schemes. It demonstrates that the legislation is keeping abreast of commercial changes.

Seeds are the cornerstone of modern agriculture. As Mr Bishop stated earlier, agriculture is crucial to the wellbeing of Victoria. Almost every modern agricultural pursuit relies on the quality of the seed used. For example, in the meat industry animals rely on pasture for feed, but you do not get good pasture unless you use good quality seed. The old adage that half of the breeding of an animal is in what goes down its throat still applies. Everything comes down to the quality of the seed.

I turn to the history of the seed industry, which is dealt with in a booklet entitled *Australian Seed Industry History* compiled by Jack Sewell, a well-known seed grower from Smeaton in Victoria, and edited by him in conjunction with Ron Badman of South Australia and Shirley Thorn. The introduction states:
Seeds comprise one of the most important commodities moving in international trade, not in terms of quantity or monetary value but in relation to potential productivity and the resultant effect on standards of living. Most crops throughout the world are dependent on seeds and, directly or indirectly, they provide us with a large proportion of our food, much of our clothing and many other items of everyday life.

The pasture seed industry in this country had a humble beginning. In 1902 the Commonwealth Statistician noted that approximately 2 tonnes of seed were harvested for commercial use. It is now a multimillion dollar industry.

The first recorded commercial sale of seed in Victoria was at Smeaton. In 1860 the Smeaton Agricultural Society recorded that some seed had changed hands. The Sewells have records that show their family traded seed in 1868. The Victorian certification system began in the mid-1930s, at about the time England brought in the certification of white clover. That is another example of Victoria keeping up with world trends as well as the requirements of its farmers.

The original scheme was ponderous and labour intensive. Many in the industry remember a Mr Jack Lomax, who for many years ran the industry almost single handed, travelling from farm to farm. One of the stipulations at the time was that you could not shift a bag from the paddock until Mr Lomax or other officers had put a temporary seal on it.

It was not until the industry burgeoned in the mid-1960s that the department decided to create its own Seeds Branch. By that stage the industry had markedly improved, moving from bags to bulkers — affectionately known in the industry as elephant turds — to bulk containers, which is when the industry became streamlined and more efficient. This legislation will help the industry keep pace with changes in the commercial handling and sale of seed.

The agriculture department has been involved in the pasture seed industry and seed certification from the very beginning and has done a good job. Five or six years ago one of its senior administrators, Mr Bob Hedding, wrote a paper on the history of the industry in Victoria. He said:

Officers of the seeds group have always maintained a close relationship with the industry, both growers and the trader. This has been a most important aspect of the department's role in enabling an ongoing understanding of industry aims and objectives.

Certification officers, of course, meet growers on many occasions throughout the year which helps maintain a close liaison.

Consultation and cooperation between the department and seed growers has been an ongoing thing. It made the Victorian seed industry a very special and a close-knit industry. There is always a lot of competition between producers and merchants. Nevertheless, the department and the growers have always liaised on the availability of new chemicals and other new technologies. Growers have been happy to ring up departmental officers and tell them new ideas they have found. The 1960s, 1970s and 1980s were exciting times for the rapid development of the industry.

As Mr Bishop said, there has been widespread consultation on the legislation. The minister and officers of his department have had regular meetings with grower groups. I believe they have got it right, which is heartening.

In his book Mr Hedding also said:

With more information about the quality of seed lots available to the consumer and therefore a greater potential for choice, market forces will play a much more important role in the seed industry in Victoria.

That was written about five years ago. He was very much the prophet because that has come true. Market forces are driving the seed industry, and the government is playing a vital role, sponsoring and overseeing certification schemes with integrity.

To demonstrate how important a good independent certification scheme is to the commercial use of seed, I produce an old contract drawn up in 1970 by Ray McPherson Pty Ltd. Even in those days Ray Macpherson Pty Ltd, a reputable seed merchant in Benalla, was offering to pay $11.50 per 100 pounds for a minimum 85 per cent germination. However, he paid $11.75 for 90 per cent germination. The only way you could get the extra money was by having a higher test which relied on faith in the certification and the testing systems of the day. The same applies today. That is why it is important to update the legislation to enable the industry to keep pace with modern commercial trends.

The Gippsland and Northern company was much the same. It paid $11 per 100 pounds based on a 99.5/82 germination test and $11.50 per 100 pounds.
based on a 99.2/90 germination test. A difference of 50 cents may not seem much but in 1972 it added up to a lot of money. Today it would not buy a meat pie, but in those days it was very handy.

When disease strikes it is absolutely vital that you have an independent and strong authority that can come in and make instant decisions — and the bill takes that into account. I have another document which shows how even back in the early days of seed growing, the department was able to identify blind seed disease in perennial rye-grass. It was the first time blind seed disease had been found in the north-east, although it was prevalent in some of the wetter areas of the Western District.

In 1972 it was found in the north-east and the germination percentage dropped as low as 84 and 81. We thought nothing of it but the department knew and put it on the file. The industry thought nothing more about it, but 10 years later, out of the blue, the industry was decimated by blind seed disease. Growers who had written overseas contracts lost literally hundreds of thousands of dollars. The catastrophe had to be managed and industry had to be reorganised. The Department of Agriculture took strong and stringent action, backed up by existing legislation. This new legislation will actually have even more teeth to monitor and contain blind seed disease and other diseases mentioned by Mr Bishop. Victorian seed testing labs have been called to account many times and have always been found to be well above world standards.

For many years the USA has used plant health and any hint of alleged seed impurity to effectively bar the entry of imported seed. The Americans are using seed quality standards to prevent trade between nations. Australia does not use that tactic even though we do import a lot of American seed. That is something we need to look at because there are some diseases in America that we do not have here. We need to approach that from the federal level and tighten things up.

One scourge of the professional seed industry has always been the production of uncertified seed. It is interesting to note that back in the 1970s the President of the Australian Seed Producers Federation, Ron Badman, said in the Australian Seed Review:

It is therefore imperative that growers produce and harvest only certified seed of the highest quality.

Perhaps the greatest drawback to the establishment of a viable seed industry with marketing efficiency in this country is the high percentage of uncertified seed harvested each year. This amounts to somewhere near 50 per cent of Australia's annual tonnage.

That is something the legislation addresses. Until recently a farmer could bag uncertified Victorian perennial rye-grass and label it 'Victorian perennial rye-grass'. But the legislation says that unless it is certified perennial rye-grass a farmer can put only 'rye-grass' on the label.

In the past bagged rye-grass of questionable parentage was misleading to the consumers and not good for the industry. The legislation ensures that only certified perennial rye-grass can be listed on a bag, something with which I agree because of its importance to the industry.

Clause 41(1) states:

If a certification scheme is in operation in respect of a declared variety of plant or plant product at the time the plant or plant product is grown for sale, a person must not ... use or cause to be used the name of that declared variety unless the variety has been established in accordance with a certification scheme as it operated at the time the plant or plant product was grown.

Professional seed growers throughout the state agree with that. Professional help is required to keep the credibility of the industry at a high standard. Administration and certification responsibilities are being transferred from the Department of Agriculture, Energy and Minerals to the Institute of Grain Technology at Werribee, a reputable institution that will issue international seedling certificates known in the trade as orange certificates.

There has been widespread consultation with the seed advisory committee of seed growers chaired by Robert Friday, who comes from another well known seed family at Mansfield. There has been a high degree of industry consultation which has been of benefit to all seed growers, especially those on the commercial side of the industry. High plant health and plant product standards are vital to the future of agriculture in Victoria, whether it involves vines, vegetables or seeds. The bill will assist in the ongoing supervision of exotic diseases, plant health and plant certification. I support the bill.

Hon. D. M. EVANS (North Eastern) — I shall make one or two reflective comments given the excellent contribution made by my two colleagues
Mr Stoney and Mr Bishop. Mr Stoney's comments on the seed industry were of considerable interest to me because some 30 years ago my family partnership, including my brother in particular, was engaged in the production of certified seeds.

Mr Stoney did not go back to the roots of the seed industry in the sense that the first recorded spreading of a non-native species of seed in Victoria occurred in 1824. Hume and Hovell's diary reports that on the way from Goulburn to Port Phillip the two explorers carried certain English seed varieties, which they planted from time to time. The spreading of new species predates the settlement of what is now called Victoria. In the 1930s and 1940s there was a flourishing seed industry in my own district of Moyhu. That was especially so in the 1940s when Robin Simpson produced significant quantities of phalaris tuberosa. It was one of the early excellent perennial pasture grasses that spread throughout the state.

My family had a strong interest in the production of a variety called currie cocksfoot. I recall my brother, who was in charge of the seed production side of the family farming enterprise, growing the pasture species in the early 1960s. We grew what was known as mother seed for distribution to other potential growers throughout Victoria. I believe some seed even went to a Mr Stoney in Mansfield! In order to produce pure seed — currie cocksfoot is a perennial pasture — we used the new technique of selective weedicide spraying using a chemical called diuron, which was applied at a very precise rate. A firm by the name of Smyth and Murphy did the work for us. We achieved miraculous results because diuron took out all the other pasture species, leaving only the cocksfoot. With the addition of NPK fertiliser, the return on that particular seed yield quadrupled from 100 pounds of pure seed per acre to 300 or 400 pounds per acre. That was our experience of the seed industry some 30 to 35 years ago.

Some years ago I visited the Lincoln Agricultural College in New Zealand. The college has some undoubtedly strong links with seed producers in Victoria and Australia. I believe Mr Stoney's family would be well known to many seed producers in that region. Rather than having a limited number of varieties, which we had in Victoria, 20, 30 or 40 years ago New Zealand was producing a significant number of varieties of particular species. It had several different strains of rye-grass, clovers of the red and white subterranean varieties and grass specific to particular soil, rainfall and climate types. They are now producing a much wider variety of highly specialised pasture seeds.

Mr Stoney's contribution on the importance of the seed industry is underpinned by this development of area specific pasture grasses and pasture clover seeds aimed at achieving higher production in our agricultural industries. There is a need for pure quality seed with the least amount of contamination, particularly at the growing end where the certified seed is produced. The legislation underpins the production of quality seed.

I turn to clause 43 and the concerns raised with me about the wine industry and the possible effects of the compliance agreements. Mr Bishop referred to phylloxera and its effect on the wine growing industry. The spread of phylloxera is of real concern in the upper reaches of the King River, the Boggy Creek and Fifteen Mile Creek, as well as in other areas of high rainfall, including Rutherglen. One or two new outbreaks have been notified over the past 12 months. For those who are uncertain about the effects of phylloxera I point out that they are small mites that live in the soil and feed on the roots of grapevines, significantly reducing the production of grapes. In certain circumstances they can wipe out existing vineyards. There are two methods of combating phylloxera; one is to have pure stock, ensuring the mites are not present on the vines and do not spread. The second is to buy grafted phylloxera-resistance rootstock, which is expensive and significantly adds to the cost of setting up a vineyard.

As honourable members will be aware, it takes from three to five years after the vines have been planted before reasonable returns can be expected. Vines do not bear at full capacity in the first or second year; it takes several years before a vineyard is producing at a high level. An outbreak of phylloxera can significantly affect the bearing capacity and yield of a vineyard and can have a drastic effect on production. Wine grapes are worth up to $1000 or $2000 per tonne.

In some cases grape production can be up in the order of 12 or 14 tonnes per hectare, but it reduces in respect of some of the more specialised varieties. It is certainly high value per hectare production, so phylloxera can have a devastating economic effect.

The concern is that, as I have indicated, phylloxera has a very detrimental effect. It can be spread, as Mr Bishop has pointed out, by the movement of soil between an affected area and a non-affected or clean
area. Soil can be transported on farm machinery or plant material such as grapes or grapevines themselves, including young grapes used for planting. Therefore, the nurseries that produce the young grape plants also have to be clean. Phylloxera can be moved in the process of shifting grapes between vineyards that have been harvested and the wineries where the grapes are crushed, and the phylloxera bugs can be moved with the grape berries. So, there are a number of ways the disease can be spread.

Sophisticated harvesting machinery is now used with a greater need for cleanliness and care in movements between vineyards. The opportunities for the transfer of phylloxera have been significantly increased because of the practices of the wine industry. One way of ensuring that phylloxera is not shifted around is by crushing grapes on site or very close to where the grapes are produced so that the essential materials — the grape juice and perhaps the seeds — are moved in the form of must drums. That makes it easier to shift the product without spreading phylloxera at the same time.

However, there could be a disadvantage. The process of changing grape juice to wine begins at crushing to a greater extent than with crushed berries, so the process is not exclusively and for the whole time in the control of the eventual winemaker. Therefore, although the use of must has some advantages it also has some disadvantages.

There is also concern that there may even be some movement of phylloxera in the must. There is a slight risk that it is there and for that reason the protocols that need to be put in compliance agreements need to be strict indeed; otherwise we could find ourselves with strict restrictions on the movement of even must into the South Australian area or into the Murrumbidgee irrigation area for the production of wine.

Certainly in the area where wine grapes are produced in the north-eastern ranges significant amounts of grapes are moved to the Yarra Valley for the production of high quality wines. The people who grow grapes under contract for those wineries in the north-east of Victoria could be significantly affected if phylloxera is not properly contained.

The concern is that where compliance agreements may be available to allow the movement of grapes in the form of harvested berries or even in the form of must, the protocols that need to be put in place in order for compliance agreements to be used for shifting that material from an area where phylloxera is present need to be strict indeed.

It is not easy to determine whether a grape vineyard is infected with phylloxera. It is possible for even an experienced person to inspect a vineyard and not find phylloxera, unless the vigneron himself points out where the phylloxera is present, and its presence is then confirmed. In the early stages it is not easy to detect, yet the infective material can be easily carried out from the point of infection.

With regard to clause 43, on behalf of the 2000 or so independent growers in Victoria, I want to ensure when compliance agreements, regulations and protocols are put in place that proper and strict discussion is held with all the winegrowers in Victoria and that detailed industry consultation will be provided in determining protocol and quality assurance procedures that will apply under compliance agreements.

I seek from the minister, in his comments on the third reading, an assurance that that consultation will take place and that the compliance agreements will be set under very strict protocols for the wine industry in Victoria. With those comments, I support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. W. R. BAXTER (Minister for Roads and Ports) — By leave, I move:

That this bill be now read a third time.

I thank honourable members for their support of the bill, particularly Mr Power, who spoke on behalf of the opposition, and the interesting remarks made by Mr Bishop and Mr Stoney in outlining the history of the industry. Mr Bishop dealt with the grain industry and grapes and Mr Stoney dealt more with grass seeds.

Mr Evans has also had personal experience in the industry but he raises a particular issue of concern to grape growers in the King Valley who are concerned that phylloxera may spread under compliance agreements unless those agreements are very tightly drawn. They have sought some input into the way those compliance agreements are to be drawn. I give
Mr Evans an assurance on behalf of the Minister for Agriculture that that will be done.

I think that will be achieved in at least two ways. Firstly, the drawing up of the regulations will be subject to the regulatory impact statement process, which will provide an opportunity for any grower and any industry organisation that wishes an input to have that input into the construction of the regulations to make sure they are drawn as tightly as they wish.

