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

PETITION

Melbourne Water superannuation

Hon. D. R. WHITE (Doutta Galla) presented a petition from certain citizens of Victoria requesting that all existing employees of Melbourne Parks and Waterways who are members of the Melbourne Water Superannuation Fund be provided with an option to remain in the existing fund, should that be their desire, to ensure that no loss of entitlements occurs. (63 signatures)

Laid on table.

TELEVISING OF PROCEEDINGS

The PRESIDENT — Order! I have given permission for today's proceedings to be televised in accordance with the rules adopted by the house.

PAPERS

Laid on table by Clerk:

Statutory Rules under the following Acts of Parliament:

Aerial Spraying Control Act 1966 — No. 62
Stock Diseases Act 1968 — No. 61
Subordinate Legislation Act 1994 — Nos 64 to 66

Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:

Australian Food Industry Science Centre Act 1995 — Sections 5 to 30 — 1 June 1995 (Gazette No. G21, 1 June 1995).

AUDITOR-GENERAL: GOVERNMENT CONTRACTS

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

That this house calls on the government to assist the Auditor-General in any inquiries he may wish to make by providing him with full access to —

(a) all contracts which create a liability for the state of Victoria, including the grand prix and automatic ticketing contracts;

(b) all employment contracts, consultancy arrangements and advertising contracts entered into by ministers or government departments; and

(c) all information on proposed asset sales which would allow the Auditor-General to determine if sale prices will financially disadvantage the state of Victoria.

This is a motion that all members who believe in scrutiny, accountability and the democratic process should support.

Honourable members interjecting.

The PRESIDENT — Order! I suggest that honourable members allow Mr Theophanous the opportunity to develop his argument. He had two words out before honourable members interrupted him.

Hon. T. C. THEOPHANOUS — The motion provides the opportunity for members of the government to stand for something; to stop talking about accountability and actually do something about it, to be prepared to be accountable. The motion is based on the notion that the Auditor-General should have access to contracts entered into by the government and its ministers. He does not have access to those contracts.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — If government members think he has access to them they should vote for the motion.

Honourable members interjecting.

The PRESIDENT — Order! Mr White is not helping his leader. Mr Theophanous, without assistance.
Hon. T. C. THEOPHANOUS — It has become necessary for the opposition to take this action because of the extraordinary number of secret agreements, employment contracts and deals the government has entered into. Hundreds, if not thousands, of contracts entered into by the Kennett government have escaped scrutiny by anyone, including the Auditor-General. Billions of dollars in liabilities are at stake in contracts the government has entered into, whether they be for private prisons, the City Link project or other matters. The people of Victoria will pay for those contracts in the future.

Honourable members interjecting.

The PRESIDENT — Order! This is hopeless. Mr White is not helping his leader by responding to interjections from my right. I ask Mr Smith, in particular, to desist from his interjections, and I ask Mr White to allow his leader to develop his case.

Hon. T. C. THEOPHANOUS — I intend to detail some of the contracts, particularly those that involve the government's mates and cronies. The Kennett government is creating not only a contract state but a secret contract state, where secret contracts are entered into for the benefit of its mates.

In the past week details of two secret contracts entered into by the Kennett government have been revealed to the Victorian taxpayer: first, the extraordinary employment contract between the former Minister for Finance, Mr Smith, and his chief of staff, Cheryl Harris — an employment contract that would be the envy of any public servant. The contract did not come to light through the Auditor-General having access to the contract or through the minister making it available: it came to light through Cheryl Harris making it available.

Among the things this contract precludes is Miss Harris being transferred without her permission. The contract is not only absolutely outrageous; when you look at the contract — —

Hon. Bill Forwood — You've seen it, have you?

Hon. T. C. THEOPHANOUS — Smith says in the contract that he planned to transfer Cheryl Harris to another government department because her work was no good. How can she be transferred within the public service, given that she was a political appointment, a ministerial adviser — —

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — Listen, and you might learn something! — and not a permanent public servant?

Under the Public Sector Management Act there is no capacity to transfer political staffers to positions within the public service.

Honourable members interjecting.

The PRESIDENT — Order! It is necessary in these procedures that the Hansard reporters are able to hear. Hansard cannot possibly hear with that sort of racket going on. I ask honourable members to contain themselves.

Hon. T. C. THEOPHANOUS — The fact that these transfers cannot occur under the Public Sector Management Act is apparently a mere formality to this government, judging by the way it operates.

A second aspect of this matter is: given that Smith was Miss Harris's employer, why was the letter purporting to sack her signed by Frank King, a bureaucrat? Again this is inconsistent with section 95A of the Public Sector Management Act, which states that ministers hire their ministerial staff and, as a consequence, they fire their ministerial staff. The letter should not have been signed by Frank King; it should have been signed by the now finance minister, the Premier of this state, Jeff Kennett. Again there has been no attention to due process.

The Employee Relations Act states that all employment contracts must be in writing. Yet, as reported in the Sunday Age, many ministerial advisers do not have written contracts. The government clearly does not care about accountability, and the Leader of the Government in this house is not even interested in listening to the debate and making a reasoned contribution.

Hon. M. A. Birrell — We heard it all on Couchman this morning!

Hon. T. C. THEOPHANOUS — You will get your opportunity. I'm sure. The fact that employment exists within the Kennett government without written contracts is a breach of its own legislation, the Employee Relations Act.

Even the Employee Relations Commission has raised serious concerns about this government's contracts. On page 2 of its annual report it specifically states:
The absence of any provision for the independent scrutiny of individual and collective employment agreements other than for the purposes of enforcement is a matter of concern.

That is what the Employee Relations Commission said; so it can be added to the Auditor-General as one of the independent bodies that are concerned about the employment contracts entered into by this government. However, apparently that does not matter to the members opposite.

Yesterday it was revealed that the Premier contracted to pay $1.5 million from the Community Support Fund, the government's gambling slush fund, to the oneAustralia America's cup syndicate as part of a secret gamble with taxpayers' money. We are not arguing about the merits of the $1.5 million. We are arguing about whether that should have been made known to the Victorian public — and it was not made known. No-one knew about it: not the Auditor-General, not the public, not the opposition. That is part of the secrecy this government is involved in.

Both these contracts raise serious questions about the nature and standard of contractual arrangements entered into by this government. Victorians are understandably worried about these secret deals. The Premier is keeping too many secrets from the Victorian people. The Kennett government has deliberately entered into contracts that are constructed in a way that avoids review by independent third parties. In the case of the formula one grand prix there were deliberate attempts to avoid scrutiny.

The Victorian people have a right to know that contracts entered into by the government have been negotiated and awarded on a fully commercial basis, that proper processes have been followed, that they have been offered without fear or favour and that they represent the best value possible for the people of Victoria.

To allay growing concerns within the community that there is one rule for the Premier and his cronies and another for the rest of us, the opposition has called on the Auditor-General to investigate a range of the employment contracts and consultancies entered into by the government.

In this motion we are saying that the Parliament should get behind the Auditor-General and give him the power to scrutinise the contracts. The Auditor-General is there as one of the checks and balances that keep the government honest and accountable. The Kennett government should not get in the way of his doing his job.

The Auditor-General should as a matter of urgency be given details of a whole range of contracts that to date have been kept secret from the Victorian public.

Hon. R. M. Hallam — Like what?

Hon. T. C. THEOPHANOUS — You might not care about them and you might think they are all right, Mr Hallam, because of your involvement in local government, where you think anything is all right. I will get on to that in a minute.

I refer to a range of contracts and appointments that have received little attention so far: the appointments of paid local government commissioners right around the state. At the outset it should be said that Victorians want a return to democracy in local government. The government may not care about that, but Victorians also want an end to the jobs-for-mates policy that has been the hallmark of the government’s changes to local government.

I make it clear at the outset that the opposition does not condemn the appointment of people just because they are members of a particular political party; it is a question of balance. However, the Kennett government has gone too far. It has made appointments in local government without having regard to the merits of the people it has appointed; instead, it has made appointments having regard to whether appointees are members of particular political parties.

The question is: can the predominance of Liberal and National Party commissioners be explained away by a claim that they were appointed simply on merit? The opposition believes the answer is no! It is not only the sheer number of appointments of Liberal or National Party members, we also know nothing about the nature of the individual contracts that have been entered into or what sorts of deals have been done behind the scenes.

The opposition puts it to the house that the majority are there because they are prepared to toe the Liberal Party line — because they are members of the Liberal or National parties. They are Liberal Party stooges. The government has become a retirement village for Liberal Party stooges.
The opposition has done an analysis using Liberal Party and National Party membership lists. What did it find? Government members may think this is reasonably balanced: of the 77 councils established by the government, 45 have at least one commissioner who is a member of either the Liberal Party or the National Party.

Hon. R. I. Knowles interjected.

Hon. T. C. THEOPHANOUS — Do you think that is all right, minister? In the cases of the City of Frankston, the Shire of Glenelg, the Shire of Indigo and the Shire of Pyrenees, all commissioners are members of either the Liberal Party or the National Party. The question is simple: did the constituents of those local government areas elect Liberal councils? The answer is no. Instead, Liberal councils have been installed in those places by decree of the Minister for Local Government.

In another eight cases — the Rural City of Ararat, the Shire of Baw Baw, the Shire of Cardinia, the Shire of Colac-Otway, the City of Greater Bendigo, the Shire of La Trobe, the Shire of Southern Grampians and the City of Wyndham — more than one commissioner is a member of either the Liberal Party or the National Party. Up to 62 members of either the Liberal Party or the National Party have been appointed as commissioners in this state. It is not a bad job-creation scheme for Liberal and National Party cronies. Of the 77 councils, 24 have as chief commissioner or chairman a member of either the Liberal Party or the National Party. It is an absolute disgrace!

I will now give some examples. At the City of Frankston we have Mr Tom Sweeney, whose Liberal Party number is 273942; Mr Max Batchelor, whose number is, 560021; and Mr James McCoy, whose number is 175643. All three commissioners are members of the Liberal Party. At the Rural City of Ararat, Peter Carthew and John Dunn are members of the Liberal Party. At the Shire of Bass Coast, Maxwell Hopper is a member of the Liberal Party. At the Shire of Baw Baw, Wayne Hardie is a member of the Liberal Party and Thomas Wallace is a member of the National Party.

Honourable members interjecting.

The PRESIDENT — Order! The house will recall that earlier this year it debated a motion moved by Mr Nardella which concerned the appointment of local government commissioners and which dealt with some of the issues now being raised by the Leader of the Opposition. The house reached a conclusion on that matter and the motion was negatived. I direct the attention of the Leader of the Opposition to the terms of his motion and, given that the house has already dealt with the issue to some extent, ask him to move on.

It is impossible to hear what the Leader of the Opposition is saying over the cacophony coming from both sides of the house. I ask honourable members to control themselves, to allow the Leader of the Opposition to continue his speech and to hear the Minister for Local Government respond in silence.

Hon. T. C. THEOPHANOUS — I am referring to new material compiled by the opposition. I have a comprehensive list and it is important that the information be put on public record.

At the City of Bayside, Douglas Clark, and at the Shire of Cardinia, Pamela Jones and John Raymond, are all members of the Liberal Party. At the City of Casey, Michael Blyth —

Hon. G. R. Craige interjected.

Hon. T. C. THEOPHANOUS — I am only too happy to give the numbers. At the Shire of Colac-Otway, Marie Thornton’s number is 67611 and Neil Stewart’s number is 71181; at the Shire of Corangamite, Neville Smith’s number is 8277732; at the Shire of Glenelg, Digby Crozier, whose number is 53519, Holford Wettenhall and Jeffrey Baulch are all members of the Liberal Party.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! There is far too much interjection. I do not want to have to deal with any honourable member, but if I have to I will. I ask the Leader of the Opposition to continue, without interruption.

Hon. T. C. THEOPHANOUS — Claire Barber at the Shire of Golden Plains, Peter Ross-Edwards and Maurice Sharkey at the City of Greater Bendigo —

An Honourable Member — Have you got the membership number?

Hon. T. C. THEOPHANOUS — Are you saying he is not a member? At the City of Greater Geelong, Glyn Jenkins; at the Rural City of Horsham, Peter Fisher; at the City of Hume, John Moller; at the Shire
of La Trobe, Deborah Scott; at the Shire of Loddon, Murray Treseder — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The house will come to order! It is totally impossible for the Hansard reporter to take down the debate. There is one person taking down the debate when we need 10 to take down all those attempting to speak at once! I suggest that Mr Theophanous abide by the President’s ruling on matters that have already been discussed.

Hon. T. C. THEOPHANOUS — In the Macedon Ranges Shire Council, Jack Reilly; in the Manningham City Council, Adam Kempston; in the Maroondah City Council, John Bateman and John Nathan; in the Melton Shire Council, Alistair Fraser;

An Honourable Member — What’s his number?

Hon. T. C. THEOPHANOUS — John Bateman, 590919; in the Melton Shire Council, Alistair Fraser; in the Monash City Council, Colin Bock; in the Moorabool Shire Council, Frank Frawley; in the Mount Alexandra Shire Council, Mos Thompson; in the Moyne Shire Council, Eda Ritchie; in the Nillumbik Shire Council, Don Cordell; in the North Grampians Shire Council, George Bennett; in the Port Phillip City Council, Des Clark; in the Pyrenees Shire Council, Douglas Ball, Maxwell Martin and Jill Meanthrel; in the South Gippsland Shire Council, Bruce Warr; in the Southern Grampians Shire Council, Catherine Bowman; in the Strathbogie Shire Council, Michael Tehan, cousin to the minister; in Towong, a National Party member, Rex Hunter; in the Warrnambool City Council, David Jones; in the Wellington Shire Council, Joan Capp; and in the West Wimmera Shire Council, David Koch. There are still more! In the Wyndham City Council, Keith McGregor and Neville Goodwin; in the City of Yarra, Julian Walmsley; and in the Yarra Ranges Shire Council, Jim Ramsey.

All those people are members of either the National Party or the Liberal Party. Any fair-minded person in our community would have to say that this government has gone too far. The government has installed members from the Liberal and National parties into local government by decree. It has created a Liberal local government by decree! That is what it has done! In the majority of municipalities the community is outraged because of these separate contracts.

We also want to know the truth about other employment contracts, and I shall go through a few others. We have the appointment of Greg Craven as Crown Counsel and the Attorney-General’s ministerial adviser. On 27 October 1992 the Attorney-General signed an order in council setting his salary at $93,000. This is way above the maximum salary for a ministerial adviser. It was against the initial advice of the Victorian Government Solicitor, but that did not stop this government from proceeding anyway.

We still want to know the details of Mr Craven’s contract. Has it been renegotiated? What are the termination provisions? Does he get a car, a mobile phone? Is it a fixed term? Does he get a year’s pay if he is dismissed like Cheryl Harris? We do not know. No-one knows because we are unable to see the contract.

There is the appointment of Pat Stone to undertake a review of the management of the Metropolitan Ambulance Service. Being the former chief executive of CUB, he worked closely with the Kennett government as part of the team that won the grand prix from South Australia. He was also a board member of Crown Casino. We want no know what that contract is about.

The people of Victoria want to know how the contract that put Ross Wilson as head of Tabcorp was negotiated. Who did those negotiations? What was the basis of providing him with an $8 million salary package? I turn to the appointment of Michael Tilley and Centaurus Finance, negotiations on the payment to be made to Mr Tilley, the selection of Roger Graham to advise the government on the privatisation of Met bus services, and the contractual arrangements between Mr Graham and the government.

There was the appointment of the Chung Corporation as the TAB’s Vanuatu agent and the suspension and then termination of the Chung Corporation’s contract with the TAB. Other questions concern the chairs and directors of the new water, power and gas boards. What do their contracts look like? What do their termination clauses indicate? We do not know!

The Auditor-General should also investigate the propriety of the following secret contracts: the tender process for the Melbourne casino, including cabinet guidelines that were used; and all contracts between the state government and Crown and its associates concerning the operation of the Crown
Casino. We want to know about the Vicroads supply department contract, which was awarded to Australian Highway Plant Services, a company associated with Richard Pratt, Liberal MP Julian Beale and Charles Abbott. The supply department was purchased at a fire-sale price. We want to know what the Public Transport Corporation contract — —

_Honourable members interjecting._

_Hon. D. R. White — It's a rotten, stinking deal._

_The PRESIDENT — Order! I recall the house dealt with that matter; I suggest we move on to another issue._

_Hon. T. C. THEOPHANOUS — We want to know about the contractual arrangements between Australian grand prix promotions and Mr Bernie Ecclestone in relation to the staging of the grand prix at Albert Park and all the details of the construction of the grand prix track and arrangements for the running of the race._

The Auditor-General has raised this matter, and quite properly so, in his annual report. At page 111 he says:

_The state's commitments and exposures under the financial arrangements for the staging of the Melbourne Grand Prix, include:_

_ the funding of any liabilities or losses incurred by MGPP, which cannot be funded from its own revenues and resources; and_

_ the funding of MGPP operations on a month to month basis ..._

_Then he says:_

_Audit was advised by the Department of the Treasury that an analysis was undertaken by the department ... However, no evidence was made available to audit to support this statement._

So the Auditor-General cannot get access to information about the grand prix. We want to know about all contracts entered into by KNF Advertising with the Urban Land Authority or any other government department or statutory authority. The Premier would prefer us to forget that his family company, KNF Advertising, entered into a secret contract with the Urban Land Authority to publicise the Roxburgh Heights housing development. The Premier would also prefer that we forget that a prominent barrister, Mr Rob Castan, QC, examined the Roxburgh deal and found that KNF stood to receive about $52,000 in government money. The Premier breached section 55 of the constitution, which forbids MPs from having commercial dealings with the Crown. But, instead of defending himself in the legal process, what did he do? He used his numbers in the Parliament to exonerate himself of any wrongdoing.

We want to know about the $1.8 million contract to promote the sale of the state's electricity system awarded to DDB Needham. The advertising firm DDB Needham worked on the coalition's Guilty Party ads prior to the last election. Coincidentally, after coming to power, the Kennett government appointed Peter Bennett from DDB Needham as the Premier's director of communications.

The Guilty Party contract paid off for Mr Bennett. It also paid off for DDB Needham. In January 1995 that same Mr Bennett, as director of communications for the Premier, awarded a $1.8 million contract to promote the sale of the state's electricity system to none other than Mr Bennett's old firm DDB Needham without calling for public tenders for the contract.

We want the Auditor-General to be able to examine those contracts, particularly the contract without Tender Board approval with DDB Needham for the government's industrial relations advertising campaign. We want to know about the contracts awarded to Leeds Media and Communication Services Pty Ltd to act as the government's master media buyer. It was none other than Mr Bennett who awarded the contract for master media services for all government advertising services to Leeds Media. Coincidentally, a former colleague of Mr Bennett from DDB Needham, Paul Leeds, is the principal of Leeds Media. At the time it was awarded the contract, Leeds Media did not even formally exist. That is an example of the lengths to which the government will go!

We want to know about contracts for work done for the Liberal Party by David Nettlefold prior to the 1992 election and details of any contractual arrangements entered into with David Nettlefold by the Premier, Vicroads or any other government agency involved in the awarding of contracts for advertising along the Tullamarine Freeway.

The Kennett government used Nettlefold Advertising signage to erect the Guilty Party advertisements prior to the last election. Mr Michael Nettlefold of Nettlefold Advertising has now established his own business, NLD Asia Pacific.
Outdoor Advertising, which was awarded the government contract for the Tullamarine Freeway advertising. He then erected on the Tullamarine Freeway a large photograph of the Premier to welcome people to this state — I am sure that photograph has put off more people than it has welcomed! We want to know — —

Hon. Bill Forwood — Who is 'we'?

Hon. T. C. THEOPHANOUS — The people of Victoria and the Auditor-General. We all want to know. We want to know about the contracts awarded by the Metropolitan Ambulance Service for private ambulance services and about the multimillion dollar contract to Intergraph to operate the ambulance service communications centre. We also want to know about the contracts between the Metropolitan Ambulance Service and Henderson Consultants, and about the contract arrangements for the Cranbourne emergency ambulance station.

Victorians want to know about the awarding of contracts to the National Bus Company Pty Ltd to operate bus services; and about the contract to Transurban for the City Link project. The people want to know the nature of the contracts.

We want to know about the consultancies and contracts awarded by the government to Stratcom Consulting Pty Ltd, and about the contracts between Mr Andrew Hay’s company Adroyal Ltd and the ULA concerning the Mews contract in South Yarra. We want to know about the contracts between the Department of Justice and developers, financiers and operators of the three new prisons to be built in Victoria with Corrections Corporation of Australia, a subsidiary of Corrections Corporation of America, and Australasian Correctional Services, a subsidiary of Wackenhutt Corporation of America. Those contracts will create a huge future liability for Victorians.

Government members interjecting.

The PRESIDENT — Order! Mr White and Mr Hartigan are not helping Mr Theophanous.

Hon. T. C. THEOPHANOUS — The government had three Queen’s Counsel pore over the contracts for weeks at God knows what cost to find loopholes in the contracts, but they could not find any. The expert advice is that there is no legal escape without risking a multimillion dollar payout. The government entered into contracts which are heavily weighted in favour of Onelink. Consequently, the government is now lumbered with an automatic ticketing system that is not working, the implementation of which is more than 12 months overdue and the absence of which is costing the government $500 000 a week through chronic fare evasion.

The house should examine the secret sale of Government Veterinary Laboratories to Centaur International Pty Ltd, a company associated with senior National Party members. Mr Stuart Macdonald, a former member of Parliament and federal and state President of the National Party, was a board member of Centaur which won the right to purchase Victoria’s four then Department of Agriculture veterinary laboratories.

Information obtained under FOI shows the department entered into secret negotiations with individuals associated with Centaur six months and unscreened. That is the way the government operates. It creates an enormous range of liabilities — billions of dollars — for future taxpayers and it then turns around and says to the people of Victoria, 'We have reduced debt!'

The Auditor-General should also investigate other secret commercial contracts including the sale of the State Supply Office, the sale of the Shamrock Hotel in Bendigo, the sale of former school sites including those sold to Hudson Conway, and the contract awarded to Onelink for automatic ticketing.

When the contract with Onelink was signed, the Minister for Public Transport in the other place locked the government into a contract that could not be broken without taxpayers incurring millions of dollars in losses. Now the introduction of the system is more than a year behind schedule. There are no ticketing machines on stations or on trams, and there is not even a workable prototype! The government has employed three Queen’s Counsel — —

Honourable members interjecting.

The PRESIDENT — Order! Mr White and Mr Hartigan are not helping Mr Theophanous.
before the contracts were offered for tender. The then Department of Agriculture put contracts out for tender only after being advised by the former Minister for Finance, Mr Smith, that the government's privatisation guidelines required that the contract be offered for public tender.

The department cobbled an advertisement and tender specifications and gave interested parties only 28 days to lodge submissions. All potential tenderers to that project sought extensions of time except Centaur, which had been involved in negotiations for six months. All were denied extensions and in the end, only two companies lodged tenders—Centaur and a consortium of veterinary pathology providers. Surprise, surprise! Centaur won the contract. The government is still fighting opposition attempts to obtain information about the contracts under FOL.

The list goes on and on! What about the proposed contracts for the sale of the state government nursing homes and the proposed contracts for the sale of cleaning and cooking services in public hospitals in Victoria? All the contracts I have listed have not been scrutinised and the Auditor-General is unable to scrutinise them.

Government Members — Wrong!

Hon. T. C. THEOPHANOUS — If government members want further evidence of that, let us look at the recommendations of the Public Accounts and Estimates Committee, recommendations the government rejected.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Government members should read some of the Auditor-General's reports. They obviously do not. I quoted one concerning the grand prix not long ago. They obviously were not listening.

Hon. M. A. Birrell — Quote it.

Hon. T. C. THEOPHANOUS — You will have an opportunity when you get up. Let us consider some of the recommendations of the Public Accounts and Estimates Committee:

The Auditor-General should have access to all documentation, including strategies and work programs, associated with the special investigations and performance reviews undertaken ...

The Public Accounts and Estimates Committee would not put up such a recommendation if it believed the Auditor-General currently had that power. He does not have that power; the Public Accounts and Estimates Committee has asked for that power to be extended to the Auditor-General, but that request was denied. Another recommendation is as follows:

The legislative mandate for financial and performance audits by the Auditor-General should be broadened to ensure that it captures all government business enterprises including the various forms of state-owned enterprises as part of the current legislative reforms ...

Legislation should require that the Auditor-General audits all entities (including trusts, joint ventures, partnerships, and companies and other entities) in which the state has a controlling interest.

Recommendation 4.3 states:

The Auditor-General should review and evaluate the adequacy of the processes that the central or other agencies put in place to monitor and safeguard minority public sector holdings in private sector entities.

The Public Accounts and Estimates Committee has recognised one basic fact. We now live in a contract state where all sorts of deals are done with the private sector for government work paid for by the government and taxpayers. The Auditor-General's powers are inadequate in this new contract state. The Public Accounts and Estimates Committee is suggesting the Auditor-General's powers need to be extended. The response of the Premier and government to the recommendations of the Public Accounts and Estimates Committee is, no, they will not extend those powers.

The Auditor-General has raised serious concerns. The Auditor-General has identified that millions of dollars are being spent on consultancies regarding the SEC. He has identified that $76 million has been spent so far. The use of these funds has to be scrutinised by an independent person because no-one knows what the nature of these consultancies are; no-one knows whether Victoria has value for money from the spending of $76 million. That is because the Auditor-General, whenever he tries to access information, comes up against two obstacles: he is told he cannot have the information he seeks, firstly, because it is the subject of cabinet deliberations; and, secondly, because the information is commercial in confidence. Every time
information is sought, this is what takes place. There is no proper scrutiny. The details of all these contracts have been kept secret from the Victorian people.

It is time the Premier and the government came clean. Details of contracts have come out despite the efforts of the Kennett government to make clear that there is one rule for the Premier and his mates and another for the rest of us. If the Premier is to expect us to believe his statements about open government and accountability, he should make details of all contracts mentioned available to the Auditor-General. No member in this place should have any difficulty with that.

This is an opportunity for government members to put their money where their mouth is; to stand up for once for accountability, scrutiny and proper process in this state. It is clear the government is about secrecy, cronies and secret deals. I urge honourable members to have the decency —

Hon. Bill Forwood — Speak a bit on asset sales.

Hon. T. C. THEOPHANOUS — Other opposition members are yet to speak. The Auditor-General has raised in his report serious concerns about asset sales. He states:

... any financial benefit to the state from the reform program, over and above that which would be derived from existing revenue streams, will be principally dependent upon the level of proceeds from privatisation.

He has indicated that he is concerned whether the government will achieve its claimed $13 billion to $14 billion from the sale of SEC assets. We already know the government is considering selling United Energy for about a billion dollars.

Hon. Bill Forwood — Says who?

Hon. T. C. THEOPHANOUS — That is the figure that has been floated. We also know that if United Energy is sold for around that figure that will not even cover its share of the SEC debt. The opposition looks forward to the government’s stating what is an appropriate figure for the sale of United Energy.

The opposition makes clear, as it has in its SEC policy paper, that it will not allow the people of Victoria to be duded by the government. Within two months of election to government, the Labor Party will authorise the Auditor-General to report whether those sales have been in the financial interests of the people of Victoria. We will take action in that regard.

In conclusion, the motion provides the opportunity for honourable members to vote for accountability and proper scrutiny.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — I urge all honourable members, including Mr Forwood, to have the decency to give the Auditor-General the power to scrutinise the government.

Honourable members interjecting.

The PRESIDENT — Order! The honourable member is trying to wind up his contribution to the debate. He is not being helped by Mr Forwood or Mr White, who are dealing with year-old issues.

Hon. T. C. THEOPHANOUS — This government is about secrecy, cronies and secret deals. I urge all members to vote to give the Auditor-General the power to scrutinise this government before it is too late for all of us.

Hon. R. M. HALLAM (Minister for Local Government) — We have just heard the most extraordinary performance. I know it is near the end of the parliamentary session and I suppose we should be somewhat forgiving in those circumstances, but I have to say that even I was embarrassed by the performance of the Leader of the Opposition. I submit to the honourable members, including Mr Forwood or Mr White, who are dealing with year-old issues.

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The opposition makes clear, as it has in its SEC policy paper, that it will not allow the people of Victoria to be duded by the government. Within two months of election to government, the Labor Party will authorise the Auditor-General to report whether those sales have been in the financial interests of the people of Victoria. We will take action in that regard.

In conclusion, the motion provides the opportunity for honourable members to vote for accountability and proper scrutiny.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — I urge all honourable members, including Mr Forwood, to have the decency to give the Auditor-General the power to scrutinise the government.

Honourable members interjecting.

The PRESIDENT — Order! The honourable member is trying to wind up his contribution to the debate. He is not being helped by Mr Forwood or Mr White, who are dealing with year-old issues.

Hon. T. C. THEOPHANOUS — This government is about secrecy, cronies and secret deals. I urge all members to vote to give the Auditor-General the power to scrutinise this government before it is too late for all of us.

Hon. R. M. HALLAM (Minister for Local Government) — We have just heard the most extraordinary performance. I know it is near the end of the parliamentary session and I suppose we should be somewhat forgiving in those circumstances, but I have to say that even I was embarrassed by the performance of the Leader of the Opposition. I submit to the house that he has made no case whatsoever, and I therefore move the following reasoned amendment:

That all of the words after “house” be omitted with the view of inserting in place thereof:

“acknowledges the role of the government in cooperating with the Auditor-General in the discharge of his duties and congratulates the government on enhancing his role in protecting the public interest”.

It may be slightly novel, but one of the things I intend to do in rebutting the very weak argument the opposition presented is to go to the motion. Mr Theophanous did not spend too much time discussing the issues he purported to raise, and I shall remind the house of exactly what he suggested we should be considering. He moved:

That this house calls on the government to assist the Auditor-General.
He then went on to say during the debate — and these were your words, Mr Theophanous, and you will stand or fall by them — that hundreds and thousands of contracts and billions of dollars are at stake. He also said the government was driven by mates and cronies and that this was a secret-contract state.

Hon. T. C. Theophanous — That is right.

Hon. R. M. HALLAM — I will come to the evidence you offered to the house to support that, but before I do, I wish to address the substance of the motion Mr Theophanous apparently wanted to debate. The Audit Act of 1994 — and the date is significant, Mr Theophanous, remember the change of government — —

Hon. T. C. Theophanous interjected.

Hon. R. M. HALLAM — This is for your benefit, Mr Theophanous. I know it is going to be difficult, but this is for your benefit. Section 12 of the Audit Act 1994 states:

No obligation to maintain secrecy or other restriction on the disclosure of information obtained by or furnished to persons employed in the public service or by an authority, where imposed by an enactment or rule of law, applies to the disclosure of information required by the Auditor-General or a person authorised by the Auditor-General for the purposes of an audit under this act.

Hon. D. R. White — The government is not adhering to it.

Hon. R. M. HALLAM — This is the law of the land which was promulgated in this Parliament under this government and this stewardship.

Hon. B. T. Pullen interjected.

Hon. D. R. White interjected.

The PRESIDENT — Order! I protected the Leader of the Opposition when he was putting his case and I will protect the minister when he is putting his.

Hon. R. M. HALLAM — The argument put by Mr Theophanous was not only pathetic but also bizarre because it did not address the issue he purported to bring to the house. Who was it that supported performance audits? Think very carefully, Mr Theophanous.

Hon. T. C. Theophanous — We did.

Hon. R. M. HALLAM — Who else?

Hon. T. C. Theophanous — We did.

Hon. R. M. HALLAM — Who was it that argued from day one about the access provided to the Auditor-General?

Hon. T. C. Theophanous — You supported them in opposition, not now. You do not support them now.

Hon. R. M. HALLAM — I do indeed, and I intend to demonstrate how the government does. I wish to go to the three central issues of the honourable member’s contribution which he said supported his contention that hundreds of thousands of contracts and billions of dollars are at stake. He also said they supported his contention that the government was driven by mates and cronies.

Hon. T. C. Theophanous interjected.

Hon. R. M. HALLAM — I will come to that, and I am pleased you invited me to do so because I intend to. The honourable member invited the house to consider three major instances and contracts which he said supported his case. The first case he offered was that of Smith and Harris. He said that the contract came to light as a result of circumstances he described. Well, maybe he is right, but this point will be determined by a hearing before the courts of the land, and there are two things Mr Theophanous would do well to consider very carefully. The first is that that might determine the exact truth of the situation. The second is that Mr Theophanous might reflect upon the fact that the alleged contract has cost the honourable member for Polwarth his seat at the cabinet table. You might just think about that. If the contract exists — —

Hon. T. C. Theophanous — Are you saying it does not exist?

Hon. R. M. HALLAM — I am not saying that.

Hon. Bill Forwood — You said you saw it.

Hon. T. C. Theophanous — No.

Hon. R. M. HALLAM — Yes, you did. You said it came to light.
Hon. T. C. Theophanous — You are a liar.

Hon. R. M. HALLAM — I take exception to that and I ask that it be withdrawn.

Hon. T. C. Theophanous — I was not talking to you.

Hon. R. M. HALLAM — I don't care who you were talking to, you will withdraw.

The PRESIDENT — Order! The Leader of the Opposition will withdraw.

Hon. T. C. Theophanous — I withdraw.

Hon. R. M. HALLAM — The Leader of the Opposition went to great pains to ensure that the house knew the contract came to light. He knows not of what he speaks. I say to the honourable member that he should take account of the two facts I offer to the house. The first is that the truth will be determined by a court of law and the second is that it has already cost the honourable member for Polwarth his seat at the cabinet table.

The second issue in this lacklustre and very light offering to the chamber was the slush fund. That was the term Mr Theophanous used to describe the Community Support Fund. He particularly picked on the $1.5 million which the government offered to the —

Hon. T. C. Theophanous — Secretly.

Hon. R. M. HALLAM — Secretly?

Hon. T. C. Theophanous — Do you agree?

Hon. R. M. HALLAM — No, not at all. The Community Support Fund is periodically published for all to see and it is audited by the Auditor-General. How is that offered as a support for your argument that we should be providing the Auditor-General with assistance? The Auditor-General gets the access he needs. It might just have crossed your mind, Mr Theophanous, to ask the Auditor-General whether he had access to the Community Support Fund. Did you actually think to ask him whether he had access to the Community Support Fund?

Hon. D. R. White — He is complaining that he did not get access to the employment contracts or the privatisation contracts. He is complaining now, despite the Audit Act!

Hon. R. M. HALLAM — My question is very simple, and I ask it against the background of the very grave challenge the honourable member has brought before the house. I simply ask whether he asked the Auditor-General whether he had access to the Community Support Fund? Did he ask the Auditor-General —

Hon. D. R. White interjected.

Hon. R. M. HALLAM — Did he take the trouble to talk to the Auditor-General?

Hon. D. R. White interjected.

Hon. R. M. HALLAM — Did you or did you not? The answer is no! Your are factually wrong.

Hon. T. C. Theophanous — Did you talk to him before you appointed all your mates as local government commissioners? Did you talk to him before that? Did you make the contracts available?

The PRESIDENT — Order! Mr Theophanous has had an hour of the chamber's time. I ask the minister to continue.

Hon. R. M. HALLAM — By his silence the honourable member confirms that he has not spoken to the Auditor-General. Let's have some facts here. We will resort to the facts of the issue. The Auditor-General already has access to the Community Support Fund. If Mr Theophanous had bothered to ask the Auditor-General he would have been told the Auditor-General is perfectly relaxed about his access to the fund.

Hon. Licia Kokocinski — So he gave a big tick to the $1.5 million, did he?

Hon. R. M. HALLAM — He has not complained.

Hon. Licia Kokocinski — Did he okay it?

Hon. R. M. HALLAM — The fact is —

Hon. Licia Kokocinski interjected.

The PRESIDENT — Order! We understand there will be interjections from time to time, but that does not mean Ms Kokocinski may repeat the same question 10 times.

Hon. Licia Kokocinski — He should answer.
The PRESIDENT — Order! No, he should not answer. The first time was apposite; the 10th time it became boring.

Hon. R. M. HALLAM — If the honourable member who has brought this very serious charge before the house had bothered to check, he would have found that the Auditor-General is absolutely relaxed about the central issues on which he based his case. That shows that he has done no research whatsoever. The motion is simply a very cynical and poorly constructed political exercise. The third issue he raised — —

Hon. T. C. Theophanous — Tell us about local government.

Hon. R. M. HALLAM — I am coming to that. The third issue he raised was the appointments of local government commissioners. He said they were to be criticised because of their political leanings, using a whole range of examples of people being members of the Liberal and National parties.

Hon. T. C. Theophanous — Did you deny it?

Hon. R. M. HALLAM — Not at all — and I did not deny it the first time you raised it.

Hon. W. A. N. Hartigan — Or the second time.

Hon. R. M. HALLAM — Or the second or the third or however many times. I will say this, because this is the first time Mr Theophanous has raised it by way of criticism: I did not bother to check their political affiliation.

Hon. T. C. Theophanous — Are you saying you did not know they were Liberals?

Hon. D. R. White — Did you know they were Liberals at Frankston? Did you know they were in the political party?

Hon. R. M. HALLAM — I make this point, Mr President: I did not bother to ask.

Hon. T. C. Theophanous — Did you ask?

Hon. R. M. HALLAM — No I did not. In most cases I did not bother to ask, but it would be a bit too much to expect — —

Hon. D. R. White — So it is only a coincidence that 78 are in the Liberal or National Party?

Hon. R. M. HALLAM — It is a bit too much to ask that I would not presume that someone like Digby Crozier was a member of the Liberal Party; and it would not be too much to presume that Frank Wilkes was a member of the Labor Party.

Hon. D. R. White — Is it only a coincidence that 78 of the appointed commissioners are members of a political party?

Hon. R. M. HALLAM — No. I did not ask Frank Wilkes, nor did I ask Ian Cathie. I chose people I thought would do the job. The bottom line is that they are doing the job and doing it very well — and thank you for the interjections!

Hon. D. R. White — They are all Liberals. Alan Brown and Rob Maclellan know there is a nice chance for a little earner when there is no democratically elected council.

Honourable members interjecting.

The PRESIDENT — Order! Members are doing the house a disservice by the way they are carrying on. I ask them to desist, and I ask the minister to continue.

Hon. Pat Power — Are you claiming Sharpham was your choice at Ballarat?

Hon. R. M. HALLAM — I have been very happy to put it on the record that I accept responsibility for all the appointments.

Hon. Pat Power — Sharpham included?

Hon. R. M. HALLAM — Sharpham included. I am the minister of the Crown responsible for local government. I accept responsibility for the appointment of commissioners in each case, and at the end of the day I am happy to be judged on their performance at each location. Let the record show that we have been prepared to put the objectives on the line. I have told the commissioners what we expect them to deliver — —

Hon. D. A. Nardella — And put the taxpayers’ money on the line, too!

Hon. R. M. HALLAM — That is a very good interjection. It just so happens that we are going to reduce the cost to taxpayers by $300 million a year.

Hon. D. A. Nardella — We do not even know what the contracts entail.
Hon. R. M. HALLAM — If you have any concern for those whom you purport to represent in this place, Mr Nardella, you should be pleased that there will be massive savings for the people of your electorate. You are saying we should be turning our backs on the prospect of savings, but we want to reduce the costs to government by $300 million a year.

Honourable members interjecting.

The PRESIDENT — Order! Mr Hartigan is not helping; Mr Nardella is not helping; and Mr White is not helping. I ask the minister to continue.

Hon. R. M. HALLAM — Two issues should be responded to in this context. Firstly, I cannot see how even someone with the fertile imagination of Mr Theophanous could connect the two. He is talking about our assisting the Auditor-General, citing — —

Hon. Pat Power — He has gone off local government.

Hon. R. M. HALLAM — No, I have not.

Hon. T. C. Theophanous — Are you saying the Auditor-General should not look at those appointments?

Hon. R. M. HALLAM — Thank you very much, Mr Theophanous! It just so happens that in this session of Parliament this government and this minister introduced legislation that invited the Auditor-General to take responsibility for the first time — —

Hon. T. C. Theophanous — Are you going to make the commissioners' contracts available? Come on, it is a simple question: will you make the commissioners' employment contracts available?

Hon. R. M. HALLAM — Yes, of course; as a matter of course. Not only will that apply — —

Hon. D. R. White — United Energy officers are flying back to New Zealand every fortnight.

Hon. R. M. HALLAM — Don't change the subject. I thought you wanted to talk about local government commissioners.

Hon. D. R. White — All employment contracts.

Hon. R. M. HALLAM — I will come to them.

Hon. D. R. White — He can't get access to them now.

Hon. R. M. HALLAM — I know this is painful, but let the record show that you opposed the introduction of legislation to give the Auditor-General responsibility for the auditing of local government not so very long ago.

Hon. T. C. Theophanous — We also moved a reasoned amendment to extend the power, which you voted against.

Hon. R. M. HALLAM — Then you might explain how you decided to oppose in this house a bill designed to give the Auditor-General access to local government. You opposed it!

Hon. T. C. Theophanous — No, we didn't. We voted for it, then you opposed the reasoned amendment.

Hon. R. M. HALLAM — Let's go back and have a look at the record.

Hon. T. C. Theophanous — We voted for the bill and moved a reasoned amendment.

The PRESIDENT — Order! Members will know — —

Hon. T. C. Theophanous — He's misleading the house!

The PRESIDENT — Order! If a reasoned amendment is put before the house it usually starts with the words 'that this house refuses to read the bill a second time' and then cites certain events.

Hon. R. M. HALLAM — Thank you for your support, Mr President. I could not have put that better.

Hon. D. R. White — He is actually neutral in the chair.

Hon. R. M. HALLAM — I know, but he just killed off your argument.

Hon. T. C. Theophanous — Did we vote for the bill or not?

Hon. R. M. HALLAM — No, you opposed the bill.
Hon. T. C. Theophanous — That is not true. We stood up here and voted for it.

Hon. R. M. HALLAM — You opposed the bill we introduced to give the Auditor-General responsibility for local government. Not only will the Auditor-General have access to the contracts of commissioners as a matter of course and every other contract written by a council in local government, he also has the authority by legislation passed by this house this session to choose five or six councils and conduct a direct performance audit on each one.

Hon. T. C. Theophanous — It is recorded in Hansard.

Hon. R. M. HALLAM — I am happy to go back and examine the record to see what you did with respect to that bill because I know it will show that you opposed it. You now come into the house and say we should be assisting the Auditor-General and argue that there is something in the appointment of commissioners that warrants a change in the law.

The law is very clear. The Auditor-General has an absolutely open book across local government. Not only that, he is responsible for the audit of local government for the first time in Victoria’s history. On that basis you have no case to bring to the house.

If you are going to criticise the work of the commissioners on the basis of patronage, I make you this offer: I am happy at the end of the process to be judged by the outcome. I am happy for you to make this the first issue in the next state election. Make it the first one. Run your pennant on it if you choose, and I tell you now you will lose. You will not even gain the support of your traditional areas because by then they will have seen the evidence of the changes to local government.

Honourable members interjecting.

Hon. R. M. HALLAM — And they will have had rate notices that are dramatically lower than those they received in the past. They will acknowledge that the changes in local government have brought enormous benefits to the ratepayers of this state. You might seek to criticise at the margin.

Hon. D. A. Nardella — At the margin?

Hon. R. M. HALLAM — Yes, at the margin. Let me try to explain for the benefit of Mr Nardella why this issue is at the margin. The shadow minister, Mr Power, has already put on record that given the opportunity not only would the Labor Party support the reform agenda across local government — in fact Labor members say we have pinched their agenda — but it would use commissioners in a similar capacity.

Hon. Pat Power — Wrong. Misleading the house!

Hon. R. M. HALLAM — I am happy to go back and remind you of what you said in this house.

Hon. Pat Power — We supported transitional councils like you did, but Kennett knocked you off.

Hon. R. M. HALLAM — Again I am happy to be judged on the record. I can point to the page of Hansard where Mr Power said — —

Hon. Pat Power — Quote it.

Hon. R. M. HALLAM — I don’t have it available.

Hon. Pat Power — Give the page and the date.

Hon. R. M. HALLAM — You know you said it. You are on the record, as is your leader, as having said you would use commissioners.

Honourable members interjecting.

The PRESIDENT — Order! I will not allow members to harass the speaker in such a way that he cannot deliver his speech. It is now getting to that stage. We are having interjections on four different topics. I ask the minister to continue his speech, without interruption and harassment.

Hon. R. M. HALLAM — I will come at it in a different way. I invite Mr Power to deny my claim that he said in this place the ALP would use commissioners in the transition process to local government. Let him deny it.

Hon. Pat Power — And you deny that Kennett knocked you off in respect of transitional change to councillors.

Honourable members interjecting.

Hon. Pat Power — We would have the same deal. We would use commissioners in transitional councils, but you got knocked off by Kennett.

Hon. R. M. HALLAM — Thank you.
Hon. Pat Power — You got knocked off by Kennett.

The PRESIDENT — Order! Mr Power has said that six times. It is becoming tedious repetition. I ask him to desist.

Hon. Pat Power — He got knocked off by the Premier.

Hon. R. M. HALLAM — I thank Mr Power for reinforcing the point I was trying to make: the Australian Labor Party would have used commissioners in a similar capacity to those we have now.

Hon. Pat Power — On a point of order, Mr President, the minister is misleading the house. He initially sought to refer to Hansard without being able to give the date or the page, purporting to give the Labor Party’s view on the use of commissioners. He is now accusing the opposition of having said we would use commissioners in the same way as the government. That is absolutely untrue. The minister cannot table Hansard or a press release in which that is said. He is misleading the house.

The PRESIDENT — Order! Mr Power has made his point. I shall accept it as a personal explanation, although it was not the appropriate time.

Hon. R. M. HALLAM — It is absolutely critical to the debate to understand that Mr Theophanous has sought to blacken the name of many good, caring Victorians who have taken a role in local government on the premise that they would be able to turn around the culture applying across local government and win a great benefit for the ratepayers of the state.

Hon. W. A. N. Hartigan — A generational advance.

Hon. R. M. HALLAM — Yes, it is. It is beneath the dignity of even Mr Theophanous to run the line he has run. Mr Theophanous maligns people by saying they have been chosen on the basis of political patronage. That is fallacious and quite stupid.

The point should again be made that from where we stand there is no political advantage in making that type of appointment across local government, but if there were and if I had a mind to appoint people on the basis of their political persuasions, you might tell me where I would find suitable candidates from the Australian Labor Party in the Shire of Glenelg and the Shire of Southern Grampians.

Hon. Pat Power — They don’t have to come from that area. That is your policy — remember?

Hon. R. M. HALLAM — So now you are advocating not only that we choose a balance in political patronage but that we import people for the purpose.

Hon. Pat Power — You told councillors they could not serve as commissioners in their municipalities.

Hon. R. M. HALLAM — That is just more stupidity.

Hon. D. R. White — All the city commissioners come from external areas. What about the City of Hume?

Hon. R. M. HALLAM — If we are going to have a debate about policy, at least it should be accurate.

The PRESIDENT — Order! The continual interjections work against allowing members to participate in the debate. I ask honourable members to contain themselves.

Hon. R. M. HALLAM — If this is to be a debate on policy, the policy pronouncements should be accurate. The only councils in which commissioners were not able to serve in were councils which included territory for which they were serving councillors at the time the change took place. If I am to be criticised for policy issues, honourable members should take the trouble to find out what the policy was. All I sought to do was to make sure no-one had an implied vested interest to the extent that they were appointed as a commissioner in a territory where they were serving as a councillor immediately prior to the change. It was nothing more than that, and I believe it was a good policy.

The opposition says it leaves a black mark on commissioners in country and provincial Victoria because those areas are apparently dominated by people the opposition says are members of conservative parties. That should come as no surprise even to Mr Theophanous. He should compare the number of members of the Australian Labor Party with the number of members of the other parties. His proposition is nonsensical. I resent and discard that contention absolutely.
Commissioners were chosen on merit on every single occasion.

**Hon. Pat Power** — Like the bankrupt in Mildura.

**Hon. R. M. HALLAM** — They were appointed on merit. Again I make the point that I am happy to be judged on those appointments. Mr Theophanous blackened individuals by naming them and he cited a number of commissioners — —

**Hon. T. C. Theophanous** — I was pointing out that they were members of the Liberal Party.

**Hon. R. M. HALLAM** — Big deal. The house should go back to what Mr Theophanous said in moving his motion. He said he did not condemn the appointees simply because they were members of a political party. That is what he said at the outset and during his contribution and by interjection. The only evidence offered is that some commissioners happen to be members of a political party. Mr Theophanous should apply the same criterion to commissioners whom he knows to be members of the Australian Labor Party.

Mr Theophanous did not support his motion. He talked about Greg Craven's contract, said Mr Craven received $93 000 per annum and asked why Mr Craven's contract went beyond the guidelines. I am not sure that it does, but Mr Theophanous seems to know. He should have explained it at the time.

Mr Theophanous has called on the government to assist the Auditor-General in any inquiries he may wish to make by providing him with full access to the information. The Auditor-General has access to Greg Craven's contract. When Mr Theophanous talked about Greg Craven's contract he said, 'We want to know'. In the motion he says that the Auditor-General should know but now it is Mr Theophanous who wants to know. He has moved away from the motion.

This is not a debate about allowing the Auditor-General to gain access to information. This is a debate that reflects political opportunism. The opposition is casting aspersions in every direction. It is a contrived political trick.

Mr Theophanous referred to Pat Stone. He did not say that the Auditor-General wants to know about Pat Stone's contract, he said, 'We want to know'.

**Hon. T. C. Theophanous** — Through the Auditor-General.

**Hon. R. M. HALLAM** — No, you did not say that. You have moved a motion saying that the government should assist the Auditor-General in any inquiries and provide him with full access to contracts. I have demonstrated that the Auditor-General already has access, but now you are changing the debate and saying, 'We want to know'.

Mr Theophanous referred to Leeds Media ad nauseam, as he is wont to do. He referred to the Guilty Party advertisements. I would be embarrassed raising that. I suggest to Mr Theophanous that he remove that reference from his speeches in future because it reminds the Victorian public who the Guilty Party is. I should have thought someone in your position would understand that was not your best argument, Mr Theophanous. You said, 'We want to know'.

The point I was making in respect of the evidence offered by Mr Theophanous relating to the Guilty Party advertisements is that he said, 'We want to know. The people of Victoria want to know'. You got that right!

**Hon. T. C. Theophanous** interjected.

**Hon. R. M. HALLAM** — That is exactly why there was a change of government and a landslide victory for the conservative parties at the last election. Even Mr Theophanous should understand the inappropriateness of running that argument.

He then talked about the sale of the Shamrock Hotel and the sale of school sites. He talked about Centaurus and tried to implicate a whole range of professional public servants in some sort of backyard deals. I absolutely deny the inference of his challenge. Again he said, 'We want to know', but his motion says that access should be provided to the Auditor-General. The facts are that the Auditor-General does have access.

**Hon. T. C. Theophanous** — Not true!

**Hon. R. M. HALLAM** — Did you bother to ask?

**Hon. T. C. Theophanous** — The Auditor-General told the public accounts committee that he did not have access.

**Hon. R. M. HALLAM** — Then Mr Theophanous came to the climax of his non-contribution when he said that the Auditor-General was unable to scrutinise any of these contracts, but that is simply
untrue. That is a porky pie! The Auditor-General has access to all those contracts and I am pleased for you to quote that, Mr White.

Mr Theophanous says that the power of the Auditor-General is inadequate, but I say: who says the power of the Auditor-General is inadequate?

Hon. T. C. Theophanous - The public accounts committee!

Hon. R. M. HALLAM - Does the Auditor-General say that his powers are inadequate?

Hon. T. C. Theophanous - He said so to the public accounts committee.

Hon. R. M. HALLAM - I shall ask a rhetorical question: how did the Auditor-General gain the authority to undertake performance audits?

Hon. R. I. Knowles - Through us!

Hon. R. M. HALLAM - Absolutely. I remind the house that in 1989 the Cain government introduced the Audit (Amendment) Bill through which arrangement it was proposed that the Auditor-General would be bound by the general auditing standards of the accounting profession and that any documents exempted under FoI would be treated as confidential. Mr Theophanous may not remember that, but it so happened that the bill was amended by the conservative parties when in opposition. We removed that confidentiality proposition.

Hon. R. I. Knowles - When you were in government you wanted to exclude confidentiality of contracts from the Auditor-General!

Hon. T. C. Theophanous - Rubbish!

Hon. R. I. Knowles - You did!

Hon. R. M. HALLAM - The Hansard record shows that on 2 November 1989 at page 2111.

Hon. R. I. Knowles - Who are the hypocrites now?

Hon. R. M. HALLAM - Mr Theophanous has come into the house and purported to represent the Auditor-General.

Hon. T. C. Theophanous - Who has?

Hon. R. M. HALLAM - You do!

Hon. T. C. Theophanous - I don't represent the Auditor-General!

Hon. R. M. HALLAM - In terms of gaining a better situation you asked us to assist him.

Hon. T. C. Theophanous interjected.

Hon. R. M. HALLAM - On this issue, Mr Theophanous, as you would know, I am happy to be judged on my own record of support for the Auditor-General.

Hon. T. C. Theophanous - Which one, the one in opposition or when in government?

Hon. R. M. HALLAM - Both, in government as well. To demonstrate the double standards of Mr Theophanous, I remind the house of the 1989 debate when it was the coalition opposition that was successful in avoiding a substantial reduction in the authority of the Auditor-General. The government has not stood in the way of the Auditor-General or his staff. I am sorry that Mr White does not have the document. The Auditor-General's latest report on ministerial portfolios clearly reveals that in areas relating to executive officer contracts, where there has been concern about the release of information those matters have been resolved with the intervention of the responsible minister. For what it is worth, I will refer to a document dated 9 May 1995 under the signature of P. R. Salway, who happens to be the Public Service Commissioner, in which the issue of access to executive officer contracts is spelt out in clear terms. So much for the notion that you have prompted the change in standards! The letter states:

The Auditor-General has advised that, in a number of instances, his office was initially refused access to executive officer employment contracts on the grounds that the contracts were confidential between the employee and the employer.

This was written by the Public Service Commissioner. He continues:

Access to these documents by the audit office is essential for the purpose of verifying payments and benefits provided to the executives concerned. The Auditor-General has sought my assistance in ensuring that his office has appropriate access to such documents when undertaking an audit of either an inner or outer budget sector agency.
Under sections 11 and 12 of the Audit Act 1994 —

the ones I read to you earlier, Mr Theophanous —

the Auditor-General has power to call for documents to be produced regardless of any restrictions concerning the disclosure of information in those documents. It should not be necessary for the Auditor-General to exercise such powers in relation to executive officer employment contracts. Such documents should be readily made available for audit purposes on a confidential basis.

Hon. T. C. Theophanous — We agree with that!

Honourable members interjecting.

Hon. R. M. HALLAM — The letter continues:

I therefore request that you ensure that relevant officers of the department and those in public sector agencies in the wider portfolio comply with any requests by the audit office for access to executive officer employment contracts.

That has been done in every single instance. It must also be restated for the benefit of the opposition that the contract arrangements for the most senior public servants are made public in departmental annual reports. They are made public through the banding system, which allows every Victorian to see the pay range that applies to these senior officers. In fact, as Mr Theophanous would know, the details of the contract of the former Secretary to the Department of the Premier and Cabinet would have been one of the most frequently published documents in the state’s history. Everyone knew about Ken Baxter’s contract. It was on every kitchen table day after day, but Mr Theophanous comes in here to say we need to help the Auditor-General gain access to those contracts.

We are also here talking about the clarity of the information, and if we are talking stewardship and responsibility we also need to take account of the clarity of information being provided to the public. The record will confirm that the government has done more than any government before it, the ultimate example of which has been the introduction of total-cost-to-employer packages.

Mr Theophanous should listen to this carefully because it draws clear a distinction between the Kennett government and the Cain and Kimer governments. Instead of just the salary component of someone’s package being disclosed, all the ingredients of a package are now disclosed as part of our open accounting process.

Over the past 30 months we have moved from the Kimer ideal of creative accounting to the Kennett dictum of open accounting. That is not consistent with the assumptions made in the opposition’s motion. On any view it is a pity our political opponents are wasting the time of the house because they have no contributions of substance to make on policy debates. They have no contributions of value to make to ensure a prosperous 21st century for Victorians.

The assumption that the government is standing in the way of the Auditor-General is absurd and untrue. If Mr Theophanous had bothered to talk to the Auditor-General, he would have confirmed that. The debate is born of political opportunism and the opposition’s desire to rummage through the rubbish bins of every public servant in Victoria. People who live in glass houses should be very careful about throwing stones. Let those without sin cast the first one — and you would be in very big trouble!

Hon. D. R. White — Where did you get that one from — Ian Smith?

Hon. R. M. HALLAM — I may have got it from John Brumby, Mr White.

Hon. D. R. White — Ian Smith or Julian Beale.

Hon. R. M. HALLAM — Let’s take it one at a time, Mr White. Is it appropriate that someone who is on the public payroll and under the direction of the Leader of the Opposition should be involved in branch stacking?

Hon. D. R. White — Name the person.

Hon. R. M. HALLAM — When the spotlight was turned on, Mr Eren was moved out. It is not appropriate for someone on the public payroll to spend his time getting involved in questionable party political matters. We could talk about the penalty that was inflicted on Mr Eren.

Hon. D. R. White — You should talk to John Miles about how you got preselection, Mr Forwood — and to Reg Macey. They have their own views on how you were opposed by Michael Kroger and the branch stacking that got you and Ms Asher in. Ask Reg Macey and John Miles.

Honourable members interjecting.
The PRESIDENT — Order! I know it is the last sitting day, but honourable members should have regard to the basis on which debates in this place are conducted and allow the minister to make his response.

Hon. R. M. HALLAM — It is dangerous to cast stones in this place, but Mr Eren is a good example because he was rewarded for his sins. Perhaps Mr Theophanous would like to invite the Auditor-General to look at that contract to see whether it was an appropriate use of public funds.

Hon. T. C. Theophanous interjected.

Hon. R. M. HALLAM — Of course he knows.

Hon. D. R. White interjected.

Hon. R. M. HALLAM — It is interesting to hear Mr White making interjections across the chamber, because he is an authority on character assassination and strange contracts.

Hon. D. R. White interjected.

Hon. R. M. HALLAM — You should stop and listen, Mr White, because you are an authority on strange contracts. I have them all over the place. I do not need to cite the examples because Mr White remembers them well. If he does not remember them, I can remind him: the SEC, Alcoa —

Hon. D. R. White — All went through the Parliament and you agreed to them. All legislated!

Hon. R. M. HALLAM — They were interesting contracts. The mover of the motion invited the house to agree to the government’s being required:

... to assist the Auditor-General in any inquiries ...

Among other things it includes consultancy arrangements.

That is the terminology used. Mr Theophanous wanted the Auditor-General to examine consultancy arrangements. In 1994 the Premier initiated a review of departmental consultancies without any prodding from anyone — certainly not from Mr Theophanous — because this government is open and accountable.

The definition of ‘consultant’ in the guidelines for the engagement and management of consultants is being revised to make clear the distinction between consultants and contractors and to minimise the sorts of overstatements of consultancy outlays that have already been recognised. The review instigated by the Premier last year also revealed that consultancies added significant value to the decision-making process.

Hon. D. A. Nardella — For whom?

Hon. R. M. HALLAM — For the Victorian public.

At the time of the 1994 review actual cost savings to government totalled $12.1 million, which related to the implementation of the recommendations made by consultants. That figure does not include other benefits that are more difficult to quantify such as service delivery, improved accountability arrangements, the successful restructure of inefficient organisations and improved worker safety — and that may strike a chord with Mr Theophanous. Departments are estimating cost savings or revenue increases of more than $9 billion based on decisions made and actions taken as a result of consultancy recommendations.

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HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL

Second reading

Debate resumed from 6 June; motion of Hon. R. I. KNOWLES (Minister for Housing).

Hon. C. J. HOGG (Melbourne North) — The opposition opposes the Health Services (Metropolitan Hospitals) Bill in the strongest possible terms. The bill contains the mechanisms to alter the face of our public hospital system, until the middle of the next century according to the Premier, but certainly it will do nothing right now to shorten waiting times or to improve patient care.

The bill amends the Health Services Act 1988, which currently defines a public hospital as a hospital listed in schedule 1 of the act. A denominational hospital is a hospital listed in schedule 2. The bill provides the mechanism to enable the health minister to aggregate hospitals, appoint new boards and appoint new CEOs to the aggregated hospitals — to apply, as it were, the principles of local government amalgamation to our health care system. The bill creates a new definition, metropolitan hospital, which is to be listed in schedule 3. The schedule lists the 33 metropolitan hospitals subject to the Metropolitan Hospitals Planning Board report. The bill removes the metropolitan hospitals from schedule 1, leaving country hospitals in that schedule.

Under section 8 of the Health Services Act 1988 the Governor in Council can amend schedule 1 or 2 of the act by adding, removing or amending the name of a hospital but must not remove the name of a denominational hospital in schedule 2 unless the hospital is no longer controlled by a religious denomination. However, this bill allows the Governor in Council to add to, remove or amend schedule 1, 2 or 3, and there will be no prohibition on his removing a denominational hospital from schedule 2 and adding it to schedule 3, the list of metropolitan hospitals. Thus the bill gives the government the capacity to amalgamate and perhaps even to acquire church property — although the second-reading speech appears to rule out that possibility.

The bill also gives the government the capacity to move any country hospital from schedule 1 to schedule 3 and make it part of the aggregation process. It has been stated that country hospitals will not be part of that process but the bill provides a capacity for it. For each metropolitan hospital there is to be a board of six to nine directors appointed by the Governor in Council on the recommendation of the minister. Compare this with the current situation where boards nominate members for the minister’s consideration, thus harnessing local expertise.

The existing boards will continue until the new boards are appointed. New board members will hold their positions for up to three years and are entitled to be paid. The bill states no limit on their remuneration. Annual meetings of metropolitan hospitals are to be held but no meeting is required in the first 12 months; thus it appears metropolitan hospitals will not have to have annual meetings this year. The boards must appoint advisory committees of community representatives; that is set out in the bill, but the area they cover has to be wide indeed.

Proposed division 9A sets out the process for the aggregation of hospitals. It removes all constraints on the minister and allows her to recommend any aggregation she wishes. The Governor in Council then directs the aggregation and an order in council appoints the new board. The first chief executive officer is also appointed by order in council on the minister’s recommendation. All properties and other rights of the aggregated hospitals are vested in the new hospital.

Proposed section 65N contains extraordinarily broad provisions that limit the liabilities of the new hospitals following aggregation, while proposed section 65N(b) contains the alarming provision that nothing effected by proposed division 9A or suffered under that division:

... is subject to compliance with or is to be regarded as placing any person in breach of or as constituting a default under any act or other law or any provision in any agreement, arrangement or understanding including ... any provision prohibiting, restricting or regulating the assignment or transfer of any property ...

The opposition has legal advice that that provision will allow the government to transfer property from one hospital to another aggregated hospital in breach of trusts or obligations in wills, bequests or gifts — something which, if it occurred, we would view with extreme alarm.

The past two years have been dramatic — you might even say crisis ridden in the last part — for Melbourne’s hospitals. After an excellent deal was done with the commonwealth in renegotiating the Medicare agreement savage cuts have taken a great
deal of money out of the health system. Those very severe cuts have reached the bone of the hospital system.

Despite those cuts it appeared as though the case-mix system was just managing, until the announcement of the capping of the bonus pool. It seems to me that that unfair changing of the rules midway through the game — I think it was three months into the financial year — really rocked the hospitals. I know there is not unlimited funding for hospitals and in a sense you could dedicate the whole state budget to health care and the health portfolio and there would probably still be needs that were not met. I concede that limits have to be set and efficiencies always have to be sought and made. But to change the rules after they have been understood and agreed to by the hospitals is clearly outrageous. Hospitals calculated their throughput, estimated what additional work they would be able to do and then geared themselves up to do it, only to have the rules changed midstream. The decision to cap the throughput pool marked the change in the hospitals’ attitudes from cooperation with the new case-mix funding system to great resentment and a stated inability to cope, with practitioners from all over the system loudly asserting that the system could no longer cope.

Last Christmas the Premier appeared to take charge of the health portfolio, giving acknowledgment and validity to the idea of a crisis. His Christmas stewardship gave Victoria the Metropolitan Hospitals Planning Board chaired by Elizabeth Proust — a controversial appointment. The board’s interim report was handed down on 30 April and on the next day its recommendations were apparently accepted. The bill is essentially the result of the hospital planning board process and reflects a pattern and style with which we have become familiar: establish a board, give it a task, ask it to report, then rush ahead with the recommendations.

In 1990 some of the issues being talked about in the health department included regional health boards that would plan services, allocate resources and run the present hospital and health system within a defined area — in other words, regional health boards that did everything I have just described, but without the assistance of hospital boards. That is the system we are debating today. So, even back in 1990, conversations were occurring at senior bureaucratic levels about regional health boards and the model of a regional health board, without hospital boards, that would make a series of decisions.

I believe that if ever we were to move to a regional health board model — and I must say I can see some advantages in that system — it should be done on a trial basis: done in one region first, monitored, assessed and, if proved to be successful, applied more generally. I realise we are not talking specifically of regional health boards; we are talking about a change that is not dissimilar to it. It is a sweeping change.

I never believe in smashing up something that has worked well. I know the argument that the present system worked at the turn of the century but that 100 years on it is no longer the right one, and I acknowledge that there needs to be constant change and finetuning. The opposition does not want to stand flat-footed against change; however, it does not want to see everything changed all at once. After all, it was the Labor Party that wound down the Queen Victoria and Prince Henry’s hospitals and moved the resources from them to hospitals in the areas where the population had gone — the Monash Medical Centre in the south-east and the Western Hospital.

Although they were hard tasks, the winding down and relocation of services were done because of a recognition that as the population had changed a concentration of large hospitals in the centre of the city was no longer appropriate. However, although we acknowledge that health services and hospitals have to follow — or indeed even precede — demographic changes, this is yet another example of the pendulum swinging too far in one direction.

To try to set up a health system that will be valid for the next 55 years is, quite frankly, crazy. Certainly it is important that a system be well positioned to take advantage of new technology. Remember, only 40 years ago the average stay in hospital was more than three weeks; now it is less than five days, and frequently people enter hospital for single-day surgery procedures. It is like travel: after the war a sea voyage to the United Kingdom took about a month; now a flight takes about 24 hours. The same is true of many aspects of medicine, surgery and health care.

All those changes were being accommodated — and indeed could be accommodated — gradually, naturally, organically and responsibly by our system. They were built into hospitals run by boards which knew their communities, their hospitals, their specialties and how to tap into the fundraising capacity and philanthropy of their own
HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL

Wednesday, 7 June 1995

communities. However, the bill sweeps that aside and has the potential to destroy a lot of that community input and enthusiastic, competitive fundraising, for example, which has been so beneficial over the years.

I note that the boards must appoint advisory committees consisting of community representatives. However, given the huge geographic area covered by some of the notionally aggregated hospitals, it is extraordinarily hard to see how one community advisory committee will provide much worthwhile community input. Regrettably, I see a very bureaucratic structure developing. Despite the use of what were once non-bureaucratic terms like ‘network’ and ‘provider’, I believe a heavy layer of bureaucracy is coming into place to service the new system.

What will happen with the health department itself? Even now, with all the reductions in jobs, that department has great expertise, capacity and dedication. What will its role be now? Will it have a strong public health role? Obviously we hope that will be the case. Unavoidably it will have a monitoring and regulatory role, but that is another layer of bureaucracy. I guess there will be some administration and budgeting to get the resources into the networks, but will there be scope within the health department for an overall view? Will there be the capacity to correct things if they go wrong and to make a huge change if this direction turns out to be the wrong direction? If things go badly, will there be some capacity left in the health department for it to have an overall recognition of that and then do something about it?

This direction for our hospitals — aggregation and networking — does not surprise me. Early in 1990, under a different set of names, something very similar to this idea was being discussed. The people discussing it were among the most thoughtful and focused people within the public sector. They were terrific: they had excellent ideas, they were always well read on what was happening overseas and they were extremely focused on the hospital system. In a sense I think the agenda we have seen is overfocused and too theoretical. On paper it seems as though it could be terrific; however, in practice I do not think it is terrific at all.

Of course you can say the board did not comprise people from the bureaucracy and that rather it was a collection of people from diverse backgrounds who from several paces back reached much the same conclusion as that reached by the bureaucratic stream. Perhaps that is true, or perhaps they picked up on a bureaucratic agenda — which, I might say, was being run not simply in Victoria; but in other states as well. Whatever the reason, they have gone to an extreme. Instead of making gradual, solid, well-founded change, this agenda will unleash a great deal of confusion.

Already hospital is pitted against hospital — and chief executive officer against chief executive officer — in the struggle for the handful of jobs that will survive. As every member here will know, in those circles there is an enormous amount of anxiety and fear about job loss. Obviously there is no need to go into the detail of that, but there is a great deal of stress and anxiety and a tendency to look inwards instead of outwards.

In the aggregation process months, perhaps a year, will be lost as people reapply for their old jobs or apply for other people’s jobs. It is a time when the machinery of hospitals simply looks inwards instead of outwards. Under such circumstances it is difficult to ensure that the ship is steered as well as it might be. This is an immensely bureaucratic process. Would it not have been much better to have tried it simply in one region and, if there really were the benefits that have been claimed, to have made a gradual application of its good features right across the system; in other words, to have applied the new system generally across the system?

This is enabling legislation: it deals with structural and systemic questions. It does absolutely nothing to fix the real problems in the health system right now: waiting times, the apparent lack of beds, and the lack of resources. For the government to choose the seven-network option would be a seriously bureaucratic way to go and would, I suspect, give it precisely the result it does not want.

Of course everybody, including every member of this house, wants a seamless service, to use the jargon of 1995. We would all love to think that we would one day be consigned to a seamless service. But lumping a number of hospitals together under a single board that is very far removed from community influences will not do that.

I place on record how much I think the state has gained during this century from its hospital boards. The enthusiasm, energy and dedication of the people on those boards, let alone their fundraising efforts, will never be emulated by the sleek, commercially minded board the government envisages.
HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL

Wednesday, 7 June 1995

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This enabling legislation will no doubt give the government the opportunity to move ahead with great speed this year. I think that is a grave mistake. Already the handling of health issues is a serious negative for the government in the minds of the public, as we discover every time we open a newspaper. This high-handed, far-too-little-considered and extreme plan, be it network 15 or network 7, is no solution to Victoria’s health system problems.

If the opposition believed the bill was a move towards sensible change for the next century it would not be standing flat-footed against it. It is doing that because it believes this is an extreme change that will sweep away far too much of what has been good. The opposition also believes it will cause a great deal of chaos and confusion. It would be much better if wholesale change were to be sought by the end of the decade actually trialling new systems in a controlled way.

Once this enabling legislation is acted on there will be no going back. I do not see how the mistakes of the system will then be redressed and the good things put back together again. This is no solution at all for the people of Victoria, whose health services and hospital system is at stake. It is for the people of Victoria and in their name that the opposition opposes the bill.

Hon. LOUISE ASHER (Monash) — I rise to make a few brief comments in support of the bill, and in doing so make the general comment that Mrs Hogg was unduly alarmist in many of the comments she made. The purposes of the bill are twofold: firstly, to enshrine Medicare principles in legislation as requested by the commonwealth — like Mrs Hogg I do not do not propose to discuss that aspect of the bill; and, secondly, the major purpose is to provide for aggregation of certain hospitals. In short, the bill will allow the final recommendations of the Metropolitan Hospitals Planning Board to be implemented speedily.

Mrs Hogg said she would have preferred either a more gradual implementation or implementation by way of a pilot project, and I suppose that is one perspective. The government has clearly opted for wholesale change: to identify the problems, come up with a solution through the final report of the Metropolitan Hospitals Planning Board later in June and to implement that solution and get on with the job of providing health services for Victorians. I prefer the government’s approach because it will mean we do not have a long, drawn-out debate or process and can get on with the job of getting the networks working and providing services.

The bill and the report that prompted it raise some of the absolutely fundamental health policy points which have been touched on by Mrs Hogg, analysed overseas and looked at interstate and which have been the subject of informed and ongoing debate across Australia and internationally. Put simply, although everyone is enormously appreciative and full of praise for the work of health professionals, especially in hospitals, recent developments mean that health care will not be static and that we must move with technological advances, population shifts and so on.

I turn to what in my view are the four most important developments that have occurred in recent years and to explain why the government must address those developments to ensure that Victoria does not stand still in health but creates a more flexible and dynamic system in which health care professionals can operate. The first major development has been a marked decline in the length of stay in hospitals, due in part to the prevalence of day surgery, in part to technological advances in the medical field and in part to what I call community preference. The average length of stay in Australian hospitals was 8.93 days in 1982-1983 and 4.85 days in 1991-92, and Victoria and all other states have followed the downward pattern. There is a great deal of emphasis away from bed numbers in the Australian health system because of the decreasing length of stay in hospitals and a far greater emphasis internationally and in Australia on throughput. It is not uniquely Victorian; it is the way health care is going in society.

The second important development or change in society is the number of ageing people in the community. Caulfield, which is part of my electorate, has a large proportion of elderly people. People are living longer and need access to all sorts of medical care, much of which will, for a range of reasons we have previously discussed in this house, increasingly not be provided in a hospital setting but in a community setting. That is an important consideration in deciding how to structure the health care system. There is a need to emphasise the changing nature of the demands for health services and the way health services can best meet those changed demands. The needs of the older group in society are absolutely pivotal, and the government must develop a system that caters for those needs.
The third development we have to adjust to is what is broadly called medical advance or medical technology. Discussions about these advances in the other place dealt with footballers' knee injuries and so on, and the example given was that in past years the great John Coleman's career came to an end when he suffered a knee injury, yet in recent times Tim Watson and Paul Salmon have suffered bad knee injuries and have been back after a year. I will not refer to the Schwarz case because I do not think it is a good example.

Non-invasive surgery has developed enormously as a technique, and when I recently toured hospitals I was impressed by the lithotripter, which is used to smash kidney stones and has shortened the recovery time for a procedure that previously required a long stay in hospital. Medical technology has advanced enormously in recent years and, as a consequence, the emphasis will shift further and further away from hospital beds to hospital throughputs, processes and procedures.

The fourth development we must take account of is the shift in Melbourne's population, which is spreading out to areas such as Cranbourne, Berwick and Melton. We must provide services where people live. Melbourne's current hospital structure basically does not provide services where people live. So, what we have on the one hand is a system on —

An honourable member interjected.