I have been authorised to give an assurance on behalf of the Minister for Agriculture that detailed industry consultation will be provided in determining protocol and quality assurance procedures that will apply under the compliance agreements that arise from the regulations.

As well, state quarantine procedures are also subject to review by all state and federal governments in protecting the farming community from an outbreak or spread of plant diseases. All procedures will be focused on maximising protection of the farmers' assets. The procedures adopted are regularly reviewed to take account of new technology and disease control measures and the department will be proactive in addressing any industry concerns.

I believe Mr Evans is quite right in drawing attention to this industry concern. I think the concern has been taken on board by the minister and his department and that the assurance I can give today will be adhered to.

I know the particular case that has led to this concern was the transport of grapes out of the vine diseases area in the King Valley across to the Tisdall Winery in Echuca. That was done not under a compliance agreement but under the existing act, the Vegetation and Vine Diseases Act, and it was not done lightly, either. It was done on the basis that the grapes and grape product were being conveyed to Tisdalls in Echuca, which operates out of a former dairy factory; that it was not adjacent to any vineyards, and that there was the capacity there to dispose of any waste product through an industrial incinerator. It was deemed that the risk was so slight that this movement was justified.

I suppose in some respects that helped particular producers in the King Valley in any event to obtain an outlet for their product. But, nevertheless, it is an important issue and it goes without saying that the Rutherglen district, for example, and others were wiped out in the 1890s from phylloxera and some producers never recovered. It needs to be absolutely tight, it will be tight and I will ensure that the remarks made by Mr Evans are further drawn to the minister's attention.

Motion agreed to.

Read third time.

Passed remaining stages.

AUTUMN ECONOMIC STATEMENT

Debate resumed from 24 May; motion of Hon. R. M. HALLAM (Minister for Regional Development):

That the Council take note of the Autumn Economic Statement May 1995 presented to the Legislative Assembly by the Honourable Alan Stockdale, MP, Treasurer of Victoria, on 2 May 1995, and the Treasurer's speech thereon.

Hon. C. J. HOGG (Melbourne North) — The autumn economic statement represents an excellent opportunity to take stock of our economic and social position, to look at the direction in which the state is heading and to report areas of satisfaction and areas of discontent.

First let us look at some of the good things. The additional funds provided for maintenance of effort by TAFE colleges total $6.3 million in 1995-96 and $12.6 million in a full year. Possibly the maintenance of effort would not have occurred without the pressure the Australian National Training Authority brought to bear on the government. Nonetheless, I believe it maintains the state's effort and will therefore attract growth funding under the ANTA agreement in the future. There has not been much fuss made of the figure in the economic statement; however, it is a very pleasing one and I am sure the Minister for Tertiary Education and Training will be very pleased and relieved that he has received that amount in the statement.

We are told that between now and the end of the year a review of vocational education will take place. It will be interesting to hear from the minister when he returns from today's ANTA conference what the terms of reference of that review will be and whether maintenance of effort will be redefined through the review. However, I place on record that
I think the increase in TAFE funding in the economic statement is very worth while.

I was also pleased to see that $4.9 million will be provided to municipal libraries to enable them to make the transition to the new financial year: again it is an undramatic figure but important for our libraries, which remain significant links in the chain of information services which daily become more sophisticated.

As I read the Treasurer's report I began to feel somewhat annoyed at his description of 'Labour neglect' in capital works investment. As I was reading it I remembered the refurbishment and reconstruction — and it was much more like reconstruction — of the Portland hospital; the hospital at Sale; the complete refurbishment of the Ballarat Base Hospital; the capital works program at the Stawell District Hospital; the new accident, emergency and pharmacy facilities at Wangaratta hospital; and the new kitchens for Bendigo Hospital. I have jotted down those projects which, in the financial years 1989, 1990 and 1991, were on the go and at various stages of completion. I mention projects for rural Victoria; I have not even begun the metropolitan list. However, obviously over that decade one would be forced to mention the Monash Medical Centre and the Western Hospital; just two projects in one budget — the health budget — that spring to mind.

Rather than 1982-92 being a period of neglect, I believe that decade was a period of redressing neglect and that any other description is totally misleading. Every government comes in with a backlog of things to do; but to describe that as a period of neglect in capital works is beyond belief.

In fact, during that decade projects that had never even made it to the planning stage or the drawing board before were brought on line and finished. Many — and I have mentioned a couple — were in non-Labor areas. The hospital project at Ballarat — sometimes a Labor area, sometimes not a Labor area — cost more than $40 million; the project at Portland cost more than $20 million upon completion — hardly a tale of neglect.

As I read through the Treasurer's speech on page 9 I came to the heading 'Improving the efficiency of delivery of government services'. I see that the annual productivity saving of 1.5 per cent will continue; that of course means cuts in recurrent budget and cuts in staff. That is a gloomy scenario for service delivery and it should give us cause to consider just where as a society we want to go and where we are heading.

In the past two years we have seen many changes in the social policy area. Things are more sharply marked out, more economically defined and more transparent, to use the jargon of the day. We have lost so many certainties that many people are reeling from the changes.

People feel strongly about the breaking up of the SEC and they worry that at some stage in the future their entitlement as of right to electricity supply might be affected. People understand that the breaking up of the SEC has brought about new management structures with CEOs on high salaries. They know their own bills have increased by up to 15 per cent and that in many country areas SEC offices have closed with an overall loss of around 750 workers. People are deeply anxious about some of those questions. They are perplexed about why the government is selling the SEC, thus giving away all the potential for progressive change and cross-subsidy.

It is a very uncertain time for thoughtful people. The privatisation program will turn out to be flawed in conception and in the long run will be resented by Victorians.

Like all members of Parliament I keep in constant touch with schools in my electorate and I believe schools are doing it pretty hard, despite some capital work projects, for which they are grateful.

As we move towards the second half of the year teacher reductions and the pressure on programs and on a school's ability to offer a full curriculum are increasing. There seems to be much more concern by the Directorate of School Education about symbolic issues such as LAP testing, school uniforms and, until recently, the obsessive pursuit of the Northland Secondary College than about some of the other things that are very important educationally. There is more concern, perhaps, about those symbols than about the proper resourcing of school education.

There is still a fair bit of anger about how Northland was treated. There was a very successful educational program, as all teachers and all people interested in education knew. The closing of Northland was a terrible error: the minister was obviously very badly advised and, once he realised that, he should have stopped rather than getting caught up in what became a legal farce.
AUTUMN ECONOMIC STATEMENT

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The school operated a terrific program in uncongenial physical circumstances. Educationalists were enthusiastic about Northland; the Koorie community of the northern suburbs, which is quite a significant community: about a third of the school, was enthusiastic about it, and the school was mentioned favourably in the black deaths in custody report as something that worked for Aboriginal people. In educational and social terms the decision to close Northland Secondary College was a terrible one.

From time to time all governments make bad decisions. However, once alerted to them it is important to admit the error, redress it and not pursue it obsessively. I am extremely relieved to see that obsessiveness come to an end. Northland won against overwhelming odds, holding firm when nobody thought it would win, and it is very important that the government give support and assistance to the school now and in the foreseeable future.

The economic statement reminds us of the 1.5 per cent cut that is to occur into the future. I would certainly want to ask what effect that will have on hospitals, health care and community services.

Constant cuts in areas where an ageing population has a considerable impact on the consumption of health services is troubling. There may be some savings in the mooted hospital reorganisation, but I fear that will give rise to a new bureaucracy and will be offset by a real diminution in the energy, commitment and fundraising capacities the boards now offer. They are the genuine concerns I have.

In that context I shall put in a word for the Fairfield Hospital, which is a centre of excellence in infection control and public health and was once thought to be the antipodean equivalent of the US Centre for Disease Control in Atlanta, Georgia.

When the AIDS epidemic was first identified in Australia, Fairfield Hospital rose to the challenge with its speedy response, developing research, testing and providing care facilities second to none in Australia. Now we read that there is a possibility, indeed a probability, that Fairfield Hospital will be dismembered during the shake-up that undoubtedly will affect all metropolitan hospitals. That would be tragic not only for the sufferers of HIV/AIDS who have been so well cared for there, but also for its potential as a great facility specialising in matters to do with public health. I make a plea for Fairfield Hospital as a model of precision, dedication and care. I hope it stays intact and remains on its present location.

There is not nearly enough emphasis on social policy. There are hundreds of ageing parents who have middle-aged children suffering from intellectual disabilities and weekly their problems are becoming more urgent, certainly in the northern suburbs —

Hon. Louise Asher — That is under control. The minister is looking at that!

Hon. C. J. HOGG — Ms Asher says it is under control. I believe it is being attended to, but to say that it is under control is another thing. I would like to believe it was but we do not know how big the problem is. Resources have to be dedicated to the area of intellectual disability to provide long-term accommodation, recreation and training. There is an urgent need, and certainly families in the northern suburbs tell me time and again that they worry there will not be places next year or in five years time for their children if they are unable to care for them as they have for the past 40 or 50 years.

Community services, health and education are the social infrastructure of any society. If we do not invest in adequate education services, from kindergarten to tertiary studies, to support families, we are letting our citizens down. If we do not reach out to encourage families to take their four-year-olds to kindergarten and if we do not ensure that experience is affordable we will short-change them. If we do not provide a range of accessible health and community services — the latter through democratically elected councils or appropriately funded non-government organisations — we diminish the possibilities for families in this state.

I do not believe the economic statement gives us a solid platform for social policy or community development and as such it lets down the people it purports to serve. It does not make adequate provision for the future for the matters I have raised.

Last night in a long speech Mr Davidson elaborated on a number of social questions he believed required attention. Those on this side of the house agree with the points he made. We agree that services for families, education, health, public transport and additional resources for psychiatric services are of enormous importance. We do not see sufficient evidence or a sufficient intention in the autumn economic statement to be enthusiastic about it.
Certainly there are parts of the statement with which we do not disagree and about which we are guardedly optimistic, but we do not see it as a platform for proper social and community development for the future of this state.

Sitting suspended 6.25 p.m. until 8.03 p.m.

Hon. R. A. BEST (North Western) — It gives me great pleasure to support the Treasurer’s autumn economic statement. I congratulate not only the Treasurer but all ministers on the way they have addressed the disastrous financial situation that this government faced when it came to power in 1992. There is no doubt that Victoria still faces some major challenges, particularly in respect of public sector debt. The reality is that we have returned a surplus for the first time in many years. As the Treasurer points out, if Victoria had the same budget sector debt and the same interest ratios as New South Wales, Victoria would spend about $1 billion less on interest payments each year, and that would mean lower taxes, more services and a better opportunity of reducing our debt.

Victorians must never forget why Victorian finances are in such a delicate state. Following 10 years of economic mismanagement by the Cain and Kirner governments, all Victorians have been asked to share the pain. A lot of that pain has been felt through the restructuring of government departments and instrumentalities. The public sector has gone through a transitional period.

Many of our smaller country towns and communities have not had the ability to cushion the effects of much of the change because of their size. Nevertheless country communities have been prepared to accept their share of the burdens. It is particularly welcome that the government will now spend money on capital works and programs throughout country Victoria. I am delighted that some $124 million will be spent on addressing the backlog in maintenance and upgrades in the school system.

I am particularly pleased that following the education restructure at Charlton, which had a senior secondary college and a primary school, had the NCCC structure examine how education in the community could best be provided. The school and its community, the teachers and the principal, Graham Bastin, set upon a course of identifying the best form of education delivery. They decided that would best be achieved by the formation of a P-12 school. They believe that will provide students with the best education opportunities. I am delighted that some $750 000 in government funding will be directed for the creation of a P-12 school at Charlton. Camp Hill Primary School will get $500 000 and Big Hill Primary School will receive $500 000 in government funding for upgrading purposes.

The Bendigo Senior Secondary College, which I believe is one of the best senior secondary colleges in the state, including private providers, will receive some $1.5 million for stage 4 of its upgrade. Sixteen projects in the Loddon-Campaspe region will benefit from government funding to schools.

That is not the only area in which the government is spending money. One of the projects that was brought to my attention when I was first elected in 1988 was the Wimmera-Mallee pipeline. I am delighted with the efforts of the Minister for Regional Development and the members throughout the Wimmera and Mallee areas, including you, Mr President, and Mr de Fegely. I am delighted also with the work that is being done to continue to put the project before the government and to ensure that it continues to be funded. That must continue so that the severe pressure on the Wimmera system is alleviated and the supply of water to many of the farmers through the stock and domestic system in the Mallee by way of open channels is rectified in some way and there is a better use of water and a greater productivity from those very dry areas of the state.

The project requires funding from the federal and state governments as well as the local farmers. Two stages of the Wimmera-Mallee pipeline are almost complete. The third stage is progressing towards the completion of the project. The state government has put up its hand and said, ‘We will provide $2.6 million as our contribution’, and the local farming community has said it is prepared to meet its obligations. However, we are still waiting for the federal government to put up its hand.

It is particularly disappointing that not only is the federal government stalling about providing funding for this very important project in country Victoria, it still has not put up its hand to provide drought funding. The state government has put in about $30 million in recognition of the prolonged dry conditions that farming communities in Victoria are experiencing at this time. We are still waiting for the federal government to accept that, on the criteria presented, Victoria, particularly the north-west, is facing an extended dry period and exceptional circumstances. I look forward not only to drought...
funding being made available to farmers in the Mallee area but also to the federal government accepting its responsibility to contribute to the continued funding of the Wimmera-Mallee pipeline.

The government's approach to stimulating the private sector by looking at investment and the way we can go about creating jobs is really producing benefits. One only has to look at the way Bendigo has benefited from the restructuring of local government. It has provided opportunities not only to cut red tape and make decisions but to develop projects that either are under construction or will commence shortly. Following the appointment of the commissioners, Woolworths identified Bendigo as a growth area and stated its wish to establish a major retail centre in the city. Negotiations have already taken place between the department, local government and the developer.

A $30 million project being developed at Bendigo will provide jobs during the construction phase as well as 400 or 500 private sector jobs on completion. The relocation of Keech Castings is another example. The Minister for Regional Development facilitated the relocation of that foundry company from Mascot in Sydney to Bendigo, which will result in the creation of 100 jobs. Empire Rubber has just announced an expansion that will create 80 to 100 extra jobs — and the list goes on. Bendigo is in a unique situation: it has a skills shortage in the heavy metal sector and is therefore seeking people to take up that type of employment.

Hon. Licia Kokocinski — Can I send some of the unemployed people from my electorate to you?

Hon. R. A. BEST — If they are skilled in heavy engineering we will welcome them. According to CES figures, the unemployment rate in Bendigo has dropped by 30 per cent over the past 12 months, from 12.9 per cent to 8.8 per cent. That outstanding result has come from the creation of private sector jobs — not from the government propping up public servants. It is the result of the stimulation of the private sector, thereby attracting investment. Real job creation is at work in Bendigo and other parts of Victoria. The government should never apologise for orientating its policies towards stimulating the private sector, because that sector will create real wealth and employment opportunities and will do much to solve the unemployment problems faced by Ms Kokocinski’s constituents.