Hon. LOUISE ASHER — The Labor government did move a hospital out of my electorate! I must say that that shift is in accordance with the sorts of things the government is doing at the moment. So, I do not think there is any great value in making a cheap political point about it. We need to look at the health system in a system-wide way. The Premier ought to be congratulated on being prepared to look at the health system in such a way to provide services where people live.

In the context of those developments and while our hospital system is excellent and the professionals associated with it are top quality, a number of problems have emerged with our existing system. The first problem is that Victoria's hospitals are inner city. Some 30 per cent of the state's acute hospital activity is occurring in six teaching hospitals, which are in a 5-kilometre radius of Melbourne. However, I point out that the population is moving out.

Secondly — and this point I have already raised — there is limited access to services for people who live in the outer areas. When I compare health services in my electorate, certainly acute services, with health services in outer areas I see a stark contrast. One sees a great imbalance, and clearly something ought to be done to rectify access to acute services for people living in outer areas.

Thirdly, and most crucially, our system is very fragmented. Hospitals have their individual boards; community health centres are separate; GPs are often separate, so we need to develop networking between all the various components of the health system.

I know the government has tried to develop a comprehensive discharge policy, but in practical terms, getting a patient discharged from hospital with the backing of access to a nursing service is one of the difficult sticking points in our health system, and it ought not be.

Part of the difficulty in trying to arrange a hospital discharge matched with a follow-up nursing service is that the services are fragmented. They are not integrated; they are not networked. In some instances services may talk to each other, but in my opinion it is purely dependent on the relationship struck up by individual staff members rather than on the structure of the system. So it is absolutely fundamental that the services are networked and that we address this fundamental problem — the fragmentation of our health services.

The fourth major problem — and it is important to place this on the record — is that while many individual hospital boards have done great work for their hospitals and have contributed a great service to their communities, having a structure with an individual board, individual staff and individual administration at every single hospital promotes what I would call medical and administrative isolation. Each hospital competes for funding, each hospital positions itself, and each hospital wants to have the most up-to-date facilities. On the one hand, if you were to look at network facilities where an area would be serviced with a whole range of services the concept of aggregation promotes consumer rights. It is far more consumer driven and replaces a system where there is, in my view, too much focus on individual hospitals and not enough focus on the broader needs of the community.

I shall refer to the Auditor-General and to the fact that it is not simply people in the health field who
have made this comment, but others as well. In the Auditor-General’s report, *Report on Ministerial Portfolios, May 1994*, the Auditor-General made reference to the fact that hospitals were not networked and that there did not appear to be sufficient planning of our health services. I shall quote from page 278, which says:

> As the Victorian public hospital system is one of the state’s key assets, consuming in excess of $2 billion annually, it is important that a long-term strategic infrastructure planning process be established as a matter of priority to enable the efficient and effective allocation of scarce public health funds.

The Auditor-General refers to events that occurred in the past; he made a reference to a 1982 working party which produced a report called *A Report on the Capital Requirements of Publicly Funded Health Services in Victoria for the Next Ten Years*, which in shorthand was called the McClelland report. That report refers to the fact that there were significant imbalances in the distribution of hospital services across the state. The then Minister for Health in 1983 established a capital works review committee to look at the McClelland report and in May 1985 the committee submitted a report to the Minister for Health again drawing attention to the uneven distribution of health care services throughout Victoria. It also made reference to what was the then departmental practice of adding new facilities without rationalising existing services.

The Auditor-General went on to make two very important points, which I argue form the basis of the Metropolitan Hospital Planning Board’s formation and the basis of this government’s long-term strategic examination of how health services are distributed. The Auditor-General said on page 280 of his report that:

> The audit review found that, subsequent to the McClelland report and the Capital Works Review Committee report, the department had not formulated a long-term strategic capital works plan for the ongoing development of hospital infrastructure.

The Auditor-General goes on to say:

> The failure by the department in the past to act on the recommendations of the McClelland and the Capital Works Review Committee reports has resulted in the loss of a significant opportunity to develop a long-term strategic direction for the state-wide provision of hospital infrastructure which took account of the community’s health service needs.

In the latest Auditor-General’s report, *Report on Ministerial Portfolios, May 1995*, the Auditor-General again makes reference to the report I have just quoted and says:

> The government has also initiated a review of metropolitan hospitals and has appointed a Metropolitan Hospitals Planning Board to undertake this task.

In the Auditor-General’s *Report on Ministerial Portfolios, May 1994*, comment was made on the oversupply of beds in the public and private hospital systems and that significant variations existed in the distribution of public beds per head of population between the various metropolitan health regions. It is hoped that the outcome of the government’s current review will address the problems identified in the May 1994 report to the Parliament.

So it has been a source, as Mrs Hogg indicated, of ongoing discussion. I must say that I am very proud to be part of a government which has tackled this difficult issue. The Metropolitan Hospitals Planning Board has issued an interim report which has presented a number of options, and the final report will be issued later this month. The report indicates a preference for networking and for aggregation for the reasons I have already referred to in my contribution. I shall refer to a quotation on page 39 of that report, which says:

> The community demands quality, access and value. Traditional approaches to reform have been piecemeal and the challenge for the industry is how best to position for the future. The changes in the health system outlined above foreshadow a reduced volume of in-patient services in larger acute hospitals with the expansion in day procedures, ambulatory care, sub-acute care and domiciliary care. It is time to ‘re-create’ the industry in order to meet the challenges of the future.

Let there be no misunderstanding: this report is about a re-creation of a static system, a system that was certainly relevant for many years, but in my view, because of changes in population, in demographics, and in medical technology is not appropriate for today.

I shall conclude by making an observation. This trend is Australia-wide and worldwide. Indeed the Labor opposition opposing this today is in fact in opposition to its own colleagues, for example, in New South Wales, who have supported and are still supporting and expanding a model of aggregation
HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL

COUNCIL

Wednesday, 7 June 1995

and networking. It may not be exactly the sort of model that is proposed in Victoria, but nevertheless that is the model.

As has been referred to, it was the Victorian Labor Party that acknowledged the population shifts and moved Prince Henry's Hospital to what is now the Monash Medical Centre. This is an area to where many people had shifted. In fact, the Labor Party previously made some attempt to come to grips with the concept of moving services to where people live, but only on a very piecemeal basis.

The opposition is still to come to grips with the concept of networking and aggregation. I simply say to the Labor Party: look at your colleagues in New South Wales and in other states; look at the worldwide trend and you will see that networking and aggregation are the way to go in trying to achieve the objective of everyone — that is, seamless health services.

Victoria has lagged behind in health planning. The work being undertaken by the Metropolitan Hospitals Planning Board is excellent because it looks at reform not on a piecemeal basis but on the basis of individual needs within system-wide changes and within a revised structure.

The bill is extremely important. The trends identified by the planning board are spot on. The recommendations for networking and aggregation are exactly the way we should go.

Hon. G. P. CONNARD (Higinbotham) — I am an enthusiastic supporter of this bill because it is a means by which the recommendations of the Proust committee — now called the Harper committee because Professor Harper is now the chairman — will be implemented.

I should inform the house that I have a potential conflict of interest. In 1974 I was appointed to the board of the After Care Hospital of which I was president, that hospital having amalgamated with St Georges Hospital. I am now the Vice-President of St George's Hospital and the Inner Eastern Geriatric Centre House Committee. I was appointed to the board of Fairfield Hospital in 1983 and am the past president and now a member of that board. I am the founding Chairman of the Macfarlane Burnett Medical Centre for Medical Research and a member of the Victorian Hospital Association Voluntary Board. I am now immediate past chairman of the Victorian Hospital Association, Division 1 Council, which encompasses the 17 teaching hospitals dramatically affected by this proposal.

That is the last time I need detail those interests because I am certain the major recommendations of the Harper committee, formerly chaired by Ms Proust, will be carried out thereby automatically precluding me from serving on a hospital board because of potential conflicts of interest.

There is no question that the hospital industry requires reform from time to time. The last major reform was in 1949; probably the most significant reform was the Syme-Townsend reform in the late-1960s. That rejigged the industry into becoming modern. It is time for that to happen again. I am somewhat disappointed in Mrs Hogg's very Tory approach to this problem; I know she is not so inclined but she appeared to be rather iconoclastic in her views.

There is no question that the former Labor government failed in its administration of hospitals because, being the party it is, it bowed to union influences. There is no question that hospitals were then overstaffed. I shall give the house an example as a result of my involvement with Fairfield Hospital: that hospital had a staff of about 750; under case-mix funding and with modern management and better efficiencies it now has a staff of 450, but with better outcomes.

Hon. D. A. Nardella — When did you get on the board — 1974?

Hon. G. P. CONNARD — 1983. The board and the management were frustrated in their administration by the Labor Party and trade union influences there. The hospital was unable to adopt modern management methods because of the influence of the unions on the preselection of Labor Party members.

Since this government came to power, managers have been permitted to manage. Had you examined the figures, Mr Nardella, you would have noticed that the number of employees working in the major public hospital system has been dramatically reduced, but with increased outcomes. Mrs Hogg knows that case-mix funding is no new psychology because it was started when the Labor Party was in government. However, the concept has been worked through and implemented by this government. The Labor government would not have been able to introduce case-mix funding because of the influence of the trade union movement on decision making.
Case-mix funding has made a profound difference in hospital administration, but it was only the first step. Now we are on the second step — that is, looking at the management and governance of hospitals. For 20 years the department has had no competent planning processes; the department should have been able to plan the location of clinical and physical resources, but that has not been done.

The recommendations from the planning board investigations constitute a new and great event. I am not privy to the final recommendations of the Harper committee, but I believe they will recommend that a statewide planning board will be established, not within the concept of the current planning board but one which will examine where clinical and planning resources should be located. That type of planning has not been done in Victoria for many years, and that is a fundamental weakness which must be considered and for which plans should be implemented.

The creation of the networks is part of the service delivery concept. We have very good high-tech surgical and medical practitioners and we need to have the high-tech ability to perform complex neurological and surgical techniques in every one of the networks. Victoria has a population of only 4.5 million, and our ability to provide those resources will continue. But, the techniques associated with those resources should be properly planned for. As a community we have had the tendency, despite the excellence of boards and management, not to say where the high-tech resources should be located. They cost millions of dollars and in a population the size of Victoria those high-tech resources are not needed in every institution.

I hope the Harper committee will produce a recommendation for a statewide planning board which will then be able to interrelate with network boards. As Ms Asher said, there are two options: a network of 15 or a network of 7. Because of the size of our population I am an advocate for a network of seven. The administration of those networks will be advised by a professional subcommittee and another advisory committee will have the opportunity of community input to the boards about community concerns.

Mrs Hogg commented that she regretted the passing of community input. I do not believe that will be so because of the aforesaid committees. I applauded that competition between people in making their intellectual contribution to planning processes.

Mrs Hogg's argument falls short because her concern is already taken up in this report.

From a personal point of view, I encourage the government to consider rural networks. Such consideration would be timely. I say that only as a person with a long-term association with the industry. Victoria has a small population. One of our difficulties is that we do not have established coherent clinical pathways going from the simple medicine administered in rural and community hospitals to whatever is the appropriate major teaching hospital.

One hospital in the metropolitan area that has not satisfactorily developed those clinical pathways is the Alfred Hospital. Because of the hospital's location, the Harper report recommends that its clinical pathway go through the eastern suburbs. I agree that that is the proper course to be taken. In that way the hospital will have an established clinical pathway. Another major hospital that does not have an appropriate clinical pathway is the Royal Melbourne Hospital. If hospitals pick up the recommendations in the report, those clinical pathways will be put in place.

As I said in my opening remarks, I am conscious of the importance of the legislation and the Harper report. I am equally conscious of my role at Fairfield Hospital. The report recommends that patients go north-east to the Austin and Repatriation Medical Centre.

I for one am communicating with HIV/AIDS patients there. I hope the government will accept that HIV/AIDS patients will go where they want to go. There is now a dialogue going on because clearly many of those patients are in the southern suburbs and will desire to go to the Alfred Hospital. I hope to be a partner in that process so that those patients can go where they desire. I am certain I will be successful in doing that. That is my duty, having long been concerned with the excellent professional reputation of Fairfield Hospital, which has developed the special skills to deal with the acute needs of HIV/AIDS patients and it is most important that the needs of those clients must continue to be met and indeed services must be enhanced.

I would like to speak at great length on this subject, but I know there are restrictions on debate today. I support the bill enthusiastically and the thrust of the Taylor report. I look forward to its rapid implementation.
The DEPUTY PRESIDENT — Order! I am of the opinion that the passage of this bill requires the concurrence of an absolute majority of the whole number of members of the Legislative Council. I understand that a division is likely to take place, which will determine that matter.

House divided on motion:

Ayes, 26
Asher, Ms de Fegely, Mr
Ashman, Mr Forwood, Mr
Atkinson, Mr Hall, Mr
Baxter, Mr Hallam, Mr
Best, Mr Hartigan, Mr
Birrell, Mr Knowles, Mr
Bishop, Mr Smith, Mr (Teller)
Bowden, Mr Storey, Mr (Teller)
Brideson, Mr Storey, Mr
Connard, Mr Strong, Mr
Cox, Mr Varty, Mrs
Craigie, Mr Wells, Dr
Davis, Mr Widing, Mrs

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

Pairs
Guest, Mr Gould, Ms
Skeggs, Mr White, Mr

Motion agreed to by absolute majority.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank Mr Connard and Ms Asher for their support. I will make a couple of points in response to Mrs Hogg's comments. The need for change reflects not only geographic population changes but also significant demographic changes with the ageing of our community and significant changes in the health care system, with a much higher incidence of day surgery and all the evidence suggesting that that incidence will continue to escalate rapidly.

The second point is that all of us would acknowledge the need for much better linkages between the various service provisions, and the concept of a seamless service system is well embraced by anyone who looks at the policy area.

The next point is that the bill does not establish regional health boards. Contestability will be maintained and there will still be choice as to which hospitals people go to. The health department will continue its role as a purchaser, so it will not be a matter of transferring the funds and then allowing the new networks to determine their own procedures. The government wants community support, for example, fundraising, to continue and expects that that can be achieved even with the establishment of the networks.

The final point is that the government has no intention of using these provisions to effect any change in the role of country hospitals. Over the past two and a half years there have been significant changes in the structure of many of those health services and they have reoriented their services to more appropriately meet the needs of their communities. That process has occurred in rural Victoria but it has not occurred in metropolitan areas. The government sees the Metropolitan Hospitals Planning Board as achieving that.

The PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. So that I may be satisfied that an absolute majority exists, I ask members in favour of the motion 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.

Sitting suspended 1.03 p.m. until 2.03 p.m.
AUSTRALIAN GRAND PRIX (AMENDMENT) BILL

Second reading

Debate resumed from 6 June; motion of Hon. HADDON STOREY (Minister for Tertiary Education and Training).

Hon. PAT POWER (Jika Jika) — The Australian Grand Prix (Amendment) Bill is a very controversial piece of legislation, as was the principal act, the Australian Grand Prix Act 1994. The opposition very strongly opposes this bill and, along with my colleagues Mr Pullen and Mrs McLean, I will seek to demonstrate why we feel so strongly about it.

The opposition sees this as yet another attack on the rights of Victorian citizens and will seek to demonstrate that the bill retrospectively turns ordinary Victorians into criminals. The Australian Grand Prix (Amendment) Bill says that what was legal one day will now be illegal. It retrospectively seeks to make unlawful action that a court recently found to be lawful.

When the principal act was debated in this house reference was made to the view of the Scrutiny of Acts and Regulations Committee. It is important to remind the house that at that time the committee said the principal act breached a number of provisions of the Parliamentary Committees Act. It found that the legislation made rights and freedoms dependent upon poorly defined administrative powers and non-reviewable administrative decisions. It found — and perhaps this is the most telling point — that the principal act trespasses unduly on the rights and freedoms of Victorian citizens.

I will visit some of the clauses of the bill to demonstrate why the opposition feels so strongly about the legislation. Clause 4 refers to declared areas which was, if you like, the loophole the government believed existed in its original legislation. Clause 4 states:

(1) In section 3 of the Principal Act —
    (a) before “In this Act” insert “(1)”; and
    (b) omit the definition of “declared area”.

Subclause 2 continues:

(2) At the end of section 3 of the Principal Act insert —
    “(2) In this Act, “declared area”, in respect of a year, means —

(a) in relation to the period beginning on 3 November 1994 and ending on the date of publication in the Government Gazette of the first notice under section 27 (a) so published after 25 May 1995, Albert Park; and

(b) in relation to a year in respect of which an area is declared by notice under section 27 (a) after 25 May 1995 to be a declared area, the area specified in the declaration as in force for the time being.”.

It is the view of the opposition that the intention of clause 4 with respect to addressing a declared area is simply to make the whole of Albert Park precinct off limits to ordinary Victorians if necessary. This is solely for the benefit of the Australian Grand Prix Corporation. If that is not bad enough in itself, we argue that this declaration of ‘off limits’ is there for perpetuity.

There is no indication in clause 4 that it is for a set period. The opposition argues very strongly that in this day and age when people are making more and more use of the facilities that public parks provide, Victoria should not be in a situation where the entire precinct of Albert Park is capable of being declared off limits. This is not just for a particular calendar year; we argue is in perpetuity, if the government sees fit.

Clause 5 relates to the fencing off of land and it extends the powers not just to the Australian Grand Prix Corporation but to Melbourne Parks and Waterways. It states in part:

“(4) The committee of management may fence or cordon off any part of Albert Park for such period (not including any part of the race period for a year) as is necessary for or incidental to the carrying out of works ... by the committee or its agents or as is necessary for or incidental to the carrying out by another person of works ... which the committee has authorised or permits or suffers to be carried out.

That is a very encompassing provision. It is a very powerful clause and it makes Melbourne Parks and Waterways a very powerful agency with respect to bringing to fruition the government’s deals with regard to staging the grand prix.

Clause 5 makes it possible for Melbourne Parks and Waterways, in conjunction with the Australian Grand Prix Corporation, to fence off areas of the park to keep people out. Since the staging of the grand prix became a real issue, people from Albert
Park, from across Melbourne and from right across Victoria who are concerned about public parkland have assembled at Albert Park to protest and demonstrate.

The opposition believes it is not possible for the government to guarantee that the clause will not be used simply to prevent protesters from assembling in the precincts of Albert Park. In the opposition's view the clause is overkill and does nothing to help resolve the community debate on the issue.

Clause 6, which amends section 51 of the Crimes Act, states:

A reference in section 458 of the Crimes Act to an offence includes a reference to an offence against a regulation made under this act.

Again the government is upping the ante in its desperate push to see the grand prix come to fruition and in its attempts to prevent Victorians peacefully demonstrating their views on whether staging the grand prix is an appropriate use of the site, whether it is an appropriate activity for a government to be involved in and whether it is an appropriate activity to foist on Victorians.

The opposition argues that clause 6 extends the powers of the police to arrest members of the public. The opposition believes the Australian Law Reform Commission has recommended that arrest powers of that kind should not be extended or broadened. People innocently visiting the park could be arrested unfairly and unreasonably not for any wrongdoing but as a consequence of their mere presence in the park.

Hon. K. M. Smith — Fair crack of the whip!

Hon. PAT POWER — I await an assurance from the government that people will not be arrested for activities that do not fairly and reasonably involve any wrongdoing. We know people were lawfully assembling in the park and standing in areas where the notorious tape had been erected and police have given them the choice of getting out of the park or being arrested. That is an overuse of authority and an overuse of police power. People have the right to assemble lawfully, whether in the precincts of Albert Park or in any other part of Victoria. The mere reference to the Crimes Act in clause 6 is heavy handed and essentially amounts to holding a gun to people's heads.

Clause 7 refers to validation:

... anything done or purported to have been done before the commencement of this section in accordance with, or under the authority of, or by reference to, the principal act is deemed to have been done in accordance with, or under the authority of, or by reference to, the principal act as if the principal act had been enacted as amended by section 4.

That relates to situations arising from the recent court case at the Prahran Magistrates Court. The magistrate found that the way in which the government had enacted the principal legislation meant that the ministers referred to had technically acted illegally and had misused their powers, as a consequence of which the police had illegally arrested the people involved. That ruling of the magistrate is to be retrospectively superseded by the bill.

The bill will also retrospectively introduce criminal sanctions for the 144 arrests on summons that are still outstanding. The court said the people had been acting legally at the time of their arrest. The government believes that is not good enough, in effect saying, If we didn't get you then, we will get you this time. Clause 8 is headed Proceedings: Proceedings may not be brought or continued in respect of an offence committed or alleged to have been committed before 25 May 1995 in the declared area within the meaning of the principal act as amended ...

I will return to the issue of the purported amnesty. The clause claims to offer an amnesty, but it is misleading to say that all persons who have been charged with the offences will be so covered, despite the law allowing persons to resist arrest if they believe they are being wrongly apprehended. The bill does not give an amnesty to those who were charged with resisting arrest or assaulting police, despite the fact that the police officers who arrested them acted unlawfully.

The further claim is made that the amnesty includes all those charged prior to 25 May with offences relating to the grand prix. Many of those people are yet to be charged; they have been told summonses will be issued some time in the future. An amnesty for all those charged prior to 25 May is therefore no amnesty at all. More importantly, the notion of being provided with an amnesty is deeply offensive to those who were acting legally at the time of their arrest. That suggests, implies and in fact says that they are guilty. You do not issue amnesties to people
who are not guilty; you issue amnesties only to those people who are found guilty of committing offences. An independent judiciary dismissed the charges brought before it.

Hon. R. M. Hallam — That is simply not true.

Hon. PAT POWER — I hear murmurings from the government benches. The Macquarie Dictionary definition of amnesty is as follows:

... a general pardon for offences against a government ... the granting of immunity for past offences ... a pardon granted by an act of Parliament ...

Now emphasised by those Macquarie Dictionary definitions is the view — —

Hon. Rosemary Varty — You should have looked at the Oxford English Dictionary because there are two or three others as well. You are being selective.

Hon. PAT POWER — I invite Mrs Varty to contribute to the debate on the bill and provide her dictionary definitions of ‘amnesty’. We can then respond at that time.

Hon. Rosemary Varty — It is a spurious argument.

Hon. PAT POWER — Mrs Varty persists by accusing me of putting forward a spurious argument. On behalf of the people who were arrested in Albert Park — people whom the Prahran magistrate said were acting lawfully — I say it is deeply offensive for this government to tell those people as part of a political strategy that it will offer them an amnesty. It is reasonable for people to be offended if they believe they are innocent and a court says they are innocent when a government then says, in a bungled attempt at public relations, that it will offer them an amnesty. You do not, in the common sense of the word, issue amnesties to people who are not guilty of an offence.

The government has bungled in its haste to get the grand prix proposal under way. It created a situation where police acted illegally in arresting people and it now seeks to address that problem by issuing amnesties. I suggest it is reasonable for people who believe they are innocent — and who have been told by a court they are innocent — to be deeply offended by the government patronising them by saying, ‘Despite the fact that you believe you are innocent and a court says you are innocent, we say you are guilty but we will let you off and give you an amnesty’.

Clause 9 provides regulations that activate the new bill. I shall not say much more because my colleagues Mr Pullen and Mrs McLean will expound the Labor Party’s view, but it is important to put some of the history of this matter on the record.

I understand 246 arrests have arisen from incidents at Albert Park in recent times. On 23 May, 97 people involved in 102 cases came before the Prahran Magistrates Court. Most of the cases were for trespass, entering and remaining on property to which it was claimed they had no lawful right of entry. Some 144 arrests on summonses are still outstanding. The magistrate dismissed 94 of the cases and the remainder were adjourned until 4 August. The principal act and this amendment simply reaffirm that Victorians have lost their right to a due and democratic process. If the Kennett government does not get you the first time, it will regroup and get you the next time. It will set a trap. The Australian Grand Prix Act 1994 failed to trap the people at whom it was targeted.

When that legislation was debated members of the opposition expressed their alarm at the way a whole range of legislation and rights were suspended as this government eagerly sought to line the pockets of those who will benefit from the grand prix. It is history now, confirmed by an independent judiciary — the Prahran Magistrates Court — that the attempt by the Kennett government failed to trap the people it set out to trap. It failed to trap the people who exercised their right to gather and demonstrate.

The coalition government has responded with the Australian Grand Prix (Amendment) Bill, which not only tightens and details the capacity of the principal act but seeks to do so retrospectively by applying a backdated day of coming into operation. Retrospective legislation is an alarming issue that I have raised on a number of occasions.

From my former occupation in the industrial movement I know that retrospectivity is an issue that has a very unfortunate and bitter record. I argue today that the government received no mandate from the people of Victoria to implement provisions that impose retrospectivity in the way this legislation does. Retrospectivity is undemocratic and heavy handed. It leads to bitterness and to people feeling, correctly, that their rights and democratic freedoms have been tampered with.
I refer the house to article 9 of the International Covenant on Civil and Political Rights, which states in part:

Everyone has the right to liberty and security of person. No-one shall be subjected to arbitrary arrest or detention. No-one shall be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.

Anyone who is deprived of liberty by arrest or detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.

Anyone who was a victim of unlawful arrest or detention shall have an enforceable right to compensation.

Government members should think long and hard about the words enshrined in the International Covenant on Civil and Political Rights. Under those guidelines it is reasonable to say that the rights of Victorian citizens were infringed. We in Victoria, indeed in Australia, are used to expressing concern about the way people are oppressed in developing countries or in regions where dictatorships still reign.

The print and electronic media report daily on such events around the globe, and in Australia we usually count our blessings for the democracy in which we live. But in Victoria at the moment we are living in a period when the Kennett government will go to whatever lengths are necessary to ensure its agenda of politics and cronyism moves forward without interruption. Judges, councillors, individuals holding statutory positions and those associated with Northland Secondary College have all felt the coalition's blowtorch as their pursuits stand in the Premier's way.

The bill is harsh in political intent, it is retrospective and Joseph Stalin would be proud of it. The bill should be opposed because of its outrageous attack on people's rights.

Debate interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Tullamarine Freeway: widening

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the Minister for Roads and Ports to the widening of the Tullamarine Freeway from four to eight lanes as part of the City Link project and ask: why did the government fail to undertake an environment effects statement in relation to the project?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The widening of the Tullamarine Freeway is almost exclusively within the existing reservation. The Minister for Planning in another place has the carriage of environmental issues for this project and is determining the sorts of environmental studies that will be required on the City Link project. He has given instructions accordingly, and Vicroads and the Melbourne City Link Authority are following those instructions to the letter.

Ports: reform

Hon. R. H. BOWDEN (South Eastern) — Will the Minister for Roads and Ports advise the house of progress on implementing the government's port reform proposals?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I am pleased to respond to Mr Bowden's question and to remind the house of the historic reduction in port charges announced in December last year — it is the first time on record, certainly in living memory, that there has been a reduction in port charges in Victoria and probably in Australia.

The result is that the charges imposed by the Port of Melbourne Authority in the port of Melbourne are the lowest of any port in Australia. That is not to say more progress cannot be made, because it can and will be made.

I am pleased to advise the house that as a result of the legislation passed early this session associated ports will be transferred to local and appropriate managers as from 1 July — an initiative welcomed by many communities. Legislation to establish a Victorian channel authority to administer the channels for Port Phillip and Corio bays is currently in the course of preparation for presentation during the spring sittings. The legislation will establish the
Melbourne ports corporation, which will be the landlord for the port of Melbourne.

The due diligence study for the sale of the ports of Geelong, Portland and Hastings is under way and a memorandum of information is being prepared for circulation to possible purchasers in early August. It indicates that the port reform process is on track, and I look forward to positive results.

Mr Bowden and Mr Smith have a particular interest in the Hastings port, and the Whitemark company, which is endeavouring to establish a new industry there, is working closely with the Port of Melbourne Authority. I hope those plans come to pass in the near future.

Melbourne has now been confirmed as the transport hub of Australia. The City Link project, which will free up the freight links and reduce costs in Melbourne and metropolitan areas, and the standardisation of the rail line from Perth to Brisbane centred on the terminal in Dynon Road adjacent to the docks will again prove that Melbourne is the transport hub of Australia.

Community Support Fund

Hon. D. R. WHITE (Doutta Galla) — The government is on record saying that all allocations of funds from the Community Support Fund are transparent, that the government is accountable for those funds and is prepared to divulge all major expenditures from the fund. I ask the Minister for Gaming what other major allocations of funds have been made from the Community Support Fund since July 1994 for tourism, arts, sport and recreation purposes, particularly expenditures of more than $1 million, and will the minister indicate what those major expenditures have been for?

Hon. HADDON STOREY (Minister for Gaming) — Mr White has asked me for details of grants made since 1 July 1994. As he well knows all those details are published periodically.


Hon. HADDON STOREY — They are disclosed periodically and in many cases particular grants have been made public through announcements. I do not carry the details in my head, and Mr White would not expect me to carry them in my head. The answer is that they will all be published in due course.

Palliative care

Hon. S. de C. WILDING (Chelsea) — Will the Minister for Aged Care advise the house of any recent funding initiatives to improve the provision and delivery of palliative care services?

Hon. R. L. KNOWLES (Minister for Aged Care) — I am pleased to advise the house that I have approved funding of $839 000 to a number of organisations to advance a wide range of initiatives in the palliative care area.

The government has allocated $150 000 to the grief and bereavement support program in Frankston. The centre is currently being developed by the Peninsula Hospice Service in association with the Monash University Peninsula campus. Once this excellent model is established we will extend it across the state. The centre will be linked to the Chair of Palliative Care established by Monash University at the Monash Medical Centre.

The Fairfield statewide palliative care AIDS consultancy program has been allocated $50 000 for equipment to ensure that the consultancy has a statewide focus. The non-English-speaking resource centre at La Trobe University has been allocated $60 000 to ensure comprehensive coverage of palliative care to meet the needs of non-English-speaking Victorians.

The in-patient hospice unit at the Monash Medical Centre has been allocated $150 000 for establishment costs. Honourable members will be aware that the centre has established a 16-bed palliative care hospice unit and this amount will help with equipment costs.

The Peter MacCallum Cancer Institute has been allocated $60 000 for medical practitioner palliative care training, so there is greater emphasis on the training of general practitioners.

Hon. T. C. Theophanous — How come you have all those figures at your fingertips?

Hon. R. L. KNOWLES — Because I have a press announcement to make on the issue. Unlike the former Labor government, we do not produce brochures. The Anti-Cancer Council of Victoria has been allocated $10 000 to assist with the provision of cancer death projections for the metropolitan area. The National Association for Loss and Grief has been allocated $80 000 and the Motor Neurone Disease Association has been allocated $100 000 to
help with the equipment pool and the provision of palliative care for those who suffer from that debilitating disease. Finally, Melbourne Citymission has been allocated $79 000 for the provision of video and education kits that will help nurse educators, hospitals and school of nursing libraries, community health centres and hospice palliative care programs.

These additional funds provide a significant boost to the palliative care program in this state. Some of the funding is of a one-off nature and the other is ongoing. This will help us establish a more comprehensive palliative program throughout Victoria.

**Strathbogie: land acquisition**

Hon. PAT POWER (Jika Jika) — I advise the Minister for Local Government that the commissioners of the Shire of Strathbogie have recently resolved to purchase 16 hectares of land on the outskirts of the township of Euroa. This land is the final parcel of land in an estate of which Michael Tehan is executor of the will. Does the minister believe it is appropriate for Strathbogie shire to acquire land in circumstances where the chairman of commissioners is executor of the will from which the land is being purchased?

Hon. R. M. HALLAM (Minister for Local Government) — Again, Mr Power builds a straw-man case. Again, he invites me to comment thereupon, I suspect with the express intention that if I acknowledge to the house that I will investigate he will therefore imply that I agree there is some wrongdoing by the commissioners whom I have appointed. I do not accept that. I suggest that is not an appropriate way for the business of the house to be conducted.

Hon. D. R. White — So say you!

Hon. R. M. HALLAM — That is what I just said.

Hon. D. R. White — Have you looked at the questions you asked?

Hon. R. M. HALLAM — Are you hard of hearing?

Hon. D. R. White — It is a reasonable question!

Hon. R. M. HALLAM — It may be.
Melbourne International Film Festival

Hon. G. H. COX (Nunawading) — Will the Minister for the Arts tell the house whether the government is providing support for the Melbourne International Film Festival and what benefits the festival brings to Melbourne and Victoria?

Hon. HADDON STOREY (Minister for the Arts) — I thank Mr Cox for his interest. I am sure he is a keen filmgoer, like most members of this house, and he is interested in these matters. The government supports the Melbourne International Film Festival through Film Victoria. Film Victoria’s mission is to develop an innovative and individual moving-image culture and a cooperative environment in which Victorian’s film and television makers can thrive and audiences can appreciate their works. An important part of this is to support cultural activities such as the Melbourne International Film Festival, which is one of the oldest film festivals in the world and is a most important vehicle to showcase foreign films in Melbourne.

In latter years it has also been a showcase for new Australian works. This has been a significant development because in the past Australian film distributors did not like to show their films at film festivals because they felt they would use up all their audience at the showing — all 3000 of them! Now they realise that this is an important opportunity to showcase their films.

Last year the film festival opened with Muriel’s Wedding, which we know now is fast heading towards being one of the highest grossing Australian films overseas. The festival finished with the Australian film TheSum of Us, which has also been shown overseas.

This year’s film festival will open and close with Australian films. I cannot say that the opening film is new because it is The Sentimental Bloke, which was made in 1919. A brand-new print has been made of that film. The festival will close with another Australian film, and there are at least three other Australian feature films that will have their first showing at the festival. The festival will show films from Taiwan, Korea, Iran, India and many other countries.

It is important to continue to support the film festival because the film industry is important. Melbourne has a strong film culture and it has helped to encourage the development of the film industry in this state. The government will be working with the film festival to try to develop it as one of the three major festivals in the Asian area, the other two being in Tokyo and Singapore.

I give the house advance notice that the film festival next year will be held in the restored Regent Theatre, and it will be a great event for Melbourne.

Water corporations: executive payments

Hon. B. T. PULLEN (Melbourne) — Will the Minister for Conservation and Environment advise the house why the new part-time chairperson and part-time directors of the three water corporations, South East Water, Yarra Valley Water and City West Water, have been empowered to pay themselves bonuses to a total of $180,000 for the first six months of their tenure in addition to the $60,000 and $30,000 they are paid for their part-time, non-executive functions in respect of those bodies?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I will refer Mr Pullen’s question to the Minister for Natural Resources and he will provide a reply.

Local Government Board: report

Hon. B. N. ATKINSON (Koonung) — In light of the government’s initiatives to strengthen the role of local government, will the Minister for Local Government inform the house about the release of the Local Government Board’s interim report on the role and functions of councillors and on the methods of submission or public consultation that will be used in promoting that report?

Hon. R. M. HALLAM (Minister for Local Government) — I am pleased to inform the house that on 7 February this year I gave a reference to the Local Government Board to review and report on the roles and functions of local councillors. The board undertook extensive consultation as part of its review, visiting 11 regional centres and receiving more than 250 written submissions. The board has now considered the submissions.

Earlier today, as Mr Atkinson noted, the board released its interim report for further public comment. The report canvasses several areas, including in particular the role and accountability of councillors, the range of services and other related issues. The board has also made interim recommendations on councillor remuneration, professional development, tenure, the use of the...
terms ‘mayor’ and ‘shire president’, the gender balance of councils and the number of councillors. Members will be aware that I have written to the board seeking its early advice on councillor numbers so that any recommendation it makes can be considered in time for inclusion in any legislation that is required in the next sessional period.

Accordingly, the board has requested that submissions on the issue be lodged by Monday, 26 June, and it has now sought responses on all the other issues by 17 July. Following its consideration of any further submissions, the board will publish its final report by the end of August this year. The issues being canvassed are important and basic to the operation of local government and deserve to be debated publicly. I commend the report to the house. It is another step in strengthening local government and making it more relevant to the 21st century.

Unemployment: regional Victoria

Hon. PAT POWER (Jika Jika) — The Social Justice Research Foundation has conducted research based on data supplied by the Australian Bureau of Statistics. It shows that in Melbourne’s north-western and outer-eastern regions the unemployment rate for 15 to 24-year-olds is 20 per cent; and in the Loddon-Campaspe, Mallee and Barwon western regions the unemployment rate for 15 to 24-year-olds is 21 per cent. What programs has the Minister for Regional Development developed and implemented to address the tragic unemployment pattern in the regional areas of Victoria?

Hon. R. M. HALLAM (Minister for Regional Development) — The question goes to an issue that should be of concern to all members of this place. There is no room for anyone to take pride in Victoria’s unemployment statistics. Nevertheless, the trend is heading in the right direction, which should give all of us heart. The Australian Bureau of Statistics data shows that although the level of unemployment, particularly among youth in country regions, is far too high, the situation is on the improve. Mr Power would have to concede that that means some of the decisions we have taken have had an impact.

Hon. Pat Power — Name one that has assisted unemployment among 15 to 24-year-olds in the regions I mentioned.

Hon. R. M. HALLAM — Mr Power again makes the mistake of assuming that the effect of an individual program can be directly traced to its impact on the ground.

Hon. D. R. White — Or a project.

Hon. R. M. HALLAM — I am not talking about projects. If Mr White wants to talk about projects, there is a range of individual circumstances — —

Hon. Pat Power — Name one you have developed and implemented, Minister for Destroying Victoria!

Hon. R. M. HALLAM — It is not possible to trace the effect on the ground of an individual policy. Investment in regional Victoria, especially in the dairy industry, has been dramatic: hundreds of jobs have been generated in that industry.

Hon. Pat Power — Name one you have developed and implemented.

Hon. R. M. HALLAM — The best example is one that was recently on my table. The government allocated funds to improve the standard of water in a small rural town which, in turn, attracted investment of $35 million. That was undertaken by a substantial Australian company, and the project directly generated — —

Hon. Pat Power — You are claiming credit for implementing that, are you? How many 15 to 24-year-olds benefited; that is the question?

Hon. R. M. HALLAM — Each time he interjects Mr Power highlights the fallacy that was perpetuated by the previous Labor government. It is appropriate to say that the previous government made many claims in an apparently similar vein. Almost every day the then opposition was told about the number of jobs that were being generated under Rural Enterprise Victoria programs, and every time I heard them I felt the hair rise on the back of my neck. If all the claims the previous government made about job creation — that was the terminology it used — had been true, we would not have an unemployment problem!

Hon. D. R. White interjected.

Hon. R. M. HALLAM — You didn’t ask the question, Mr White. Every time Mr Power raises it, I shall respond. Every time this is raised I shall register a protest at the concept of job creation, because I do not think it is possible. I do not think it
is possible for a government to create jobs. I draw a clear distinction between job creation and job generation. It is possible to generate jobs, to get the climate right and to have private enterprise take up the slack. Creating jobs went out with lace-up boots — and that certainly went out because of the mistakes made by a government of Mr Power’s persuasion in the 1980s.

Although the honourable member may take some pleasure in the unemployment levels, I make the point that they are at least going in the right direction.

Mount Macedon Cross

Hon. R. S. de FEGELY (Ballarat) — Will the Minister for Conservation and Environment inform the house of the progress that is being made on restoring one of Australia’s most significant war memorials, the Mount Macedon Cross?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Honourable members will recall that in April 1994 a public appeal commenced to raise the funds needed to restore the Mount Macedon Cross and to maintain it in the long term. The Mount Macedon Cross is near Macedon and the government looks forward to Mr Theophanous visiting it.

Hon. T. C. Theophanous — Is it a Macedonian cross?

Hon. M. A. BIRRELL — It is neither Macedonian nor Greek Orthodox!

The public has strongly supported the proposal. The state government provided $25 000 in seeding funds to launch the appeal and established the Mount Macedon Cross Restoration, Development and Maintenance Trust to conduct it. I commend the federal government on the support it has given in making donations to the appeal tax deductible.

I am pleased to advise the house that a new 20-metre high cross has replaced the original cross, which was in a state of severe decay due to the impact of lightning strikes, the Ash Wednesday bushfires and the extreme weather conditions experienced at the peak of the Macedon Ranges. The new cross is on Crown land. In addition to making a donation of $150 000, the Grollo brothers have undertaken to perform further work on the restoration project to the value of $50 000.

The exterior of the original cross was covered with tiles. That cross has now been removed and the new one has been specifically prepared to resemble as closely as possible the look, texture and colour of the original cross. That has been done with the approval of the Historic Buildings Council.

However, the task of the appeal trustees is not complete, despite the positive response of the Victorian public to the appeal.

The erection of a new cross is a vital aspect of the appeal’s work but it represents only part of a wider plan — namely, to restore the entire Memorial Cross Reserve and, importantly, to raise sufficient funds to ensure the proper maintenance and upkeep of the cross into the future.

The trustees of the appeal, under the outstanding chairmanship of Dr Frank Moulds, have decided that the new cross will not be dedicated until the appeal is complete. I therefore urge honourable members to make this worthy project known to their constituents and to assist in whatever way possible in delivering on this great ideal.

AUSTRALIAN GRAND PRIX (AMENDMENT) BILL

Debate resumed.

Hon. JEAN McLEAN (Melbourne West) — This is a disgraceful bill, as my colleague Mr Power pointed out. It is aimed at turning ordinary citizens into criminals retrospectively. It is framed to reverse a decision of the Magistrates Court because the government did not like its findings. The magistrate, Mr Couzens, found that the police who arrested the people in the park had acted illegally. Rather than accepting the court’s decision the government is rushing this bill through to make a crime of what was proven to be lawful.

The government has given a public park to a private company, not only to stage a car race but to change forever the value of Albert Park as an open space as well as a regional and local sports venue. Mr Walker of grand prix and casino fame, Chairman of the Melbourne Major Events Company and a mate of this government, has been given the right to control the use and the time of use of this park. He can have people kicked out of the park and arrested and charged by the police at our expense. Mr Walker wanted the race at Albert Park because of its...
proximity to his casino and he hopes the grand prix customers will shovel more money into his gambling den down by the river. We do not know what other benefits he will get from the whole circus and how much the circus will cost the Victorian taxpayer.

As Mr Walker is Chairman of the Melbourne Major Events Company, the event is personally lucrative for him. In fact, when speaking on radio the other day, Mr Walker felt bound to apologise for the secrecy surrounding the Albert Park grand prix. He said he was surprised at the extent of the protests against the race. He also said, 'I thought it would be a joy for most people'.

When asked whether the company should have been more open about its plans, Mr Walker admitted that it was probably handled badly in the first place. He then made the rather startling admission that, because Albert Park had not been surveyed since World War II, track plans had to be changed repeatedly as surveys revealed problem areas. Had there been a proper environmental impact statement before the track was planned the problem areas — in many places the ground is like jelly — would have been revealed. Mr Walker said the public would have accused the Australian Grand Prix Corporation of lying if it had revealed its initial plan — because the final layout was different from the original. Surprise, surprise! To that I say: you are damn right; we would have, and you did lie!

In his interview Mr Walker also praised Judith Griggs as an effective operator when he said that she was a very soft person with a soul who does care for the people with complaints. I must say that that description of Ms Griggs is slightly different from the one I have heard from protesters who have had dealings with her.

Last Saturday I walked around Albert Park as much as it was possible because I kept coming up against cyclone fences, armed guards with Alsatian dogs and a lot of mud and slush.

Hon. K. M. Smith interjected.

Hon. JEAN McLEAN — I am allowed to walk anywhere I like. I saw the construction site where they are building 250-metre-long pits. Originally we were told they would be moving pits like those in South Australia, but they will be four storeys high. The so-called ingenious solution to justify the permanent monstrosity in the middle of the park is that it will allow the use of three of the four buildings for netball for 40 weeks of the year. So for three months — not just the five days of the car race, as we were originally told — the buildings will be closed to the public. The public park will be a public park no more. It will be given to Mr Walker as a very lucrative plaything. There is now a new wide road for 25 000 cars a day: as someone pointed out, that is fantastic if you are into freeways through parklands.

Not only has the grand prix made criminals of those who choose to use the park: as you are aware, many of the houses in its vicinity have been badly damaged by the compacting that was undertaken to build the track. Government members who belittle those who show concern for Albert Park are fond of telling us that it used to be a swamp and a tip. That is true; that is why the roadmaking was so damaging to the area. The government took away the rights of residents by legislation so that Mr Walker and his mates could do whatever they wanted to do to make their racetrack.

Judges of the Supreme Court have sounded a clear warning about this government's 'mates' rates' legislation. An article in the Age of 3 June reports:

The judges of the Supreme Court yesterday warned that legislation limiting their power to review government decisions had the potential to increase corruption ... The judges identified two areas where state legislation had eroded the court's jurisdiction.

The first related to 'the vesting of power in ministers to make decisions which affect the rights of people ... in conjunction with the limitation or removal of the court's jurisdiction to review such decisions'.

The second related to a number of instances where 'legislation has conferred on government bodies, individuals, and corporations immunity from the consequences of their actions'.

The bill continues along the path of arbitrary power and inequity under the law.

One of the many areas where citizens are being denied their rights because of the grand prix is the area of compensation for damage to the houses around Albert Park. An unknown number of houses have been damaged; however, under the Australian Grand Prix Act 1994 they have been denied proper redress under the law. Some of those who contacted
the government were offered arbitrary small sums of money if they signed release form A, which says:

The owner, in consideration of the payment agreed to be made by the state of Victoria, hereby releases and forever discharges the state of Victoria, the committee of management of Albert Park, its members and employees and the Australian Grand Prix Corporation ('the corporation' which, for the purposes of this release, is the corporation established by the act) and its members, servants, agents, employees, consultants, contractors and subcontractors ('the releasees') from all claims, suits, demands, charges, damages, costs, expenses and interest of every description whatsoever which the owner may have or may allege or which, but for this deed, may have had in the future arising out of or in relation to the works.

There is also form B, which says the same thing but that somebody would come around and patch up the house. They have been given this not by right, because they have none, but by grace and favour of the Premier, Mr Kennett. The inspections organised by the government were perfunctory; they were not structural inspections. Many people have not signed the release forms because advice received from a geophysicist, Mr Paul St John, advised that the subsoil could take months to settle and more damage could appear at a later date. The demand by the Premier that they sign within seven days was unreasonable because there is a possibility that these people will find themselves up for many thousands of dollars which they may well not have because Mr Walker and his friends want to have a car race near their casino.

Because of the lack of rights of the residents and the rush the government has put them under, all sorts of irregularities have surfaced. Some people have been granted inspections after the cut-off date, while others have been refused. I believe three government employees who put in claims for damages, two before the cut-off date and one after, have been granted compensation. I have been told that the one who put in his claim after the cut-off date works in the Department of the Premier and Cabinet and that all claims had to be approved by the Premier. Why was this person granted an inspection when between 20 and 30 other people had been refused? Some of these people were overseas at the time of the compacting; others are landlords who have discovered that their properties have been damaged; and one little old lady who is nearly blind was unaware that her property had been damaged until a neighbour told her.

I visited my niece Ann Ramondini's house in Cowderoy Street just after the ceiling fell in on her mother-in-law during the compacting time. Last Saturday I visited her house again before I walked across the park: many new cracks have appeared in the house. Ann was told by representatives of the department to which she had to send the form that she had been naughty because in a letter with her form A she stated that she wanted to reserve the right to a later inspection because the house keeps cracking.

The second-reading speech states that the bill will ensure that there is a clear reference point after which all parties will be certain of the rules. It goes on to say that the public interest will be served by allowing works to proceed in Albert Park.

The damaged houses prove that the public interest is not being served by works being allowed to proceed in Albert Park. The people who have been arrested for being in a public park are not having their public interests served by retrospective legislation that makes what was declared legal by a magistrate illegal.

The minister finishes the second-reading speech by saying that the grand prix will provide enormous benefits to Victoria. We do not know how much the grand prix is costing Victorian taxpayers because the government is hiding behind commercial confidentiality, so how on earth do we know if there will be any economic benefit for Victoria?

This amending bill proposes to make retrospectively unlawful acts done lawfully by Victorians. It is incumbent on citizens in a democratic society to oppose unjust laws by whatever peaceful means are available to them. The most direct way to draw attention to unjust laws in this country is by public protest. That form of activity has been and will continue to be successful in many instances.

As honourable members would know, I have been involved in protests against unjust laws — federal and state laws, and in one case Melbourne City Council by-laws — and have been arrested and gaolled many times for taking stands against conscription, the Vietnam War and the right to hand out literature in the central business district of Melbourne. I am glad to say that on each of those issues the protesters were proved right and the laws were changed.

I am sure the protests against the destruction of Albert Park — the lake, the park and the houses in...
the surrounding area — that is taking place under the undemocratic laws introduced by the government will be successful. I oppose the bill.

Hon. K. M. SMITH (South Eastern) — It gives me great pleasure to rise in support of a bill the government has been forced to introduce because of the decision of a magistrate on charges brought against a number of people who felt they had a right to be in Albert Park — a decision that resulted from what could be described only as a misreading of the legislation. The government has received advice that the decision was incorrect.

Hon. Jean McLean — Why didn’t you try it out in the courts?

Hon. K. M. SMITH — The government could have done that, but rather than spend more money on the matter it decided to grant an amnesty to people charged prior to 25 May.

Hon. D. A. Nardella — What is your definition of an amnesty?

Hon. K. M. SMITH — You will have your chance, Mr Nardella.

The DEPUTY PRESIDENT — Order! Mr Smith should ignore interjections, which are disorderly and out of order, and continue with his speech.

Hon. K. M. SMITH — I am trying to make a low-key contribution. The government is saying to Albert Park protesters, ‘You have had a fair go until now. Let’s call it quits, but don’t go into the declared areas of the park during the construction stage when the race is being run’.

The government has done that for a number of reasons: to ensure people’s safety, to ensure the safety of contractors and their employees, to ensure contractors’ equipment is not further damaged and to ensure no further acts of vandalism are undertaken by some protesters. Spikes that were driven into trees could have killed people who — —

Hon. Jean McLean — Poddletot!

Hon. K. M. SMITH — What was that word? That has put the Hansard reporter on the spot because he is not sure what you said. Would you like to spell it for him?

The DEPUTY PRESIDENT — Order! Might you also include me in the debate, Mr Smith!

Hon. K. M. SMITH — I am glad you are still in control, Mr Deputy President. I felt obliged to rise and speak in favour of the amendments the government is making to the Australian Grand Prix Act because I have always been in favour of the grand prix going ahead at Albert Park and nowhere else. I have always absorbed information provided to me by people on both sides of the argument and have been prepared to be open-minded about the issue.

Some people at Albert Park have genuine concerns about the noise and traffic the holding of the grand prix will cause in the area, yet it will be no worse than one would expect during the holding of any other major event. Skyshow and a number of other events that attract large numbers of people are already held at Albert Park.

I understand the points of view of residents with genuine concerns, but I cannot support the way they have been manipulated by people like Mrs McLean and other Labor members who have jumped on the bandwagon, joined the protests at Albert Park and turned them into nothing more or less than anti-Kennett rallies.

The government is putting on an event that will be great for Victoria, and the people of Melbourne will end up with a park that will be far better — —

Hon. D. A. Nardella — Which they will not be able to use!

Hon. K. M. SMITH — Of course they will be able to use it. They will have as much right as they had previously to use it, except for declared areas, which are in part to ensure public safety.

About a month ago I received a package of misinformation from the Save Albert Park group. I wrote back to let the group know I was annoyed and angry about the packs they had sent to schools and the misinformation they were therefore spreading among VCE students. I was contacted by Mr Bill Phelan, who said he had voted Liberal all his life but was not sure whether he could vote for the Liberal Party in the future. That approach does not usually win me over; I don’t care whether people are Liberal or Labor voters, if they want help I am happy to talk with them.

On this occasion I spent a couple of hours talking with Mr Phelan and others about the issues that have been raised, and in the end we concluded that we were not going to agree. As I walked out through
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Mr Phelan's front door I said to him, 'The one good thing about banging your head against a brick wall is that it is good when you stop. No matter what you do or say, starting in 1996 the grand prix will be held at Albert Park. It will be a great thing for Melbourne, and when the park is not closed off for the race you will have the use of the park to do whatever you like. It will have far better facilities than ever before.'

The people I spoke with did not care where the grand prix was held so long as it was not held at Albert Park. Although initially that may appear to be a good idea, Docklands is the largest block of unused land so close to a major city anywhere in Australia and to run the race there would be foolish. The Labor hypocrites would say we were wasting money because that land is worth billions of dollars and a racetrack would hinder development. Docklands is not a park!

They then suggested it should be out at Sandown. Sandown is 40 kilometres from Melbourne, and because the available public transport facilities would be unable to move the number of people wanting to attend the race, the highways would become clogged.

Hon. Louise Asher — It doesn't have enough spectator capacity!

Hon. K. M. SMITH — Ms Asher is right. The track will have to be completely restructured from what it is now. We have a park — and it is not 'their park' as opposition members keep referring to it. It is a sports park. There are a number of ovals at the park that were in very poor condition; there were toilets and change room facilities that were havens for perverts who used to be there all the time. Mrs McLean knows about the sorts of people who used to hang around down there. You would not let your kids go into the rooms to get changed by themselves. And, you knew when your children ran down onto the ground that they would hurt themselves because of the stones, rubbish and junk left on the ovals. The ovals had never been looked after properly — ever.

The honourable member talked about the huge building. A number of buildings will be able to be used for netball and basketball. They will be used by clubs as clubrooms for the bulk of the year. For the majority of the year those buildings, in conjunction with the ovals and other facilities, will be available to them. Of course, for the short period of time that

the grand prix is on people will not be able to use those facilities.

Hon. Jean McLean — It's for three months! Not for the period of the race!

Hon. K. M. SMITH — You've had your go, it's not for three months!

Hon. Jean McLean — 12 weeks!

Hon. K. M. SMITH — For a certain period of time those buildings will be joined together, and yes, they will become pits, yes, they will work on their cars there, and yes, there will be those sorts of facilities made available.

However, Aughtie Drive, which I used many times as an alternative route, will become a park road, which is fine. So the people who will use the ovals and other facilities will be able to get to those facilities easier, better and safer than they used to.

We are in a position where, yes, people will use Lakeside Drive because it is now in a better condition than it was before. It looks absolutely fabulous, and for Mrs McLean to try to mislead this house by saying you went down tramping through the mud and you could not go past the cyclone fence — —

Hon. Jean McLean interjected.

Hon. K. M. SMITH — Of course you can't! You can go to any building or construction site in Melbourne and try and walk in, but you cannot because of the mud! She should go back to the park in 6 or 12 months time and try to give us the same story! Go and have a look at it! Have you been there and seen Lakeside Drive?

Hon. Jean McLean — Yes.

Hon. K. M. SMITH — Is it an improvement on what was there?

Hon. Jean McLean — No!

Hon. K. M. SMITH — Okay, enough said, but the honourable member just cannot see.

Hon. Louise Asher — The road was too close the way it was before.

Hon. K. M. SMITH — And, that is really a big worry!
The DEPUTY PRESIDENT — Order! I ask Mr. Smith to come back to the bill and concentrate on that rather than the interjections.

Hon. K. M. SMITH — I would like to but it is sometimes difficult.

The DEPUTY PRESIDENT — Order! I know it is hard, but I am sure if you try, you can do it.

Hon. K. M. SMITH — The bill addresses the fencing provisions. The belief is that the management, namely Melbourne Parks and Waterways, has the right already and has always had the right to fence off areas it wanted to. Nevertheless, because new legislation was being introduced it was thought that there may have been some fuzziness about whether that right was still there, so the government is spelling out, in the bill, that the fencing provision is factual. Melbourne Parks and Waterways have the right at its will to be able to fence off areas and declare areas, and Melbourne parks authorities have always done so.

But I remember the time Steve Crabb, I must say to his credit, cleaned out Albert Park Lake. He was responsible for the removal of rubbish at the bottom of the lake. He did a marvellous job. However, none of these protesters have ever protested about the fact that Steve Crabb fenced off part of the old golf club and filled it up with all of the rubbish that came out of the lake. He fenced off at least two of the ovals, dug out another one, fenced them off and denied the people access to those ovals. And I never heard a whimper from those people down at Albert Park! Did Steve Crabb have the right to be able to do that?

What we have now is a far better park than what we had before. Section 5 of the bill is setting the matter straight. It provides Melbourne Parks and Waterways with the fencing powers that we believe it has always had anyway.

I note Mr. Nardella is shaking his head. He can shake it until it falls off! But we believe that Melbourne Parks and Waterways should have those rights. Clause 6 of the bill, which amends section 51 of the act, relates to the change in police powers. It says that the police do not have to stand there and issue instructions on three separate occasions to people when they are in a declared area and should vacate it. I point out that the Melbourne Parks and Waterways and the Grand Prix Corporation people have to say that it is a declared area so that the police hear it and protesters hear it. It is fact that the protesters run to the other side of the oval and say, 'We were never told that instruction' so they can then object to being arrested by the police. Over a period of time they have said this statement week after week after week.

However, this provision in the bill says the police can arrest them if they are trespassing; that is, if they are in a declared area, or if they are in a fenced-off area where they have been told they are not supposed to be, merely by the fact that the fence is there, they will be arrested. The police do not have to go through the procedure of making warnings. The opportunity for people to say, 'We never heard about the warnings' has been removed.

Therefore the government is making it clear to people who trespass that they will be arrested, charged and taken to court. I believe that is fair, above board and straight down the line. We are trying to do the right thing for all Victorians and we are trying to make it simple for the people who use Albert Park to understand: if they are going to trespass onto the area where the grand prix will be, it is at their peril.

The people who live near Albert Park will be getting a far better park. The opposition talked about the amnesty, which is section 8 of the bill. I indicated to Mr. Nardella that the government was ruling it off, that is, ruling off the people who had been charged up to now. We are saying, 'Up until 25 May, forget about it. But, if you go into that area after 25 May, then you'll be charged under the new rules and regulations that have been set out in the act'.

We believe that the magistrate's decision was wrong. We have had proper rulings on that and if the members of the opposition had done their work they probably would have found the magistrate's ruling was wrong. We did not want to have the matter tested again. We did not want to spend the taxpayers' money or the protesters' money taking the matter on. What we have said instead is, 'You had until 25 May, we are setting out all the rules and regulations now. If you do not want to abide by them like the rest of Victoria's citizens, then you'll be charged'.

The government has made it clear: it wants to get on with the construction of the grand prix track at the park so that it can bring the park up to a decent standard. People who live in the area will have access, in the vast majority of the year, to fantastic facilities. The Victorian people will have a fantastic park that we can all be proud of. It is something that
not only the people who live near the park will benefit from greatly, but all of us.

Hon. D. A. Nardezza (Melbourne North) — I oppose the bill which is part of a legislative program by the government to enforce retrospective legislation. On that basis alone the bill is abhorrent. I have previously put on the record the fact that, unless it is necessary in extreme circumstances, retrospective legislation is abhorrent and should not be put in place by this government, by a federal government or by any other government. Unfortunately, Mr Smith does not understand that this bill is worse than most because this retrospective legislation makes criminals of people whom the courts have found not to be criminals.

Obviously Mr Smith disagrees with the magistrate, but that is inconsequential to this argument because the fact is that a decision has been made about the legality of the actions of those protesters. Obviously the government does not understand democracy or the processes of the law as they affect the community; and it certainly does not understand the principle underlying the separation of powers.

This bill makes the actions of protesters retrospectively illegal. One would expect a Third World country to have such laws in place so that such actions may be taken by the military, the police forces or the forces of oppression, but one does not expect such action in a First World country that operates under the Westminster system. However, Victoria is in this disgraceful situation where the government again flaunts all the conventions and understandings of what a First World society or a democratic or enlightened society is all about. It is wrong to act in this way.

The government could have come here and put an honest position. As Mr Smith said in his contribution, the government could have said it would wipe the slate for anything that happened prior to 25 May; it could have said that it understood the actions of protesters were lawful then, but that it intended to change the law as of 25 May. I would not agree with that action, but I would accept it. This position cannot be supported by the opposition or, indeed, by the Victorian community as a whole and the community that is affected by the works presently being carried out at the Albert Park site. It is important to note that those concerns are serious.

Those freedoms that Victorians have taken and continue to take for granted are seriously regarded by many citizens. The rights and freedoms of people to protest and to make their views known is a democratic right that is of the utmost importance; it is a right the opposition holds dear. It is one of the rights or freedoms for which our men and women fought vigorously in two world wars. Many men and women lost their lives in defence of those freedoms; they have been obtained through extreme sacrifices. The intent of this legislation is to stifle those freedoms or democratic rights that we have taken for granted.

As Mr Smith said, this legislation clarifies the situation. The government can legally erect fences so the public cannot use their parks or the facilities being built in that area. Ms Asher said, 'It is only for five days', but anyone who has visited Adelaide for its grand prix and understands how stands and other structures are assembled and dismantled will know it is not just for five days. It is not a matter of Mr Walker borrowing the park for five days, because it will be occupied for at least three months. All Victorians will be barred from using those facilities and designated areas within the park for three months of the year.

Mr Smith and I have been to Adelaide and together viewed the grand prix racetrack at the site of the old racecourse. Three-storey buildings were assembled for the event. It will take a couple of months to assemble the four-storey buildings here and another couple of months to dismantle them. This bill will not allow people to enjoy Albert Park during that period.

This legislation extends the powers and influences of a private company at the expense of individuals. It is a serious issue when this government legislates to provide special provisions for the grand prix company which will remove certain rights from the people. The legislation builds on the act in which the rights of the people were trampled; the restoration of their rights which have been affected because of the compaction and other works at Albert Park cannot be pursued in the courts.

This bill builds on the 'benevolent dictatorship' of the Kennett government and extends the principle of retrospective legislation. This benevolent dictatorship says, 'The courts have ruled you have not acted in an unlawful manner; but we, as a benevolent dictatorship, will legislate to make those actions unlawful, and then pass a further law to pardon you'.

That is what the legislation and the principles it enshrines build on. Opposition members will
continue to oppose unjust laws such as this. This law combines with many others to make this government the most undemocratic and oppressive government Australia has seen this century. It follows and builds on the lead set by the government's icon, the former Bjelke-Petersen government in Queensland.

Mr Smith spoke of putting in place an amnesty. Unfortunately, he could not say what an amnesty was, even after Mr Power had read to the house a detailed definition from the Macquarie Dictionary. It is unfortunate that Mr Smith does not know what the definition of an amnesty is. For the purpose of educating Mr Smith, I inform him that it is a general pardon of offences against a government.

A magistrate has decided no offences have been committed by a certain group of protesters. Under this legislation, those people have broken the law and are made criminals retrospectively. Governments are there to represent us; it is to be expected that they are not there to make people criminals at the stroke of a pen. But this legislation, which unfortunately Mr Smith does not understand, has done that.

Mr Smith claims that people are being manipulated by the ALP and anti-Kennett people. The good citizens in and around Albert Park are genuine in their intention; they are not being manipulated but are taking grassroots action. They are not being supported by their state representatives in both this and the other house. The mums and dads, grandfathers and grandmothers, and girls and boys protesting and upholding their rights have a genuine commitment to their community and environment.

Hon. K. M. Smith — And to themselves.

Hon. D. A. NARDELLA — That is correct. Perhaps Mr Smith can understand that the quality of their lives is important to them. They see no way of protecting their position from the government unless they take action — action they do not want to take. They do not want to walk in the streets, protesting against the Kennett government, the grand prix and the changes in Albert Park; but they are being forced into that position because the government is uncaring, uncompromising, and without compassion. It does not listen to the communities it should be listening to and representing in this house. It has not done that for the past two and a half years, and it will not do that in the future.

The only action open to the good people of Albert Park and the surrounding areas is political action; they will not be manipulated by John Thwaites, Louise Asher or anybody else because they determine their own destiny. They do not like what is happening in their community. Their democracy is being taken away from them. Mr Des Clarke finds it more important to lunch with honourable members than to represent his community in the City of Port Phillip by protesting against the legislation and the Albert Park changes and opposing the staging of the grand prix in Albert Park, which his community is against.

These protesters, the mums and dads, the grandmothers and grandfathers, see protesting against the government as their only alternative. They do not like doing that. It is an absolute shame that that is the only way they think they can get through to the government. This legislation retrospectively makes some 94 to 97 people criminals. It is the stuff of Third World countries. We have protested to protect our society from such legislation, but government members just find it funny.

Mr Smith said people can use the club rooms for the bulk of the year. I suppose the bulk of the year is 9 months out of 12, but for the other 3 months and certainly when the race is running, those people will not be able to do anything; they will not be able to think or hear anything other than cars screaming around their neighbourhood on roads specially compacted, their houses having been destroyed by the compaction process. That will be the case the bulk of the year, and that is why those people are protesting.

This disgraceful legislation has been put in place so the government can make criminals out of good, decent human beings who are trying to protect their rights. If the Labor Party had attempted to put such legislation before the house, there would have been screams from the other side, and rightly so; we would not have put before the Parliament such legislation that squashes the rights and freedoms of the good people in and around Albert Park.

On that basis opposition members will be opposing this appalling legislation; it again goes against that which the Labor Party holds dear and that which the coalition disregards continually. I urge honourable members not to support the legislation.
INFERTILITY TREATMENT BILL

Wednesday, 7 June 1995

House divided on motion:

Ayes, 28
Asher, Ms
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bishop, Mr
Bowden, Mr
Brideson, Mr
Connard, Mr
Cox, Mr
Craigie, Mr (Teller)
Davis, Mr
de Fegely, Mr

Noes, 13
Davidson, Mr
Gould, Miss
Henshaw, Mr
Hogg, Mrs
Ives, Mr
Kokocinski, Ms
McLean, Mrs

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

In doing so I shall make one or two short comments on points made by opposition members. Mr Smith has already covered most of them in his contribution to the debate. The opposition exaggerated the effect of the bill in everything it had to say. With regard to clause 4, which is the declared area provision, the opposition did not comment on the fact that the bill does not assume that it is perpetually a declared area because the bill provides for notices to be issued and those notices will determine the time the area is a declared area.

Clause 5 relates to the fencing of land. The bill only confers the same power normally provided through committees of management in relation to the control of Crown land. It is made clear that they have very similar powers to those of any committee of management.

Clause 6 relates to a change in police powers. Mr Pullen and other members of the opposition opposed that by saying it was an unwarranted intrusion. I point out that a similar power exists under regulations in section 219 of the Transport Act 1983, which was introduced by the previous Labor government under its transport minister, Mr Tom Roper.

Finally, clause 7 relates to validation. Mr Power and others claim the bill creates retrospective legislation, but it simply clarifies the position that existed before the magistrate gave his decision. The bill makes that position clear. I do not regard that as being in any way equivalent to retrospective legislation. Apart from those matters, Mr Smith has given the reasons this bill should be supported.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

INFERTILITY TREATMENT BILL

Second reading

Debate resumed from 6 June; motion of Hon. R. I. KNOWLES (Minister for Housing).

Hon. C. J. HOGG (Melbourne North) — This bill replaces the Infertility (Medical Procedures) Act 1984, which regulates procedures for the treatment of infertility. It also regulates surrogacy and research using human material.

The bill establishes the Infertility Treatment Authority. The authority has a number of functions, including granting licences to hospitals to carry out research and IVF treatment; approving doctors; scientists and counsellors; approving specific research projects; and keeping a central donor register. The authority will have up to seven members, who will be nominated by the minister and appointed by the Governor in Council. The membership of the authority will have a balance of experience and expertise.
The Standing Review and Advisory Committee on Infertility (SRACI) will have two main functions: to advise the minister and to advise the authority on whether specific research projects should be approved. The committee will have up to 14 members, to be chosen from specific categories including children born as a result of IVF procedures, people who have carried out IVF treatment, members of religious bodies, and people with qualifications in philosophy, medicine, law, social work, health and education.

Part 2 of the bill deals with treatment procedures, which include fertilisation and donor insemination. A fertilisation procedure can be carried out only by an approved doctor in licensed premises. A donor insemination can be carried out only at licensed premises and only by either an approved doctor or another person provided the woman is in the charge of a doctor. In all cases the doctor must be satisfied that the requirements relating to consent, counselling and information have been satisfied. The treatment procedures are confined to married couples.

In addition, the treating doctor must be satisfied that the woman is unlikely to become pregnant other than by a treatment procedure or that, for example, a genetic abnormality or disease may be transmitted during an ordinary pregnancy. The bill stipulates that all the parties be provided with adequate information to enable them to give informed consent. It provides that all the parties — donors, participants and spouses — give adequate information to and receive counselling from approved counsellors.

The bill regulates all research, approval for which is required from the authority and the committee. Zygotes may be deliberately formed for research provided all necessary approvals are given. Although destructive research involving a zygote can be approved, that research must stop prior to syngamy. However, embryos cannot be formed for research. The only permissible research is on embryos which are fit for transfer and which have been formed for use in a treatment procedure.

The bill imposes criminal offences for commercial surrogacy. Non-commercial surrogacy agreements are void and are therefore not enforceable. Each hospital is required to keep a register of all records on IVF and related procedures and donors. Furthermore, the authority is required to keep a central register that holds all the information on the genetic origin of children born as a result of donor procedures. A child born as a result of a donor procedure will, when he or she is 18 or older, be able to obtain information about the donor, including identifying information. However, the provision will not be retrospective. The bill provides that appropriate information, counselling and consent be given prior to the obtaining of donor information.

The bioethical issues the bill spans are among the most challenging ever faced by any Parliament. I well remember the 1984 debate on the Infertility (Medical Procedures) Bill. At the time we believed, correctly I think, that we were debating world-first legislation. It was designed to place the new reproductive technology under a legislative and regulatory framework based on the excellent and extensive work done by Professor Louis Waller. So much seemed to be happening in the early 1980s. It seemed as though new procedures and possible breakthroughs were being announced weekly. Scientists fantasised about what was possible.

I remember stories about cloning and about men bearing children filling the pages of the newspapers of the day, particularly the pages of the then afternoon newspaper, the Melbourne Herald which, it seemed to me, specialised in those kinds of stories. All that appeared to be taking place in a particularly uncontrolled environment. I believe all members were very interested in reproductive technology when we first debated the issue in this place. The culmination of all those stories was the news of a plane crash many, many miles away involving a South American couple, the Rios, who had participated in an in-vitro fertilisation program in Victoria and who had left behind several frozen embryos.

 Needless to say the press immediately grabbed the story. For a while it made the headlines because it seemed to touch on almost everything that was being raised in the bioethical debates of the time. The deceased couple were very wealthy, so there was even speculation about whether the frozen embryos would, if implanted and born, inherit their money. At one stage the reporting became so lurid that the frozen embryos were referred to in a newspaper headline as the 'frozen tots'! It was in that kind of environment that we first sought to regulate some of the procedures surrounding reproductive technology. There are probably stories that are even more on the edge than the one I have mentioned, but as I was writing my speech notes I found I could not bear to search them out. The examples were extraordinarily colourful.
In 1984 we had an extensive debate on legislation that was based on Professor Waller's report. It is timely to again place on the record the gratitude every one of us feels for the work Professor Waller has done in writing his reports and chairing the SRACFI for many years. He has provided invaluable advice to various ministers for health. When I had that responsibility I met with Professor Waller every four or five weeks and I found his advice invaluable. His judgment was invariably sound, balanced and wise. The value of his advice to members of Parliament is inestimable.

At the time there was a great deal of debate on reproductive technology. I remember a young man being flown to Australia to recount his experiences. He and his wife created embryos and put them into storage. Their marriage subsequently broke up, and the wife sought the implantation of the embryos. He refused consent on the ground that he might have to support any children born as a result of the procedure. Once again the headlines flared. How can we find a framework that is reasonable and sensible when so many things are now possible?

At that time a lot of people had doubts about whether Parliament should legislate and regulate in this area. Some people believed that it would stifle scientific creativity and that all those bioethical questions were best left to the ethics committees of the various hospitals to work out.

Even given the excellent work of ethics committees, most members felt that Victorians, as represented by their members of Parliament, should have input into and the final say on the difficult questions raised by the advances in biotechnology. Here the ordinary people could have input through the conversations they had with us, through the lobbying they did and through the material they sent us to read. In that way many different points of view and questions could be raised and perhaps settled. I believe that was the right decision and that legislation and regulation are important in this field.

A reasonable person should be able to feel there is much discussion, debate, consultation and care on these issues, and I believe we do take great care. If we hasten slowly in this field perhaps that is not such a bad thing, as science always seems to be racing ahead of us, ahead of the moral framework and framework of values through which we seek to comprehend and explain its advances.

A striking feature of bioethical questions is how much popular interest they raise, with people rarely being conclusive in their views. For each advance, or for each debate, there are always strikingly good, real examples which capture our imagination and sympathy and often our hearts. When we think beyond the example and seek to generalise, most people would want us to move slowly and with care.

The question of surrogacy always produces genuine, heart-rending, powerful examples of couples who wish to participate in such arrangements. Taken singularly, they are examples of great force and persuasiveness. Yet the Australian councils of health ministers and welfare ministers decided unanimously — and all political parties were represented — against surrogacy of both kinds: commercial and altruistic. My party opposes surrogacy and we are pleased that this bill, despite much media speculation, did not introduce it. I note, however, that the Catholic Church has expressed concern about a possible loophole that may allow non-commercial surrogacy. The minister is undoubtedly aware of this concern and we would expect her to be vigilant in the way the provisions of the legislation are explained.

There will for a long time to come be debate about research on embryos. There is great anxiety in some sections of the community about it; while the IVF practitioners have opposed the absolute prohibition on the ground that it is unduly restrictive. I know many scientists believe we might learn a good deal about abnormal fertilisation that could have considerable practical application for the future. Although these are difficult judgments for us to make, it is important to accept the responsibility of making them, even when the process of thinking through these issues is complex and sometimes bewildering for all of us.

The opposition's main concern with the bill reflects part of the debate we had in 1984; and it absolutely amazes me that in 1995 we do not have a change in the legislation. I refer to the exclusion of de facto couples from the IVF program — in itself almost certainly a breach of the Commonwealth Sex Discrimination Act and a provision absolutely out of step with community values and attitudes today.

Legal advice obtained from barrister Herman Borenstein states that section 22 of the Sex Discrimination Act prohibits discrimination in the provision of services on the ground of a person's marital status. He makes the following points:
The provision of the Sex Discrimination Act seeking to eliminate sex discrimination would apply in the area of IVF programs.

The provision of an IVF procedure is the provision of a service.

If a doctor in a licensed institution refuses IVF treatment to a couple because they are not legally married, it would constitute a breach of section 22 of the Sex Discrimination Act.

Section 109 of the commonwealth constitution requires that the Victorian legislation must give way to the commonwealth act.

The commonwealth legislation also prohibits the exclusion of single women or same sex couples from IVF programs.

Although I believe the interests of the child who may be born from an IVF procedure should be uppermost in our minds during this debate, it would be outrageous to suggest today that a stable de facto relationship did not provide a good family framework and start to life. Indeed, a couple wishing to go through the burdensome, intrusive, embarrassing procedures that accompany IVF must have a very great commitment to the idea of having a child and, one would presume, to each other.