There has been no better help to business than the miraculous reduction in the Workcover levy over a short period. The recently announced reduction in the surcharge from 25 to 10 per cent is another stimulus to the private sector in general and small business in particular. Furthermore, when one considers the performance of Workcare under the former Labor administration the drop in unfunded Workcover liabilities from $2 billion to almost zero must also be considered a financial miracle.

The government acknowledges that the community has been asked to bear a fair amount of pain during the recovery. The state deficit levy has not been popular, but I am sure every Victorian realises it was necessary given the extent of the financial problems the government inherited. I am delighted the levy is to be removed 12 months before the expected date.

When the corporate losses of the 1980s are added up, whether they were incurred by Adsteam, Bond Corporation, the two Compass airlines, the Hooker corporation, International Brewing, Quintex or the others, they total approximately $16.5 billion. When compared with the debt created during the 10 years of the previous government, that figure pales into insignificance.

Hon. D. A. Nardella — Rubbish!

Hon. R. A. BEST — I am glad Mr Nardella interjected because he has just extended the debate by about half an hour. When the Labor government came to power in 1982 Victoria had a debt of $12.4 billion and unfunded liabilities of $4.5 billion. When Labor was thrown out of government in 1992 the state had a debt of $34.7 billion and unfunded liabilities of $22.3 billion. Victoria's overall debt increased over that decade by $40 billion: it incurred $22 billion in new debt and its unfunded liabilities increased by $17 billion.

Hon. D. A. Nardella — Are unfunded liabilities debt?

Hon. R. A. BEST — It depends on how you consider them. If you owe money on Bankcard, you owe money.

Hon. D. A. Nardella — And when do you have to pay it?

Hon. R. A. BEST — That is up to you. The important thing is that the government has started to address the problem and for the first time since coming to office has been able to return a surplus. The government's policies have had an impact on every Victorian, but they have also had an impact on
the state’s competitiveness compared with other states. It has not been easy for many small communities to wear the pain but they have done it.

Hon. D. A. Nardella — Especially in your electorate.

Hon. R. A. BEST — That’s right, because my electorate, which comprises the whole of the Mallee, is losing its population at a rapid rate. If one compares Victoria’s debt with the debts of other states one soon realises that the many billions of dollars we have to pay in interest could be spent on improving services or reducing taxes. In the 1993-94 financial year Victoria had a net debt of $31.89 billion, New South Wales has a net debt of $22.38 billion and Queensland had a net debt of $1.17 billion. That comparison reveals that Victoria has a major financial problem and needs to address its long-term debt.

A comparison of net debt per capita is even more alarming. Only Tasmanians owe more per capita than Victorians: Victorians each owe $7131, each person in New South Wales owes $3702 and each Queenslander owes $557.

Hon. D. A. Nardella — Which is that, Mr Best?

Hon. R. A. BEST — That is for the 1993-94 financial year — as at 30 June 1994. Mr President, by any standards it is a disastrous financial situation. As the Treasurer said, if we had the same debt and interest ratios as New South Wales Victorians would be saving $1 billion. But the reality is that Victoria was nearly bankrupt when we came to power in 1992. After 10 years of the Cain-Kimmer government we had to make some very difficult decisions. I make no apologies for the increases in taxes and charges. Major restructuring occurred, as a result of which the public service has lost 40,000 employees.

It is imperative that we address our current account deficit and then, in the longer term, our net debt. Unless we address the long-term debt the living standards of Victorians will fall. For that reason the Victorian government is looking at privatising the SEC. When one looks at the SEC it is easy to identify the problems that were created during the 10 years of Labor government. The SEC has a debt of $9.5 billion, on which Victoria pays about $600 million interest a year. Our electricity industry is 30 per cent less competitive than New South Wales and 40 per cent less competitive than Queensland. We have 40 per cent over-capacity — —

Hon. D. A. Nardella — Because you increased the rates.

Hon. R. A. BEST — For your information, if the householders of Swan Hill, which is in my electorate, had the opportunity to throw the extension cord across the river and tap into the New South Wales power supply they would save $850,000 a year on their electricity bills. Power in New South Wales is 30 per cent cheaper than power in Victoria.

Hon. D. A. Nardella — Because you have increased the prices in your two and a half years.

Hon. R. A. BEST — Mr Nardella, put one hand over one ear so some of this stays in, will you? Some of the so-called information spread by the Labor Party is nothing more than mischievous. Labor has said country people will pay more for power than metropolitan people.

Hon. D. A. Nardella — They will.

Hon. R. A. BEST — That is wrong, Mr Nardella — and I am so pleased you are wrong. The people of Sunshine will pay exactly the same for their household electricity as the people in Bendigo, Swan Hill, Mildura and Charlton because they are all under the Powercorp business district. Powercorp’s distribution business goes from Yarrawonga right up the Murray River, right across to the South Australian border, all the way down to the sea and all the way along the coastline to Geelong. It also takes in Werribee and Sunshine and some of the outer suburbs of the west and extends across and up to Yarrawonga.

Members on the other side of the house should get their facts right. The government has said uniform tariffs will apply across the various business districts, so farmers in the Western District will pay the same as farmers in the Mallee.

Hon. D. A. Nardella — Until when? Until the year 2000?

Hon. R. A. BEST — That is exactly right.

Hon. D. A. Nardella — After that it’s gone!

Hon. R. A. BEST — That is one of the reasons we are addressing the performance and productivity of the SEC. When the national grid is established people throughout Victoria will have the opportunity to tap into New South Wales power,
which is 30 per cent cheaper, or Queensland power, which is 40 per cent cheaper. In the same way that Optus and Telecom share facilities, people will get their electricity through the one distribution line.

Hon. D. A. Nardella — Pigs, mate! Look, they’re flying!

Hon. R. A. BEST — That shows the total ignorance of the opposition. It is absolutely abysmal for a shadow minister not to know the facts. The government has legislated for real price falls by 2000. It has said rural, residential and farmer groups will pay 9.1 per cent less. Electricity prices for small to medium-sized businesses will fall by 21.4 per cent and prices for pensioners and low-energy users will fall by about 22 per cent. The opposition has no understanding or appreciation of the financial difficulties faced by the SEC. The reality is that monopolies do not create efficiencies.

Hon. D. A. Nardella — Don’t they?

Hon. R. A. BEST — No, Mr Nardella, they don’t. Many wise people have said monopolies do not create efficiencies or provide benefits to consumers. It is imperative that we address the issue. That view is shared not only by those on this side of the house but by the opposition. Unless we address the operations of monopolies in this state and throughout Australia we will not necessarily be able to give our consumers the benefits they deserve. The federal government has said the states must address the operations of monopolies in their jurisdictions. It is no coincidence that Paul Keating, our Prime Minister, has been at the very centre of these reforms. The federal Labor Party has said Victoria must embrace the reforms. I quote from a 1989 Hansard. The honourable member in question said:

Why do we need more competition in relation to the way grain is handled and freighted? The answer to that is a fairly simple one. I would hope that most members of this house would agree that monopolies of themselves do not encourage efficiency or a good result for producers or consumers. Monopolies tend to lead to cosy arrangements between the parties that make them up. They certainly do not encourage innovation or efficiency. I certainly have a view that competition encourages efficiency and innovation. In that sense this is a fairly basic and fundamental objective of this legislation.

Hon. R. M. Hallam — Who said that?

Hon. R. A. BEST — I think that man very accurately described some of the impediments to competition as well as the benefits that should flow to consumers.

Hon. D. A. Nardella — And who was that man?

Hon. R. A. BEST — Mr Nardella asks who it was. It was none other than the current Leader of the Opposition, John Brumby, speaking during his time as a member of the federal Parliament on the Wheat Marketing Bill. He espoused the theory that monopolies and cosy deals do not lead to benefits for consumers. But that was nothing new. When we talk about privatisation we need to look what the Labor Party did during its 10 years in government.

In the 1980s the ALP privatised the State Bank, the State Insurance Office, Loy Yang B, Melbourne Water at Yan Yean, the Portland aluminium smelter and pine plantations. The record of the ALP is well documented. The opposition’s argument on the SEC is selective. One does not have to look at the state Labor government to see what it did about privatisation, one has to look only at what the federal Labor government has done: it has privatised Qantas, Australian Airlines, the Commonwealth Bank, the Commonwealth Serum Laboratories, the Williamstown dockyards and now Australian Defence Industries in Bendigo.

The Victorian government has privatised Tabcorp. The Leader of the Opposition, who espoused all the great theory about monopolies and cosy arrangements, hypocritically undermined the float of the TAB and claimed credit for doing so.

Hon. D. A. Nardella — At a wholesale price.

Hon. R. A. BEST — That is a very selective comment. John Brumby gutted the float and took credit for it. The only other entity that has been privatised by this government is the Grain Elevators Board, which has gone to the farmers of this state through a consortium of the Victorian Farmers Federation, the Barley Board and New South Wales interests. We have not heard a whimper about that privatisation. Is the opposition against that privatisation? The silence is deafening. The opposition is selective, yet in 1989 Mr Brumby said monopolies tend to lead to cosy arrangements between the parties that make them up. It is undeniable that John Brumby is a hypocrite and has double standards. His double standards were evident in the way he attacked the privatisation of the SEC.
I shall go back in the history of his performance as a local federal member in Bendigo and illustrate how he represented Bendigo. Mr Brumby has complained about this government and the taxes and charges it has imposed. The number of new taxes introduced by the federal government during his reign in Bendigo is staggering. Those taxes had a profound impact on country Victorians. They include the capital gains tax, the fringe benefits tax, lump sum superannuation, tertiary loans — which is a tax on education — new sales taxes on items such as flavoured milk, fruit juices and non-alcoholic wines, and of course a 10 per cent tax on wine introduced in 1984 and doubled to 20 per cent in 1986. A host of other taxes were introduced. It is an indictment of the double standards not only of the federal Labor government but of John Brumby.

I went back to see what John Brumby’s attitude on economic policy and his thoughts on Victoria were when he represented the federal electorate of Bendigo. John Brumby is reported at page 1231 of federal Hansard for 22 September 1983 as having said:

The Cain government has led the way. The Victorian Treasurer is the most adventurous and at the same time responsible Treasurer of any state. Victoria is leading the way in new housing approvals; it is leading the way in investment; and it now has the lowest rate of unemployment of any state in Australia. All honourable members opposite would do well to learn something from the Victorian Treasurer so that if they ever do win government again they will not botch it up as much.

What a profound statement: ‘will not botch it up as much’. The reality is that from 1982 to 1992, when the Victorian public kicked the Labor government out of office, our debt had increased so dramatically that we were the basket case of Australia. It is ironic that one’s words come back to haunt one. I do not know whether it was a slip of the tongue or whether it was meant to happen. In 1983 John Brumby was telling the rest of Australia how good Treasurer Rob Jolly was.

Hon. D. A. Nardella — He was better than your Treasurer will ever be.

Hon. R. A. BEST — Rob Jolly was the greatest Treasurer? Thank you very much! The Victorian economy is now heading in the right direction. We have addressed the current account deficit. Our problem now is to address Victoria’s long-term debt. The $100 state deficit levy has been eliminated and the Treasurer has said that there will be no further taxes. I am delighted that opposition members will be coming to Bendigo to spend money in my home town and in the local economy. John Brumby has double standards and is a hypocrite, and I welcome him to Bendigo because what he has said on the public record is there forever: monopolies are a cosy arrangement and Rob Jolly is the best Treasurer in Australia. His words speak for themselves.

It is a pleasure to congratulate the Treasurer and government ministers on the job they have done in not only turning the economy around in difficult economic times but also now putting us in a position from which we can move forward to take advantage of the great platform this government has established since 1992.

Hon. LICIA KOKOCINSKI (Melbourne West) — I was having a word with the President about something I will say in a moment, which I do not expect government members to raise. I am not surprised they have not brought up the matter during this debate. The autumn economic statement is to use the vernacular, already stuffed to the tune of $100 million. I shall refer to that later.

Hon. R. M. Hallam — That is not very ladylike.

Hon. LICIA KOKOCINSKI — I used the vernacular. I am sure Mr Stockdale would use choice words rather than that. As has been said over and over again, when the government came to office it came in with bells and whistles promising that a lot of things would happen.

Although Victoria probably now has the highest taxes and charges in Australia, the government constantly talks about being sympathetic to and empathetic with the needs of the business community. It wants the state to somehow forge ahead in industrial development, yet Victoria’s industrial development is minimal. Unemployment is still high — certainly still above the national average — and taxes and charges are, if not the highest, certainly among the highest in the nation. Essentially, families are bearing the brunt of those taxes and charges and the flow-on effect to industry has been devastating.

When the Premier of New South Wales, Mr Carr, made some rather unfortunate statements about what he perceived to be the expanding ethnic communities in Sydney — the population is not growing that much! — the Victorian Premier made the surprise statement that he would welcome extra
migrants to Victoria. Sydney has always taken marginally, but only marginally, more migrants than Melbourne. I am talking about population inflow, because there has been massive population outflow.

At present 45 per cent of migrants go to New South Wales. I think the figure for Victoria is something like 25 per cent, which really means that Victoria is no longer attracting ethnic communities at the rate it used to, say, 20 years ago. Given that we still have a lot of families leaving the state, I can imagine that the Premier, Mr Kennett, said he wanted more migrants to come to the state to make our population appear to be increasing. It is very sad that Victoria's population is not growing.

I said earlier that it is clear from all the charts and tables of which one can avail oneself that state taxes and charges are increasing enormously. By far the greatest increases are occurring in Victoria compared with other states. That will not attract industry to this state. Yet, as I said, the government professes to be friendly to and fond of business development.

How does the government react to the criticisms about high taxes and charges? It tries to address them by running campaigns in various forums to reduce minimum wage rates and reduce youth wages to obscenely low levels — they are supposed to be the great panacea to this state's economic woes. The government's philosophy is still that somehow low wages will attract more industry. We all know this is nothing more than a red herring. Nothing could be farther from the truth. If other states are experiencing very high rates of economic growth, the governments in those states are not achieving this growth by imposing lower wage levels.

Instead of talking about industry policy, the underlying strengths of Victoria's population — and they are many and great — and enhancing our strengths and building on them, to use a favourite term of a colleague, this government simply gives us bread and circuses. It promises us one-day wonders and talks about privatisation and lower wage rates as if those three factors will save the state. I am not an economic brain but I know those three things on their own will not increase economic activity.

Let us examine the Kennett government's spending priorities. They are really good! The figure for political advertising is $22 million; for political polling, $1.5 million; and for self-promotion of the great man on the other side on billboards over the Tullamarine Freeway — which I was fortunate not to see because I was overseas at the time — $50 000. Ministerial office renovations amount to $31 million. The figure for extra salaries for ministers and parliamentary secretaries is $2.3 million. The problems of privatisation cost the state $294 million. Where are the benefits to the ordinary people?

The losses on the sale of Tabcorp amount to $255 million. The cost of the sale of government enterprises — that is, transaction costs regarding the sale of Tabcorp, Heatane and so on — is $25 million. The pro-privatisation advertising amounts to $11 million. The cost of new appointments of chairpersons and directors of new water, electricity and gas boards — these wonderful boards that will give us direction for the next millennium — is almost $3 million. Is that where the priorities are?