I have said that for every advance or change in reproductive technology a good and powerful example comes to mind. I think every day this week in the newspapers we have seen an example of a de facto couple excluded from the IVF program. On reading the article involving that couple I am sure we have thought that the exclusion is absolutely ridiculous. It was ridiculous in 1984 and it is much more ridiculous in 1995 when there is much greater acceptance of the validity of de facto relationships. Even grandparents who see their grandsons and grand daughters in their mid-20s in stable de facto relationships say, ‘Well, it didn’t happen in my day but all the young ones are doing it these days’.

Although they may not like it they generally accept and condone it. I suggest it is almost unseemly for us to hold ourselves so apart from the view that is now generally accepted by the community. The opposition feels very strongly about this.

This is a good bill in almost every respect. It is a bill I would love to have drafted when I was in a position to do such a thing, but it is flawed by the government’s inability to come to terms with de facto couples and the validity of de facto relationships. It is very sad that in the declining years of the 20th century we are still not willing to make that change.

In today’s Age there was an extraordinarily sad but powerful example of a woman who had lost two sons as a result of what appears to be a sex-linked genetic disorder, although very little is known about the malady to which the children succumbed. That woman, who is in a new relationship, is very keen to commence a pregnancy but wants to do it through IVF and in more controlled circumstances. She will be in a de facto relationship until at least May of next year when she expects to marry. She is approaching 40 years of age and feels strongly about being excluded from the program when there is an extremely strong reason for her inclusion.

On behalf of all members of the opposition I can advise the house that we take a strong view about the exclusion of de facto couples. We have done so on every piece of legislation affecting de facto couples that I can remember. Certainly where it affects the future lives of people and where there is no discernible risk to the life, health and happiness of the child greater than what would exist in a married relationship, I find their exclusion incomprehensible.

That being said, I do not accept that anyone would take IVF lightly as the facts show that the success rate is not very high. From the accounts of participants, the preparation and treatment, although becoming more precise and sophisticated each year, is very difficult for any woman. Although the extraordinary difficulties that accompany multiple implantations — honourable members will remember the cases in Western Australia of women with quintuplets and in one case sextuplets — seem to have been overcome, especially the difficulties associated with so many embryos being implanted, it is not a program one would enter unless one was sure of wanting a child and, therefore, as sure as one can be of the stability of one’s own relationship.

I remember the debates surrounding the de facto question in 1983 and 1984 and the distress of many small-l liberals in the house at de facto relationships having to endure this level of discrimination. Many honourable members who were here at the time will remember the distress and anger expressed by the late Honourable Peter Block in a speech he gave on the issue when the adoption legislation was debated. Once again we lost on what one could call the sophisticated view of de facto relationships. We will
press on every occasion and in every debate to redress the situation.

The bill is well balanced in the steps it takes and in the clarification it provides. Clause 50(2) allows for gender or sex testing to avoid the risk of transmission of a gender linked abnormality or disease for the child, which will be enormously welcome to couples or families that have a history of haemophilia or muscular dystrophy.

Putting surrogacy clearly outside the law will also lay to rest a lot of fears. Although this bill is comprehensive in its scope and immensely careful in its detail, there is no way we can predict where the advances of reproduction technology will take us next. We can be certain only that scientists here and overseas will continue to push at the boundaries of human life and continue to unravel the mysteries of genetics and reproduction. That is their job and their role. Ours is to wonder at their skill, marvel at their science and then deliberate on how its application can improve human life and human happiness within the context of a decent and caring society.

In that context one would wish that society would place as much emphasis on redressing some of the preventable causes of infertility as it places on reproductive technology. Good sex education, care in sexual activity, awareness of infection and recourse to treatment, along with general factors to do with nutrition and general health care, need to be stressed in public health campaigns.

Last year I heard a young woman on the tram saying to a friend, 'Of course, if I don’t get pregnant I’ll go on IVF'. I was tempted to say, 'Despite the stories of the successes, the undoubted joy IVF has brought to so many couples, the photographs of babies, all the good things about the IVF program, there are still so many failures, so many difficulties, so much embarrassment and discomfort associated with it, please do not talk about it as lightly as that'. I fear that for many young people the IVF program sounds like just another way of getting pregnant. That is, of course, until they join the program and begin to receive the counselling. We talk of it now as easily as one can say it, because IVF is said lightly and people do not have to think what it means and involves for the couples who participate in the program.

Preventable causes of infertility should be highlighted and be the target of public health campaigns like the pelvic inflammatory disease campaign in the early 1980s. That is the other side of the coin — that and the counselling that helps women to come to terms with childlessness. Great emphasis must also be placed on preventive strategies and much support given to the counsellors, who do wonderful work.

The bill, coming in at the end of the sittings, will be important for many individuals. But as a milestone of social policy it is very important. We reject, as I have said before, the exclusion of de facto couples. We are very sorry the bill is flawed in that way, but with that reservation I strongly support the bill.

Hon. R. J. H. WELLS (Eumemmerring) — The government has debated this important bill in some detail. I make it clear that based on community considerations and the overall difficulties the government faces I support the bill, but I do think it is important that further attention be paid to the basics behind the bill and its proposals because, as the lead speaker for the opposition has just said, this is not the last time these matters will be debated in this place.

I commend Mrs Hogg for her contribution to the debate. Near the end of her speech she referred to the other aspects of reproduction, to the physiology and pathology to which attention must be paid. These systems of reproduction, supposedly glamorous, expensive, voguish issues of the day, are extreme examples of the human condition. The matters Mrs Hogg addressed in closing her speech are the real grist of daily life.

That said, there is no doubt the bill will be one of the legislative instruments that will define this 52nd Parliament. Finance, planning and so on come and go, but aspects of social personal life such as creation, preservation and the promotion and protection of human life are as near to eternal issues as legislators can consider. Such matters are not always best handled by legislation. Sometimes they are better left to social control or dealt with by social mores or, if necessary, the common law. I share Mrs Hogg’s view that where possible legislation should be enacted to cover these important issues.

We have gone so far down this road that we have little choice but to continue, despite the fact that these matters could be handled differently. Once these issues reach Parliament decisions on definition are unavoidable, and that is the case today.

I shall approach the debate differently. I will not refer to many of the mechanical aspects of the bill, because they have been thought through carefully
and thoroughly investigated. I have learnt as much as I can about them and they have about as good or better a chance of succeeding than past systems. These things flow automatically from certain basic considerations and decisions in this area. I believe these decisions come down to matters of philosophical background, content and projections formed about the life of human beings which may result from this work. I want to spend my time on these matters because I think forward to future times when these matters will be debated again in this place.

The bill is broadly about two things: treating and investigating human disease and human biology. All else flows from that. If one talks to members of both houses one finds views that range over the complete spectrum — the extremely conservative are opposed to any aspect of interfering in reproduction and give no recognition to the problems we are talking about, reproductive diseases.

They say that reproduction is a gift from God and man should not interfere with it. Another view, and I move more towards this, is that diseases of the reproductive tract can be analysed, solved and treated. They can be prevented. That is the classic path that medical science has trodden for at least the past five centuries.

It is clear that we still carry some of the overburden of the past. Five hundred years ago scientists were executed for daring to open a human body to establish the cause of death. Today we laugh at that idea as it seems irrational. Two thousand years ago a natural form of surrogacy was permitted. That was recorded in the Bible and in China. Today the technology is available to make surrogacy more acceptable because it does not involve the natural form of insemination. Nevertheless views were expressed in both houses that ranged widely from support to opposition to surrogacy, and the same views applied to experimental work.

I shall try to show that from a philosophical point of view we should take a broader approach to experimental work on reproductive cells and the zygote. I was not a member of Parliament in 1984 when the Infertility (Medical Procedures) Act was passed. I became a member a year later. In the debate in 1988 I pointed out that we needed some sort of philosophical guidelines to underpin what we proposed to do, and this revolved around the questions that have caused so much trouble this time as to whether human life is so special and so sacred that we should not allow experimental work to be done at all and that there should be no interference whatsoever, and that reproductive diseases should not be analysed and examined in the way that has occurred for centuries with non-reproductive parts of the body.

It does not matter what members of Parliament believe, the judgment in these areas has been made by the community at large. In 1988 I suggested that I could identify only two guidelines, and I have found no more since then. Firstly, despite religious views and perhaps some legislative views in various countries, contraception is practised almost routinely by the women of the world despite whatever philosophies prevail. Women use contraceptive techniques to control reproduction and, secondly, they use abortion. In Victoria therapeutic abortion is legal. These are the two outstanding techniques which bring a one-on-one benefit at most for women who wish to cease or prevent pregnancy.

There has been much debate about experimental work on reproductive cells. Many people have suggested that we should not interfere with the zygote, yet it is recognised, especially by the women of the world, that it is not possible to fertilise every egg. The eggs pass down the female reproductive tract and are lost. We do not have a choice about that aspect of human reproduction. That is an overriding consideration from the philosophical point of view.

During the debate in 1988 the point was made, as it has been made in this debate in both houses, which I say again is not biologically or scientifically correct. It was claimed that syngamy is a special point in the biological process of reproduction, but it is not. It was put forward during the 1988 debate as a stratagem to give Parliament some comfort for giving approval for work on the zygote during the first 22 hours. At the time I warned Parliament, when I was a member of the Assembly, that that stratagem would come back to haunt us because scientists would wish to conduct further experimental work to help the human estate.

Hon. D. R. White — That was the best we could do at the time!

Hon. R. J. H. WELLS — Perhaps it was the best that could be done, although I do not accept Mr White's point. The fact is that we should have constructed the correct analysis at that time and not one that said, 'Look, here is something and we will
hang our hats on that'. We did not need that philosophically and biologically incorrect crutch!

There is nothing special about syngamy. We could have said, 'We approve the work because of the potential benefits, using cells that would be flushed down the drain anyway'. Approval was given so that the work on micro-injection of spermatozoa could be done. It was successful, and it resulted in pregnancies in women all around the world. It illustrates clearly the opposite to the one-on-one benefit of contraception or abortion.

I reluctantly support abortion and certainly support contraception. I have a grown family of four children. I am a strong supporter of the family, but as I have said in this place many times, experimental work is largely justified because of the potential benefit it brings to millions.

I go from that point to what we are doing now. At this time we have reached a confused stage in human development based on medical, biological and scientific knowledge. We verge on the wondrous! We can potentially store human life indefinitely. We can overcome infertility in various ways. We can treat, repair or replace most parts of the human body other than the central nervous system, and shortly we may be able to use computer programs to provide replacement control for someone whose spinal column has been severed.

Hon. D. R. White — Just one point on syngamy, there were two separate forces at work: firstly, the feminist groups and, secondly, the church groups. It was impossible to get other community support beyond those two groups, to go beyond syngamy. That was what put pressure on us.

Hon. R. J. H. Wells — I am delighted to have Mr White's comments recorded. They are appropriate because we face the same situation today. I am not criticising Parliament or the bill we are debating. It is a bill that is based on our best knowledge. I make the point that Mr White made. I support the bill because it is the result of scientific possibilities, knowledge, community concerns, pressures and grey areas. That is why both sides of Parliament have agreed to pass the bill. My speech is based on the scientific situation at the moment, so that in the future it might be considered that we do not need to stop at this point. I believe it is useful information.

People should think philosophically about what we are doing. In some senses we are saying that the life of a child is pre-eminent, and we would want that to be so. In the case of surrogacy the incidence of difficulty with surrogacy is slight, far below normal biological error rates. However, the biological errors of surrogacy are being used to prevent other children being born. I am not sure that is in the best interests of the child, even if one puts aside the parents.

The other aspect we have not debated this time around is whether life is special, apart from the day-to-day living of it. The world accepts that every egg that is produced cannot be fertilised — and the same happens in the laboratory. If we collect cells and examine them for a while, they are later lost. I will not debate whether an embryo has full human potential from the moment of conception or 24 hours or 14 days later. The fact is that some will be lost and flushed away, naturally and scientifically. One incontrovertible fact of human existence is that scientific research can bring benefits to millions of people. The examination of those cells before they are lost is not anti-human, anti-faith or in any sense antisocial, although it may be difficult at this time to carry the community with us.

Given what is happening in other parts of the world, all we are doing in Victoria is saying that for the moment we will not participate in surrogacy or in experimental work in those ways. They will happen elsewhere in the world. The lead given by Victoria has now been taken up in other parts of the world. Societies and legislatures that we would consider to be every bit our equal will carry on the work — and Victoria will not be part of it. We do not have the philosophical grounds on which to base what we say are the limitations. The only ground we may debate with some strength is the future of the child. However, in attempting to address the 1 or 2 per cent of cases that go wrong — at least that many or even more go wrong in normal conception — we are denying life to other children. I believe that in time we will carry the community with us and that our society will adopt a different view.

I have not given the speech I set out to deliver. I wanted to talk about the key aspects of experimental work that have the potential to benefit millions. As well, other Westminster legislators have reached conclusions on surrogacy different from those we have reached at this point. I encourage this Parliament and its members to examine the issues more broadly, based on wider experience, when this matter comes around again. In doing so, I hope we will all arrive at a different conclusion.
I can see no reason not to permit the examination of cells under the controls laid down by the proposed legislation. That was the point I missed making earlier when I referred to two particular characteristics. When we abort we destroy an identifiable human being. A foetus will not continue to birth unless it has the benefit and protection of the female reproductive tract. Until the moment of birth, a foetus has no legal protection in this state; but once it is born it has retrospective legal protection, being able to be compensated for things that may have happened in utero. Nevertheless, in the foetal stage it is a recognisable human being. So we permit abortion, but we deny ourselves the possibility of benefiting from working with cells. I recognise that the cells have human potential, but they are so far back in the developmental line that examining them cannot be compared with abortion — and I cannot see that this is the way we should go in that regard.

I have attempted to read the debates that have taken place in both houses on the treatment of infertility. There has been a lot of talk about limiting to one day only any work on cells that are suitable for transference. That is scientifically not acceptable. There is talk about 7 days, 14 days and longer in various parts of the world. We are talking about developmental days. In in-vitro situations in the laboratory we can use tissue culture technology which maintains the normal development of the human zygote from the first second to approximately six days. Beyond that point the zygote — with its full human potential — crashes and the control and timing mechanisms cease.

If the embryo is not transferred to a normal human uterus before the end of the sixth day it is finished. The British reference to 14 days was made either because that was not realised or because of the potential use of embryos from the uterus. I know of no move to practise that. Beyond six days the potential for human capacity perishes, but the cells have an enormous potential for use in solving human diseases such as cancer. The time will come when we will hear about the examination after six days of cells which no longer have human potential but which have great biological potential in helping to solve human diseases.

We are talking about developmental days. There has been no debate about what happens past the sixth day. Because of various pressures we have agreed not to proceed to debate that at this time. From a scientific point of view, given the potential that is recognisable for significant human progress in solving and preventing diseases — making human life better — I support the legislation at this time, but with some sadness. I am not concerned about the scientists and other professionals obeying the laws we pass. I do not believe for an instant there will be any need for penalty-type control mechanisms. Our people are capable and honourable, which is one reason why we should favour developmental studies both in this state and in the rest of Australia. I shall defend those professions to the hilt in that regard. There is no question about their obeying the laws and accepting the difficulties we and they face. Mrs Hogg was right when she said the scientists will force the pace. There have been brilliant discoveries, and as legislators we must recognise how those discoveries can be used.

Our professionals will accept the judgments made by this Parliament. In that regard I have great confidence in them. I compliment them on what they have done in the past. I recognise that some experimental work is possible. I encourage the committee with supervisory responsibilities to do what it can in that regard, although I am advised there is very little work to be done in the first 24 hours.

In terms of surrogacy, I recognise there is the potential for it to be done, as has been pointed out by various speakers. I therefore fail to appreciate why we should make it quite difficult for people, as was done by previous legislation and as has been proposed at this time.

I recognise the enormous difficulty individual members of both houses have faced and are facing on these issues, and I respect totally whatever decisions they have reached. Nevertheless, in the interests of the breadth of debate that is necessary for subjects such as this, it is essential that we place on record some of the things I have said tonight. With that, I wish all Victorians well in the realisation of this absolutely landmark, historic legislation.

Hon. JEAN McLEAN (Melbourne West) — The opposition supports the bill, which deals with complex matters resulting from the ongoing medical and scientific advances in reproduction and touches on many areas involving basic human values. However, the bill has not come to grips with the equal rights of stable de facto relationships. That seems a little bit quaint in this day and age. In fact, the area of the bill dealing with de facto relationships appears to contradict the federal Sex Discrimination Act, which prohibits discrimination on the ground of marital status. I have no doubt that those provisions will be rectified in time.
I would like briefly to address a few of my concerns about the way the scientific and medical professions and Western society in general are addressing the problem of infertility. IVF is very expensive and is still an experimental way of answering the profound wish of some infertile couples to have babies.

IVF is a very lucrative business for doctors and scientists and it is also a lucrative business in the export of procedures. Many Australian IVF doctors have set up in private clinics in the United States because they were able to get more financial reward there. Although the wealthy from Third World countries can use this method of reproduction the other 90 per cent of the world's population have no possibility one way or the other - as we all know, a huge proportion of their babies just die through lack of food or medical support of any kind.

Unfortunately, very little research is being done into the cause of the alarming increase in human infertility. The library staff obtained for me the latest articles on this issue. In an article in *Lancet* of 11 June 1994 headed 'Pathogenesis and management of male infertility' Niels Skakkebaek and others say:

> Recent research has brought good news for infertile couples inasmuch as there are new treatment strategies, such as in-vitro fertilisation (IVF) and microinsemination. The bad news, however, is that this progress is restricted mainly to treatment of symptoms; there has been little gain in prevention and clarification of the underlying causes.

The article focuses on male infertility and points out that the problem:

> has received little attention both scientifically and in medical practice ...

The article also states:

> Introduction of new assisted reproduction techniques has moved the interest of many infertility clinics from the man as a whole to his semen and its usefulness for assisted fertilisation.

This article and many others I have read point to environmental toxicants that are known to impair reproductive function. Many have been identified in the workplace over the past 15 years. The *Lancet* article lists many and says:

> there is strong evidence of spermatoxic effects of other pesticides, such as carbaryl and ethylene dibromide, of some glycol ethers (with widespread use in paintings, printing inks and adhesives) and of the metals lead, cadmium and mercury.

The article continues:

> It is striking that we know so little about the effects on fertility of commonly used drugs ... The safety checks in clinical trials generally do not include tests to elucidate the function and impairment of the human gonad ... sulphasalazine, which is used to treat inflammatory bowel diseases, can drastically reduce semen quality ... Some antihypertensive drugs (such as B-blockers) may cause impotence.

Greenpeace International has just released a report claiming synthetic chemicals produced from chlorine are damaging to the human reproductive system by mimicking the female hormone oestrogen. Health authorities have taken that report so seriously that they will review 78 pesticides used in Australia amid concerns that chlorine-based chemicals may be causing infertility as well as cancer and birth defects. Chlorine is widely used in pesticides, PVC, plastics, solvents and paper manufacture.

In spelling out the dangers of PVC, British scientists say that over the past 50 years the incidence of human reproductive problems has risen dramatically. The apparent difficulty of addressing the reasons for infertility is the huge commercial interests that produce the chemicals. Tackling them is possible, but it is very difficult, and governments of all persuasions run a mile from taking on the multinational companies, with their enormous financial and therefore political clout.

I know this bill is to address the ethical issues created by the IVF program and not the causes of infertility, but sooner or later it will be recognised that we have to address the causes. That means we must take chemical pollution seriously. If we looked into that along with the other known causes of infertility we could create a situation where IVF was used only as a last resort. We should be spending at least as much money in reversing infertility as we do on IVF.

There is plenty of information and evidence around but very little is done with it because it is not as interesting as the IVF techniques. I believe the priorities must be set by governments because business, whether it is involved in the production of chemicals, the production of babies or anything else,
is more interested in profit and power than in preventive medicine.

My other area of concern is the confusion and trauma that over time may be suffered by children born through IVF procedures. The donor register is a very honest and worthy attempt to address the interests of the children conceived by this method. It highlights the fact that the rights of the child have not always been paramount in this program. It provides that on reaching 18 years children born through in-vitro fertilisation may obtain identifying information about donor parents without their consent. It is not retrospective: one can only speculate about the possible suffering of those who will miss out on that right.

Many students at Prahran College of Advanced Education, where I worked, used to make sperm donations: a notice on the board said that they could register to make such donations. They did it because they were paid $10; from what I read in a paper today I believe they now get $40. I knew a lot of those students and I know the reason they did it was that they needed extra money to buy a feed or a drink or to go to hear the latest band. I doubt that any of them would have treated the whole process so casually if they had been presented with the possibility of an 18-year-old knocking at their door in the future.

The whole attitude to sperm donations was not taken as seriously as it now will be. That is a good thing, because although a lot fewer people will be willing to give sperm donations, they will take the exercise seriously.

Hon. G. P. Connard — That was a poverty issue.

Hon. JEAN McLEAN — I did not say that; maybe you think it was a poverty issue. However, there is a great problem about the extent to which people take the child as the person of paramount importance. A number of people think they mean it, but it is a bit of a worry. The attitude of a lot of people in western society is that they have the right to have a child when they wish to have one. Sometimes the thoughts for the parents have been more important than those of the child.

The long-term effect of being born through various forms of donor fertilisation has not been fully realised at this stage of reproductive manipulation. That worries me; they are ongoing problems for consideration.

I know of a lot of adopted young adults who are very happy; however, I know others who have had traumatic and unexpected effects over time as they have grown older and discovered that they are adopted — or even when they have known the whole time. We are all aware of these sorts of cases and the efforts of many of the children to find their natural birth parents. Nobody at this stage in history knows the end result of coming to terms with a test-tube conception.

Nowhere near enough research has gone into ensuring that our day-to-day environment and food chain are not constantly impacted upon by the introduction of chemical substances that can create massive infertility. As was shown in the articles I quoted, it is known and has been known for many years but very little has been done to address the problem. It is constantly talked about and dates are set; people say that by the year 2000 or 2005 we will stop putting this poison into people’s food. As the article in Lancet pointed out, they are treating the symptoms but not clarifying or preventing the underlying causes.

I support the bill. I believe the government has acted necessarily on a very difficult issue that has to be addressed. However, I would like to see a bit more effort put into addressing the reasons that a very large proportion of men — and women, but mainly men — are now infertile or semi-fertile. It seems a tragedy.

Hon. G. P. CONNARD (Higinbotham) — This is the sort of bill that shows Parliament is acting at its best. Members of both sides of the house are zealous in trying to come up with solutions to sometimes deeply emotional problems. There is no real opposition to the bill on either side of the house, except on matters of detail.

I go back to 1984, when the first bill on embryo experimentation or infertility was contemplated. There was a bipartisan approach from members on both sides of the house to come up with solutions to major problems. A variety of committees at the time spoke to scientists and lay people and eventually a bill was produced. It was the best operation of a house of Parliament: political and personal opinions were considered in an attempt to provide solutions. The way the house handled the operation was terrific.

Like others who were in the house in 1984 — and I was part of the health committee of the Liberal Party in opposition at that time working on and debating
the matter — I took the occasion quite seriously. I do not propose to revisit that situation because I made my remarks in the house at the time. However, I came to the conclusion, which I hold to this day, that there should be no experimentation at all on life with a potential. I still believe that life is created with a potential the very second a sperm penetrates an ovum. It is a scientific conclusion that syngamy, as it was defined in the second-reading speech and as it was defined last time around, is the final stage of fertilisation in which there is fusion of the chromosomes from the ova and sperm. It usually occurs about 22 hours after fertilisation commences.

That is purely a scientific arbitrary barrier and is what was produced to us at that time. There is another event at 21 days when the cell divides. Any one of those can be the time when life with a potential is created.

I hold very strongly the view that life with a potential is created the second a sperm penetrates an ovum. I do not resile from that. At the time I argued quite lengthily on that basis. I do not see any reason to resile from that position; no scientific or social evidence has been produced to me to convince me that I should resile from it.

Inevitably that led me to the conclusion at the time that I could not approve on moral grounds of the experimentation on zygotes. To make it clear, the second-reading speech defines the zygote as the stages of development from the commencement of penetration of an oocyte by sperm up to but not including syngamy.

A zygote is that period of time between when a sperm penetrates an ovum and syngamy occurs. I cannot accept experimentation on this. I was happy to support the 1987 bill because that fundamental, basic debate had previously occurred. My view had not been accepted so I had to use commonsense and ensure that proper procedures were in place. That was done and we ended up with a satisfactory bill. I crossed the floor and voted against the government and my own party in 1984 because I held my views passionately. Once the bill had passed there was no point in revisiting the issues and in 1987 I supported the amending bill; and I now support this bill.

We could debate a bill of this sort for a long time, but I wish to make only two other comments. Surrogacy is an important and complex issue. In 1987 I argued against it for several reasons, probably the most important of which was that we had not then — and we have not now — examined the possible legal outcomes of creating children by placing fertilised eggs into third persons. For example, would a child born of a surrogate mother have any right to the estate of the wealthy sperm donor who fertilised the egg? A number of other issues could arise and, as Dr Wells said, this will probably not be the last bill on infertility treatment to come before Parliament — it will be an ongoing process.

I oppose surrogacy in a general sense but I am pleased the bill does not further liberalise the existing surrogacy arrangements and it tightens up some of the less important issues surrounding surrogacy. Surrogacy involves a pregnant woman carrying a child with the intention that when the child is born he or she will be given to a couple who will care for the child usually, but not necessarily, as parents of the child.

Although I oppose surrogacy in apprehension of possible future legal problems I am delighted that the bill tightens up some of the issues surrounding it. For instance, advertising for a surrogate mother is prohibited, surrogacy agreements continue to be void and unenforceable and criminal sanctions are provided for those who provide or receive payments in respect of surrogacy arrangements. It is wise to continue those provisions so that what happens in America, where vast sums of money are paid to surrogate mothers, cannot happen here.

I am a little wary about the section 85 statement made by the minister because it may prevent future legal action in respect of some of the issues I have raised, particularly the inheritance law. Although I am sure that if it becomes a problem the government of the day will amend the legislation accordingly, there could well be legal reasons why the section 85 statement is unwise.

I congratulate the Waller committee on its role in the continuing debate on infertility. I congratulate in particular Professor Waller, who has played an outstanding part in dealing with the issue, and Rev. Harman, who has also been an outstanding contributor. The former Labor government attempted to get the balance of scientific and conservative views on the committee right, and I hope the current committee will be seen to have performed as well. I also hope the Standing Review and Advisory Committee on Infertility set up by the bill enhances the success of its predecessor committees.
In a general sense, because of my fairly conservative views on syngamy, I will reluctantly support the bill. One cannot go backwards and debate things that have come to pass. Mr de Fegely, who is a farmer, told me from his long experience of breeding various types of animals that there appears to be a natural law and it is the generally accepted view in animal husbandry that if there are impediments to pregnancy in animals one should not attempt to breed from those animals. I wonder whether that view is really the correct view, and whether as a society we should be making the pace on these matters. I am attracted by the notion that nature is nature and we should let the laws of natural selection apply.

At the end of the day I will support the bill but without resiling from the position I took on earlier bills. I am delighted that the bill will improve the ability of both scientists and infertile couples to properly handle their affairs.

Mrs Hogg referred to the issue of de facto couples and the continuing requirement for people undergoing procedures regulated by the legislation to be married. In my personal view it is a question of attempting to balance the ethics of the situation, because there is certainly no scientific background for it. Although we hold to a conservative view on the issue, society is changing and a future government may alter the situation as a result of societal changes that are occurring now. From my narrow point of view I support the retention of the provision, but my successors may have different views.

I will vote for the bill because I was not able to win my basic argument in 1984.

**Hon. D. R. White** — For a start, do you agree with Geoffrey?

**Hon. J. V. C. GUEST** (Monash) — Mr Deputy President, I am sorry, I am compelled to rise after my good friend, and dare I say, without arousing ridicule of my fellow conservative Mr Connard, that I disagree with some of the things he has said. After all, he has said that is Parliament at its best. If I had the choice only of answering worst or best, I would not be answering best.

He also said that there is no opposition from the Labor side of the house to any matters of detail; I do not know whether he would have added by implication that it was a principle, but I will have to say that is incorrect and it has always been incorrect.

What we all know is that this Parliament, of the modern Parliaments, is only a very small inaccurate representation of the decision making processes. Nearly everything which has led to this bill has taken place outside public scrutiny and it has very little to do with the Parliament, which will not even vote on the bill.

**Hon. D. R. White** — I beg your pardon.

**Hon. J. V. C. GUEST** — Parliament will not even vote on the bill; there will be no division as I understand it. While I am happy with the praise offered to Louis Waller, partly because I agree with most of his views, I do not assert that his committee result was not a success as Mr Connard said. However, I simply repeat the view expressed to me that it was a disaster intended to get nowhere in its composition, and it did get nowhere, and that is one of the reasons for replacing it with an authority and a much more broadly based committee.

**Hon. D. R. White** — It was the best we could do at the time.

**Hon. J. V. C. GUEST** — I heard what Mr White said, that it was the best we could do at the time. I am saying that there may have been problems with the committee. I am not aiming criticism at any of its members, although naturally people disagree with one another on the committee and I disagreed with them.

This is unusual legislation. It is not entirely unusual for the Parliament to get into the business of being busy bodies wanting to do something when the issues are, in practical terms, immensely trivial.

**Hon. D. R. White** — Perhaps we shouldn’t have in the first place!

**Hon. J. V. C. GUEST** — Mr White said that perhaps we shouldn’t have in the first place. I am not sure that I was in the place in 1984 to have the chance to have said that — I was overseas — but I certainly said it in 1987 when we revisited the legislation; we should never have had Mr Kennan’s legislation. I excuse the opposition for its craven position on this bill because the legislation has a history that was created by the former Labor Attorney-General, Jim Kennan.

**Hon. D. R. White** — We’re all part of it — for better or for worse!
Hon. J. V. C. GUEST — Yes, for better or for worse. But I have to say to those looking at Victoria, wondering why it is that Victoria does this sort of thing, that the present Victorian government had Mr Kennan’s legislation to start with. As an aside, I have to give him credit for one thing. At the time I note he went on satellite television saying, ‘We are the first in the world to legislate’.

Hon. D. R. White — It made the north-east coast of the US!

Hon. J. V. C. GUEST — That is right. Mr White remembers the great success of the television satellite broadcast. The only problem was that it is not always desirable to claim a world record and then say, ‘I was able to hold it for three years’, which is a long time these days. Nevertheless, when the Rev. Dr J. Davis McCaughey gave a 23rd Tracy Maund lecture at the Royal Women’s Hospital in March 1987, he said, ‘Still, nowhere else in the world saw fit to copy Victoria’s example’. He gave extremely good reasons in the most lucid language why Parliaments should not imagine that they can legislate on such subjects effectively or should even try when there are national health and medical research councils and hospital ethics committees — —

Hon. D. R. White — That may be a relevant lesson for the future for future scientific research, that we should not legislate.

Hon. J. V. C. GUEST — One hopes it is a lesson for the future because it is clear in this area and in many other areas of science that things are moving very fast. If the researchers have to wait on committees and on authorities, they may lose the advantage they have to other parts of the world, as Victoria — thanks to Mr Kennan’s legislation — lost the lead in IVF technology. It had about a six-month lead in 1984, but within six months, because everything had become bogged down in the Waller committee, Victoria no longer was ahead of the rest of the world.

Victoria was once ahead in experimentation but is now no longer ahead. Fortunately, Victoria still has medical research institutions which put it in a position where it could match the rest of the world, but it is no longer ahead. If scientists have to wait for parliamentary legislation, they will be hopelessly bogged down in comparison with other parts of the world that do not implement legislation. This could be very unfortunate if one is to build one’s economy on cleverness rather than on natural advantages, which are suffering from declining terms of trade.

As I have said, it is unusual having 145 pages on such a small subject, particularly when we are in a deregulated environment. I note there does not appear to be any other comparable legislation. There is no legislation to regulate any attempt to affect the genetic engineering of viruses, which might cause devastating diseases and real harm to millions of people. For example, there is no legislation on this subject in New South Wales or in Queensland. There is no crying demand for repression of the sires and errors that can come about when there is no legislation.

Apart from being burdened with history, the opposition has the problem of not seeing the wood for the trees. Opposition members have spoken quite a deal about surrogacy. I suggest that surrogacy is a popular sideshow. If we took our hands completely off the area of surrogacy, apart from a few tabloid pictures and stories, the number of people affected and the amount of harm done, if any net harm, would be totally negligent — I believe hardly worth the time of Parliament for half an hour.

Equally, if we have to make a decision one way or the other on de facto couples enjoying the benefits of IVF, it is more or less immaterial; it is a sideshow. I understand that the de facto couples wanting to go on the IVF program go to Albury rather than Victoria. I understand that people come to Australia because they can get an IVF procedure for $3000 when it would cost $10 000 or $15 000 in Paris or Florida. For Victoria there is a small economic loss as a result, but it is a sideshow. It is peripheral, it is not worth worrying about.

In 1987 I remember advancing the argument that the interests of children must come first. If we are legislating today we are entitled to say that you must demonstrate your adherence to this principle, as we did with the recent equal opportunity bill where the welfare of children comes first. If you are not prepared to make whatever sacrifices are involved in getting married, then we question whether you are serious about putting the welfare of children first. I am not sure that argument outweighs the other argument. Nonetheless, I am content to say that on the question of de factos the commonwealth anti-discrimination legislation will probably determine the matter in the long run.

I want to give the lie to the suggestion that one hears whispered behind the hands of medical scientists,
who are principally concerned with the fertility side of IVF-related research, and also those who are concerned to use what one might these days call embryos, fertilised eggs, or syngamous oocytes, that there is a religious basis for this legislation.

That does not stand up to logic at any rate, because if you look at the opinion polls conducted by the Roy Morgan organisation about attitudes on various matters related to IVF procedures and research, you will find that as many as 50 per cent of Catholics who answered the poll approved of the use of spare embryos for research into prevention of medical disease.

It was rather curious that the proportion of Catholics who approved of the use of embryos for medical research was only about 50 per cent. That suggests the information in the public generally on these subjects is very minimal and that you cannot put a regular store on opinion polls.

The facts remain, however — not facts that are part of the binding authority of the Pope speaking ex cathedra or even the magisterium, the teaching authority of the church — that in the face of opinion expressed by the Pope, who has made it clear that the underlying premise of the legislation is unacceptable, and in the view of Anglicans, such as Mr Connard and the honourable member for Box Hill in the other place, and possibly Baptists, such as the Minister for Public Transport, artificial techniques of fertilisation are unacceptable.

According to the Pope, whose views are shared by those I mentioned, life begins at conception — and this is the important addition — and that the criminal law should impose penalties on people who do various things to the emanation of life as they understand it. That is a proposition obviously not accepted by this legislature.

It is also unacceptable to what I might call papal Catholics, a number of Protestants of smaller denominations and continuing Anglicans that the healthy and not the unhealthy embryo might be chosen; that the female embryo might be chosen to avoid haemophilia and that the embryo which is examined after embryobiopsy and which may be free of cystic fibrosis could be implanted rather than one which contains that gene.

That is at odds with the majority of the population and, as it turns out, with the majority who adhere to mainstream religions, not just Catholics, Anglicans and Uniting Church in overwhelming numbers, but even more so Jews who, as John Levi said to me, on hard experience believe rights are not regarded as belonging to the developing life until the baby is born.

I do not profess to know the views of Muslims. I expect they would range from the most sophisticated of Islamic scholars, descendants of the scholars of Baghdad and medieval Spain, to the peasants of some African Muslim countries. One would find a great range of views on this subject. However, there is no underlying religious consensus.

Indeed, it is quite acceptable in the Catholic Church, for example, for the Rev. Fr Norman Ford — a well-known ethicist and a person to whom I was referred when I rang the Catholic Vicar-General, Monsignor Gerry Cudmore, as a Catholic expert on matters relating to IVF and embryo experimentation — to say that experimentation is acceptable up to the 14th day of development of pregnancy. He put that view to the Warner committee in the United Kingdom where it was accepted and led to the implementation of legislation. There were no religious restrictions as were imposed on de facto relationships by Mrs Hogg when she was Minister for Health, when Dr Leanda Wilton wanted to engage in experimentation. That was subject to the committee’s approval as being lawful under the previous legislation into the early forms of embryobiopsy. She went to the United Kingdom to perfect her techniques after she was shut down here. The techniques are no longer experimental and they provide for the welfare of our community.

There is a range of possibilities when one considers what might be lost by banning experimentation. I do not regard experimentation as the sort of sideshow that surrogacy and de facto positions may be considered. Experimentation is needed to improve techniques for implantation of embryos and for their survival.

The last thing scientists who may be doing this work — which is, after all, not a huge profit-making venture and is subsidised by the state — need is bureaucracy so that if they want to sustain sperm or try out different temperatures for the preservation of embryos they have to get permission from an authority engaged in all the paperwork.

As well as measures designed to fertilise, there is experimentation designed to detect the single gene which causes such diseases as cystic fibrosis, which has already been achieved; haemophilia, which has
also already been achieved; and Huntington's disease. My memory does not encompass the whole range I had on the extensive list that unfortunately was lost when my car was stolen, but there are large numbers of such single gene defects for which the discovery of remedies or the diagnosis of same will lead to an embryo being chosen rather than an abortion taking place after embryobiopsy.

The remedy or diagnosis could be furthered by experimentation in the first few days after fertilisation on what used to be called life eggs. It is only recently that they have come to be called embryos or pre-embryos in some parts of the world to overcome legislation such as we have which refers to embryos without actually defining them. That would be a problem if somebody wanted to test this matter in the courts as opposed to taking the sensible view of the Minister for Health, which is to exercise control. The courts may take little notice of medical dictionaries stating that an embryo did not form until the 14th day.

The other area of genetic disease concerns chromosomal abnormalities. I understand there would be considerable advantage in being able to observe some spare embryos to see whether the rule applies; not just to see whether the one cell removed by a biopsy is sound or unsound in its chromosomal formation but whether all of them have the same condition.

Then there is the whole new area of gene therapy. There are already on the New York stock exchange some dozen companies with a capitalisation of hundreds of millions of dollars, taking in potentially billions of dollars for experimentation to find the cures that will belong to the next wave of medicine, treating cancers — —

Hon. Licia Kokocinski — That is the genome work. There are projects all over the world. In fact, there has been a conference in Australia on exactly that subject.

Hon. J. V. C. GUEST — The genome project is related. In gene therapy one of the most important things is to discover vectors for introducing genes or parts of genes into the cells that require their introduction to effect a cure or amelioration of other diseases.

I understand that Victoria could have an edge if it allowed some early embryonic tissue to be used for this process. By early embryonic tissue, I mean tissue formed before the primitive foetus has formed at 14 days, when for the first time according to such theologians as Rev. Fr Norman Ford, we could have a human individual, before which time most of the cells will become part of the placenta. They will not become part of anything that is a potential human being.

I will not go into the interesting, sophisticated theological arguments and practical, scientific arguments of Rev. Fr Norman Ford because my basic view is that of Rev. Dr J. Davis McCaughey, namely, that the criminal law is about solving social conflict, not protecting abstract philosophical positions or engaging in an angel-on-a-pin-head argument about when the word 'life' should be used. It is about preventing ascertainable harm to members of our community.

If it is not about that, if it is about enforcing people's religious, theological or philosophical views in a widespread way, it is inimical to harmony in a pluralistic society. People will say, 'My views' — views that cannot be proven and that some would say are philosophically unspeakable — 'should prevail over your values and views' — views that again cannot be proven.

I come back once more to the question of gene therapy, which may or may not be facilitated by there being no barriers to experimentation on early embryonic tissue. That is an area where this state, which needs to be the clever state, would have a comparative advantage because of the quality of its medical institutions. It would be a pity if some of our best researchers were lured to other countries by the possibility of proper research funding in the absence of legal restrictions; it would be especially embarrassing to our competitiveness if it were New South Wales that said 'You can have your motorcycle grand prix, but we will have the clever people'.

I am surprised that the opposition, which is so much in need of issues, has left me free to say these things without any embarrassment to the government because the opposition has totally failed to take these points on board.

An immense amount of effort has been put into the bill. It would not have come into existence but for Mr Kennan's 1984 efforts and the subsequent history of the legislation and its administration under the Labor government. To that extent, as an inheritor of the work of the Labor government, I lay at the door of the opposition any criticisms of the bill.
The PRESIDENT — Order! I am of the opinion that the second and third readings are required to be passed by an absolute majority. As there is not an absolute majority of members of the house present, I ask that the Clerk ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! As an absolute majority is required, I request that honourable members supporting the passage of the second reading stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank all honourable members who contributed to the debate. It was a good debate. As would have been obvious to anyone listening to the debate, there was a wide spectrum of views on this subject within the government. The bill represents the outcome of much discussion and debate. It is notable that the opposition, by and large, supports the bill in this area, although there is dispute regarding de facto relationships being prohibited from utilising the IVF technology. In the future I have no doubt that this issue will continue to be canvassed.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Sessional orders

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

That so much of the sessional orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Motion agreed to.

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

Second reading

Debate resumed from 6 June; motion of Hon. M. A. BIRRELL (Minister for Conservation and Environment).

Hon. B. T. PULLEN (Melbourne) — The house is dealing with two bills, the Water (Amendment) Bill and the Water Industry (Amendment) Bill. Although they both have similar titles, they are very different bills. The Water (Amendment) Bill contains a series of amendments dealing with water irrigation. The amendments are designed to free up trading water rights to enable the transfer of bulk water entitlements and to allow some direct interstate trading in water.

The Water Industry (Amendment) Bill deals with the supply of water and the removal and disposal of sewage with respect to municipalities and towns in rural Victoria. One bill deals with the water used for agricultural purposes and the other deals with the water used in towns and homes and the removal of sewage. In a sense they have different constituencies, although there is some overlapping of water needs.

I will deal with the Water (Amendment) Bill first. As I said, it basically frees up the trading of water rights and will enable the transfer of bulk water entitlements to allow some direct interstate trading. After carefully examining the bill, discussing it with irrigators, being briefed by departmental officers and having a lengthy discussion with and brief by the Victorian Farmers Federation, I am of the opinion that the bill is an improvement on the current situation.

The bill potentially provides benefits for the freeing up of water rights, providing it is done properly. The bill provides for the transfer of bulk water, which could be beneficial in terms of the appropriate economic use of water and the use of water for irrigation, as well as having some environmental benefit. By allowing the value of water to extend into different regions it is possible — I certainly
hope this occurs — that people in a region who do not value the water so highly because they do not have a level of agriculture to enable them to use that water will begin to see the value in it. If they can see that if they can gather it and put together capital works to hold that water, they will then be able to provide those water entitlements and transfer them out of their region as bulk water entitlements to another region with a different form of agriculture, such as grapes, berries or some crops which are high value by comparison. People involved in that type of agriculture will not necessarily pay premium price for the water, but they will put a value on the water which will encourage the other region to make an effort. There may be additional investment in one region through the freeing up of water rights.

Hon. W. A. N. Hartigan — It has already happened.

Hon. B. T. Pullen — It already has happened, but it has been said — and I accept the arguments — that improvements can be made.

The bill also allows the freeing up of trading rights within a region, and that is encouraging for those people who have been not been entitled to waste water. We have seen a few improvements in this area, notably the fact that a number of farmers have now used laser grading to level their irrigation areas to a stage where they can obtain the benefit of more water, or having the water where it is needed, by allowing it to run over the ground more evenly with less running off into drains and being wasted.

That is important from an environmental point of view because the amount of water being wasted and ending up in the watertable is one of the contributing factors to salinisation and land degradation. However, we have a helpful coincidence of interest in giving value to something that is very precious — namely water — and encouraging far better management. The opposition has no quarrel with the main aspects of the Water (Amendment) Bill and, from an environmental point of view, it could benefit both the farmers and the land.

It is no use having water available if the land is being degraded by salinisation so that it is dropping anyway. Clearly the provision in the water bill will not be enough to solve the problem of salinisation and there will have to be a broad approach to addressing the questions of environmental degradation and both wet and dry land salinisation.

In that respect I emphasise the importance of planting trees and revegetating areas which need to have a greater proportion of trees on the land. The trees act as very effective pumps and lower the watertable and maintain the land in a more productive condition. It must be recognised that more of the land needs to be given over to tree planting in order to protect the balance of the land in the long term so that we have sustainable farming and agricultural production.

This is also a good opportunity to make one important point: some of the costs can be offset by planting trees that are of benefit to the timber industry. I have had the benefit of a number of briefings. I received a particularly good briefing from the CSIRO from which I learned that CSIRO testing results of trees grown in irrigated areas in northern Victoria are exceptionally good. In fact, the CSIRO is looking at growing trees at the upper end of sawlog quality.

As many members would know, many of the existing plantations are of a quality suitable only for pulping, so the 20 000-odd hectares that are not available could not be used for trees of sawlog quality. As I said, the CSIRO results from trees grown in the irrigated area have been extremely good. The quality is high and it is durable timber free of stress and attack by insects or other defects.

There is a real opportunity to plant trees to assist in the desalinisation process. The trees can provide a crop for the farmer who uses the land, and in that way in 20 or 25 years time there will be a partial offset of the investment of planting the trees. The lack of productivity of the land would be offset by the benefits from the tree planting. Salinity must be attacked by a suite of policies, and this bill is of benefit because it frees up the land to use water in a more effective way.

Hon. W. A. N. Hartigan — Water conservation.

Hon. B. T. Pullen — I don’t always pick up or agree with your interjections, Mr Hartigan, but in this case we seem to be on the same track. As worrying as that is, I acknowledge that it appears that if we were to walk around looking at trees in irrigated areas our observations would sometimes be the same.

Hon. W. A. N. Hartigan — I am pleased to see you are moving along the righteous path at last.
Hon. B. T. PULLEN — I will not pick up any more interjections! Most of the measures have been discussed with the irrigators; but the bill does not address a good many of their concerns, which is why they plan to hold further meetings. Their concerns include principal water charges and rate-of-return costs, which a number of farmers and irrigators have serious questions about. Their concerns are valid, and I look forward to having further discussions with them.

I have no great quarrel with the bill. Nevertheless, in their discussions with me VFF representatives made clear their concern about interstate trading. That was heightened by the amount of environmental water that was recently transferred to New South Wales. The transfer was a transparent attempt to assist the former New South Wales government in the run-up to the state election. It had no currency among the farming community, and fortunately the electors of New South Wales recognised it for what it was. Hunters and others were told they could not have a duck-hunting season because of the water shortages caused by the drought, yet water that should have been allocated to Victorian wetlands went north to New South Wales — and that is not really in dispute.

Under the bill there may be some benefit in transferring water across the border under controlled conditions. The government needs to ensure there is parity between Victorian irrigators and their New South Wales counterparts. Irrigators in Victoria believe there can be no free trade in water across the border until the subsidy situation is addressed, and they have plenty of evidence to show that that is needed. That situation did not pertain when the last transfers occurred; and no-one can defend the circumstances under which they were made.

The bill is fairly cautious about opportunities to exchange water across the border.

Hon. W. A. N. Hartigan interjected.

Hon. B. T. PULLEN — I thought Mr Hartigan would have read the bill and would know something about it, but he does not appear to. The VFF is disappointed that the amendments degrade the consultation process.

Hon. W. A. N. Hartigan — How?

Hon. B. T. PULLEN — Previously the legislation contained words to the effect that the minister should prior to the approval of any such transfers consult with the VFF and other appropriate bodies. In its talks with the minister and other government members the VFF specifically requested a provision on consultation, and I am surprised it has not been picked up by the minister or the minister’s office. I told the VFF that I had every expectation that the government would pick it up because the request seemed reasonable. I also said that if the government was foolish enough not to accede to its request we would move for its inclusion.

I did not expect to have to do so, because I thought the government — particularly those National Party members who had had a lot of contact with the VFF in the past — would have no difficulty in agreeing to clearly specify the requirement for consultation. Like many others in the community it appears the VFF is a victim of the government’s failure to consult.

No-one was able to convince the government to accede to the VFF’s request and include the consultation mechanism in the bill. The opposition’s foreshadowed amendments will insert the requirements, and I hope members on both sides will support them.

I certainly hope the National Party members support them. At the conferences they plan to hold farmers will want answers about the way their simple and clear request for consultation has been treated by members of the National Party. They do not want to change the bill because they were satisfied with the methods adopted and the steps taken. But they are concerned about open-slathe transfers between the states and about some people being less than prudent in trading water for simple monetary gain rather than for some overall benefit. The farmers are very reasonable, accepting that the minister has to have the last say. They know that in the end somebody has to make a decision, but before any decision is made they want to be heard — they want to be consulted. They have not been afforded the respect — —

Hon. W. A. N. Hartigan — They wanted to be heard as of right.

Hon. B. T. PULLEN — That isn’t in the bill. I certainly do not oppose it.

Hon. W. A. N. Hartigan — I know you don’t. You are open to everybody. That is why you made such a mess of it.

Hon. B. T. PULLEN — I have said that during the committee stage I will move amendments to ensure
the VFF and other appropriate bodies are consulted on the impact of any transfers.

I now turn to the Water Industry (Amendment) Bill. As I said, the bill deals not with irrigation water but with water that is used for drinking and other domestic purposes. It also deals with the removal and disposal of sewage. The bill extends the power to charge service fees for the supply of water and the disposal of sewage throughout Victoria. It also mandates a right of access to water distribution systems for the potential benefit of bulk users and makes changes made necessary by the abolition of the Rural Water Corporation. Another section of the bill deals with ground water but I do not want to deal with that in any detail.

There are several anomalies in the way the bill addresses the central issues. In the Melbourne metropolitan area the government is currently moving towards a 50:50 split between property rates and user charges, yet the bill leapfrogs that arrangement. It applies a flat supply charge for country areas. In the metropolitan area the government is moving away from property rates — but in the country it has moved away from them completely. When the bill takes effect there will be no property-related water charges in country areas. You will have either a simple flat rate or a minor variation to do with the extent of the pipe connections. As most members know, virtually all domestic households have one-pipe connections to the system.

In that case there is very little variation. It means the owners of poorer properties will immediately pay more and the owners of larger properties will pay less. Although the equity arrangements have never been perfect, some equity existed. Many people will be faced with a significant hike in the charges relating to connecting the service to the system.

Hon. P. R. Hall — Exactly like Telecom!

Hon. B. T. PULLEN — Water services are not like that. The water services a property owner enjoys, whether for drainage or sewerage, have a significant impact on the value of the property. A fully serviced property is more valuable that a similarly sized property with fewer services. A valuable property that has a large presence in the system enjoys a bigger benefit in land value from being supported by the infrastructure than smaller properties. The equity relates to the infrastructure additions made to the property, and greater benefits will flow to those who have a larger stake.

Hon. W. A. N. Hartigan — Why?

Hon. B. T. PULLEN — Because proportionally the value of the property increases more. I should have thought that was obvious. That is why the rating system has always had an equity component. There will be people like Mr Hartigan on the absolute right in any debate who cannot see that, but everybody else can appreciate that there is some relationship between the capacity to pay and the size and value of a person’s property. The simple fact is that people in different areas will pay more once a flat rate is introduced — and country people will pay quite a bit more.

At meetings I have attended in Daylesford I have been told pensioners are facing an immediate doubling or trebling of their rates as a result of this charge. It will be very difficult for them to pay this disruptive impost. The logic is just not there.

There are two aspects to the issue. The first is a charge by use, which has its merits. It is a charge according to the amount of water you actually use. The other is the amount you pay for being part of the system, whether you use it or not.

Hon. W. A. N. Hartigan — For a fixed cost?

Hon. B. T. PULLEN — If Mr Hartigan wants to make a speech in the debate he should make it. Just rattling around in the background is a totally ignorant way to behave.

Hon. W. A. N. Hartigan — Not at all. You are being ignorant.

Hon. B. T. PULLEN — If you are incapable of making a speech in the house, we will recognise that, but if your only contribution is to intersperse your comments between those of honourable members who are speaking it shows that you cannot conduct yourself properly in this place.

The DEPUTY PRESIDENT — Order! Mr Hartigan will behave from now on.

Hon. B. T. PULLEN — We could have a debate on interjections. I can spend my time doing that, but if Mr Hartigan wishes to speak on these bills, he should make a speech.

The effect of making it a flat rate removes in one stroke any connection between the capacity to pay and the charge. This will bite all over Victoria. Government members who support the provision
will have to explain to the poorer members of their communities why a significant charge has suddenly been imposed on them.

In addition, a sanitary service charge will be added to their bills. All domestic users will have to pay more every time they flush the toilet. But there is a lack of equity because the charge does not apply to commercial properties. Clause 5 of the Water Industry (Amendment) Bill provides for a sewerage charge or toilet tax to be included in retail licences, but it does not apply to commercial properties. What is the reason for that? Why are commercial properties excluded? The bill say this is an example of economic rationalism? What is the reason for charging the ordinary pensioner each time he or she flushes the toilet while commercial properties are excluded? I should like the minister to explain that to the house.

The bill also proposes to remedy an anomaly the government created as a result of the haste in which it broke up Melbourne Water. Bulk users of water who applied for water entitlements found they could be refused if any of the three retailers would not enable the water to be delivered to the pipes. The bill provides for consumers who wish to deal directly with the wholesaler — that is, the shelf Melbourne Water Corporation — to be able as of right to use the pipes of one of the three retailers and pay accordingly for the use of those pipes. The bulk users have to bypass the retailers in order to have access to the wholesaler.

It is an attempt to reconstruct some of the advantages of the former Melbourne Water system. The fact that to provide a simple, direct relationship between a consumer who wishes to negotiate a bulk contract with the authority involves the rigmarole of having a separate contract with one of the retailers and demonstrates the senselessness involved in the break-up of Melbourne Water. The cost of that must be passed on to consumers. These are the sorts of things that led to London Economics estimating that the costs of breaking up Melbourne Water before the water authorities can be privatised amount to $50 million a year.

We had another example of that only last Friday when for the first time the government tabled the salaries of the non-executive chairmen and directors of the three new public corporations: Yarra Valley Water, City West Water and South East Water. This is something we did not have to deal with before. The non-executive chairmen are each paid $60 000 a year and the non-executive directors are each paid $30 000 a year. They are also eligible for additional benefits such as bonus payments of $30 000 for the chairmen and $15 000 for the directors in the first six months if they judge that they have worked beyond the call of duty. Who makes the decision? Not the Regulator-General, not somebody outside the authorities, the directors decide whether they have done enough to warrant the bonus! It is $540 000 extra. When Melbourne Water was the incorporated body, it was not required. Those are the reasons why the opposition believes the Water Industry (Amendment) Bill is full of anomalies, and it is iniquitous because ordinary people will bear the cost. The toilet tax applies only to non-commercial properties and is unacceptable.

Sitting suspended at 6.30 p.m. until 8.03 p.m.

Hon. B. T. PULLEN — The opposition opposes the Water Industry (Amendment) Bill. The Water Industry Act established a licensing regime for three retail companies that were hived off from Melbourne Water and operate in a way similar to the privatised electricity companies. As a result of amalgamations there are now 18 rural water corporations, and the prices charged by those corporations vary considerably from place to place and from authority to authority. For example, in Daylesford, where I attended a meeting recently, users pay water charges five times higher than those imposed on Ballarat users, despite the fact that the same authority delivers water to both centres.

Hon. R. S. de Fegely — The former Labor government cut them off at the socks.

Hon. B. T. PULLEN — It is much more complicated than that.

Hon. R. S. de Fegely — It took away the interest subsidies.

Hon. B. T. PULLEN — I invite Mr de Fegely to speak on the bills if he believes he can contribute to the debate. The charges for rural water are variable and it is not satisfactory that a system be thrown over that without recognising the consequences.

The opposition believes a simple flat rate will exacerbate the cost to people on low incomes because it will remove the link between capacity to pay and the charges imposed. The opposition rejects the thrust of the Water Industry (Amendment) Bill and points out the inconsistencies between it and the way the government approaches the charges imposed on metropolitan users, where there will be
a move towards a 50-50 split between property rates and user charges. In one stroke the government is moving away from charges based on property rates.

In comparing the different costs one has to have regard to the history of the industry, but one must also have regard to the policies of the Kennett government, which are imposing on many authorities the need to fund their works out of revenues rather than spreading the cost, as traditionally has been the case, over the life of the capital works project. Those policies are imposing enormous stresses on many authorities, which are being forced to raise funds from current users of the service.

If an authority is building a dam or putting in a pipe that has a life of 25, 30 or 40 years, the loans taken out to pay for those projects would be spread over a number of people so that everyone who benefits pays a bit towards that incremental improvement in service, but in this instance the burden is falling on the people currently contributing to the service. Many people take the view that it is being done to make the books look better so the authorities in country areas will later on look more attractive as privatisation targets. As a way of financing large capital works projects that have a reasonable service life it is not a rational economic policy. The traditional way of financing large projects is to spread the financing of the project through either one loan or a series of loans commensurate with the life of the project. If a project has a life of 30 or 40 years it may be necessary to refinance the loan during the life of the project.

The government is exacerbating the pressure on authorities to obtain short-term finance or to put off doing needed capital works. That will lessen the capacity of the authority to pay because the property component is taken out. The major metropolitan authorities have not been treated in that way because the government is moving towards a 50-50 split by 2000. Country Victorians are being treated more harshly, particularly country Victorians who do not have the capacity to pay, because they will bear the burden for this quick changeover, which is basically a leapfrogging of policy. For those reasons alone the Water Industry (Amendment) Bill should be opposed.

However, there is a gross anomaly in relation to the charges imposed for sewerage use. Every time a person flushes the toilet he or she will have to pay an assumed charge that will not be metered. That is not metered, and in areas where there is no metering of water there will be a charge that will have to be theoretically calculated. There will be further anomalies on how that is done. The bill indicates that commercial properties will be exempt from the imposition of a sewerage component of the fee.

For those reasons the opposition opposes the direction of the Water Industry (Amendment) Bill. I am happy to follow whatever is the convenient procedure with regard to the committee stage. I have indicated the position of the opposition with regard to the bills we are dealing with cognately.

Hon. D. R. WHITE (Doutta Galla) — I wish to participate in this debate on the politics of the water industry. I refer to a meeting I attended last week in Sunbury on the water issue because there has been a failure on the part of the government and bureaucrats to understand the political implications of what they are doing.

I warn the government that removing the property rate and having only a service charge will result in a major outcry in every water district in which implementation is attempted. There were 200 or 300 people at the meeting, and it could easily have been 1000.

There is nothing wrong with introducing a usage charge. The former Labor government was party to introducing the usage charge to ensure there was a more efficient use of water for conservation purposes. If the property rate is removed and a service fee substituted, I urge the government to examine closely how that will impact before it introduces it in every water district.

When it was introduced by Western Water in Sunbury and Bulla the authorities said that 75 per cent of the community would have either the same bill or a lower bill. That may or may not be the case. I am not able to say precisely whether that figure is correct. If the property rate is removed entirely because it is the rationalist or purist thing to do and a service rate is substituted on top of what previously existed, there will be massive dislocation. There are many large industrial and commercial properties in Sunbury.

I shall give an example to enable the government to extrapolate what it is all about. The Commonwealth Bank in Sunbury as a result of the introduction of the new pricing policy has had its water rate reduced by $22,000 because it has a low consumption. That has now been introduced at the expense of the property rate. What has happened to
the Commonwealth Bank has occurred to many industrial and commercial properties in Sunbury such as Safeway.

In the politics of water, none of those businesses sought the removal of the property rate. When the property rate is removed in its entirety one must ask whether one still wants the same total revenue received from the residents of Sunbury in the normal course of events to maintain the operations, to continue with the maintenance and to take on new capital works programs. How will the government get the revenue base?

What Western Water decided to do to increase the charge per kilolitre of water to consumers — it does not have a flat rate at the moment — is to move to a flat rate: that is, a higher charge per kilolitre the more one consumes. That has meant that the tennis club has suddenly received a bill for $18,000 and the nurseries have charges of $60,000.

**Hon. J. V. C. Guest** — Is this in your electorate?

**Hon. D. R. WHITE** — Absolutely. This is a major issue in the electorate. As a result of consumption patterns many property owners — not every ratepayer — have had their rates increased 2, 3 or 4 times the previous year’s rate. It is not as a consequence of a dramatic change in their consumption patterns; it is as a consequence of the substitution of the service fee for the property base and the bureaucrats thinking that they are doing something that accurately reflects either the Treasurer, the Premier or the Minister for Natural Resources taking a rationalist approach that removing the property rate and substituting a service fee makes it similar to Telecom. Because this will happen in every water district in the state I urge the government to examine how it applies.

Western Water is telling the public, and I have told the Deputy Chairman and the chief executive officer that they have it wrong, that if they are put to too great an imposition because they are now charging too much per kilolitre for the third tier they will seek from the government the right to charge a flat rate. For the people at that meeting it would provide some relief because for the third tier there would be a flat rate irrespective of how much water was consumed. Every resident consumer at the meeting knew their rates would go through the roof. Why? Because of the substitution of the property rate for the service fee.

I am not sure whether Mr Hartigan is correct in saying that the billing method in Geelong has existed for five years in satisfactory circumstances. I believe what the former chairman was probably doing, though I have not looked at it today, is charging for the bulk amount of water depending on the diameter of the pipe going into the premises, so that it is not dissimilar to a property rate in the sense that one gets a certain bulk amount and on top of that there is a charge per kilolitre consumed. If Mr Hartigan is right and the property rate is removed in Geelong, it means they have substituted a bulk amount depending on how much water is going into the property — that is, the diameter of the pipe.

That has not happened in Sunbury. Western Water has applied the provisions of the legislation. It will not work. There will be an outbreak of public meetings on water in every area it occurs, and they will be spontaneous meetings. I did not call the meeting in Sunbury; it was called by non-Labor people as a reaction to their water bills. The spontaneous nature of the public meetings in Sunbury on water can attract up to 800 people on any day.

There are other issues in Sunbury regarding the quality of supply and another set of issues that I shall not bother the chamber with tonight. However, the fundamental issue is that either the bureaucrats advising the government or the minister and the government have not considered the politics of the application of their pricing policy. They have overlooked how it will affect people’s water bills.

You might say it will be hard during the transitional period but after that people will have to change their consumption patterns and be more efficient. I am saying the transition phase will not go away, so you will need either to again substitute a property rate and hasten carefully with the introduction of the service fee or to do what seems to be occurring in Geelong, where as a consequence of paying your rates you get a bulk water entitlement based on the diameter of the pipe or the rateable value of the property and a charge per kilolitre.

Nobody doubts that as a society we have to be more efficient water consumers, we have to provide better quality water at a better price and we have to move increasingly to a user-pays basis. Nobody questions that, but it was evident at the meetings that there is a great deal of frustration out in the community about what is happening on the ground — this is a big jump.
The politics of water is such that the bureaucrats might keep their jobs but there are a lot of votes in this issue. As the shadow minister for water in 1981 on a different range of issues connected with the cost of the provision of sewerage — the Minister for Housing will remember that in Ballarat we could have had a meeting on the subject at any time — I had meetings in Ballarat South, Bellarine and Mooroolbark, and we could get 200 or 300 people at a meeting, regardless of whether it was in the middle of winter or in 30-degree heat in the summer.

I am saying by way of analogy that the exact same mood now prevails at the meetings on water and in exactly the same constituency. This is not happening only in Sunbury. In Tullamarine I have the no tolls on roads issue to campaign on — in fact, there are enough issues in Tullamarine to keep one busy for the next 10 years! However, the water issue is a guaranteed, walk-up start.

We have had a number of civilised public meetings. The Minister for Natural Resources attended on one occasion and the honourable member for Tullamarine in another place, Mr Finn, but they have not seen fit to understand or satisfactorily respond to the people at the public meetings.

The government needs to take heed of the reaction on the ground, not simply implement advice from a consulting engineer, consultant, economist or bureaucrat who does not depend on votes for his survival. I am saying that on the ground these public meetings indicate people's frustration.

I am happy to have as many of these meetings as you like. We could have them in every marginal seat of the state — there will be plenty of them. You introduce them, Minister, and we will have public meetings everywhere, and I will invite you to come and debate the issue with me at those meetings. I have not had much company for any extended period at any of the meetings, but I am happy to debate the issue — I have a longstanding interest in water.

Because of the manner in which it has been introduced and because the government has not had regard to the politics of water, I oppose the Water Industry (Amendment) Bill.
"(6) In determining guidelines under this section, the Minister must consult with the Victorian Farmers Federation and with any other body that an Authority that has a prescribed irrigation district requests the Minister to consult."

The effect of amendments 1, 2 and 3 is very similar. Would it be possible to test the views of the chamber with the first amendment? I will explain the three amendments, if that is appropriate.

The ACTING CHAIRMAN (Hon. P. R. Hall) — Order! Yes; that is appropriate.

Hon. B. T. PULLEN — Clause 22 on page 19 contains guidelines as to interstate transfers of water. As I have indicated, the opposition supports the bill and has no basic objection to the idea of interstate transfers of water — and indeed bulk transfers of water — provided they are done in a reasonable way.

The issue relating to interstate transfer of water is that at present the subsidies and support for New South Wales irrigators are vastly different from those for Victorian irrigators. Until there is some parity in the support and subsidies received by irrigators north and south of the Murray River, water trading could be established on the basis of that inequality of subsidy rather than on the basis of genuine need and the purposeful exchange of water between agricultural farmers in one area in Victoria not needing water and other farmers for use in irrigated areas in New South Wales. That fits into the context of a better and more appropriate use of water as a scarce resource. No-one can really argue about that.

However, if New South Wales farmers can outbid Victorian farmers because of the differences in subsidies as there is no parity, that could lead to a distortion in the transfer of water, not related to farming needs but because of the ability of people to outbid one another.

In that sense it is understandable why the Victorian Farmers Federation is cautious about the extent to which transfers can take place. It asked the government whether an amendment could be put in, and on 7 June Max Fehring, Chairman of the VFF Water Resources Committee, wrote to me in the following terms:

The VFF has been discussing with Minister Coleman and staff the proposed amendments to the Water Act.

There is a need to clarify trading arrangements for water rights and sales and to set in place procedures for finalising bulk entitlements. This is about securing current water users' rights in a legal form. Importantly it puts in place a framework by which authorities can trade between both rural and urban holders ...

The VFF and Office of Water Reform propose to conduct a workshop to discuss water reforms — a major issue will be temporary transfer of sales with an aim to attain understanding and projections of future impacts.

The VFF sees a need for an agreement from the Minister for Natural Resources to consult with industry before acting, to ensure the impact of the actions are discussed and understood by users.

While this activity would not prevent the minister from making his or her decision it would indicate a willingness to sustain proposals that are considered to be in the best interest of the state and water users.

The VFF suggests words, "that the minister shall prior to approval of such transfers consult with the Victorian Farmers Federation and other appropriate bodies on which the transfers may impact'.

After discussing the matter with the Victorian Farmers Federation I thought there would be little need for us to prepare an amendment because the position it was putting seemed eminently sensible. Despite having ample opportunity to discuss the matter with members of the government and spending some time with members of the National Party and making its view known to ministers, unfortunately the VFF met with no success: no-one from the government side was able to influence the minister sufficiently to accept or propose an amendment.

As I foreshadowed with the VFF, we were prepared, if the government failed to take the amendments up — and we thought it would be surprising if it did not — to provide an opportunity for them to be put in place. We see them as being fair and consistent with the position we have argued with respect to unions and community and other groups: that they should have a right to be consulted about legislation that often comes before Parliament.

It is not about the right to make the decision: that decision remains with the minister in the final instance, which is proper; it is about the right to at least be consulted about the legislation.
SUPERANNUATION ACTS (GENERAL AMENDMENT) BILL

Wednesday, 7 June 1995  COUNCIL  1313

Surprisingly, the government is denying that right to people who you would have thought were quite close to and were prepared to work with the government, particularly National Party members. National Party members in particular have let the government down pitifully with their response to what should have been quite a small concession.

With those words I indicate that we are prepared to move the amendment and I would expect any reasonable minister to support it.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — But not me. The government does not support the opposition amendment on the basis that the government will consult with the Victorian Farmers Federation on all relevant matters; it does so as a matter of course. It has an extremely good working relationship with the federation and, equally importantly, with the broad interests it represents. Therefore we regard the amendment as surplus.

Committee divided on amendment:

Ayes, 14
Davidson, Mr
Gould, Miss
Henshaw, Mr
Hogg, Mrs
Ives, Mr
Kokocinski, Ms
McLean, Mrs (Teller)
Mier, Mr
Nardella, Mr (Teller)
Power, Mr
Pullen, Mr
Theophanous, Mr
Walpole, Mr
White, Mr

Noes, 27
Asher, Ms
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bishop, Mr
Bowden, Mr
Brideson, Mr
Connard, Mr
Cox, Mr
Craig, Mr
Davis, Mr
de Fegely, Mr
Forwood, Mr
Guest, Mr
Hallam, Mr
Hartigan, Mr
Knowles, Mr
Keggs, Mr
Smith, Mr
Storey, Mr
Storey, Mr
Strong, Mr (Teller)
Varty, Mrs
Wells, Dr (Teller)
Wilding, Mrs

Amendment negatived.

Clause agreed to; clauses 23 to 45 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That this bill be now read a third time.

I thank those honourable members who contributed to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SUPERANNUATION ACTS (GENERAL AMENDMENT) BILL

Second reading

Debate resumed from 6 June; motion of
Hon. R. M. HALLAM (Minister for Regional Development).

Hon. T. C. THEOPHANOUS (Jika Jika) — The opposition will not oppose the bill. It does not oppose the notion of consolidating disparate superannuation funds in a way that increases their coherence, reduces the number and, we hope, increases the benefits for their members.

Hon. R. M. Hallam — It almost sounds like you support the bill!

Hon. T. C. THEOPHANOUS — We do support it. The bill makes a number of changes to public sector superannuation by reducing the number of schemes and ensuring consistency among the schemes that remain.

The briefing I received from departmental officers was extremely helpful in enabling me to find my way through this technical bill. Some of the changes are pleasing. Clause 7 changes the structure of the board to reflect commonwealth superannuation law. The board will now have a total of six rather than five members, and with three employer and three employee representatives it will be more balanced than previous boards have been.
During the briefing an issue arose concerning the 90 employees of Melbourne Water who are members of a scheme that will be incorporated into a larger scheme. I imagine other honourable members have received letters from those employees similar to the letter I received, stating their belief that the scheme will disadvantage them and pointing out that individual members have not been consulted.

I am aware that consultation occurred with both the Trades Hall Council and the affected unions, although perhaps not with the 90 individual members, but in any case the issue was taken up and a list of amendments were moved in another place.

A total of 24 amendments or thereabouts were moved and passed in the other place. One of the purposes of the amendments was to make it absolutely clear that employees from Melbourne Water would face no reduction in their benefits.

I point out that we have a consolidated bill before us. These amendments were incorporated as a result of being passed in the Legislative Assembly. As I understand, it took some investigating to identify the nature of what the benefits to employees from Melbourne Water were or, to be more precise, the MMBW — I believe the employees were part of the old MMBW scheme — and to construct the form of wording that would ensure that while they transferred to the new scheme they remained separate, that is, that they maintained their entitlements or benefits as if they were still a part of the old scheme.

I am pleased to see that the government has acted to ensure that the existing benefits of the employees are maintained. I accept the assurances by the government that the amendments will result in those benefits being maintained. I also accept that there are difficulties in identifying some of the benefits.

Considerable difficulties arise with superannuation. The previous government tried to come to grips with it when trying to amalgamate the superannuation schemes. During a briefing period on superannuation I was not surprised to hear that there was something like 12 000 accounts of people having no knowledge of their entitlements. There are many people who come to work in the public service on a casual basis and then leave. They might receive an account, which has been established, and there may be some benefit in that account. Nevertheless, up to 12 000 people were unable to be found, which is a representation of just how vast and complex this whole area is.

Notwithstanding the fact that the finance portfolio is now held by the Premier, I hope this program of trying to maintain a high level of superannuation benefits and having a proper scrutiny of the schemes continues. My view is that it would be difficult, given the Premier's workload, to be able to give adequate attention to these very difficult and complex issues in the finance portfolio. I do not know whether the government has a portfolio restructure in mind. In any case I would certainly like to be assured that with future changes the affected people are adequately consulted and that benefits are not compromised as a result of changes to the scheme.

On the basis that this bill rationalises superannuation, reduces the number of schemes and, I hope, not only increases the benefits to employees but preserves them all, the opposition supports the legislation.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

This bill addresses a range of complex and technical matters, and I commend the honourable member for the extent to which he has delved into them.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 6 June; motion of Hon. W. R. BAXTER (Minister for Roads and Ports).
ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL

Wednesday, 7 June 1995

COUNCIL

Hon. PAT POWER (Jika Jika) — Opposition members warmly welcome the Road Safety (Miscellaneous Amendments) Bill. We think it is yet another important contribution to the issue of road safety which, as members in this house of longer standing than I would acknowledge, has essentially enjoyed a bipartisan approach for a number of years.

In that sense I want to record the opposition’s appreciation of the work done on this issue by the minister and his colleagues on the government benches, who have been a party to this bill’s development.

I shall make some brief references to aspects of the bill. There is a section in the bill that deals with enforcement. Obviously, there is no point having regulations and rules if field officers do not have the capacity to conduct the enforcement work that is necessary to ensure that the bill has effect out in the community.

The measure in relation to demerit points is very sensible. Honourable members will be aware that demerit points have been allocated as at the date of conviction or payment of the infringement notice penalty. It is sensible and fairer that that be done from the date when the offence was deemed to have been committed.

The bill refers to alcohol and drug rehabilitation. Honourable members will be aware of the strong bipartisan support for rehabilitative and educative programs about alcohol. All honourable members will welcome the provisions which address the subject of rehabilitation of those convicted of driving under the influence of drugs.

Clause 9 refers to the suspension of impaired drivers. The minister’s second-reading speech explains the reason for and good sense of this provision. It would be impossible for the community to feel disadvantaged by this new arrangement, which does not remove the right of anybody to appeal or to have access to the due processes of the law. The opposition welcomes the clause.

Clause 13 refers to the required zero blood alcohol content for taxidrivers. The opposition and the community commend the government for this action. In my former role in the trade union movement, I was aware of attempts being made to introduce a zero blood alcohol content for tram and train drivers. In this modern day, those sorts of requirements should be mandatory. The government is to be commended for its action.