What about this government's attack on democracy? This must be a real priority for the government! The cost of legal challenges in respect of Richmond and Northland secondary colleges, opposing freedom of information applications and so on is $12.7 million. Is this the government's priority? Will $12.7 million spent greasing the palms of QCs and barristers enhance this state's economic activity? It certainly will not. As I said, I am not an economic brain but I know it will not. The only economic activity it increases is that of the QCs and barristers.

The payouts to statutory office holders amount to $2.5 million. I am talking about the sacking of Accident Compensation Tribunal judges, the Director of Public Prosecutions, the Commissioner for Equal Opportunity and, of course, the most recent payout to another employee, Dr Neal. The appointment of local government commissioners cost another $8 million. I bet the cost to councils did not come to $8 million; I bet the cost of emoluments to councillors did not even amount to $8000!

What about the $390 million wasted on mismanagement? I have talked a little about the barristers' banquets and the phenomenal increase in economic activity for barristers and QCs. What about consultants? When in opposition this government made great play of the use of consultants in the last years of the Kirner government. Yet, in three years this government has spent $62 million on consultants. That is not a bad little carrot in terms of economic activity for consultants!

There has been an absolute waste of money in public transport. We all remember the Minister for Public Transport, Mr Brown, coming in with lots of bells
and whistles, saying how he would transform public transport. Yet, the government has thrown away $102 million. Today there was almost a fatality when a train took off and its doors closed on a baby’s pram. That was the first day the station was unmanned. The money has been totally wasted. There could have been a death of a very small infant. The government really needs to rethink a lot of the things it is doing.

There has also been waste in education on things like the so-called career transition programs for sacked teachers and securing vacant schools against the vandalism which is occurring so blatantly. One need only drive around to see it. If the buildings are not bulldozed quickly, they will be vandalised even more quickly.

Some $220 million has been spent on voluntary departure packages for people over the age of 55 years, on abandoning the Southbank museum plans and other similar items. Although I am sure people aged over 55 love being given voluntary departure packages, it is an absolute waste.

An Honourable Member — For them it is like winning Tattslotto.

Hon. LICIA KOKOCINSKI — For them it is like winning Tattslotto, as my colleague said. It was just sheer economic profligacy on the part of the government.

What about the other items we know nothing about? Let us talk about the so-called economic activity to individuals; let us talk about the separate payments made for the casinos and the licences for the formula one grand prix and the 500cc motorcycle grand prix, which we now have. Everybody knows I love those two events, but I want to know how much we as taxpayers will subsidise them, because they are private sector activities only: there is no need for them to be subsidised with all the secrecy by the government.

Certainly some items like electricity and much of the infrastructure need to be funded by the government but, for Christ’s sake, we as taxpayers not having the right to know what licence fees have been paid by government would have to be the absolute extreme of economic profligacy.

Mr Best talked about the things that come around to haunt you. Those kinds of issues, particularly the secrecy of some of the bread and circuses issues, will come around to haunt the government because in the end it is taxpayers’ money that is being used, not the government’s money. Sooner or later the lack of accountability will have to come home to roost on the government very solidly.

I will examine the exact impact. We have talked about the $765 million that has been wasted by the government. The government calls it economic activity; I call it profligacy.

I will speak a little about the impact on families of the Kennett government and its policies in the economic statement. There are no apologies in the economic statement; in fact there is almost a pride that people are paying nearly $2000 a year extra in taxes and charges.

What about the increase in gas prices? What about the increase of $111 a year for water? We all know; we all have to pay our water bills. As a reasonably avid gardener I am staggered. If anything, the increase in the cost of water will certainly drive a lot of people to install water tanks, and I say that in a non-political and serious way. I think we will see a return to ordinary households attaching water tanks to the sides of the houses to catch rainwater for gardening, washing cars, and even for flushing toilets. I say that in all seriousness.

What about the annual rise of electricity charges of $107 based on an ordinary household family bill of $600 per annum? Mercifully, the $100 home tax has now been lifted. What about the taxes on cigarettes? I understand why that would be done; nonetheless, it is still an impost on families. All sorts of costs are going up: insurance dues, motor vehicle registration, public transport taxes, bank debit taxes and petrol levies. Then there is the removal of holiday leave loading for many people and the enormous increase in kindergarten fees, TAFE fees and taxi fares. How can any government expect householders and families to increase their domestic activities when they are facing such horrendous charges?

We still have huge unemployment problems; unemployment is now locked in particular areas. Consequently, the kinds of charges that families face are now largely hidden because the absorption of the costs would be hitting some areas much harder than others.

It is little wonder people are still leaving in droves. We on this side always laugh at the Premier’s glorious message on our numberplates: Victoria on the move. They are certainly still on the move: out of
the state — with the help of the federal government paying for road construction.

I will turn to what I have already suggested has thrown the economic statement into absolute chaos, even if the Treasurer is being slightly blasé about it, as if it were not really an issue: the fact that the Queensland government has slashed stamp duty on share transactions made on the Brisbane stock exchange by 50 per cent.

The effect of that is devastating for Victoria. I will give a few statistics. New South Wales has a reported annual revenue of $280 million from stamp duties from share transactions. All states charge 0.6 per cent. New South Wales, which has the largest stock exchange activity in Australia, has a revenue of $280 million. In Victoria, which has the second-largest stock exchange activity, the income from stamp duty is $208 million. The activity of these two states on the Australian stock exchange is by far the greatest; the activity of Queensland is quite small. New South Wales anticipates that as a result of Queensland’s action every year it could lose approximately $125 million in revenue. It has finally been confirmed in today’s papers that Victoria will stand to lose $100 million annually.

How will the income shortfall be recouped? From my point of view it can be recouped in two ways: by raising taxes even further or by the government cutting its own budget. In my view it could be reducing some of the wastage from that $765 million on what it calls economic priorities, or what are deemed to be economic priorities; and $100 million out of that would not hurt anybody. We on this side of the house suspect that that $100 million will be made by increasing domestic taxes and charges.

Electricity, water and gas charges will increase. However, the utilities are being sold, so the government cannot use that kind of investment income forever. How will it make up the shortfall? It is a serious question and I do not really think the government is being totally up-front with the community on how it will cover the $100 million shortfall. It is a substantial amount.

In the economic statement the Treasurer talked about a capital growth of $124 million in the health sector. I suppose if you were really mercenary and Machiavellian you could take the $100 million out of the capital growth budget and leave only $24 million so that you would have an even greater problem in the health sector than you have now.

Where will that money come from? With all the whistles and bells that have preceded the economic statement, it is totally stuffed. The economic statement has not been passed by both houses; yet already it is seen to be wrong and needing to be revised. The figures will need to be seriously revised because of the move by the Queensland government.

The Treasurer spoke of a stronger economy. I suggest that the Treasurer is in actual fact throttling the economy by his obsession with bread and circuses issues and with secret funds and subsidies to pay for them; by high taxes and charges; and by an abysmal lack of industry policy and infrastructure, other than the freeway development.

Hon. P. R. DAVIS (Gippsland) — In my brief contribution I propose to deal with issues that have been raised by opposition speakers, but primarily my emphasis will be on economic growth, the development of infrastructure and the implementation of a competitive policy in the Victorian context. I shall respond to opposition speakers in turn, but my emphasis will be on the positives in the autumn economic statement from the Treasurer.

It is apparent that the autumn economic statement is not just a highlight of the year but a watershed in terms of the positioning of the Victorian community. It is a time for pride in Victoria regarding the general tenor and direction of the management of this state notwithstanding the heinous position portrayed by the commentators from the opposition in the debate today.

It is evident that the opinions expressed by the opposition are not shared by the wider Victorian community. I turn now to what leading commentators have said. An article in the Australian of 3 May states:

The strongest attributes of the Victorian government are its record on economic reform and its determination to see the process through. Both were on impressive display yesterday. The current account will be brought into surplus a year ahead of schedule, and forecasts for state debt have been revised downwards.

On the same day an article in the Herald Sun states:

By any measure, it has been a remarkable achievement. From a $2.2 billion deficit inherited from the Cain-Kirner years, the government in 30 months has produced a $46 million surplus. Moreover, the state is now spending less than it earns.
That is particularly relevant because the diatribe that has issued from the mouths of the opposition speakers to date reflects poorly on their economic competence. Indeed, the previous speaker, Ms Kokocinski, admitted to her incapacity to contribute to the debate on economic issues to the extent that she said that she was no economic genius. That is the understatement of the day, which is appalling when we consider that the stewardship of this state was in the hands of a group of people who for 10 years so administered this state that my children, who are just starting primary school, will be recovering from that neglect and deficiency for the rest of their lives.

While endeavouring as members of Parliament to support the government in its serious attempt to address the economic ills of the state, which have manifested to a point where clearly we are the highest taxing state in the commonwealth as a direct consequence of the neglect, abuse and political chicanery of the Labor Party in government, we are appalled by the contributions of the opposition to date, as is the Victorian community.

Various comments that have been made during the debate show that the opposition sees itself as being able to criticise competently the initiatives taken by the Treasurer and the government, but that is evidently not the case in terms of the views of impartial commentators, the journalists who lead public opinion in this state. No wonder the government is held in high regard by the community at large because the lead writers in the Age, Herald Sun and other newspapers show by their continuing commentary about the stewardship of the Kennett government that the claims made by the opposition are dubious at best and grossly irresponsible and misleading at worst.

In relation to the issue of tax levels, an article by Michelle Coffey in the Australian has the headline ‘Stockdale delivers $2.2 billion turnaround’. The article states:

Victoria’s debt and taxation levels remain the highest in mainland Australia despite the $2.2 billion turnaround in the state’s finances in less than three years. A recent study by the Commonwealth Grants Commission found that Victoria’s tax level was about 15 per cent above the national average.

The opposition has tried to claim that this has been induced by actions taken by the Kennett government. Clearly, the government has needed to address the deficiency in income as a consequence of the maladministration of the guilty party for 10 years and subsequently there have been some tax increases, but I point out that this is not a new phenomenon. A previous government speaker referred to the bible written by a former Labor Premier, John Cain, which points to some neat illustrations of this matter. I will refer to a part I have marked just by chance from John Cain’s Years — Power, Parties and Politics. On page 178 in the third paragraph he states:

By early 1984 we were held out as a high-taxing government.

Here is an acknowledgment that 11 years ago the then Premier acknowledged that the former Labor government was a high-taxing government. This is not a new phenomenon. Victoria has had a high tax regime for a period. It is evident from the commentators at large that the opposition is the only party in this state, in terms of a group of people — I count 14 in this house — who do not recognise the deficiencies of the years of stewardship by the former Labor government.

I turn now to some of the comments made by the Leader of the Opposition in his contribution in this place. Mr Theophanous commented about Victoria being the highest taxing state and claimed that the government had increased charges on the average by about $2000 a year. I understand Mr Nardella and Ms Kokocinski also support that view. Indeed they repeated those comments today.

I will highlight the genius of Ms Kokocinski in a moment as I will highlight the empirical evidence that not only did Mr Theophanous develop from Thatcherism through Reaganomics, he went from Rogernomics to Theonomics! Indeed when referring to his own capacity to understand these fiscal issues he perhaps sees himself as on a par with the gnomes of Zurich. It is my opinion that Mr Theophanous demonstrates he is an economic elf!}

Hon. R. M. Hallam — A gnome in his own right!

Hon. P. R. DAVIS — The evidence is clear when he spoke about the state deficit levy as a charge, which demonstrates that he has not read the Treasurer’s statement because it was one of the main issues addressed in terms of a reduction of tax levels.

We have heard interjections from Mr Nardella about Tabcorp. I shall examine for a moment whether Mr Nardella is near the mark in suggesting whether the government has been fiscally responsible in
selling Tabcorp. I turn to the editorial in the *Herald Sun* which dealt with the attack by the opposition on Tabcorp.

The headline is 'The economic wreckers'. That is not my view as I am expressing it at present; it is the view expressed at the relevant time by the leader writer in the *Herald Sun*, who said:

Labor's John Brumby and Theo Theophanous have not only damaged the $800 million Tabcorp float. Their reckless conduct has shown that Labor in Victoria still cannot be trusted.

It is quite evident that the *Age* shares that view. I was surprised by that because the *Age* has so often been aligned with the socialists from Drummond Street. In its editorial opinion on 6 August the *Age* says:

... the opposition has sent a deplorable signal to foreign investors that this state is not a politically stable environment for long-term investment which Australia desperately needs. It suggests that while Labor might yearn for the creation of a republic it could bring about the kind commonly prefixed by the word banana.

It is an astounding commentary from the *Age*, which concludes on the same note:

By undermining public faith in a privatised Tabcorp and subverting investment confidence in Victoria, Labor has also damaged its bid to be trusted again as a reliable economic manager.

I am very proud to be a member of this government. The reason is that it had the courage to bite the bullet and undo the vandalism inflicted by those people, who should be hangdog and shamefaced, sitting on the other side of the house. Frankly, if they support absolutely the arguments they have run in this house this evening I do not believe they are competent to ever serve in a government formed in this Parliament.

I was very interested in the detailed submission that Mr Theophanous made. He was keen to have it incorporated in *Hansard*. Indeed, we have heard a number of speakers this evening refer to this great document. It will go down in history as one of the references that is quoted in the house regularly. Why? Because it demonstrates that the elf of economics quite clearly is incompetent as an opposition spokesman in this area. Fancy tabling such a document! For 12 months I have been wondering where the $2000 in taxes and charges inflicted by this government on the average family, the so-called assertion by the opposition, has come from. Finally I know; it has been crystallised for me. Now I can see it for myself!

**Hon. R. M. Hallam** — How many taxi trips were there?

**Hon. P. R. Davis** — There are two pre-booked 10-kilometre taxi trips per week for the typical family. According to my calculations, not less than $1000 per annum is spent on taxi fares. Based on the calculations available to this bear of small brain, public transport costs resulted in at least $1000 per annum. That is in addition to running a family car. Anybody who thinks that is a typical family ought to get out of Parliament and go out into the suburbs or into regional Victoria to see what a typical family looks like. To suggest that somebody is paying all those charges at the one time is implausible to the extreme, even to the point of irresponsibility.

I refer to other charges the so-called average family is reputedly paying. It is supposedly paying TAFE fees at the same time as kindergarten fees. That is fecundity! I hope my family is so fecund later in life. I tried to compare the projected average-family charges against my own costs of living. I have two children and I still have a spouse, although with this job that can be questioned from time to time. I regard myself as having the average sort of expenses. I do not have access to natural gas because although I live 30 kilometres from the gas field, there is no pipeline running down Epplestuns Road, Giffard West, where I live. I use tank water.

**Hon. B. N. Atkinson** — What does your dog food cost?

**Hon. P. R. Davis** — Actually, I spend $1000 a year on dog food — that's instead of the taxi fares! The claim that the state deficit levy is applicable is nonsense. I do not smoke. I do not buy Tattslotto tickets. I have already referred to public transport. With respect to the removal of the holiday leave loading, I do not believe the majority of Victorians enjoyed the pleasure of the holiday leave loading when it was in force in any event, so I do not think it is relevant to the so-called typical family.