The new arrangements for driving in hazardous areas are very sensible. In this day and age with the number of excursions being undertaken and the commitment of people to recreational activities, we all know about the minibuses and like vehicles that are driven into areas where road conditions certainly could not be described as the norm. Many of the people who drive those minibuses are amateurs in that they may have volunteered to drive the vehicles on any one day. The bill requires such drivers now to have some appropriate training for driving in such conditions. It is sensible for a vehicle to be appropriately equipped if it is to enter what is deemed to be a hazardous area.

I conclude by again commending the government. I do not hesitate to give credit where it is due. This bill demonstrates a continuing bipartisan effort on road safety. All Victorians will benefit from it, and I commend the minister and any of his colleagues associated with the bill.

Hon. G. B. ASHMAN (Boronia) — It seems each time one of these road safety bills comes before the house agreement is reached by all parties. I welcome that support. In Victoria we are now fortunate in that for the past 20 or 30 years we have had bipartisan agreement on road safety measures; such measures are usually endorsed by all parties.

It appears that each sessional period we have a bill to amend the road laws, which is an indication of the attention being paid to the issue by the government. The fact that legislation is regularly introduced is also indicative of the attention paid to the subject by the former government. The government is continually improving and updating the respective acts.

It is fair to say that a number of amendments in the bill have been generated as a result of the activities of the legal profession. Many have invested significant time into finding loopholes through which they may extricate their clients from difficult situations. Those situations generally lead to further legislation being introduced to close such loopholes. It is appropriate to comment that many of us wish the legal profession would enter into the spirit of the legislation rather than operating by the letter of the law and seeking loopholes.

One clause relates to the interstate licence conditions and the use of international permits. This bill requires the conditions on a licence from the issuing authority to be imposed in Victoria. There has been difficulty in enforcing those requirements of the
issuing authority in different states. Once a licence is issued interstate or overseas, whatever conditions are attached to that licence will now apply in Victoria.

The bill also deals with people who drive while under the influence of drugs. The .05 blood alcohol content legislation has been particularly successful in Victoria, but people are increasingly being apprehended because of police suspicions about the influence of other drugs.

This amendment will enable the government to test blood samples for other drugs when people are admitted to hospital. That provision will increase our knowledge of the use and effects of those other drugs. No meaningful research is now being carried out in that area partly because we do not have the necessary information. The legislation will allow for prosecutions to proceed as a result of such tests.

This legislation also requires all drink-drivers returning from a suspension to carry their licences. Evidence is available that some drivers who fall into that category and who are required to have a zero blood alcohol content have suggested when pulled over by the police at random vehicle checks or breath testing stations that they hold full licences. They have been able to drive away and the police then have no opportunity to later apprehend them.

The requirement that a driver returning from suspension should produce his or her licence and be required to carry it at all times will identify those who seek to evade the law; if a driver does not produce a licence on the spot, he or she will be required to provide a signature or identification and to produce the driving licence within seven days at a police station. That mechanism will allow some offenders to be apprehended. No doubt, some smart operators will avoid the system, but bit by bit the police will catch them. Nobody would disagree that those people should be identified and, where necessary, removed from the roads.

Mr Power referred to the provisions in the bill concerning vehicles being driven in what will be known as restricted zones. I have driven in the high country in conditions not ideal for driving, and I confirm Mr Power's comments. At times it is quite disturbing to see somebody driving a 12-seater bus with a load of kids and the bus being stacked to the gunnels with bags, skis and the windows being fogged to the point where the visibility for the driver must be poor.

Until this legislation is proclaimed, there is no way of controlling the drivers of those vehicles. It is only luck that has not seen a major motor accident in the snowfields as a result of those factors. The ski season will commence in a few days, and it is timely that those drivers will have to cope with the new law. The inconvenience will outweigh the danger presented in those situations.

Mr Craig will speak about the zero blood alcohol content law for taxidrivers and hire-car drivers or for drivers of vehicles with special permits. I believe these amendments would be welcomed by the broader community. There is now a power for police to inspect a motor vehicle and, in prohibiting the use of that vehicle, seize the vehicle's number plates. That clarifies a question mark over the police's ability to seize number plates. This is another amendment forced on us by the legal profession, not so much an amendment in the spirit of the legislation but in the letter of the law.

The suspension of the licences of impaired drivers has been on the agenda for some time. It is sad in many respects that such legislation is required, but it is necessary. At different times people have been found not to be in a condition where they should be driving a motor vehicle. There have been some difficulties in removing their licences from them. The removal of a licence can be permanent or temporary at the direction of a medical practitioner. It is my understanding that in most instances the licence is removed at the request of a family member who is concerned an ageing parent or someone else in the family has got to the point where he is not safe on the road and may harm other road users and himself. It is in everybody's best interests that that person be gently encouraged not to continue driving.

Consideration of the allocation of demerit points is another issue that has been thrust upon us by the legal profession. There has been an opportunity to have demerit points added to points accumulated at the time the fine is paid rather than at the time of the infringement. In a significant number of cases appeals have been lodged or, rather than an on-the-spot fine being paid, the matter has been taken to court to defer the addition of points to the overall tally, generally to allow a few points to drop off the bottom of the list so that further points can be added at the top. This amendment overcomes that difficulty and brings Victoria into line with the situation in other states.

There is also provision for the collection of number plates. Surprisingly, a significant group of people
collect number plates. The legislation allows them to collect a single number plate. That plate will be marked so that it is not possible for it to be fitted to a motor vehicle and used. There is a local and an international demand for collector number plates. This is an opportunity for us to accommodate a hobby some people seek to pursue.

The bill also makes some amendments to provisions of the Marine Act concerning drinking offences. The amendments will ensure consistency between acts.

One other provision is worth mentioning. There has been some concern about the release of VicRoads information from its databases. Under certain circumstances organisations are exempt from the prohibition on obtaining information. The minister will be able to declare those circumstances in which information can be released, but it is clear that information cannot be released for commercial purposes.

A number of applications have been made by people seeking access to the VicRoads database for commercial purposes. I understand there have been a couple of applications from companies seeking to use the database for a direct-mail catalogue marketing exercise, which is certainly way beyond the intent of the use of that database. Database access will be restricted to police and people who have legitimate reasons for gaining access to it.

The bill is most welcome. Once again, the government is delighted to receive the endorsement of the opposition party. One hopes that as we continue to improve the road safety legislation in this state, we will continue to have that bipartisan support.

Hon. G. R. CRAIGE (Central Highlands) — I rise to join with Mr Ashman and Mr Power in supporting the Road Safety (Miscellaneous Amendments) Bill. I would like to concentrate on those areas of the bill that relate to taxicabs and hire-cars, including special purpose vehicles and restricted hire-cars.

I will deal firstly with the introduction of zero blood alcohol levels for taxicab drivers. This is a significant step in the right direction. Having been involved in the public transport sector, which has also gone down the road of introducing zero blood alcohol levels for drivers of vehicles, whether they be trams, trains or buses, it seems a natural step to have such provisions apply to such an important area as the taxi industry.

It is not as though the government takes lightly the introduction of zero blood alcohol levels for taxi drivers. The government is committed to running a significant education program for drivers to ensure they are aware of the responsibilities they need to take on board. This change will add to the overall picture of progress in the taxi industry in Victoria.

Hon. Pat Power — It will go a long way in adding to people’s sense of security.

Hon. G. R. CRAIGE — It will add to the confidence in the industry, which is another step forward. It would be wrong of me to stand here tonight and say there are not difficulties in the taxi industry from time to time. Perception has a big influence, but we must also deal with the real issues, whether that be zero blood alcohol levels for taxi drivers, driver safety or vehicle safety and standards. Those components all fit into the big picture.

The amendments to the Transport Act 1983 once again consolidate the government’s vision of the taxi industry in Victoria in the future. The bill adds to the role of the Victorian Taxi Directorate, recognising its success. Most people would realise it has been in existence for only one year. It has made significant steps under the guidance of the Minister for Roads and Ports. The government is interested in what happens to this important link in our public transport system.

It cannot be denied that the Victorian Taxi Directorate has made considerable progress in a short period. It has implemented the government’s major reforms aimed at providing a better taxi service in Victoria and, in particular, a vision for the future — a world-class taxi service in the year 2000. The government recognises that this will involve a partnership among taxi operators, drivers and the public; it recognises also that we have a way to go yet.

The bill introduces some administrative changes. Clause 19 inserts the definitions of hire-cars and special purpose vehicles into the Transport Act. The bill also makes provision for the functions of the Victorian Taxi Directorate to include such things as hire-cars, special purpose vehicles and restricted hire-cars. For further clarification, special purpose vehicles are those that we see running around the street being used for weddings, debutante balls or special occasions. They are used on occasions where a special vehicle is required.
There is a large overlap between the taxi industry and this area in respect of licensed passenger vehicles. The government believes the operation of the taxi industry as a whole and the related hire-car industry should come under a consistent administration. It believes the best way to do that is to place the administration under the direction of the Victorian Taxi Directorate. Therefore, Victoria will have only one administrative authority dealing with licensed passenger vehicles in respect of taxis, hire-cars, special purpose vehicles and restricted hire vehicles.

By consolidating the administration of those related categories under the control of the Victorian Taxi Directorate the government is moving to ensure not only that the reforms of the taxi industry are sustainable but also that hire-cars will have a clear direction from the government enabling them to develop their services and provide a complementary service.

It is also important to recognise that bill adds an additional arm to the administration in respect of enforcement; and that is very significant. The Victorian Taxi Directorate has already shown its ability and resolve to adequately administer enforcement within the taxi industry. The bill extends that very successful part of the Victorian Taxi Directorate into the licensed passenger vehicle area.

The Victorian Taxi Directorate enforcement group is checking approximately 1000 taxis and drivers per month. In May 1995 officers issued 112 vehicle defect notices and 199 infringement notices and they included such things as 6 notices for touting and 16 for uncertified driving. That means the comprehensive package of reforms and initiatives resulted in a rapid improvement in the standards and service of the Victorian taxi industry, and public reaction certainly reflects that.

Any reform is the result of the need to toughen things up. A particular reason behind this bill is the number of incidents within the hire-car industry indicating that the government must take decisive action. The taxi directorate needs to be able to apply a high level of enforcement to the hire-car sector. The legislation also relates to restricted hire vehicles and special purpose vehicles, which tend to operate illegally. Over a period of years the number of those vehicles operating has increased and they tend to operate in areas where it is easy to go undetected.

One particular area where these vehicles tout for business is the airport and another is the major hotels. The problems come to the attention of the government through many sources, one being our studious taxi drivers who see it happening and another being the drivers working for the Skybus operation who go around the hotels. The Skybus has a set routine and there are smart operators who turn up at the hotels before the Skybus and tout for business, taking away customers from the Skybus.

**Hon. Pat Power** — What is the difference between a restricted hire vehicle and a special purpose vehicle?

**Hon. G. R. CRAIGE** — A restricted hire vehicle is a vehicle where the restriction is on the actual vehicle. The name, ‘special purpose vehicle’ applies to the purpose for which its is utilised. For argument’s sake, a special purpose vehicle is a stretch limousine or a luxury car, whereas a restricted hire vehicle can be something such as a four-wheel drive. Restricted hire is restricted to the type of vehicle or an antique vehicle. One relates to the vehicle and the other relates to the purpose of the vehicle.

These vehicles have been involved in many incidents, the most recent also being the most serious when two separate incidents occurred on the one day. A vehicle displaying VHA plates — they are Victorian hire-car plates, which is denoted by the fact that they begin with VH — was driven at and hit two Federal Airport Corporation (FAC) officers. The car actually mounted the footpath. The officers had spoken to the driver of the vehicle and had asked for certain information, but the driver declined to give his name and address and ran from the airport terminal. The driver then hopped into a vehicle displaying VHA plates. The two FAC officers were walking along the footpath when the vehicle mounted the footpath and hit the two officers. The same driver returned to the airport later that night and physically assaulted an FAC officer who subsequently had to receive treatment for injuries sustained from that.

I am raising the issue because we need to ensure that those types of events do not occur at our international airport. Clearly, the government now has to ensure that such incidents do not occur again. It is also important to note that at the time of the incident the driver did not hold a drivers licence because he had surrendered it on 3 June 1994, having accumulated demerit points which prohibited him from holding a licence. He also did
not hold a drivers certificate because the Victorian Taxi Directorate had cancelled it after discovering that he had prior criminal convictions. The matter is now before the courts and the individual was arrested on 27 May this year.

It is also important to note that hire-cars and special purpose vehicles are coming to the attention of the public more often. We have only to look at the front steps of Parliament House to see that. The government holds grave concerns about the engineering quality of some of the stretch limousines on the roads. We have to be very responsible because young brides and grooms travel in these vehicles and it would be a tragedy to think that anything could happen to one of those vehicles. That is another reason the government is keen to ensure it has stringent laws with regard to the licensing of vehicles and drivers.

The government is also establishing a partnership with the hire-car and special purpose vehicle industry so that it can clearly establish and lay down criteria with which it agrees and so the government can reach a standard whereby it is satisfied that the people travelling in the vehicles will be safe. The government has a real duty of care and responsibility in that regard.

The type of behaviour I indicated earlier at the airport is something we must be diligent in stopping. We cannot accept that type of behaviour at our airport or major hotels. Clearly, this bill gives the Victorian Taxi Directorate and its enforcement group the ability to carry out tougher and more stringent enforcement.

The Victorian Taxi Directorate enforcement group has established itself at the airport and has an office there, so there is a continual presence of enforcement officers at the airport. I hope that will ensure the minimisation of that type of behaviour so at least when people hop out of a plane and go into the terminal to pick up their luggage they are not harassed. Those of us who have been overseas know only too well what it is like to pick up your bags and have 10 or 15 guys whispering in your ear, each offering you a better deal into town. That is exciting in some countries, but our demeanour is different. We have a good, regulated system, and we expect our taxi service to be excellent. We do not want passengers harassed as they pick up their baggage. We want them to get from Tullamarine airport to the city in good time.

Hon. Pat Power — We should ask you to take over the electricity bill given your commitment to regulation.

Hon. G. R. CRAIGE — We can clearly see the results of regulation in the taxi, hire-car and special purpose vehicle industries. These are all positive steps, and I believe the benefit of the administrative moves will become evident in a very short time. I am very encouraged by the opposition’s support for the bill, as was Mr Ashman. It is always a good sign when legislation on public safety is supported by both sides of the chamber. It is with a great deal of pleasure that 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 the three honourable members who contributed so worthily to the debate. I thank Mr Power for his generous remarks in support of the legislation. I concur with the overview of the bill given by Mr Ashman, and I enjoyed the interesting history of the measure given by Mr Craige. I commend him on the stirling job he is doing in reorganising the taxi industry and in transferring responsibility for hire to the Victorian Taxi Directorate, which is a singular improvement.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

APPROPRIATION (INTERIM 1995-96) BILL

Second reading

Debate resumed from 6 June; motion of

Hon. R. M. HALLAM (Minister for Regional Development).

Hon. D. A. NARDELLA (Melbourne North) — I will talk about two issues. The first is older people
and the organisations and people who look after them; and the second is women in society. Over the past few months in my capacity as shadow Minister for Aged Care I have visited a number of service providers, both individuals and organisations, that look after older people. In all instances I have witnessed a total commitment to the care of our older population, who are treated not as clients or patients but as real people with real needs and real feelings.

It is gratifying to see such a high level of commitment from those individuals and organisations. Some of them work under extreme pressure, and although their budgets have been cut they are coping as well as they can. They also have to cope with cuts in government programs that disproportionately affect older people. Taxes and charges have been increased while services have been reduced. Country hospitals have closed, and amalgamations are ongoing.

Hon. R. M. Hallam — Which hospitals have we closed, by the way?

Hon. D. A. NARDELLA — I mentioned a couple yesterday. One is Clunes, another is Lismore.

Hon. R. M. Hallam — Lismore has not been closed.

Hon. D. A. NARDELLA — My information is that it has been.

Hon. R. M. Hallam — Your information is wrong.

Hon. D. A. Nardella — I stand corrected on that, but Clunes has been closed according to my information.

Hon. R. M. Hallam — I think your information on Clunes is wrong, too.

Hon. D. A. NARDELLA — I said about six have been closed. Our country hospitals have been deprived of a number of health services. For instance, under case mix older people with eye problems have to come to Melbourne to the Eye and Ear Hospital for treatment and surgery, which has placed extra strains on them. Various other government services have been cut. My wife’s mother is a prime example of the way older people have been affected. She enjoys going to her painting class. She is very good at it and is developing a talent we never knew was there. The Port Phillip council has threatened to close the service on a number of occasions. Action has been taken, but it is distressing for older people when those sorts of things happen.

Service providers and the organisations they work for often pick up the pieces for the older people in their care. But they are in the position of having to react to problems rather than preventing them. Service providers would rather concentrate on keeping older people physically and mentally well, but the changes they have had to cope with make that difficult. We must work to help those organisations so they in turn can also assist disadvantaged and vulnerable people.

Recently I accompanied my local Royal District Nursing Service nurse visiting three patients in and just outside my province. The RDNS provides a valuable, necessary, committed and professional service. I am extremely impressed by the dedication with which the nurses perform their work. We visited a supportive family group as well as someone who is living in abject poverty in a special accommodation house. That was an eye-opener: I had never been in a special accommodation house before. There were a lot of single women, and all the blokes were outside smoking cigarettes. Many of them had obvious mental problems. The nurse dressed the wound of the person I described, who was severely isolated. It certainly opened my eyes to what the nurses and their aides deal with on a day-to-day basis, helping and supporting older and disadvantaged people. In some instances nurses provide the only human contact older people having during the day. It is a very sad situation.

These and other agencies give older people a lot of dignity. They deal with personal problems as they arise or refer people to other agencies. A few of the agencies I have found to be progressive and very helpful to people in this area are: the Australian Nursing Federation, Carers Association Victoria, Safety Link in Ballarat, many senior citizen agencies and geriatric centres, the Brotherhood of St Laurence, which deals with the poorest of the poor and provides an excellent service, the Moorfield society and Jewish Community Services. The advocacy groups include: COTA (Vic), the Over Fifties Focus and the Combined Pensioners and Superannuants Association. They all play an important role, and I encourage them to continue to do that.

We should not forget the individual carers, the neighbours, the family members and volunteers, who also perform an important function in our
society. We must not take them for granted. Our society should become much more supportive and helpful to those people in carrying out their tasks.

The second issue I raise concerns the position of women in our society. The issue has been troubling me for a while but in a real sense it was brought to a head last Thursday, 1 June, when I believe this state regressed to the Victorian ages as a result of actions by this government with the complicity of members of the government.

It is a sad day for Victoria and for Victorian women. The actions of the Premier last week say more about how this government views and thinks about women in general than any other action taken by the government. As honourable members will be aware, last Thursday Ms Cheryl Harris was summarily sacked from her position as chief of staff of the former Minister for Finance. The new Minister for Finance, the Premier, took a unilateral decision and sacked her.

When I heard about it at the dinner table that night I was dismayed, angry and confused about the reason why she was sacked. I was appalled at the treatment that was meted out to her while she was pregnant and pursuing her right to redress under the law. I was really affected by the government's action because it was something that had not occurred previously. It was an immediate and very harsh action, and a number of people with whom I discussed the issue around the dinner table were just as concerned as I was.

It is unfortunate that the incident occurred after Parliament had adopted and passed a bill that provided for pregnancy to be added as a reason not to discriminate against an individual.

Hon. R. L. Knowles — That is not right.

Hon. Louise Asher — You opposed the bill.

Hon. D. A. NARDELLA — But it was passed by this house. The opposition opposed the bill for a number of reasons, and was then treated to a diatribe from the government about how the bill added these extra grounds. Then I heard that this action had been taken by the Premier.

Hon. R. L. Knowles — Do you think Ms Harris was right to negotiate the contract in the way she did?

Hon. D. A. NARDELLA — The issue of the contract has been dealt with previously in this house. It has been the subject of a lot of media speculation and discussion. I am expressing concern about the way women are treated by the government, not the contract.

Hon. R. L. Knowles — That is disgusting.

Hon. D. A. NARDELLA — It is not.

Honourable members interjecting.

Hon. D. A. NARDELLA — You may think it is not occurring, but it is a fact of life that it has occurred. The minister resigned and Ms Harris lost her job. I am discussing the manner in which a woman was treated by the Premier last Thursday. His actions show that in a paternalistic society women are not worth much.

Hon. R. L. Knowles — Rubbish.

Hon. D. A. NARDELLA — It is true. That is what I believe. You can have a contract that is suddenly null and void at the whim of a man in such a high position. It says to women in our society that they remain in a subservient position, especially if the woman tries to claim dignity for herself and her family. The Premier's action has denigrated all women. As many people have said to me, it is obvious why she was sacked. If the government were compassionate the Premier could easily have found other duties for Ms Harris. For example, she could have been transferred to another position in the public sector. It is not as if the government had changed completely. That would have sent a different message to the community.

We had an even worse position the next day when under parliamentary privilege all the world was told about incidents and discussions of an intimate nature.

Hon. R. L. Knowles — On a point of order, Mr President, firstly, Mr Nardella is about to refer to a debate that occurred in another place. Secondly, he is about to reflect on a member of Parliament without a substantive motion to support him. I suggest he be called to order and desist. Mr Nardella should address the appropriation bill, which is the matter before the house.

The PRESIDENT — Order! I uphold the point of order.
Hon. D. A. NARDELLA — The matters are offensive to women and some of the issues raised should have been raised only by a woman when speaking to her doctor.

Hon. R. I. Knowles — On a point of order, Mr President, Mr Nardella is clearly ignoring your ruling and is making the speech he prepared before coming into the chamber.

The PRESIDENT — Order! I shall make my ruling clear. Firstly, it is not permissible to refer to debates during this session in the other chamber. Secondly, it is not permitted to denigrate a member of the other house. Mr Nardella is speaking on the appropriation bill and if he wants to deal with contracts he can, but he is on the wrong tram and I ask him to move on to another issue.

Hon. D. A. NARDELLA — I and other people are extremely upset. I am not referring to the actions of an individual member or matters in the other house, but certain actions reinforce the values and mores of society. The events of last week offend all women and reveal the government’s attitude to women in our society. I do not think I can be clearer about the events of the past week. They have shown the government in a poor light and should not have occurred. The Victorian community is the worse for it, the government’s reputation is tarnished and the participants in this event have not come out of it very well.

Hon. PAT POWER (jika jika) — I shall confine my comments to two areas that are my responsibility as a shadow minister: regional development and local government. I refer to the government’s performance in the Bendigo-Castlemaine area. We often hear the government speak about successes in regions such as Bendigo and Castlemaine, but I shall put on the record information that paints the real picture.

In central Victoria the community is 2300 jobs worse off under this government, which is the result of broken promises given during the 1992 election campaign. Approximately 1300 public sector jobs have been lost as a consequence of the government’s approach to privatisation and associated downsizing. In 1992 the coalition claimed that 1000 new jobs would be created in the Bendigo-Castlemaine region. The relocation of the Department of Agriculture, a Labor initiative, was claimed during the election campaign to be supported by the coalition. It would have meant 200 jobs being created in the Bendigo region. The then opposition, in its election advertising, referred to a new jobs initiative that was to bring 800 new jobs to the Bendigo-Castlemaine region, but it was a different story after the election. The Labor Party’s initiative of relocating the Department of Agriculture was thrown out the window, as was the much-lauded job scheme, so 1000 new jobs went down the drain. In an instant, from a promise of 1000 new jobs, the government destroyed 1300 jobs — a turnaround of almost 2500 jobs in the region.

The jobs include some 200 jobs lost from the Bendigo Base Hospital; 215 jobs lost from the Anne Caudle Centre; 160 jobs lost from the Mount Alexander Hospital; 65 jobs lost from psychiatric services; 40 jobs lost from Bendigo and Loddon prisons; 220 jobs lost in education, mostly in the important area of support and specialist staff; 141 jobs lost from the railway workshops, a most important activity in Bendigo and Ballarat; 56 railway worker jobs lost as a consequence of the government’s decision on nine country train lines; and 53 jobs lost at Coliban Water. In addition, 140 jobs were lost from the State Electricity Commission, the former Gas and Fuel Corporation, the Department of Conservation and Natural Resources, the housing and planning departments, community health centres, ambulance services and the former Department of Labour.

The loss of those jobs is not the end of the story. The government intends to continue with its campaign of destroying jobs in the Bendigo-Castlemaine region because it will take more jobs away from the railway workshops, from the Country Fire Authority and the Coliban Water workshops.

I have referred previously to the number of unemployed in provincial and country Victoria. The unemployment levels range from 15 to 21 per cent for persons aged between 15 and 24 years. The Hansard record will show that when the issue was raised previously the Minister for Regional Development was unable to put his finger on any program specifically targeted at the tragically high number of unemployed in the region that the government and he, as minister, had developed.

I turn to local government. I have previously raised the privatisation of the Capital Theatre, which is part of the regional arts centre in Bendigo, and have pointed out that the privatisation was forced on the community by the decision of the commissioners in Bendigo. I issued a press release saying that I was extremely concerned at that move and that I did not believe privatisation of an asset the community had
built up from its own sweat and labour and voluntary contributions ought to occur in that way.

A spokesperson for the minister was quoted in the Bendigo Advertiser as saying that I was a scaremonger and that the board of the regional arts centre had agreed to the privatisation.

I believe the minister’s spokesperson did not put forward all of the facts and was misleading the public. The board of the regional arts centre is not happy because it does not believe the privatisation of the arts complex will be in the interests of the complex, its users, or the broader regional community in and around Bendigo.

The new Shire of Nillumbik is a classic example of the way in which a cocktail of a chief executive officer and commissioners is not working in the best interests of the community. The CEO was appointed by the commissioners although he was not on the short list that was prepared for consideration. He leapfrogged over the top of the due process — for what reason I am not sure. However, we do know that the CEO came to Eltham via the City of Wangaratta and the Local Government Board.

Hansard reports me as having asked a question of the Minister for Local Government about whether it was appropriate for the CEO from the City of Wangaratta, who had been seconded to the Local Government Board, to be receiving remuneration from the city and also from the board. I described it as double dipping, but that suggestion was rejected by the minister. Common decency would mean that such an individual would not seek payment from a municipality for the time he was on duty and payment from the Local Government Board for the time he was on duty there, but the CEO and the minister believe the CEO’s double dipping is appropriate.

It is well known that when the CEO was appointed to the Shire of Nillumbik the staff at the City of Wangaratta sent the Nillumbik staff a sympathy card, which was not understood at the time but the events that have occurred since have made the action clear. The CEO also took with him, in controversial circumstances, Ms Joy Nunn, who had worked with him at Wangaratta. She has now been placed in an important and senior position at the Shire of Nillumbik.

Recently, a conditions-of-employment contract was circulated to all staff at Nillumbik, which required that CFA and SES volunteers give 48 hours notice of their emergency work. The notice implied that they would receive leave without pay unless the CEO agreed to provide them with leave with pay.

Morning and afternoon tea breaks were in question and the staff were given an ultimatum that if they did not sign this document within 48 hours they would be deemed to have resigned.

The Hansard record also shows that the minister made reference to the SES controller at Eltham. The Eltham SES controller was appalled when he read the document detailing the employment conditions. He is currently awaiting a letter from the CEO to clarify the new and acceptable arrangements.

The conditions of employment document which the Nillumbik CEO gave staff 48 hours to sign would mean that workers would lose between $20 and $100 a week. This would have enormous repercussions for families. It would mean that their capacity to meet house mortgage payments and other major debts would be in jeopardy. I am not sure what percentage of their take-home pay $100 a week would be, but I am sure if we in this place, for no good reason, suffered a proportionate reduction in our take-home pay we would be most unhappy about it, and correctly so.

The CEO explained that the loss by workers of up to $100 a week is not about taking money from these people, but is a question of the cost that the community should bear. This explanation was given by a CEO who believes it is reasonable that he should receive payment from a municipality and also from the Local Government Board. He does not believe the staff should be distressed about losing up to $100 a week in their take-home pay.

A more stupid factor is that the contract of employment circulated by the Nillumbik CEO also involves people who have been trained by St John Ambulance to provide first aid losing an allowance that they have been paid. All of those members who have been in other workplaces will know that it is critical that there be people trained in the delivery of first aid in the workplace. There are many examples cited of the benefits gained by people when they have fallen ill, suffered injury or had some emergency situation occur. The amount of the allowance is a modicum of encouragement for undertaking the training and making themselves available to perform these important duties. For the new CEO to say that this practice ought to be thrown out is insensitive in the extreme.
I indicated before that the staff at Nillumbik had been on strike. Both parties had been to the Industrial Relations Commission, which recommended a return to work on the condition that the CEO place a moratorium on the actions he was contemplating and that he hold discussions with the staff.

I shall also make reference to an issue regarding the CFA. Those of us who know the Eltham district and the Valley will understand that the decision of the commissioners and the CEO regarding the CFA volunteers shows how out of touch they are with their municipality and the working of the CFA.

When I contacted the Country Fire Authority I was told that Victoria, along with California, is the most fire-prone region in the world. As members would know, the CFA divides the state into regions, and region 13 is considered the worst. The region includes Eltham and the Diamond Valley, yet the chief executive officer of the Nillumbik shire decided people should apply in advance if they wanted to take leave to fight fires! By any measure it is a stupid, out of touch and unreasonable proposal.

In today's Diamond Valley News, a weekly newspaper published by the Leader group, a letter to the editor highlights issues that are alive in the valley. An Eltham resident says, in part:

One thing is unarguable. Elected local government representatives, acting on advice from the local community, should make the decisions about local rates and charges, not the Kennett government.

We need restoration of local government democracy to enable people belonging to the Nillumbik community to set their own social and political goals.

Democracy should be returned at the local level. The letter is a reasonable summary of the way local people feel.

The sale of government assets is also an issue in Nillumbik. I refer in particular to the sale of the Eltham shire offices. When the Shire of Nillumbik and the adjoining Shire of Banyule were created and the Local Government Board and the government agreed that the permanent offices of the new Shire of Nillumbik should be relocated, many people asked why the new shire would suddenly shift its headquarters from Eltham, a central location, to the north-western corner of the new municipality in Greensborough in the former Diamond Valley shire.

People asked whether it had anything to do with the local member's wish that the Eltham shire office be the site for a new 24-hour police station. In today's Diamond Valley News there is a public notice under the signature of the chief executive officer of the Nillumbik shire calling for registrations of interest in the sale of lease of the Eltham municipal offices. In part it states:

Registrations should include a description of the applicant's background ...

I am not sure whether that means they should list their Liberal Party membership number.

Any or all registrations of interest will not necessarily be invited to tender.

A chief executive officer who has been imported from Wangaratta and imposed on the Nillumbik shire is telling ratepayers and residents that their shire offices are to be sold and that he will decide who will be invited to tender. I state again:

Any or all registrations of interest will not necessarily be invited to tender.

Hon. B. N. Atkinson — Is that unusual?

Hon. PAT POWER — Mr Atkinson is not concerned about whether that is unusual. It has led to uncertainty in the Eltham community and the Nillumbik municipality. People are unable to get assurances from the CEO that the highest tenderer will be the successful bidder. Does that mean the CEO is orchestrating a situation that will ensure the building is used in a way that he prefers? Is the CEO creating a situation that will mean the Eltham community will be prevented from getting the best possible price for that important asset?

I am speaking about Nillumbik because I believe the government is seriously underestimating the strength of community networking in the region. Those of us who have lived in Eltham and who have continuing contacts with it know it is a distinctive and strongly bonded community. Local government played a strong role in developing that beautiful part of Melbourne while protecting it. As Mr Ives would know from Sherbrooke, they are strong communities. When this or any other government seeks to use local government to destroy that bonding, that sense of rhyme and reason, people will fight.
Nillumbik's commissioners and its CEO are mistaken if they believe the community will accept their actions. This government claimed the changes to local government would be in the community's best interests. The opposition has always argued the government's approach would go against the community's best interests — and Nillumbik is a clear example of how wrong the process has been.

I refer to the minister's claim earlier today that I supported his use of the commissioners. He was wrong, and he misled the house. I have said on a number of occasions that we recognise — —

Hon. R. I. Knowles — On a point of order, Mr President, Mr Power is reflecting on another member of the house other than by substantive motion. That is clearly a breach of the standing orders and I ask that he withdraw the imputation.

The President — Order! Earlier today there was some toing-and-froing on the issue, and Mr Power gave a personal explanation to clarify his position. Having done that he should withdraw the statement.

Hon. Pat Power — I withdraw. I refer to the claim made earlier today that I support the way in which the government has used the commissioners. I have said on a number of occasions that we recognise commissioners have a role to play in bringing two or more municipalities together to create a new entity, but only in the context of a transitional or continuing council working with commissioners. That is the approach the Minister for Local Government took to the Surf Coast municipality.

It is common knowledge that the minister was knocked off by a Premier determined to bulldoze ahead. I acknowledge the minister's commitment to a process that we support, but the minister should not claim, in an attempt to cover his back, that I support the Premier's view. Our and the minister's preferred approach in Nillumbik could have prevented trauma and suffering in that community.

While the minister allows commissioners and the chief executive officer to charge around like bulls in a china shop that trauma and suffering will remain and, indeed, increase.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each honourable member.

It is appropriate for me to indicate that the other place will resume on 5 September. When we get closer to the date and as soon as the capacity of the other house to handle legislation is clear all honourable members will be advised of the date on which the Council will resume. In general, it is fair to indicate that it will be after the Assembly resumes, and the Council will sit for a week longer than the Assembly.

It is also appropriate for me to wish well those honourable members who are taking a break during the recess. I know some are going overseas. I trust it will be an enjoyable time and that they will return safely for the spring sittings.

Motion agreed to.

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

That the house do now adjourn.

Bail breach by naturopath

Hon. C. J. Hogg (Melbourne North) — I direct to the attention of the Minister for Tertiary Education and Training, who is the representative in this place of the Attorney-General, a serious matter that has been brought to my attention only tonight. It concerns a naturopath known as Star Winghau or Dieter Dresen who admitted being charged with raping a female patient. He is due to appear at the County Court for sentencing on 11 August. The case was reported in the newspapers of 20 May, and I have a copy of some articles.

Mr Winghau was released on condition that he report to police weekly, surrender his passport and notify police of any change of address. He was also ordered not to attend to female clients without a third person being in the room. I have been
informed tonight that the last bail condition is not being observed, and I ask the minister to raise the matter with his colleague the Attorney-General.

Narre Warren radio tower

Hon. R. S. IVES (Eumemmerring) — I raise a matter for the attention of the Minister for Roads and Ports, who is the representative in this place of the Minister for Public Transport. Recently a very high radio tower was erected on railway property in the suburb of Narre Warren.

Hon. W. R. Baxter — I remember you telling us about it before.

Hon. R. S. IVES — This is a different matter. There is a distinct possibility that the tower may be causing electromagnetic wave interference to electrical appliances in Narre Warren. This information comes from a constituent of mine, whose name and address I am happy to supply to the minister. Essentially, the woman is a very credible source. She is a former councillor of the former City of Berwick who has been heavily involved in the Berwick community for many years, particularly in the neighbourhood house movement, and was formerly involved in the Girl Guides.

Since 1972 my constituent has been confined to a wheelchair but has valued her ability to live independently. Her health has deteriorated in the 17 months since the death of her husband. She is currently suffering from a heart condition. My constituent has a friend living in a unit at the back of her house and has installed an intercom device between her house and the unit. The device is intended to be used in the advent of an emergency. On the day the radio tower was erected, because of static and interference, the intercom device became unusable.

There is also marked interference between the bedside lights and bedside radio. The supplier has checked the machine and found it to be in working order. He supplied her with a new machine to test, but that machine also suffered sufficient static and interference to be made inoperable.

My constituent has appealed to Telecom, the supplier, the SEC, the City of Casey and the police to help track down the source of interference, but has been unable to receive any help. This in itself seems to be a sad commentary on the state of our society.

Because of the proximity in time between the erection of the tower and the onset of interference with her electrical appliances, my constituent has been forced to conclude that the radio tower is the source of the interference.

I request the Minister for Public Transport to investigate the situation; provide an independent testing service; and, if the radio tower is found to be the source of the interference, take steps to rectify the matter.

Lighthouses

Hon. D. E. HENSHAW (Geelong) — I raise a matter for the attention of the Minister for Conservation and Environment; it is a follow-up to the matter I raised on 10 May concerning six lighthouses.

In raising the matter then I had rather hoped that the minister would be able to assure us that those lighthouses would be incorporated into national parks, come under the National Parks Act and be subject to the management plans of the national parks. I would have seen that as a very worthwhile safety measure to protect the guardianship and surveillance of those lighthouses which are, as I pointed out before, as a matter of record, subject to some vandalism, particularly during seasons when people are not around.

A further advantage of the lighthouses being in national parks is that Department of Conservation and Natural Resources staff are often in areas near them and might well sensibly contribute to their surveillance and guardianship.

I also understand that there is some possibility of four other lighthouses in the state also coming under the ownership of the state.

I remind the minister that on 10 May the words he used were:

the sites will be incorporated into the parks and reserves system.

When looking at a number of statements made by the minister in previous issues of Hansard I found that he has always used that phrase and has not said that they will be incorporated into national parks. That is why I have raised the concern I have that perhaps they will not be incorporated into the national parks.
The other four lighthouses are Split Point — although that might sensibly be incorporated into a foreshore reserve, as no national park is immediately adjacent; Cape Liptrap — —

**Hon. M. A. Birrell** — So how would you put it into a national park?

**Hon. D. E. HENSHAW** — That is right. There is at least a reserve there. Cape Liptrap might well be put into the proposed Venus Bay-Waratah Bay coastal park, but I suggest that Citadel Island, one of the islands in the Glennie group just south of Wilsons Promontory, and Cliffs Island, in the Seal group, east of Wilsons Promontory, could sensibly be incorporated into Wilsons Promontory National Park.