**Hon. D. R. White** — You took the 17 and a half per cent when you were a union member with the AWU in Bass Strait and put it in your pocket. You're a hypocrite!
Hon. Rosemary Varty — You are the greatest hypocrite in the place!

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I am having difficulty hearing the speaker. The level of interjection has increased markedly in the past 30 seconds. I would appreciate it if members would allow Mr Davis to continue.

Hon. P. R. DAVIS — Thank you for your protection, Mr Acting President. It has been very helpful to allow me to gather my thoughts to continue. In trying to evaluate the comments made by Mr Theophanous —

Honourable members interjecting.

Hon. Bill Forwood interjected.

The ACTING PRESIDENT — Order! Mr Forwood is out of his place. Hansard is having extreme difficulty recording proceedings at the moment. Members should be aware that Hansard needs to hear the speaker and there should not be a barrage of interjections across the chamber.

Hon. P. R. DAVIS — Having highlighted the absurdity of Mr Theophanous’s economic approach, I thought it would be instructive to turn to his dissertation on the economic management of Victoria under Labor. The document, which caused a great deal of discussion in February 1994, is particularly relevant because of the debt-management issues being faced by the government. It includes comments of the Leader of the Opposition on debt management and at the time it was claimed to be an opposition document produced by the shadow minister for finance, state-owned enterprises and Workcover.

In the section dealing with debt management the document states that Victoria’s budget debt is:

... higher than other states (relative to population), and therefore Victoria has higher debt servicing costs which limit the capacity for recurrent spending on services, such as education, health, et cetera. Not only that, although unfunded liabilities are not debt, they do give rise to a considerable annual drain on recurrent state finances, which states such as Queensland, that have fully funded superannuation systems, do not have to bear.

That comment is useful because it is germane to the issues confronting the government, which is refocussing its priority from debt servicing to the provision of services to the community. After all, the argument the opposition runs is that the government has been harsh and merciless in relation to refocussing the budget priorities.

The Leader of the Opposition acknowledges there was a problem peculiar to Victoria. That has been well recognised not only by commentators but also in intellectual appraisals of the Victorian government’s position.

In fact, a document of June 1994 entitled Financial Management — Key principles, again a document produced by the Australian Labor Party under the hand of the Leader of the Opposition in another place, although the author was probably Mr White, acknowledges:

Victorian Labor acknowledges that current account budget deficits are unsustainable; excessive levels of debt impose an unacceptable level of debt servicing costs and limit the taxation and expenditure options open to government.

Hon. Bill Forwood — Who said that?

Hon. P. R. DAVIS — The Leader of the Opposition in another place, but I was under the impression that Mr White played a major part in writing it. I am unaware of who the actual authors were. It continues:

Sound financial management is a precondition for economic progress and sustained social reform.

It seems to me that the arguments put in this debate by opposition members are wholly unsustainable and inconsistent with the opposition’s own published position. It is evident that when the government came to office it faced a serious financial problem that had been identified not only by the coalition in opposition but also by the previous Victorian Labor government.

I now refer to what was known as the Nicholls report, the Independent Review of Victoria’s Public Sector Finances, which was published in September 1992. I remind honourable members that this report was delivered prior to the 1992 state election, was commissioned by the then Treasurer, the honourable member for Northcote in another place, was accepted by the then government and had substantial credibility. Issues concerning the debt-servicing position of the state at the time are recognised in the summary, and in dealing with liabilities at page 4, the report states:
Victoria’s net debt as a proportion of the output of the state (GSP), is less than that of Tasmania and South Australia, but is almost twice that of the other major states, Queensland and New South Wales. However, the servicing of debt as a proportion of the state’s revenue is the highest in Australia.

Only an economic elf would claim that it is not appropriate to make the adjustments which the Treasurer of the state has courageously pursued with all vigour in the budget sector since 1992. It is evident to me that the reason the opposition when in government could not make the necessary decisions to reflect appropriate financial integrity and honesty was substantially because of the problem that still confronts the opposition — that is, it is a captive of the trade union movement.

I refer again to former Premier John Cain’s commentary. He was considered a man of great integrity and was pushed out of the position of Premier by the likes of Mr Nardella — by the factions! He was not pushed out because he was personally incompetent but because of the incompetence of the factions to which Mr Nardella subscribes. That is his form of democracy! He talks about democracy, yet he makes a farce of democracy!

At page 175 of his book, the former Premier states clearly:

The great problem governments have faced in Victoria in recent years ... has been the continuing demands from public sector unions, who enjoy considerable power.

That summarises the position of the opposition. It has no credible arguments because it is constrained by the trade unions.

I have great pleasure in turning to some more positive commentary because it is important to highlight the initiatives the Treasurer is taking on the stewardship of the Victorian economy. The autumn economic statement highlights the position of the government on fiscal policy. During the past three years there has been a major turnaround in Victoria’s finances and a restoration of business confidence. That is evident from the record improvement in the employment statistics, which the federal Minister for Employment, Education and Training, Mr Crean, took great pride in referring to yesterday. He referred to the fact that the Victorian unemployment trend had reached a record low. I believe they are the best unemployment figures for five years and, indeed, for quite a while before the discredited Labor government was thrown out of office. It is a good to see confidence being restored. In the autumn economic statement the Treasurer makes the point that:

The government is committed to enhancing Victoria’s competitiveness by providing high quality infrastructure and services ...

That is particularly important because we have seen a decline in investment in infrastructure in this state. The evidence shows that fixed capital expenditure per capita has been the lowest in Australia for the past 10 years, and significantly below that of Queensland and New South Wales. It is important that we address the issue, which is particularly germane to those of us who represent rural areas.

There is a record level of roadworks across regional Victoria at present. So many projects are on the go that in recent weeks the Victoria Police Force, Vicroads and other community leaders have run an education campaign telling members of the community to minimise the risk of accident by slowing down when they approach these roadworks sites. The Better Roads levy and the sizeable contribution by the Minister for Roads and Ports to rebuilding our road infrastructure are important. That will improve the movement of produce and people around the state and advance our economic interests.

It is important to refer again to the Age editorial of 3 May, which endorses the strategy of re-investing in infrastructure:

What Labor spent on public servants, the coalition intends to spend on bricks and mortar ... the function of state governments is not to act as a glorified employment agency.

The government’s Agenda 21 program is particularly relevant to the development of tourist-related activities in the City of Melbourne. It will generate a significant inflow of overseas and interstate visitors and add significantly to the growth of the economy. We have identified the importance of building a world-class exhibition centre, and I am pleased to see that progressing at a great rate. I understand it will be opened in March 1996.

The autumn economic statement contains a commitment to construct a new museum in the Carlton gardens, which I am looking forward to. It is important that we have a facility such as that within
easy reach, guaranteeing easy access to the people of the state, particularly our children.

I am also pleased to note the reference in the economic statement to the construction of three new prisons. That will result in a redevelopment of the corrections system the like of which has not been possible for 100 years. The government has identified an important site — —

Hon. M. M. Gould interjected.

Hon. Louise Asher — She is against the prisons.

Hon. M. M. Gould — In the western suburbs.

Hon. D. A. Nardella — Put that on the record if you like.

Hon. Louise Asher — Yes, put it on the record.

Hon. P. R. DA VIS — Thank you, Miss Gould. In Gippsland, which is where I come from, we had a torrid time selecting a site, not because some people did not want it but because they all wanted it. The people of Gippsland wanted it because they recognised the benign impact a high-security facility would have on the region. It will do nothing other than add value to the region creating opportunities for employment.

Hon. D. A. Nardella — Not for your constituents it won't.

Hon. P. R. DA VIS — For the vast majority of the community. Your representation of the western suburbs is reflected in the unemployment statistics. During the past year the unemployment rate in Gippsland has fallen from 15.5 per cent to 8.0 per cent. You tell me what is going on in the western suburbs as a result of your representation. There is no doubt in my mind about the consequences of effective representation. Fighting hard to get projects for your region pays dividends for your constituents. It is with great pleasure that I say that if you do not want a private prison in your locality, send it down my way any time.

Hon. M. M. Gould — Go tell the minister that.

Hon. D. A. Nardella — We will give it to you. You can even live in it.

Hon. P. R. DA VIS — I keep being distracted by the interjections.

The ACTING PRESIDENT — Order! The level of interjection is rising above what is acceptable. Hansard is now having extreme difficulty hearing the main speaker. The high level of interjection is not assisting the debate. I ask members to come to order and allow Mr Davis to proceed.

Hon. P. R. DA VIS — Thank you for your protection, Mr Acting President, which is sorely needed! Last evening we had the pleasure of hearing from the Honourable Burwyn Davidson. It was with some fascination that I took careful note of all he said. The thing that most often came to mind was the phrase 'tedious repetition'. That aside, Burwyn's perambulations covered electricity, gas and water charges, privatisation, the grand prix, Victoria's AAA credit rating, hospital cuts, case-mix funding, the Helimed ambulance and employment. I am not sure which guru Mr Davidson is following, the Elf of Economics or the Gnome of Zurich, because he has lost the plot!

I have referred to unemployment trends. The unemployment figures are the best they have been for five years. You people could not do it; all you did was put them up. Interstate migration is trending down. Damaging record highs were achieved under the Kirner government but those indicators are falling as Victoria is increasingly seen as Australia's economic leader. The Prime Minister has endorsed our economic strategy. As recently as four weeks ago when delivering the Sir John Monash lecture he endorsed the Victorian government's electricity reform process. He made a considerable effort to ensure that the Victorian community understood he was fully endorsing the electricity reform strategy being implemented by the Kennett government.

Hon. Bill Forwood — And for the Kirner government.

Hon. P. R. DA VIS — Yes, he gave a great endorsement of the Kirner government! Mr Davidson became confused last night. As I recall he referred to the loss of services in the health area. Let me highlight a couple of the points he made. Mr Davidson mentioned the Helimed air ambulance service. I note that Mr Baxter, the Minister for Roads and Ports, took particular exception to Mr Davidson's claim that the government would terminate that service. For those opposite who are illiterate I will read the article in the Bairnsdale Advertiser of Friday, 22 May, under the headline 'Helimed One Guaranteed'. The person quoted in that article is the Honourable Phillip Davis MLC!
I was making the point that when the Minister for Health came to Gippsland last Thursday she visited Warragul, Sale, Yarram and Leongatha. I do not know whether opposition members know where those towns are. During the trip the minister made a commitment to continue the Helimed service for a couple of years, conditional upon the local community getting its act together to make a local contribution.

Mr Davidson claimed that case-mix funding was detrimental to the delivery of acute health services. It may be instructive to refer to some facts, because facts tend to support a good debate. In this case it might be illuminating for opposition members who seem not to have any relevant facts about anything. Last night Mr Davidson said, in effect, that acute services were being cut in regional Victoria. Under case-mix funding the hospitals the minister visited last Thursday in West Gippsland at Warragul have had a 17 per cent increase in patient throughput. The Gippsland Base Hospital at Sale has had a 10 per cent increase in throughput, the South Gippsland Hospital, an 8 per cent increase and the Southern Health Service at Leongatha and Korumburra, an increase of 22 per cent. My colleagues around the state confirm that these figures are not only illuminating from a Gippsland perspective they represent a regional Victorian trend.

I turn to the policies promoting competitiveness that were outlined in the autumn economic statement. It is important to pick up on the implementation of reforms within the international competition framework agreed by all Australian governments at the April 1995 COAG meeting.

Hon. B. W. Mier — On a point of order, Mr Deputy President, the autumn economic statement and the Treasurer’s speech in May 1995 are now invalid. The recent announcement by the Premier of Queensland to half taxes on stock exchange dealings will mean an overall loss of $200 million to the state of Victoria.

The DEPUTY PRESIDENT — Order! That issue has been raised in the newspapers and in another state. We are debating before the house: the Treasurer’s speech and the autumn economic statement. There is no point of order.

Hon. B. W. Mier — That is an outrageous ruling. The fact is that the autumn economic statement is no longer valid. You have just lost $200 million.

The DEPUTY PRESIDENT — Order! Mr Davis has the floor. Mr Mier can make his point at another stage during the debate when he has the floor.

Hon. B. W. Mier — The whole debate is rubbish; your budget is blown you fools and you do not realise it.

The DEPUTY PRESIDENT — Order! So far the debate has been conducted with good humour. I do not want any trouble with Mr Mier or anybody else.

Hon. B. W. Mier — I do not want trouble with you either, but the budget is blown.

The DEPUTY PRESIDENT — Order! Mr Mier will cease interjecting or I will take action.

Hon. P. R. DAVIS — Coincidentally, I was intending to refer to the matter Mr Mier raises. Mr Deputy Speaker, I do not know whether your ruling prohibits me from making reference to it, but it is relevant to the national competition policy referred to by the Treasurer in the economic statement: The matter Mr Mier alluded to in his point of order is significant and relevant to the discussion.

The Queensland government is, if you like, opportunistically trying to steal a march on Victoria and New South Wales in respect of share trading transactions. While trying to steal a march on Victoria, Queensland has demonstrated the worst excesses of what I describe as competitive federalism. It is evident that while we are in the
thoress of trying to develop a national competition policy — all states and the federal government are committed to that process — for one state to unilaterally move to take advantage of the taxation position without having regard to some harmonisation of tax rates affecting business around Australia seems nothing more than clear opportunism.

However, I would say that in principle it actually upholds the notion of the benefit of developing a competitive framework in which state governments and corporations are inclined to contest for business.

Hon. D. A. Nardella — What are you trying to say?

Hon. P. R. DAVIS — You had better ask Mr Mier because he seems to be running a commentary.

Hon. B. W. Mier — The economic statement is not worth the paper it is written on.

The DEPUTY PRESIDENT — Order! Mr Mier will have his opportunity to speak later. I will not put up with members interjecting continually when honourable members are on their feet.

Hon. P. R. DAVIS — My view about competitive federalism is that it should be encouraged. However, it has to be done in a consistent policy framework.

Hon. D. A. Nardella — So you don’t like competition. Is that what you are saying?

Hon. P. R. DAVIS — Mr Nardella, I just said competitive federalism is to be encouraged but that it has to be done within a rational framework. Since you are not being very rational about it, why don’t I refer to the national competition policy report of the Hilmer committee, to which all governments, state and federal, subscribe? It is the national framework within which these sorts of issues ought to be properly progressed. There ought to be consistency at a national level, at the same time allowing for those inevitable tensions that arise between the states as they position themselves to seek advantage.

The national competition policy explicitly sets up a framework within which the federal and state governments ought to be attempting to reconstruct their public sector service delivery. I refer to that framework in the terms that the Hilmer report refers to it:

The committee recommends that all Australian governments adopt a set of principles aimed at ensuring that, as part of reforms to introduce competition to a market traditionally dominated by a public monopoly, the public monopoly be subject to appropriate restructuring. The principles deal with:

- the separation of regulatory and commercial functions of public monopolies;
- the separation of natural monopoly and potentially competitive activities; and
- the separation of potentially competitive activities into a number of smaller, independent business units.

I have referred to the national competition policy in terms that relate to the general approach to privatising and reconstructing the electricity industry, which has been given great play in the debate this evening and on previous occasions by members who have spoken. It is important to refer to the fact that this is being done within a national context and framework with support from the commonwealth Labor government and with examples of privatisation at a commonwealth level. The hypocrisy that is being alluded to by the opposition, including Mr Davidson, Mr Nardella and Mr Mier —

Hon. D. A. Nardella interjected.

The DEPUTY PRESIDENT — Order! Mr Nardella, I will not have another member in this situation being called a hypocrite. I invite you to withdraw.

Hon. D. A. Nardella — I withdraw.

Hon. P. R. DAVIS — This framework has the endorsement of the business community. Indeed, the Victorian power reforms have the support of the Business Council of Australia. I refer to the endorsement in the Australian Financial Review of 30 March:

Victoria’s radical electricity reforms were the ‘vanguard’ of the Australian industry which would have to be followed by other states, according to the
electricity task force chairman of the Business Council of Australia, Mr Warren Haynes.

Victoria's reconstruction of the delivery of utility services is important; it is part of a national and international trend. Indeed, there have been 15,000 privatisations of state-owned enterprises worldwide, mostly since 1990. It is quite clear, therefore, that the privatisation progressing in the Victorian electricity industry is occurring in that context. Further, the poor performance of its electricity industry has shown that Victoria had the worst efficiencies of all the states. It is quite clear that those issues are worthy of consideration. I shall conclude my remarks —

Hon. B. W. Mier — Where are you going to cut spending to save the $200 million?

Hon. P. R. Davis — If you encourage me, Mr Mier, I will continue. I shall conclude by quoting an extract from a commentary by Mr Tony Parkinson that appeared in the Australian on 3 May:

... the greater stability —

which is brought about by the Victorian economic miracle, of course —

has brought a quantum leap in public, business and investor confidence. Victoria is now outperforming the national average in employment growth, consumer spending and productivity gains.

I congratulate the Victorian Treasurer and the government on the direction and leadership taken in regard to economic management of the state and say with great pride that I am pleased to support the government.

Hon. M. M. Gould (Doutta Galla) — The autumn economic statement is the downfall of all Victorian children; they will not, as the Premier stated, be its beneficiaries. Another of his promises was that no worker would lose under the Kennett government. This government treats Victorians outrageously. The economic statement does nothing to benefit them. All it does is reduce their hospital and health care. It reduces their educational opportunities, standards of living, disability and community and environmental services. The statement increases taxes and charges through higher gas, electricity and water prices. Of course, there is no mention of the road tolls, but when they are introduced they will be another tax increase for Victorians.

The statement once again attacks country Victoria. The government does not care. It is allocating a lousy $2 million for capital works. This strategy is designed solely to starve the Victorian country hospitals out so they will come into line with the Metropolitan Hospitals Planning Board and the Proust report.

This government says it will take 50 years to fix up the health system which it took 2 years to stuff up. But this government does not care about rural Victoria. It cares only about certain parts of Victoria. The case-mix strategy is designed to close hospitals. It has already closed down 6 country hospitals and this autumn economic statement will result in the closure of another 10. By reducing the budget in all areas by 1.5 per cent, small country hospitals will suffer and this will be the straw that breaks their backs.

This government is all about closing down country hospitals. They are too expensive; they do not have enough throughput to make it worth while under the case-mix situation. The $2 million in capital works will not be enough for the small country hospitals to survive and about 10 country hospitals will close; 6 have already done so.

The economic statement also highly affects the area of community services, particularly those dealing with intellectual disabilities. Already $47 million has been cut in that area and the economic statement will reduce that by a further $3 million. The government has absolutely no idea of the ramifications of the cuts in the disabilities and community services area.

Just before dinner, by interjection Ms Asher referred to the minister having some understanding of and control over the disabilities area. However, I have grave reservations about her statement. More than 20,000 people are waiting on a list to get special accommodation for children and adult children with disabilities.

Hon. B. E. Davidson — But the strategy is working.

Hon. M. M. Gould — The strategy is working. Families who are already struggling to make ends meet and who have very special children — children and adult children with intellectual disabilities — are worried sick about the future of their children. These parents have finally seen that integration starts to work and that community housing is the
way to go; not the institutionalisation that has happened in years gone by.

What has happened to the standard of care of these children? It has been reduced dramatically by the multimillion dollar cuts in the intellectual disability service area. Trained, experienced, qualified staff have been replaced by casual staff with no experience or qualifications: unqualified and unskilled people are looking after intellectually disabled children and adult children. As a result of the economic statement we will have further cuts which will result in not only the reduction of services, but the closure of accommodation.

What will happen to these Victorians? They are the most vulnerable citizens in this state. How can they remain safe because the community does not care for them? The government wants to cut production by 1.5 per cent. That is outrageous.

The government has a lot to answer for. Its lack of care can be seen in the following situation. A constituent of mine who has an eight-year old son came to visit me. Her son suffers from autism. The constituent was concerned about the wellbeing of her son in the future, so she went to the Department of Health and Community Services and said, 'I need some assistance with funding to look after my child. His disability of autism means that he constantly climbs the fence of the premises in which we live and wanders off'.

She was also a bit concerned about her 11-year-old daughter as she was finding it difficult to spend time with her because of the intense demands of her eight-year old autistic son. She was also concerned about the long-term future of her son and how he could be looked after because she could see that in years to come she may not be able to manage him permanently. She is a sole parent, but she has support from her ex-husband, who also has regular access to and contact with her son.

My constituent went off to the Department of Health and Community Services and said, 'I need some help. I need funding to help secure the premises so that my son cannot constantly climb the fence and wander off and so that I will know where he is at all times, and I want respite care so that I can have time off without my son and spend quality time with my daughter. My son is eight years of age now and I can see that in the long term I will require special accommodation for him'.

The Department of Health and Community Services said, 'Sorry, we have had all these budget cuts: we cannot supply you with any finance to secure your premises and we cannot supply you with any respite care as there is none available because of the cuts that have occurred, but we will get some accommodation for your son'. The mother was very pleased with this, even though she was looking at it long term down the track.

However, the problem with all of this was the day before she was supposed to attend the final meeting to organise the accommodation for her son she said to the social worker, 'How much access would I have to my son?', to which the worker said, 'Eight days a year'. With that she nearly had a heart attack and said, 'You've got to be joking! Eight days a year? I'm looking for some accommodation for my son; I am not looking to seeing him just eight days a year.' They said, 'But you're going to make him a ward of the state: you're going to give up your son, you're going to sign him over to us. Because you can't look after him and because you cannot get any money to put in a fence, you cannot get any respite. But we as a government can take over at a cost to the state of $50 000 a year to look after your eight-year old son and you will have to give him up.' She does not want to give him up. That is what health and community services is doing to constituents of mine and to other intellectually disabled citizens of this state.

The mother was absolutely distraught. Her child was to be made a ward of the state on the basis that the Department of Health and Community Services could not get respite care and could not get her any funding to help make her house secure. That is what this mother has been going through over the past 3 or 4 months. The situation is starting to be rectified slightly now that it has been raised by me and the honourable member for Bundoora in the other place: the department is inquiring into the incident. However that is the sort of situation that people are in at this time. You cannot get any respite care; you cannot get any financial assistance to help secure your house. You are not a burden on the state; yet health and community services are taking kids away from their parents.

The economic statement continually adds burdens to the Victorian community. For my electorate the statement makes no mention of increases, taxes and charges in the form of tolls. We may have tolls on our freeways: we don't know how they will be enforced; we don't know how much they will be; we don't know how much it will be to have the devices
installed on cars; we don't know whether they will be transferable; we don't know whether it will be a one-way toll or a two-way toll; we don't know whether the tags will be transferable; we don't know the costs that will be associated with that; we don't know whether we can share them between families; and we don't know whether pensioners will be entitled to any discounts if the tolls are to come in. We have had no denial from the government that there will be tolls so we are assuming that there will be. On that basis there are all these unanswered questions. It will be another tax imposed on Victorians and on constituents in my area who cross the freeways daily to travel to and from work and to collect their children. The cost associated with that is unknown because it is not mentioned at all in the economic statement. We should not have tolls because we already pay double registration and 3 cents a litre in petrol tax.

The government is hell bent on raising tolls and taxes. We have a toilet tax and exorbitant kindergarten fees. Because of the cuts in the education area there have been increases in school levies. The government closed down more than 300 schools and drove out more than 8200 teachers. The government has removed hundreds of support staff and cut funding by over $300 million and now funding has been cut by a further $120 million to $150 million.

What can be expected from a minister who said, 'Outcomes don't matter! Outcomes are a load of rubbish!'. That is what the Minister for Education said. These cuts will mean that large classes of up to 30 from preps to grade 6 will continue. This should not be tolerated. The physical size of classrooms shows they are not designed to hold 30 students.

The government has allowed retention rates to drop considerably. Under the Directorate of School Education during the past two years the Barwon-South Western region had a reduction in retention rates of 10 per cent; the Central Highlands-Wimmera region had a reduction of 7.6 per cent; the Goulburn-North Eastern region had a reduction of 7.3 per cent; the Gippsland region, which had the lowest decrease, is down by 3.2 per cent; and the Loddon-Campaspe region is down by 10.8 per cent. The metropolitan area is down by a total of 1.7 per cent and the non-metropolitan average is down by 8.1 per cent.

The amount of money spent on students in Victoria compared with other states is interesting. The Northern Territory spent $1536 per head of population; the Australian Capital Territory spent $962; Tasmania spent $856; Western Australia spent $782; South Australia spent $769; New South Wales spent $740 and Queensland spent $735, but what did Victoria spend? It is down at the bottom because it spent $730 when the national average is $758. Victoria is at rock bottom and this amount includes money spent on the retrenchment of teachers and the millions of dollars spent on consultants and lawyers when the government tried to close Northland Secondary College. All this is built into this figure, but we are still at rock bottom. Those figures will give members an idea of the amount of money that is spent on the Victorian school system.

The retention rate figures give an idea of the problems that occur with students who were attending schools that have closed down. There are more than 600 students in my electorate who were at a school that was closed but they have not re-enrolled at another school. We know that if students do not complete year 12 they are four times more likely not to get a job.

This government is allowing our students — our greatest resource — to leave school, but it is spending millions of dollars on consultants and on LAP testing. LAP will not assist in rectifying the problems it may highlight because there are no resources to target the areas in which LAP indicates there are problems.

The government has allowed 2500 special needs teachers to be removed from the system and then it wants to spend millions of dollars to find out about the problems that students have, but there is no-one to help them once those problems are identified. Any teacher will be able to tell you within the first two months which students have problems and where those problems are, and they will attempt to put strategies in place to overcome them.

In my electorate prior to the government removing the democratically elected councillors and appointing commissioners, the former City of Keilor, like a number of other councils, had a Lady Mayoress charity fund, but in this case it was the husband of the mayor who was organising the charity fund. It donated considerable funds to charitable organisations within the municipality. It provided funds to schools in my electorate to enable them to continue to run reading recovery programs because not enough funding was provided by the education department to run them. Charities were paying for our children's education and not the state education department.
Another community-based group ran a reading recovery program through the Uniting Church for students in Broadmeadows, Coolaroo, Glenroy and other areas in my electorate because insufficient funds were provided by the education department to teach our children to read and assist them with their literacy problems. If children are not literate by year 3 the chances of their overcoming their problems are almost nil. All the research shows that we have to deal with this at an early stage.

The government spends millions of dollars in the wrong areas. It has spent $2 million advertising for such things as the global budget, but it has not provided sufficient funds for schools to pay their toilet tax. The autumn economic statement does nothing for Victorian children and nothing for the future of Victoria.

Debate adjourned on motion of Hon. B. A. E. SKEEGGS (Templestowe).

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

Board of Studies: Macedonian language

Hon. JEAN McLEAN (Melbourne West) — I direct to the attention of the Minister for Conservation and Environment, who represents the Premier, the Premier’s unilateral decision to change the Board of Studies language study from Macedonian to Macedonian (Slavonic). Many of my constituents and the teachers of the Macedonian language are concerned that this directive has put Victoria directly out of step with every other state and territory in Australia.

Professor Michael Clyne, who is the head of the linguistics department at Monash University, said in a letter to the President of the Macedonian Teachers Association:

Thank you for sending me the Premier’s directive to Victorian departments and agencies to rename the Macedonian language. I am rather disturbed by this act. It is not the prerogative of an Australian state Premier to change the name of a language from the name by which linguists and international bodies designate it. It is particularly strange since this act has not been accompanied by similar directives to redesignate other Slavonic languages ...

The redesignation of Macedonian as has been required by the Premier is, to my knowledge, without parallel in any immigration country and certainly negates some of the basic understandings of our great multicultural nation.

Further, Professor Christopher Candlin, Professor of Linguistics at Macquarie University and President of the Applied Linguistics Association of Australia, said in a letter to the President of the Macedonian Teachers Association:

I am entirely in agreement with Professor Clyne. There is no such language as Macedonian (Slavonic). Such a term has no status whatsoever in linguistics, nor does it have any tradition. The term for the language which has been spoken in that region for many years is Macedonian and it is recognised as such by the linguistics authorities. In my view, the term Macedonian (Slavonic) is a political designation which has no basis in linguistic description.

I also have a comment from the Vice-Chancellor of La Trobe University, Professor Michael Osborne.

The PRESIDENT — Order! The honourable member will probably realise that when raising a question or inquiry or making a request a member is not supposed to give a set speech. I think this is getting very close to being a set speech. I suggest you come to the nub of the matter.

Hon. JEAN McLEAN — These comments are showing the great concern of professors of linguistics. I also have a letter from Gareth Evans —

Hon. R. I. Knowles — But you don’t agree with him.

Hon. JEAN McLEAN — I do on some things.

Hon. M. A. Birrell — What about East Timor?

Hon. JEAN McLEAN — No, I don’t agree with him on that at all. On Cuba he was very, very good. I admire his stand on Cuba.

Hon. D. A. Nardella — And he met Castro, too.

Hon. M. A. Birrell — What, in the car going back to the airport?
Hon. JEAN McLEAN — No, he spent quite a bit of time with him. That was just a press beat-up.

The PRESIDENT — Order! Ignore the interjections.

Hon. JEAN McLEAN — It is a bit hard when the minister to whom you are directing a matter is interjecting, Sir. Gareth Evans made it clear that it was very concerning that the government sought to justify the decision by reference to the stand the government had taken on the Former Yugoslav Republic of Macedonia (FYROM) issue and said it had nothing to do with the language. I will not read the letter. Senator Nick Bolkus also made it very clear that was what they meant by the government’s proposal.

The PRESIDENT — Order! The time limit has expired. Can I ask the honourable member to put her request to the minister in a pithy form?

Hon. JEAN McLEAN — Parents of students in my electorate are very anxious about this issue. I ask the Minister for Conservation and Environment to ensure that the problem is brought to a satisfactory solution.

Monash Medical Centre: patient confidentiality

Hon. R. S. IVES (Eumemmerring) — I refer to the attention of the Minister for Housing in his capacity as the representative of the Minister for Health in another place an issue relating to patient confidentiality of a three-year-old child attending the Monash Medical Centre.