I enlarge a little bit by saying that my interest stems particularly from the fact that in the past I have been most appreciative of lighthouses on dark squally nights when I have been at sea. The whole boating community is very attached to those light stations and looks forward to a thorough guardianship of them.

**ALP: branch stacking**

**Hon. G. R. CRAIGE** (Central Highlands) — I raise a matter for the Minister for Conservation and Environment, representing the Minister for Ethnic Affairs, concerning the abuse of the ethnic community by the Australian Labor Party by branch stacking.

The matters to which I refer in particular relate to the federal seat of Maribymong and a candidate for that seat, Mark Karlovic. Maribymong is the seat the honourable member for Niddrie in another place is standing for, and if one believes the newspapers he already has the numbers.

I am concerned about several issues affecting members of the ethnic community in the area in question. A letter distributed by Mark Karlovic to people in ALP branches states that he has been living in the electorate for more than six years, yet his name does not appear on either the electoral roll of February 1995 for the federal division of Maribyrnong or on the roll for the state electoral district of Keilor. However, his name does appear on the electoral roll for the federal division of Melbourne Ports.

**Hon. R. S. Ives** — Absolutely incredible!

**Hon. G. R. CRAIGE** — Let’s hear you spruik when we get to what he has done to people in the ethnic community. Mr Karlovic’s address appears on the February 1993 electoral roll for the federal division of Melbourne Ports as Unit 2, 4 Hood Street, Elwood, yet the letter he has distributed states that he has been living in the Maribyrnong electorate for six years. Does he really know where he lives?

**The PRESIDENT** — Order! Mr Craig knows he has to relate the matter he is raising to state government administration.

**Hon. G. R. CRAIGE** — I am about to turn to that issue, Mr President. Mr Karlovic’s current address is 57 Lois Street, St Albans. Certain other individuals, namely Rosalie Marinov, Linda Patric and Maria Radoslovic, also do not appear on either the state or federal electoral rolls for the area in question, but all are shown on the ALP’s King’s Park branch membership list as residing at 57 Lois Street, St Albans. That appears to me to be a blatant abuse of people of ethnic origin who do not even live in the area.

**Hon. D. A. Nardella** — On a point of order, Mr President, under the guidelines announced to the house by Mr President on 19 November 1975 a member must raise only matters that are within the administrative competence of the Victorian government. The matter being raised by the honourable member concerns a political party, the Australian Labor Party, and I cannot understand how it is within the administrative competence of the Victorian government. I ask you, Mr President, to rule the matter out of order.

**Hon. G. R. CRAIGE** — On the point of order, Mr President, this is a matter for the attention of the Minister for Ethnic Affairs because it clearly relates to branch stacking by the Australian Labor Party for the benefit of an individual who is seeking preselection for a federal seat, and there are clearly discrepancies between what appears on the electoral roll and the records of the ALP. Mr Karlovic is using people from the ethnic community to ensure his preselection.

**The PRESIDENT** — Order! The position is that if a member is complaining that the electoral rolls compiled for the state of Victoria are incorrect or amount to a defraud, then that is a matter of state government administration. However, I am more concerned about the time the honourable member has taken. Ultimately he has exceeded the time limit of 5 minutes. I will allow the point of order and I
will allow the minister to answer the matter, so far as it relates to any possible effect.

Hon. M. A. Birrell — It will be a very short answer.

Neighbourhood houses:

Hon. LICIA KOKOCINSKI (Melbourne West) — I raise a matter for the attention of the Minister for Tertiary Education and Training. Representatives from the Association of Neighbourhood Houses and Learning Centres (ANHLC) have regularly contacted me over the past months, particularly since about February this year. I understand ANHLC has also contacted the minister and has put a submission to ACFEB seeking development of the quality assurance program, which demonstrates the quality of service provision, educational delivery and the level of community management and involvement that occurs within neighbourhood houses and learning centres across Victoria.

It is ANHLC’s anticipation that the outcome of the quality neighbourhood houses project will facilitate the development of benchmarks of quality in neighbourhood houses. I seek guidance from the minister as to where this particular submission stands within his department as I believe it is an extremely good and professional submission. The objectives, time lines and the costings are extremely tight and very well set out. I wish to learn from him where this submission stands in his department.

Roads: pine plantations

Hon. E. G. STONEY (Central Highlands) — I should like to explore an issue with the Minister for Roads and Ports concerning the maintenance of shire roads that lead to pine plantations. The minister will be aware that heavy trucks, including very heavy B-doubles, are using minor roads that are not designed to carry loads to cart pines. The issue is that the industry benefits from the use of pine plantations, but there is no benefit for the local district because the plantations do not pay any rates.

There is also the issue of local residents being put under a lot of strain by the inconvenience of large trucks using minor roads. Shires like the Shire of Delatite receive very little revenue from these plantations, yet the roads require very high maintenance. I have a very angry letter from a local resident, a Mrs Picton, of Goughs Bay, who is upset about trucks carting pine trees. She is also upset about a dangerous intersection and the heavy dust caused by these trucks. I shall quote briefly from her letter, which says:

Last week for 5 days we had continuous thick dust passing through our property and ... 90 ... trucks passed our place and used this dangerous intersection.

She goes on to say:

... tourist accommodation business ... is starting to take shape, only to be squashed with this dust problem which we never dreamed we would have with a sealed road passing our property.

She points out that the trucks are so wide that they use the shoulder side of the road, which kicks up dust. She said:

Please try and get Mr Baxter to see the light into this dust matter and forward the required funding or part of the funds so this intersection can be improved and then we can all get along with other things in life.

Awaiting your reply and it better be a good one.

In light of that most direct letter, I can assure the minister of some very direct phone calls. I ask the minister to look into this problem to see if any work has been done on it because I know it is a burning issue throughout rural Victoria.

Royal Park: hospital amalgamations

Hon. B. T. PULLEN (Melbourne) — The matter I direct to the attention of the Minister for Conservation and Environment arises from concerns raised with me about the proposed amalgamation of the Royal Women’s and Royal Children’s hospitals and the impact that may have on the parklands in Royal Park. I understand at least one proposal would involve alienation of the parklands.

Will the minister assure the house that no part of Royal Park will be alienated under this proposal and, if possible, will he say what stage the amalgamation proposal has reached?

Constitutional referenda

Hon. B. A. E. SKEGGS (Templestowe) — I ask the Minister for Conservation and Environment to bring to the attention of the Premier my request that in any future referenda concerning the constitutional future of Victoria the Premier will make the strongest possible representations to ensure the
sovereign rights of Victoria are contained in any questions proposed by referenda.

I am concerned to ensure that, following tonight's announcement about future referenda for an option of a republican mode in this country, the sovereign status of the states and in particular Victoria will not be bypassed in some way and that questions will be put in any future referenda to ensure that the interests of Victoria are properly protected when put to the people. The constitutional monarchy and constitution of this country have served Victoria and Australia well.

**ALP: branch stacking**

**Hon. K. M. SMITH (South Eastern) — My fellow backbencher raised with the Minister for Conservation and Environment an issue concerning branch stacking. I am concerned about claims from the ALP Werribee branch annual meeting — —**

**Hon. D. A. Nardella — On a point of order, Mr President, I want to find out to whom Mr Smith is directing his comments.**

**Hon. K. M. SMITH — I would like to know about branch rule 563BA concerning the branch not recommending more than 13 new members at any single meeting provided the exemption from the clause is granted by the administrative meeting.**

This matter relates to branch stacking. The rule further talks about — —

**Honourable members interjecting.**

**Hon. K. M. SMITH — I raise this issue with you, Mr President. The ALP may be involved with branch stacking in the Werribee branch of the ALP and it is important — —**

**Honourable members interjecting.**

**Hon. K. M. SMITH — I refer to a letter prepared by the honourable member for Werribee in the other place. It talks about the next branch meeting of the ALP at his office, but the letter has been issued on parliamentary paper. I am concerned that the letter states, in part:**

Glen Goodfellow, assistant branch secretary, has sent a note asking that it be advised that he will not help Werribee ALP branch fund-raising by organising a winter solstice social function as requested.

I am concerned that the ALP Werribee branch is involved in this practice. Ms Kokocinski should be worried about this because we have seen the branch stacking that had her thrown out! I am worried that another ALP member of Parliament is using parliamentary letterhead, office staff and stationery paid for by the taxpayers of Victoria for ALP campaign purposes. I am sure you are shocked by what has happened, Mr President.

**Responses**

**Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Mr Henshaw raised the issue of lighthouses. One of the highlights of the session for me was that we were able at long last to secure those lighthouses from the federal government, with the Kennett government offering to pay just under $200 000 even though the Keating government was asking for just over $2 million. The deal has not been signed yet. We look forward to its being signed soon. We will negotiate the conditions.**

As I have advised the house, one of the conditions the commonwealth is requesting is that it not have to accept any liability for contamination of the sites. I have not had a recent briefing on the nature of the negotiations.

As to the future of those lighthouses, they will be fully protected and preserved. Their heritage buildings will be placed on the Historic Buildings Register. They will all be incorporated into the parks and reserves system and managed by the National Parks Service. Frankly, when we eventually get control of them, which we hope will be in July, we will do a site assessment of all lighthouses and work out their practical long-term future.

Mr Craig raised with me as minister representing the Minister for Ethnic Affairs in this house the alleged goings-on in Marrabynong concerning Mr Mark Karlovic, a person I do not know. The concern is which electoral roll he was on and who he was sharing his house with. I am confident the Premier will want to follow this up!

Mr Pullen raised with me the possible merger of the Royal Children's Hospital and Royal Women's Hospital. I am not sure where that possible merger is heading. That will be subject to the Metropolitan Hospitals Planning Board final report. He asked whether a merger would cause the alienation of any part of Royal Park. Royal Park, from memory, is managed on my behalf by the City of Melbourne. It is under its control, with Crown grant or committee
of management status. I will keep an eye on that issue. It has never been drawn to my attention that there would be any threat to Royal Park.

**Hon. B. T. Pullen interjected.**

**Hon. M. A. BIRRELL** — It is a little like the issues Mr Power raises with Mr Hallam. I do not want to acknowledge there is a problem until that claim has been sustained. If it is we will deal with it, but that has never been suggested to me.

I will raise with the Premier on Mr Skeggs's behalf the Prime Minister's proposal to have a referendum on the matter of a republic. I did not have the pleasure of seeing the Prime Minister's address on television tonight. I will refer the matter to the Premier for his attention.

**Hon. HADDON STOREY** (Minister for Tertiary Education and Training) — Mrs Hogg brought to my attention a person who has been released on bail and who allegedly is not complying with the conditions of the bail. It seems to be a serious matter. I will be pleased to draw that to the attention of the Attorney-General and to ask her to investigate and initiate action if that seems appropriate.

Ms Kokocinski raised with me a submission from a neighbourhood houses group concerning quality in adult, community and further education. She says that submission was given to me and to the Adult, Community And Further Education Board in February this year. I am not able to say where it is at the moment, but I will make some inquiries and inform Ms Kokocinski of my findings.

**Hon. W. R. BAXTER** (Minister for Roads and Ports) — Mr Ives revisited an issue he raised sometime previously concerning a Public Transport Corporation radio tower but from a somewhat different aspect. I undertake to convey that to the Minister for Public Transport and seek an answer for Mr Ives.

Mr Stoney raised a very vexing issue concerning a number of municipalities in country Victoria and more particularly their ratepayers who have lived on relatively minor local roads that happen to give either access to state forests used for timber harvesting or, in the case Mr Stoney specifies, lead to pine plantations.

As those plantations come to maturity and harvesting begins it leads to an increase in heavy vehicle traffic on those roads. Those roads are clearly not constructed for that sort of traffic, and in the particular case mentioned a tourist facility is being detrimentally affected and disadvantaged by the dust thrown up by the trucks using the narrow, unsealed road.

This matter has been before me for some time now and it gives me great concern. I have endeavoured to assist in some places through the Better Roads fund where it can be clearly demonstrated that the road in question is being impacted upon by a decision of the state government to allow timber harvesting in a particular locality. As there is a limited amount of money in that particular classification of the Better Roads fund and as it is often difficult to get a road to fit into the eligibility criteria it is not a particularly satisfactory solution.

For some time the timber roads study has been undertaking wide-ranging consultation with municipalities, the timber industry and other interested parties with a view to forming a policy on how best we can address this problem, bearing in mind that significant royalties are paid to the state by timber cutters. Under the present act the revenue generated by those royalties can be spent only on roads in the forest area and not outside, which to me seems to be a contradiction bearing in mind how essential it is to provide access to the timber source.

The timber study report is presently in draft form. It has been given a lot of consideration by Vicroads officers, the Department of Conservation and Natural Resources and other interested parties. I am expecting the final report to be released in August when there will be a further round of community consultation. I hope a fair and equitable method of addressing the types of problems to which Mr Stoney alludes will emerge from that report.

I can understand the frustration and angst of his constituent and I can understand that she writes in her letter and asks me to see the light. I want to assure her through Mr Stoney that I am conscious of the problem. It is not an easy solution; it is a costly solution. By and large, local roads are the responsibility of local government and not the state, but I believe a case can be constructed for a particular arrangement which addresses those roads and provides access to timber areas that otherwise serve only one or two ratepayers.

It is difficult to imagine that the municipality in question could justify large expenditure, particularly if the timber area is not paying rates. However, with the formation of the Victorian Plantations...
Corporation, this is an appropriate opportunity to revisit the issue of whether there should be a contribution directly from plantations to the particular municipality. That is another aspect that is being addressed at this time.

The PRESIDENT — Order! Mr Smith raised a matter with me, and I am sure he will supply me with the written material in relation to it. I will discuss it with the Speaker in his capacity as Chairman of the House Committee.

Motion agreed to.

House adjourned 10.54 p.m.
Community services: placement and support program

(Question No. 147)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

In respect of funding of the placement and support program, what was the grant made to each organisation for each of the programs included under placement and support in 1992-93, 1993-94 and 1994-95, respectively?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

In respect to the funding for the placement and support program, the grants made to each organisation for each of the programs 1992-93, 1993-94 and 1994-95 are listed. For our information.

(Attachment (17 pages) referred to in answer has been supplied to honourable member and a copy tabled in the Parliamentary Library)

Community services: child abuse

(Question No. 148)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

In respect of child deaths:
(a) How many internal investigations into child deaths have been conducted, indicating the names of non-departmental people used for any inquiry?
(b) What is the new model for investigating deaths of clients of child, adolescent and family welfare, indicating — (i) the date of adoption of the model; (ii) how many inquiries have been held using this model and by whom; and (iii) what have been the recommendations from these inquiries?
(c) Who are the members of the standing committee included in the new model for investigating deaths of clients of child, adolescent and family welfare?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

(a) Seventeen inquiries have been conducted since inception in 1989. Three inquiries are currently in progress. Every inquiry panel has contained one or two professional workers external to the department. In order to continue to attract external professionals to panel membership, it is necessary to keep their names confidential.

(b) & (c) Current mechanisms for investigation of serious injury and/or deaths of clients of CAFW are departmental inquiries (DI) and ministerial child death inquiries (MCDI). The revised approach establishes one inquiry level — ministerial. All deaths of children are brought to the minister's attention along with advice as to whether a formal inquiry is necessary. The minister determines the appropriate course of action in each case.

Integral to the new approach is the establishment of a Child Death Inquiries Standing Committee. The standing committee will receive information on deaths of all children known to the protection service and will examine all inquiry reports in detail. The committee will advise the minister on the implication of findings; analyse and comment on any themes which may emerge from the inquiry process and prepare an annual report of child death inquiries for the minister.
The committee is in the process of being established and would consist of people such as a Children's Court magistrate, a notable paediatrician, an expert child welfare manager from the non-government sector, a senior officer from Victoria Police, the Director of Child, Adolescent and Family Welfare or nominee, the Director of Public Health or nominee and a respected social work educator.

Work is currently occurring to formally establish this revised approach. However, three person child death inquiry panels (including external members) continue to operate.

It is expected that the standing committee will be in place before the end of June 1995 to analyse and comment on all reports of inquiries held in 1994-95.

Community services: client deaths

(Question No. 149)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

In relation to the child protection service in each region of the Department of Health and Community Services:

(a) How many children assessed as 'at risk' of abuse were removed from their homes during 1994 by child protection workers and placed in accommodation outside their home region, and hotels or motels, respectively, indicating at what cost and for what periods of time?

(b) For each month since January 1993, how many cases of child abuse assessed by initial response teams were awaiting allocation to long-term intervention teams and what were the average waiting times between initial assessment and follow up by long-term teams?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

(a) The department endeavours to place all children who need to be removed from their homes as close as possible to their original place of residence. This is unfortunately not always able to be achieved immediately for a variety of reasons, but it remains the department's aim in its on-going work with these children.

The use of accommodation such as motels is most uncommon and always a practice of last resort as a very short term measure in cases where, for example, a young person is refusing all other placement options. In all such cases the aim is to continue to engage the young person to the point that their re-entry into more appropriate options can be negotiated.

Because of the exceptional nature of these cases aggregated data is not available.

(b) Data relating to the clients awaiting allocation has been collected manually for all clients in this phase, not just those referred from the initial response teams as this specific information is not collected. The attached tables show the percentage of clients on orders who are awaiting allocation by region from May 93, the period for which reliable data is available. Aggregated data on the average waiting time for these clients is not available.

(Attachment (9 pages) referred to in answer has been supplied to honourable member and a copy tabled in the Parliamentary Library)

Community services: child placements

(Question No. 151)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

How many residential units for children requiring placement out of their home have been closed since October 1992 and how many have been used since closure as emergency or short-term accommodation?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

In 1993 Health and Community Services commenced service redevelopment of placement and support services, replacing expensive residential beds with community based placements.

In the context of this redevelopment 50 residential units were closed and these beds replaced with beds created primarily in foster care. This redevelopment resulted in an additional 38 beds becoming available for children requiring out of home care. Other residential services were redesigned at the same time to meet requirements including reception placements or care for adolescents.
The information requested in the second part of the question is not routinely collected. Regional services have the flexibility to respond to changing client needs and beds may be opened, as required, to meet a particular need. This may be in response to a planned service change, such as allowing greater time for implementing new services, or as a time limited response to particular client needs, such as keeping children in the same family together in a small residential unit while longer term options are explored.

Community services: child placements

(Question No. 152)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

(a) How many children in state care are waiting for long term accommodation in each of the Health and Community Services regions?
(b) How many children have been placed by Health and Community Services in 1994 and in 1995 to date in special accommodation houses, hotels, motels, boarding houses or adult night shelters, indicating at what location and at what cost in each category?
(c) How many children under 15 years old were placed by Health and Community Services in 1994 and 1995 in youth refuges or hostels?

Hon. R. L KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

(a) Information on numbers of children awaiting long term accommodation is not regularly collected. Regional staff are responsible for monitoring demand and access to services in each region and for then matching children who require long term accommodation with the most appropriate placement, as vacancies become available.

(b) The information requested in the second part of the question is also not regularly collected. However, the use of accommodation such as motels is rare and used as a last resort, short term measure in situations where the young person is refusing all other placement options offered. In these cases the aim is to engage the young person so that more appropriate placement options can be negotiated in the shortest possible time. It should be noted that young people receive appropriate support to meet their needs.

(c) The Supported Accommodation and Assistance Program (SAAP) provides services to homeless people for short and long-term periods. These services include youth refuges and hostels. The most recent data available on SAAP service users is contained in the 1993-94 H&CS annual report. It states that 594, or 13.3 per cent, of SAAP service users in that year were under sixteen (16) years of age.

Community services: child protection workers

(Question No. 155)

Hon. M. M. GOULD asked the Minister for Housing, for the Minister for Community Services:

In relation to child protection workers as at 1 March 1995:
(a) What percentage had been working for the Child Protection Branch for less than 12 months at each employment level?
(b) What was the case load per worker at each employment level?
(c) What was the average length of service for staff at each employment level?

Hon. R. L KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

As at 30.4.95, 39 per cent of workers at the SOC-1 level have been working for the Child Protection Branch for less than 12 months; at the SOC-2 level, 7 per cent; at the SOC-3 level, 3 per cent; at the SOC-4 level 4 per cent; at the SOC-5 level, 0 per cent.
As at 30.4.95 the caseload of each worker will vary depending on their experience in child protection. The average has been calculated based on the number of cases at each phase of intervention, and the number of SOC-1 and 2 workers. The average caseload is 9.6 cases per worker.

As at 30.4.95 the average length of service for staff at each employment level is as follows: SOC-1, 1.9 years; SOC-2, 4.5 years; SOC-3, 6.7 years; SOC-4, 8.7 years; SOC-5, 8.3 years.

Community services: child protection system

(Question No. 179)

Hon. D. A. NARDELLA asked the Minister for Housing, for the Minister for Community Services:

What monitoring or other systems are in place to ensure that the educational needs of children in contact with the child protection system are being adequately met?

Hon. R. I. KNOWLES (Minister for Housing) — The answer supplied by the Minister for Community Services is:

The child protection system comes into contact with a great many children who present with many needs including in some cases educational needs.

Where the child protection system is made responsible by the courts for the care and protection of children, it takes on responsibility as a parent.

The department discharges that responsibility by making decisions in the child’s best interest and plans for the care and protection of the child, wherever possible, in cooperation with parents, other family members, and other professionals involved, including schools.

Educational needs are identified through case management and direct care of children. Staff are involved in close contact with schools to ensure that children's educational needs are met and that they have access to appropriate services.

The Department of Health and Community Services provides considerable funding towards the education costs of children in its care, including fee subsidy for alternative independent schools and funding for school books and equipment, travelling, school uniforms and private tuition.

The department also administers commonwealth grants totalling $750 000 to services providing residential care for children, to meet additional educational needs.

The department allocates $245 000 in funds for St Vincents Boys Home to operate a special school for boys who are under the care of the department and unable to be maintained within mainstream schools.

Women’s health centres

(Question No. 180)

Hon. D. A. NARDELLA asked the Minister for Aged Care, for the Minister for Health:

(a) What criteria, conditions and guidelines, either at statewide or regional level, have been established for the amalgamation of women’s health centres with mainstream community health services?

(b) Have individual Victorian women’s health centres agreed to the amalgamation; if so, which services?

(c) Will the minister halt any or all amalgamations if women’s health services do not agree?

(d) What guidelines will be put in place to ensure that women’s health centres continue to be managed by women if they are amalgamated?

(e) Have any reviews, assessments or reports been carried out by or for the department or government which relate to the government’s plans for the amalgamations; if so, what reviews, assessments or reports?

(f) Will the minister lay on the table of the library copies of the documents referred to above?

Hon. R. I. KNOWLES (Minister for Aged Care) — The answer supplied by the Minister for Health is:

(a) Currently the women’s health and sexual assault services program funding guidelines outline the criteria and conditions for the integration of regional women’s health services. However, I have established a working party on the integration of regional women’s health services to suggest a preferred model for integration of the regional women’s health services.

(b) Two regional women’s health services have been integrated with community health services. They are the services in Barwon South Western and Hume regions. Discussions are underway in the remaining seven regions.
c) The report of the working party on the integration of regional women's health services will inform future regional discussions.

d) The guidelines for the women's health program require that women be actively involved in the planning, development and management of women's health services.

e) The program has been reviewed as part of the evaluation of the national women's health program.

(f) Yes. The program funding guidelines 1994-95 and the national women's health program evaluation and future directions and the report of the working party, due shortly, will be tabled.

Health: maternal and child services

(Question No. 181)

Hon. D. A. NARDELLA asked the Minister for Aged Care, for the Minister for Health:

In respect of the year ending 30 June 1994:

(a) How many occasions of service were provided by Maternal and Child Health Services (child and family health program — 'Healthy Futures') to families with children in the age groups — (i) 0-1 years; (ii) 1-6 years?

(b) On what total occasions was service provided and did this represent an increase or decrease compared with the figures for the year ending 30 June 1993?

Hon. R. I. KNOWLES (Minister for Aged Care) — The answer supplied by the Minister for Health is:

(a) The Maternal and Child Health Service is managed and delivered by local government authorities. The Department of Health and Community Services (H&CS) makes a financial contribution to a schedule of services called the 'Healthy Futures' program. The department collects data only on specific activities in this program to which state government funds are directed. The data in the table below does not include contacts with maternal and child health nurses other than for specific consultations incorporated in this program.

The 'Healthy Futures' program commenced on 1 January 1994. Information provided on this program for the year ending 30 June 1994 therefore relates to a six month period only.

The 'Healthy Futures' program does not record total occasions of service funded by H&CS and provided by nurses to families with children in the year groups as requested. The following table gives details of 'Healthy Futures' activities completed at times identified as key ages in the program:

<table>
<thead>
<tr>
<th>KEY AGE</th>
<th>No. OF CONSULTATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Consultation — 1 week</td>
<td>29,487</td>
</tr>
<tr>
<td>2 weeks</td>
<td>32,367</td>
</tr>
<tr>
<td>8 weeks</td>
<td>31,726</td>
</tr>
<tr>
<td>4 months</td>
<td>29,132</td>
</tr>
<tr>
<td>8 months</td>
<td>31,469</td>
</tr>
<tr>
<td>12 months</td>
<td>22,277</td>
</tr>
<tr>
<td>18 months</td>
<td>18,562</td>
</tr>
<tr>
<td>2 years</td>
<td>17,735</td>
</tr>
<tr>
<td>3½ years</td>
<td>15,679</td>
</tr>
</tbody>
</table>

In addition, there were 10,525 separate contacts through first-time mothers groups.

Consultations for families with particular needs are not identified, however 15,750 families identified with 'particular needs' were supported through this service in 1993-94.

(b) In January 1994 a modified data set was introduced with the 'Healthy Futures' program, therefore some data collected before and after commencement of the program cannot be compared, for example, centre consultations and home consultations. The new data collection system focuses on activities and outputs at the key ages and stages of children rather than nursing functions and the location of consultation as had previously occurred. However, I am able to advise that there has been a 13½ per cent increase in the number of families with children 3½ years of age utilising the Maternal and Child Health Service over the last twelve months.
Psychiatric services: capital works

(Question No. 182)

Hon. D. A. NARDELLA asked the Minister for Aged Care, for the Minister for Health:

In respect of underspending of $11.6 million in recurrent spending in the psychiatric services program and $6.2 million for capital works identified in the finance statement and report of the Auditor-General for the year ended 30 June 1994:

(a) What are the specific items of under-expenditure including each project or service for which funding was allocated but not spent?

(b) What are the details of the sub-programs under which these programs or services are administered.

Hon. R. L KNOWLES (Minister for Aged Care) — The answer supplied by the Minister for Health is:

11.6 million recurrent

The major reasons for the variance between the recurrent payments and the allocations for 93-94 ($11.6 million) are as follows:

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Recurrent Purpose</th>
<th>Allocation 93-94</th>
<th>Payments 93-94</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Salaries</td>
<td>$135,552,900</td>
<td>$131,214,278</td>
<td>includes 94-95 savings achieved in 93-94</td>
</tr>
<tr>
<td>1150</td>
<td>Subsidiary</td>
<td>$10,424,800</td>
<td>$7,668,077</td>
<td>savings due to legislative changes</td>
</tr>
<tr>
<td>3138</td>
<td>Public Hospitals</td>
<td>$73,820,800</td>
<td>$72,897,815</td>
<td>includes 94-95 savings achieved in 93-94</td>
</tr>
<tr>
<td>3150</td>
<td>Bundoora Repat</td>
<td>$7,404,000</td>
<td>$5,554,945</td>
<td>savings associated with hospital closure</td>
</tr>
<tr>
<td>4278</td>
<td>Mental Health Strategy</td>
<td>$4,373,000</td>
<td>$1,725,442</td>
<td>staff recruitment delays</td>
</tr>
<tr>
<td>2000</td>
<td>Operating</td>
<td>$19,417,220</td>
<td>$20,716,585</td>
<td></td>
</tr>
</tbody>
</table>

This information is not available on a project basis nor readily available by subprogram. A significant cost would be incurred in preparing this information by subprogram. It should be noted that unused funds were carried over for use by the psychiatric services program.

$6.2 million capital works

(5000 Psych Services — Works)

The major reason for the under expenditure in capital works ($6.2 million) in 93-94 is associated with the delay in the upgrade of the Alfred Hospital psychiatric unit and a delay in the community care program design project. These two items account for $5,584 million. The delays were due to a review of mainstreaming (that is the management of mental health services by public hospitals and other agencies), where all projects were put on hold. The remainder of the under expenditure was in annual provisions for minor works. It should be noted that these projects have now commenced.

Education: information technology infrastructure

(Question No. 186)

Hon. M. M. GOULD asked the Minister for Tertiary Education and Training, for the Minister for Education:

In relation to the $5 million allocated in the education department’s departmental works for information technology/infrastructure projects:

(a) Which schools and projects are to be funded and what were the criteria and selection process followed?

(b) If projects have not been chosen, what is the purpose of this funding and what will be the process and the criteria followed in selecting projects?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — The answer supplied by the Minister for Education is:

The funding is for information technology infrastructure which will enable efficiencies to be made in school administration including the development and implementation of a replacement human resource management system (HRMS) to enhance personnel management and administrative practices in schools.
QUESTIONS ON NOTICE

Wednesday, 7 June 1995

COUNCIL

Dendrinos Holdings Pty Ltd

(Question No. 125)

Hon. PAT POWER asked the Minister for Roads and Ports, for the Minister for Public Transport:

In relation to the granting to Dendrinos Holdings Pty Ltd of an exemption from the requirements to fit an air conditioner to its taxis:

(a) Has the minister investigated reports that at least some of these taxis had their air conditioners removed but the associated plumbing was left in the fire-wall of the car?

(b) Why this company was granted such an exemption?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The answer supplied by the Minister for Public Transport is:

On 20 October 1994 Bayside Taxi Service Pty Ltd on behalf of Dendrinos Holdings Pty Ltd made application to the Victorian Taxi Directorate that 22 taxis in the Dendrinos Holdings Pty Ltd fleet be exempted from the requirement to have properly working air-conditioners fitted to the vehicles because these vehicles were registered as taxis prior to 1 July 1994 (the date the relevant regulations came into force) 'and they were not originally fitted with air-conditioners'. On that basis the directorate gave exemptions in a letter dated 25 October 1994.

Although granting the exemption, the directorate initiated further inquiries with the manufacturer of the vehicles and established that 17 vehicles had in fact originally been factory-fitted with air-conditioners, there was some doubt as to 3 other vehicles and that only 2 vehicles had not been fitted with air-conditioners. Consequently, in a letter dated 6 December 1994, the exemptions for all but 2 of the vehicles were rescinded and Dendrinos Holdings Pty Ltd were told that all the other vehicles had to have properly working air-conditioners.

Following further discussions with the company, on 14 December 1994 Mr Arthur Dendrinos on behalf of Dendrinos Holdings Pty Ltd informed the directorate that 6 vehicles had already been fitted with air-conditioners and undertook to install air-conditioners in the remaining vehicles through a program which would have seen 8 more vehicles fitted by 28 February 1995 and the rest during the winter of 1995.

On 1 March 1995, taxi directorate officers attended the Dendrinos Holdings Pty Ltd depot and were satisfied that Mr Dendrinos had not honoured his agreement. They issued 10 infringement notices (total of $1000) against the company for infringements relating to air-conditioners and served vehicle defect notices requiring those vehicles to be fitted with properly working air-conditioners. A number of the infringement notices and defect notices related to those vehicles which Mr Dendrinos had earlier said were air-conditioned.

All of these 10 vehicles have been further inspected and found to have properly working air-conditioners fitted. In summary Dendrinos Holdings Pty Ltd are only exempted in relation to 2 vehicles and the directorate will continue to carry out vehicle inspections and take similar strong action to ensure that Dendrinos Holdings Pty Ltd complies with air-conditioner regulations.

Dendrinos Holdings Pty Ltd

(Question No. 126)

Hon. PAT POWER asked the Minister for Roads and Ports, for the Minister for Public Transport:

Is the minister aware that Dendrinos Holdings Pty Ltd, the holder of multiple taxi licences, is a $12 shelf company; if so, is this company structure usually accepted as appropriate in the granting of multiple licences?
Hon. W. R. BAXTER (Minister for Roads and Ports) — The answer supplied by the Minister for Public Transport is:

The licences held by Dendrinos Holdings Pty Ltd were purchased on the open market from existing taxi operators during the period 1986 to 1989.
The government is not responsible for the financial management of any company involved in the taxi industry in Victoria.

**Taxi: dispatcher system**

(Question No. 127)

Hon. PAT POWER asked the Minister for Roads and Ports, for the Minister for Public Transport:

In relation to the Raywood Communications dispatcher system used by a part of the taxi industry:
(a) Is the minister considering a much more comprehensive dispatcher system that could be used in conjunction with police, ambulance and other emergency service vehicles to provide an integrated response in the interests of safety and efficiency?
(b) Has the minister examined the comparative costs of installing and operating other dispatcher systems that may result in cheaper taxi fares?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The answer supplied by the Minister for Public Transport is:

(a) No.
(b) No. The costs of installing and operating taxi dispatcher systems are not borne by government and do not form part of the basis for taxi fares.

**Vicroads: environment management**

(Question No. 176)

Hon. B. T. PULLEN asked the Minister for Road and Ports:

(a) What clearance of native vegetation on roadsides has occurred in the past two years giving if possible the distribution of clearances as related to Vicroads regions?
(b) What air quality monitoring or evaluation is carried out by Vicroads, at what locations and over what duration?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The answer is:

(a) Records are not kept for the number of trees removed or the area cleared on a statewide or regional basis. Guidelines are in use throughout VicRoads to assist in the development of roadsides. These are:
(i) Roadside Management Guide
(ii) A Guide to Tree Planting Within Road Reserves (Technical Bulletin No 36)
(iii) Clear Zone Widths - Adjustments for Curves and Batters (Road Design Note 3-la).
By virtue of the provisions of section 7 of the state section of all planning schemes, Vicroads is required to obtain a permit from the responsible authority before commencing any clearing. Where works on main roads are carried out by municipalities, the permit is sought from the Department of Conservation and Natural Resources.

(b) Vicroads does not continuously operate air quality monitoring stations. A network of stations has been established throughout the metropolitan area by the Environment Protection Authority (EPA). Air quality changes that would result from the operation of a major new road facility are routinely determined by Vicroads and presented in an environment effects statement.
Baseline information is obtained from relevant EPA monitoring stations. However, if advice from the EPA indicates additional monitoring stations are warranted, these are installed at agreed locations. This then enables future air quality to be predicted by taking into account existing air quality, changed traffic patterns and volumes, changing emission standards for all classes of vehicles and meteorological conditions.
Should the EPA decide that monitoring of air quality in the vicinity of a newly opened major road project is necessary to verify published predictions, Vicroads will take action to meet the request.
During the course of the eastern corridor road development air quality study, a temporary monitoring station was set up at Eram Park, Box Hill from May to July 1987 and then relocated in the Koonung Valley near Ringwood from July to August of the same year.
To monitor air quality in the vicinity of the then south eastern mulgrave arterial road link after opening, a monitoring station was set up near Gardiner Park. This station operated between July 1989 and November 1990.

**Vicroads: environment management**

(Question No. 177)

Hon. B. T. PULLEN asked the Minister for Road and Ports:

What actions has Vicroads taken to reduce the adverse effects on rivers and streams of road and/or freeway construction in their vicinity, indicating where relevant — (i) reports and codes of practice used by Vicroads and its contractors; (ii) research and monitoring that occurs and relevant reports and (iii) expenditure on environmental research and monitoring in dollars and as a percentage of total project cost?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The answer is:

Vicroads takes a number of actions to reduce the potential effects on rivers and streams of road and/or freeway construction, including the preparation of environment effects statements for projects that may have a significant effect on the environment. These statements involve substantial research into all environmental aspects including any possible impacts on rivers and streams.

In the planning and design of works that affect a stream, priority is given to maintaining an open stream on a new alignment rather than placing the stream in an underground culvert. The development of new sections of open stream usually involves significant natural rock lining and planting of aquatic plant species to provide a more natural environment.

Vicroads is requiring its contractors to develop and implement environment management plans on those projects which have the potential to have a significant impact on rivers and streams. These plans outline the measures that will be used to minimise the impacts of the works on watercourses.

The reports that are used by Vicroads and its contractors as a guide to the measures that can be used are:

- Environment effects statement
- Guidelines for minimising soil erosion and sedimentation from construction sites in Victoria, Soil Conservation Authority (1979).

Irrespective of the need to prepare an environment management plan, Vicroads and its contractors use appropriate measures outlined in the above reports to minimise any impacts on water quality.

Vicroads is undertaking water quality monitoring on those projects for which environment management plans have been developed. In particular, the levels of turbidity and suspended solids upstream and downstream of construction sites are being recorded by independent consultants on a fortnightly basis, as well as immediately following major storms. Results of this monitoring are forwarded to Vicroads, and this information is in turn being passed on to the contractors concerned so that they can make appropriate adjustments to their site runoff controls. Individual monitoring results will be collated into a single report for each of the projects on which monitoring is being undertaken.

The expenditure on environmental research, implementation and monitoring for a typical project would be approximately 7 per cent of the total project cost. This cost includes the preparation of the environment effects statement, measures taken during construction, monitoring of the site, revegetation of the area and improvements to the streams. In the case of the Eastern Freeway extension this amounts to approximately $17m.
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