It may be that the incident I am about to relate is an unexpected consequence of legislation that passed through this house, but I believe it is an example of a hospital system which is becoming increasingly divorced from the human and psychological needs of those it is supposed to serve.

The matter was brought to my attention by a Mrs Jan Hurley of 27 Broadhurst Road, Pakenham, and her friend Mrs Jodie Johnson of 33 Hobart Street, Bentleigh, but it is of concern to all the constituents in my electorate, which falls within the service area of the Monash Medical Centre.

Mrs Johnson’s three-year-old daughter, Stacy, suffers from super ventricular tachycardia. This condition results in abnormal and fluctuating heart rhythms of up to 300 beats a minute. Such an abnormal condition requires periods of hospitalisation with attachment to various monitoring and cardiovascular machines and devices. There is also a need for intensive tests in heart and ECG functioning and various blood tests, et cetera. This has now been going on for some months. Stacy is an only child and obviously her parents are distressed and under great stress.

Mrs Johnson has been dealing largely with one of the registrars at the hospital. Recently she asked him whether, from all the tests, a diagnosis had been reached of her daughter’s condition.

Let me stress at this stage that had the registrar replied, ‘No, but we are doing everything we can and are continuing to conduct tests’, Mrs Johnson would have been satisfied with this. Had the answer been, ‘Yes, we have, but as registrar I cannot really talk about it; we will communicate the information to your local GP who can discuss it with you’, Mrs Johnson would have been content with this.

Instead she was told, ‘Yes, we have reached a conclusion’. To which Mrs Johnson said in effect, ‘Well, what is it?’ She was told, ‘I can’t tell you; that would be a breach of patient confidentiality’.

Mrs Johnson was forced to reply, in effect, ‘Get real, you are talking about my three-year-old daughter’.

The upshot was that Mrs Johnson was required to sign a freedom of information request and was informed that a report would be made available on her daughter’s condition in a few days time.

That afternoon Stacy was unhooked from various machinery and transferred to another room without any advice. Mrs Johnson, rightly or wrongly, perceived that as being an unwelcome consequence of her having signed the freedom of information form. Mrs Johnson is particularly upset, incensed and irate about this. She is also very hurt and confused. The stress on the couple has been greatly increased.

Hon. R. I. Knowles — Did they actually quote an act?

Hon. R. S. IVES — No. To me this is another example of a hospital system that is failing the psychological and human needs of those it is supposed to serve, in this case by carrying the issue of patient confidentiality to rigid and unreal lengths. I request that the Minister for Health investigate this occurrence.
I would like to add a very brief postscript. As of today, six days after the original request, Mrs Johnson received another form in the mail, an SO1 access application form under freedom of information, which she was told to fill out and return. The form also stated that the request would cost $20 plus 20 cents a copy, but this could be waived if she had a pension or was impecunious.

In the meantime, Stacy, to the total devastation of her parents, has been in hospital for the past four days, with no release date in sight, as the Monash Medical Centre is unable to stabilise her condition. The stress and the time requirements of all this have meant that Mrs Johnson has had to give up her job.

Moorabool: council meetings

Hon. PAT POWER (Jika Jika) — I seek the assistance of the Minister for Local Government on a matter concerning the new Shire of Moorabool. Mr Chris Ingram, a resident of Bacchus Marsh, a councillor of the former Shire of Bacchus Marsh and President of the Western Region Commission, is concerned that the commissioners of the Shire of Moorabool are holding all their council meetings in the township of Ballan. As the minister will know, Ballan is some distance along the freeway from Bacchus Marsh.

Hon. R. I. Knowles — Is the Labor Party opposed to it holding its meetings in Ballan?

Hon. PAT POWER — The Labor Party has no view on it. Nevertheless, Mr Ingram informs me that when Commissioner Bond, the Chief Commissioner of the Shire of Moorabool, was approached about the matter he stated:

We have no choice where the meetings are to be held — we have been told they must be held at head office.

Hon. R. M. Hallam interjected.

Hon. PAT POWER — The head office is at Ballan. Mr Ingram informs me that although he wrote to the minister on 23 March, as of today he has not had a response.

Mr Ingram states that the population of Bacchus Marsh comprises more than 50 per cent of the total population of the Shire of Moorabool, some 13 000 of a total municipal population of 22 000. In his letter of 23 March to the minister Mr Ingram included a petition indicating that Bacchus March residents support the holding of alternate council meetings at Bacchus Marsh.

Will the minister clarify whether Commissioner Bond and his fellow commissioners have been instructed to hold all council meetings at the Ballan office? If so, will the minister use his good offices to review the situation and encourage the commissioners to respond to the view expressed by Bacchus Marsh residents that the monthly meetings alternate between Ballan and Bacchus Marsh?

Responses

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Mrs McLean referred to the Former Yugoslav Republic of Macedonia and asked me to refer the matter she raised to the Premier in the hope of reaching a satisfactory conclusion. I shall do that.

Hon. R. M. HALLAM (Minister for Local Government) — Mr Power raised the decision of the commissioners of the Shire of Moorabool to hold council meetings at Ballan rather than Bacchus Marsh. Two things concern me about the circumstances referred to by Mr Power. The first is the implied criticism that although a Mr Chris Ingram wrote to me on 23 March he has not yet received a reply.

Hon. Pat Power — That is what he tells me.

Hon. R. M. HALLAM — I will take that up. However, that is not the style of either my office or the department. Secondly, Mr Power asked in particular whether the commissioners had been instructed to hold meetings at Ballan. I asked by interjection whether he had a view on who had instructed the commissioners. For the record, I certainly did not instruct them.

Hon. Pat Power — Perhaps it was the Office of Local Government.

Hon. R. M. HALLAM — I cannot answer that without checking, but I cannot imagine why the Office of Local Government would issue such an instruction. I make the point that when the new municipalities were established I gave instructions about the headquarters on many occasions.

Hon. Pat Power — As in the Shire of Murrindindi?
Hon. R. M. HALLAM — Yes, and in my view it was a good policy. Given the sensitivities involved, that at least took the issue off the councils’ table in the short term. However, no-one was under any misapprehension about the ultimate outcome. Matters concerning the administration of municipalities were clearly to be determined by the commissioners. Anything I may have done in the early stages of the brief was designed simply to get the councils over the hump of the early parts of their administration.

I cannot recall whether that applied at Moorabool, but I would be surprised if that were so. As Mr Power knows, Bacchus Marsh was added to Moorabool in a later reference. I cannot think of any circumstances that would have led anyone to give the instruction suggested, but I will check.

Hon. R. I. KNOWLES (Minister for Housing) — Mr Ives raised a matter for the attention of the Minister for Health concerning the bizarre treatment of a three-year-old child and her family. I will refer the matter to the minister. On behalf of the government I say that if the circumstances are as Mr Ives has related them, I would be concerned about that outcome. That is not something the government would want to embrace. I will be particularly interested in the outcome. If the circumstances are as Mr Ives has related them, he has properly expressed justifiable outrage.

Motion agreed to.

House adjourned 10.38 p.m. until Tuesday, 30 May.
Questions on Notice

Tuesday, 23 May 1995

QUESTIONS ON NOTICE

Tuesday, 23 May 1995

QUESTIONS ON NOTICE

Education: legal services

(Question No. 105)

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Education:

In respect of legal services obtained by the Directorate of School Education:

(a) What was the total amount spent on legal services from October 1992 to February 1995?

(b) What was the expenditure on — (i) employee relations and industrial relations matters; (ii) school closures and the sale of school sites; (iii) Equal Opportunity Board hearings in relation to Northland Secondary College and Richmond Secondary College; and (iv) Workcover claims?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Education is:

(a) Approximately $5 100 000.

(b) Approximately $1 700 000. The time and resources required to provide case by case details of this expenditure cannot be justified.

(ii) Approximately $250 000.

(iii) The expenditure on hearings before the Equal Opportunity Board for both the Richmond and Northland matters was approximately $1 800 000.

(iv) No funds were spent by the Directorate of School Education on legal services for Workcover claims. The authorised insurer for the Directorate of School Education assigns all legal services on Workcover claims under delegated responsibility of the Victorian WorkCover Authority, as required by the Accident Compensation (WorkCover Act) Act 1985.

Schools: class sizes

(Question No. 118)

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Education:

In respect of the information on class sizes in primary schools provided in the Directorate of School Education School Census, February 1994 Table 5, what was the percentage of class sizes in each range (as specified in the table) for each year from preparatory to year 6 in each of the years 1992 to 1995?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Education is:

Data by year level is not available for 1992. It would be inappropriate and misleading to indicate the percentage of class sizes in each range as specified in table 5, (Directorate of School Education School Census, February 1994) for the years 1993, 1994 and 1995 as many schools have classes of multi-age groupings for students of different ages.
Schools: district groupings and enrolments

(Question No. 119)

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Education:

In relation to government schools:

(a) What are the districts in which schools are grouped?
(b) What are the enrolments for each school in each district?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Education is:

(a) and (b) The data has been provided to the honourable member on a regional basis. The provision of this information on a district basis would require an inordinate amount of resources which are not available.

Electricity, gas and water: demand management

(Question No. 128)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

What is the nature and extent of the minister’s responsibilities in relation to the development and oversight of policies dealing with the demand management of electricity, gas and water?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:

I am responsible for the Environment Protection Authority through which the implementation of the National Greenhouse Response Strategy is coordinated within Victoria.

As was the case with the previous government, direct responsibility for demand management rests with the minister responsible for the utility/corporation in question.

I maintain regular cabinet level contact with the relevant ministers in relation to environmental issues. The portfolio responsibilities for electricity, gas and water demand management matters are as follows:

The Minister for Natural Resources is responsible for the oversight of programs developed by water authorities for the conservation and efficient use and reuse of water. The development of these programs is a requirement under the Water Act 1989.

The Minister for Energy and Minerals, in his role as minister and through his representation on the Australian and New Zealand Minerals and Energy Council (the body responsible for the implementation of a number of national greenhouse response strategy initiatives), has responsibility for the development and oversight of policies dealing with the demand management of electricity and gas.

Electricity, gas and water: demand management

(Question No. 129)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

(a) What policies has the government developed and put in place in relation to demand management of electricity, gas and water?
(b) In relation to those programs, have identifiable outcomes been set; if so, what are those identifiable targets or outcomes?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:

(i) Water

The Minister for Natural Resources is, under the Water Act 1989, principally responsible for the oversight of demand management of water. His answer on policies, targets and outcomes for water demand management is provided below:

The government policy for water demand management and other related issues involves pricing and tariff reforms.
The government has encouraged all water authorities to change their water tariffs from structures based on valuation-based ratings to two-part tariffs with a significant 'pay for use' component. Reform of tariffs is intended to achieve several outcomes, including a fairer distribution of costs among water customers, greater customer choice and the conservation of water resources through the capacity of the tariff structures to manage demand.

Water authorities in Victoria are in the process of transition to 'pay for use' tariffs; many have already made significant changes.

In addition, most water authorities are promoting efficient water use and demand management through programs which include:

- customer education via such things as publications on ways customers can save water;
- school education kits for use by teachers in developing teaching and awareness programs among students;
- advice to individual customers either directly or through water audits arranged through registered plumbers.

I monitor the effectiveness of water authorities in meeting government objectives, including their water demand management responsibilities, through the Department of Conservation and Natural Resources using a system of strategic planning and reporting under which the authorities operate.

The three metropolitan water retailers (Yarra Valley Water, City West Water and South East Water) as a condition of their operating licences, must each develop programs for the conservation and efficient use and reuse of water. They must submit their programs to me by 30 September 1995 for approval.

Water authorities have set their own targets for demand management based on the characteristics of their supply systems, customer base, growth projections and regional environmental constraints.

For example, demand management programs in the Melbourne metropolitan area have lowered total water consumption by some 25 per cent in recent years compared with projected demands based on historical trends. Since the 1982-83 drought, the Barwon Region Water Authority's combined education program and tariff reforms have resulted in a 30 per cent reduction in average water consumption per customer. Tariff reform alone resulted in Barwon Water customers reducing their average water consumption by 7.7 per cent.

(ii) Electricity, gas

The answer supplied by the Minister for Energy and Minerals is:

The Victorian government's policies are:

1. To implement long-term demand management programs;
2. To promote efficient energy use by consumers and awareness of cost saving conservation options; and
3. To promote cogeneration and other practical, alternative energy sources.

These policies are being put in place through programs of consumer education, research and development and incentive-based cogeneration and renewable energy projects.

The government will be releasing an energy efficiency statement in the second half of 1995 which provides further details of achievements to date and strategies for future progress.

For further information, reference should also be made to the 1994-95 annual report of the former Department of Energy and Minerals.

**Electricity: demand management**

(Question No. 130)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

(a) What subject matters are covered in the electricity demand management policies and programs?
(b) Do they include areas such as — (i) cogeneration; (ii) more efficient use of the energy we produce; and (iii) renewable energy programs; if so, what are the details?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:

Electricity demand management is, as has long been the case, the principal responsibility of the Minister for Energy and Minerals and the answer supplied by the Minister for Energy and Minerals is:

(a) (i) consumer choice and education
(ii) household energy efficiency
(iii) government and commercial building efficiency
(iv) renewable and alternative energy
(v) cogeneration
(vi) research and development
(b)

(i) Yes. The pool-based system now in operation provides market support to viable cogeneration initiatives. Victoria has 321.3 MW of installed cogeneration plant.

(ii) Yes. Efficient energy use is encouraged and supported through the advisory services provided by the Energy Information Centre, programs such as the House Energy Ratings Scheme and through participation in national projects including development of a Commercial Building Energy Code.

(iii) Yes. Such programs include the Renewable Energy Assistance Program, which provides an incentive for the installation of new remote area power systems or upgrading of existing systems, fourteen renewable energy projects resulting in 27.5 MW of hydro and 40.1 MW of land fill capacity, and a number of other measures under the National Greenhouse Response Strategy.

Commercial building energy code

(Question No. 131)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

In relation to the demand management programs, have explicit policies and programs been developed for the design and construction of new commercial and industrial buildings?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer supplied by the Minister for Energy and Minerals is:

The government's policy is to support programs to encourage the use of energy efficient equipment and appropriate energy practices in the construction, refurbishment and management of government owned and tenanted facilities. The Victorian government is also leading the development of a voluntary national Commercial Building Energy Code to promote the adoption of energy efficiency measurers in building design by establishing standards to allow builders and tenants to compare the energy efficiency of commercial buildings. It is expected that the code will be finalised in 1995. Extensive consultation is underway to ensure that it has the greatest possible impact.

Energy Victoria has initiated an energy efficiency program for government buildings with estimated potential savings in energy costs of up to $1.26 million per year by ensuring that effective energy efficient equipment is used and appropriate energy practices are adopted in the construction, refurbishment and management of government owned and tenanted facilities.

Greenhouse gas emissions

(Question No. 132)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

In relation to the Toronto Targets calling for a reduction in carbon dioxide emissions by the year 2005, have any targets been set in Victoria; if so, what are they; if not, why?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:

Australia, along with 150 other countries, has signed the United Nations Framework Convention on Climate Change. The aim of the convention is to achieve the stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a timeframe sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner.

In order to implement the convention, Victoria, with all state and territory governments, the commonwealth government and the local government association, has adopted an interim planning target as the basis for the National Greenhouse Response Strategy. The interim planning target is to stabilise greenhouse gas emissions based on 1988 levels by the year 2000, and to reduce these emissions by 20 per cent by the year 2005, subject to Australia not implementing response measures that would have net adverse economic impacts nationally or on Australia's trade competitiveness, in the absence of similar action by major greenhouse producing countries.
Greenhouse gas emissions

(Question No. 133)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:
What areas of the minister's portfolio have been involved in monitoring demand management and the production of greenhouse gases and what resources are allocated to this area?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:
The Environment Protection Authority (EPA) is responsible for coordinating the implementation of the National Greenhouse Response Strategy (NGRS) within Victoria.
Specific activities in relation to emissions inventories are as follows:
The EPA published a Victorian inventory of greenhouse gas emissions in March 1994.
The EPA is represented on the National Greenhouse Gas Inventory Committee, which published the first national inventory of greenhouse gas emissions in September 1994. National inventories are to be published annually.
The National Greenhouse Gas Inventory Committee is currently producing state inventories of greenhouse gas emissions which are expected to be completed in July 1995. The inventory for Victoria is an update of the Victorian inventory published in March 1994.
Specific activities in relation to monitoring implementation of NGRS measures have included the following:
The National Greenhouse Response Strategy First Victorian Progress Report was released by the Victorian government in March 1994.
The EPA is represented on the Intergovernmental Committee for Ecologically Sustainable Development which is responsible to heads of government for reporting on implementation of the NGRS and review and further development of the strategy.
EPA officers have an ongoing involvement in these activities, which also involve resources in other portfolios. For example, several officers from other Victorian government agencies have participated in the various working groups associated with developing the National Greenhouse Gas Inventory methodology.

Greenhouse gas emissions

(Question No. 134)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:
What reports have been prepared by the Department of Conservation and Natural Resources and the Environment Protection Authority, respectively, dealing with demand management and reduction of greenhouse gas emissions since October 1992?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:
Since October 1992 a number of reports have been produced, all by the Environment Protection Authority, on these matters. They include:
Victorian Transport Externalities Study (May 1994)
Study of Vehicle Fuel Consumption Labels and other Point of Sale Materials (May 1994)
Greenhouse Saving Office Equipment (October 1993)
Local Government Energy Efficiency Program (November 1993)
The Greenhouse Effect and Ozone Depletion (May 1994)
School Greenhouse Saver (September 1994)
Greenhouse Gas Inventory for Victoria (March 1994)
Regional Impact on the Enhanced Greenhouse Effect on Victoria (October 1993)(with CSIRO)
Agriculture and Greenhouse in South East Australia (April 1993)(with Department of Agriculture, Energy and Minerals and CSIRO)
Climate Change and Snow Cover Duration in the Victorian Alps (February 1994)(with CSIRO)
Greenhouse gas emissions

(Question No. 135)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

What are the current greenhouse gas contributions from agencies whose policies are controlled by the state government, what was the trend over previous years, and what are the predicted trends over the next five years?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer is:

The Victorian Greenhouse Gas Inventory documents greenhouse gas emissions and sinks in the state. The methodology adopted in the inventory is consistent with that of the National Greenhouse Gas Inventory, which was developed as a high priority to assist the monitoring of the implementation of the National Greenhouse Response Strategy and fulfill Australia's international obligations under the Framework Convention on Climate Change. The methodology adopted by the National Greenhouse Gas Inventory Committee involves an analysis of greenhouse gas emissions and sinks by sector, rather than differentiating between government and nongovernment agencies.

Figures are provided from the Victorian Greenhouse Gas Inventory for those areas of the energy, waste water and land use change and forestry sectors over which Victorian government policy has some influence.

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<td>Landfills</td>
<td>211</td>
<td>277</td>
<td>308</td>
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<tr>
<td>Waste water</td>
<td>25</td>
<td>25</td>
<td>26</td>
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</tbody>
</table>

(* includes emissions of carbon dioxide, methane, nitrogen oxides, and volatile organic compounds)

Housing: retrofitting

(Question No. 136)

Hon. D. R. WHITE asked the Minister for Housing:

What programs exist for retrofitting of government buildings and public housing, respectively?

Hon. R. I. KNOWLES (Minister for Housing) — The answer is:

Retrofitting programs currently managed by the Office of Housing are:
- a program of retrofitting smoke detectors is in preparation and will be completed for all public housing over the next two financial years; and
- an ongoing program, started several years ago, for installation of water saving shower roses and dual flush cisterns. These units are installed when maintenance of existing fittings is required, when the property is vacated or when it is upgraded.

The Office of Building does not have any programs for retrofitting of government buildings but is involved on a project by project basis as requested by client agencies. The office has been conducting energy audits on behalf of the Department of Finance and Victoria Police. These audits lead to the development of energy policy recommendations. The office, on behalf of the Department of Finance is currently modifying the existing airconditioning and lighting to the Geelong public offices and Mildura public offices. There is no installation work underway for Victoria Police at this stage.

Electricity: demand management

(Question No. 137)

Hon. D. R. WHITE asked the Minister for Conservation and Environment:

What impact have the demand management programs had on electricity usage — (i) over the past three years; and (ii) currently, and what is the estimated impact over the next three years?
Hon. M. A. BIRRELL (Minister for Conservation and Environment) — The answer supplied by the Minister for Energy and Minerals is:

Whilst the impact on energy consumption of demand management programs is not readily assessable from the available data (either for the past three years or the preceding period, including the term of the former government) positive outcomes have been and will be achieved through initiatives such as:

- a program to assist government departments achieve energy savings which is estimated to reduce energy costs by up to $1.26 million per year.
- an energy smart companies campaign which will encourage medium to large scale businesses to adopt energy efficiency.
- demonstrating energy efficiency to small retail businesses.
- energy labelling of domestic appliances, which has saved hundreds of GWh of electricity since the inception of the scheme in 1987 and the Galaxy Awards for manufacturers of five star appliances.
- Australia’s first house energy rating system, offering new homes with five star ratings, saving up to $400 per year on energy bills.
- an urban villages project to demonstrate energy efficient urban design.
- the opening of a new Energy Information Centre.

These initiatives will contribute to a reduction in future service delivery costs in the government sector; increased use of energy efficiency by industry, small business and householders; and the construction of more energy efficient homes.

Intellectual Disability Services: staff

(Question No. 146)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

In respect of Intellectual Disability Services, how many staff were employed and at what classifications for each month from 1 October 1992 to 1 April 1995?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

Data is not available for each month. Figures are based on end of financial year data for 1993-93 and 1993-4 while data for 1994-95 is at 30 April 1995. Figures relate to paid staff only. Casuals are not included.

<table>
<thead>
<tr>
<th>Classification</th>
<th>1992-93</th>
<th>1993-94</th>
<th>1994-95</th>
</tr>
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<tbody>
<tr>
<td>Administrative Officer</td>
<td>212</td>
<td>217</td>
<td>204</td>
</tr>
<tr>
<td>Adviser</td>
<td>22</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Agricultural Assistant</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpenter App</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catering Services Mgr</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chaplain</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Cleaner</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cook</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elec Mech App</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Engineer Mech</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Executive Officer</td>
<td>13</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>Facility Services Officer</td>
<td>424</td>
<td>273</td>
<td>224</td>
</tr>
<tr>
<td>Fireman</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Garden Foreman</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gardener</td>
<td>28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Nurse</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>General Hand</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Reliever</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Human Services Worker</td>
<td></td>
<td>546</td>
<td>733</td>
</tr>
<tr>
<td>I.D.S.O</td>
<td>2212</td>
<td>2190</td>
<td>2197</td>
</tr>
<tr>
<td>Inquiry Officer</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry Foreman</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

In relation to voluntary departure packages, how many were offered to, and how many were accepted by, employees in Intellectual Disability Services — Accommodation Support Services in each financial year since October 1992 to date and what was the cost of the packages which were accepted?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

Data specific to Accommodation Support Services is not available as departmental data does not break VDP information down to subprogram level. The figures provided relate to the whole disability services program and include other client services, planning and administrative functions.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>VDPs Offered</th>
<th>VDPs Accepted &amp; Funded</th>
<th>Cost of VDPs Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>406</td>
<td>304</td>
<td>$8 161 381</td>
</tr>
<tr>
<td>1993-94</td>
<td>672</td>
<td>586</td>
<td>$14 285 767</td>
</tr>
<tr>
<td>1994-95</td>
<td>28</td>
<td>21</td>
<td>$485 705</td>
</tr>
</tbody>
</table>

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Education:

In relation to expenditure on new schools:

(a) Which regions are identified by the Directorate of School Education as growth regions?
(b) What has been the number of new schools constructed or under construction since 1992 and the value of the work done to date?
(c) What is the projected number of new schools and the value of construction by region to the year 2000?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Education is:

(a) The Directorate of School Education has identified growth areas within the South East Metropolitan Region and the North West Metropolitan Region.
Since 1992, across the state the provision of 12 new primary schools and 7 new secondary colleges have been announced. Total expenditure on these facilities will be approximately $71.7 million when they are completed.

The provision of new primary schools and secondary colleges to the year 2000 will be determined once all relevant information becomes more valid and reliable.

**Phillip Island: Nobbies reserve**

(Question No. 171)

Hon. B. T. PULLEN asked the Minister for Housing, for the Minister for Planning:

What report or reports have been prepared by the Land Conservation Council relating to the status of the reserve at the Nobbies, Phillip Island, and adjacent areas and when will this report or reports be released?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Planning is:

The following reports published by the Land Conservation Council are relevant to the Nobbies, Phillip Island and adjacent areas:


The council’s final recommendations on the Marine and Coastal special investigation are expected to be published by 30 November 1995.

**Building Administration Fund**

(Question No. 183)

Hon. B. T. PULLEN asked the Minister for Housing, for the Minister for Planning:

How much money has been paid into the Building Administration Fund from the building permit levy since 1 July 1994?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Planning is:

From 1 July 1994 to 30 April 1995, $2,263,681.00 was collected by the Building Control Commission in respect of the building permit levy and credited to the Building Administration Fund.
Industry: regional and trade support program

(Question No. 156)

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Industry and Employment:

In relation to the industry regional and trade support program and the department's overseas offices in Tokyo, Hong Kong, London and Frankfurt and its representative in Seoul:

(a) How many staff were employed, and what were the operating costs for each office in 1993-94?
(b) How many — (i) export inquiries; (ii) investment related inquiries; (iii) seminars; and (iv) ministerial or business visits were facilitated by each office in 1993-94?
(c) What was the value of — (i) additional exports and sales; and (ii) investment by each office in 1993-94?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Industry and Employment is:

The Department of Business and Employment has provided the following details for the 1993-94 period.

(a) Number of staff employed and operating costs.

<table>
<thead>
<tr>
<th>Office</th>
<th>Staff</th>
<th>Rental Accom.</th>
<th>Other</th>
<th>Total Operating Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tokyo</td>
<td>5</td>
<td>$548 877</td>
<td>$951 123</td>
<td>$1.5m</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>3</td>
<td>$141 528</td>
<td>$358 472</td>
<td>$500 000</td>
</tr>
<tr>
<td>London</td>
<td>8</td>
<td>$ 4 028</td>
<td>$906 972</td>
<td>$911 000</td>
</tr>
<tr>
<td>Frankfurt</td>
<td>4</td>
<td>$100 000</td>
<td>$549 177</td>
<td>$650 000</td>
</tr>
<tr>
<td>Seoul</td>
<td>1</td>
<td>$ 50 000</td>
<td>$ 50 000</td>
<td>$ 50 000</td>
</tr>
</tbody>
</table>

(b) Number of export inquiries, investment inquiries, seminars and visits.

<table>
<thead>
<tr>
<th>Office</th>
<th>Export Inquiries</th>
<th>Investment Inquiries</th>
<th>Seminars</th>
<th>Visits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tokyo</td>
<td>144</td>
<td>77</td>
<td>2</td>
<td>144</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>76</td>
<td>30</td>
<td>15</td>
<td>62</td>
</tr>
<tr>
<td>London</td>
<td>15</td>
<td>93</td>
<td>9</td>
<td>35</td>
</tr>
<tr>
<td>Frankfurt</td>
<td>25</td>
<td>15</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Seoul</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

(c) Value of export sales and investments.

<table>
<thead>
<tr>
<th>Office</th>
<th>Export Sales</th>
<th>Investments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tokyo</td>
<td>$17.5 million</td>
<td>$44 million</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>$15 million</td>
<td>$110 million</td>
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<tr>
<td>London</td>
<td>$178,000</td>
<td>$21 million</td>
</tr>
<tr>
<td>Frankfurt</td>
<td>$5 million</td>
<td>0</td>
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<tr>
<td>Seoul</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

In relation to part (c) the following matters should be taken into consideration:

1. The export and investment figures are unaudited and are based on information provided by client companies.
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2. During 1993-94, three German companies indicated their intention to invest in Victoria as a result of assistance and advice from the Frankfurt office. To date these investments have not occurred.

3. The Victorian government's representative in Seoul has been employed on a part-time basis since 1 January 1994. He is the Director of CapVision International, a Korean based consulting company.

Industry: regional and trade support program

(Question No. 157)

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Industry and Employment:

In relation to the industry regional and trade support program and the department's overseas offices, what is the status of the proposed office in Jakarta?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Industry and Employment is:

In my capacity as Minister for Industry and Employment, I officially opened the Jakarta office on 16 March this year. The office is located in the Wisma Dharmala Sakti building in the central business district. It provides Victorian companies with basic market information on the expanding and complex Asian market and gives advice on trading issues, investment opportunities and joint ventures. It is also an away from home contact for companies setting up or expanding their existing efforts in the region and as part of this activity facilitates meetings with government and business officials from both countries.
Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

How many child-care places have been funded by the state government since October 1992, indicating the type of child-care service but excluding all places funded through the national child care agreement?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

Since October 1992, the government has provided capital funding for the establishment of 478 new long-day care child-care places on or near TAFE campuses for the use of staff and students of the TAFE college, as well as members of the local community. The government also contributed capital funding for the establishment of 235 new work-related long-day care places, 125 community-based long-day care places, 25 long-day care places for Aboriginal children and 30 centre-based school age places.

Six of the new centres included a community room which in some cases is used to provide additional school age or occasional care places. Seven of the new centres provided new preschool places which attract recurrent funding from the state government.

The government currently provides recurrent funding for 1266 TAFE child-care places and five work-related long-day care places.

These figures do not include the large number of new long-day care, occasional care and school age child-care places which have been funded under the national child care strategy.
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<th>Remaining stages</th>
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<td><strong>Food (Amendment) Bill</strong></td>
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<td>756, 1008, 1016</td>
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<td><strong>Gas and Fuel Corporation (Repeal) Bill</strong></td>
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<td>1155, 1223</td>
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<td><strong>Health Acts (Amendment) Bill</strong></td>
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