The Governor
His Excellency the Honourable RICHARD E. McGARVIE

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

The Ministry
[AS FROM 13 JUNE 1995]

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

FIFITY-SECOND PARLIAMENT-SECOND SESSION

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

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

Heads of Parliamentary Departments

Council - Clerk of the Parliaments and Clerk of the Legislative Council: Mr A.V. Bray

Assembly - Clerk of the Legislative Assembly: Mr J.G. Little, JP

Hansard - Chief Reporter: Mr Eric Woodward

Library - Librarian: Mr B.J. Davidson

House - Secretary: Mr W.F. McKelvie
Members of the Legislative Council

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*Elected 18.9.93
The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

- Dangerous Goods (Amendment) Act
- Electricity Industry (Further Amendment) Act
- Gas Industry (Extension of Supply) Act
- Marcus Oldham College Act
- Port Services Act
- Racing (Amendment) Act
- Road Transport (Dangerous Goods) Act
- Vocational Education and Training (Amendment) Act
- Water (Further Amendment) Act

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 government business taking precedence over other business from 12 noon during the sitting of the Council on Wednesday, 29 November 1995.

Motion agreed to.

Hon. J. V. C. Guest — On a point of order, Mr President, I raise a matter concerning the register of members' interests which has arisen as a result of an article in the Herald Sun today. I raise it with a view to your mentioning the matter to the editor because the standard of reporting is irresponsibly defective. I refer to a piece in the business section of today's Herald Sun at page 29 under the heading 'When MP means Many Possessions'. It is by the newspaper's regular financial gossip columnist, Robert Turner. I suppose I have to put up with people saying, if they choose, that I am reputed to be the Victorian Parliament's wealthiest member, but there may be honourable members on the opposition side of the house who would be upset about that.

Mr President, I raise the matter because of the inaccuracy of the account. It suggests that the register of members' interests shows I have invested in certain stocks. It shows nothing of the kind, and any serious journalist reading the register of members' interests and the act underlying it would know it shows no such thing. No inference can be drawn as to what I have invested in.

The article goes on to say that I own properties in central Melbourne, Jolimont and the Shire of Flinders. The register shows no such thing. It is in the interests of all honourable members that any reporting of the register of members' interests should be accurate, otherwise it leads itself to this cheap type of performance, which is not in anybody's interests.

I note that if the Herald Sun had reported the matter accurately it would have spoiled the story, but I raise the matter for another reason. This morning my wife rang me and said, 'Can't you stop this? This is the kind of thing that gets people's homes broken into'. That raises a serious concern. Anybody whose spouse is at home at night when he or she is in this place would not feel too happy about what is virtually an invitation suggesting a member has something worth stealing being published just for the sake of a cheap bit of gossip.

The PRESIDENT — Order! I ask the honourable member to put his concerns in writing, and I will consider whether I will take the matter further.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates and outcomes

Hon P. R. HALL (Gippsland) presented final report on budget estimates and outcomes for 1994-95, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:
Infertility (Medical Procedures) Act 1984 — Report on
IVF Central Register, 1994-95.
Local Authorities Superannuation Scheme — Actuarial
Investigation as at 30 June 1995.
Parliamentary Committees Act 1968—
Minister’s response to recommendations in Public
Accounts and Estimates Committee’s final report
upon the 1993-94 Budget Estimates and Outcomes.
Minister’s supplementary response to
recommendations in Public Accounts and
Estimates Committee’s interim report upon the
State’s Budget and Financial Management
Framework.
Planning and Environment Act 1987 — Notices of
Approval of the following amendments to planning
schemes:
Cranbourne Planning Scheme —
Amendment L118.
Darebin Planning Scheme — Amendment L3.
Upper Yarra Valley and Dandenong Ranges
Regional Strategy Plan — Amendment No. 82.
Statutory Rules under the following Acts of Parliament:
Casino Control Act 1991 — No. 144.
Mineral Resources Development Act 1990 —
No. 143.
Subordinate Legislation Act 1994 — Ministers’
exemption certificates under section 9(6) in respect of
A Proclamation of His Excellency the Governor in
Council fixing an operative date in respect of the
following Act:
Public Transport Competition Act 1995 — Sections 40
to 42 and 45 to 48 — 23 November 1995 (Gazette

MELBOURNE CITY LINK BILL

Second reading

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

This is the first major roads project under the government's infrastructure investment policy for Victoria. The project will be a build, own, operate and transfer, or BOOT, arrangement. This means that the road will ultimately be surrendered back to the state, at no cost to the state.

The general philosophy for risk allocation is that Transurban, the successful bidder for the project, bears the risk of all events except for those which the state alone is able to manage and for which the state has accepted specific responsibility. Other risks which are outside the control of both the state and Transurban are shared between the users of the link and Transurban. Proceeding on a BOOT basis means Transurban bears the risk of construction, financing, operation and maintenance, and traffic usage. This is consistent with the infrastructure investment policy.

The state’s contribution to the project will be in the following areas. The state is to provide the necessary land for the purposes of the project. The state is to coordinate the granting of necessary approvals from state authorities for the construction and operation of the link. The passing of the bill before the house will fulfil the state’s obligation to provide the necessary legislative framework for the link’s construction and operation.

The state has requested Transurban to carry out some additional works complementary to the project to meet the state’s requirements for urban planning, landscaping and design. The cost to the state for these works and the cost of providing the land for the link is estimated at $247 million in June 1995 dollars. Under the agreement the state’s costs may be recoverable. The state will also share in revenue higher than projected revenue. The state may also benefit through the removal of tolls and the surrender of the link back to the state earlier than the expected concession period if the project exceeds expectations.

ENVIRONMENTAL AND PLANNING MATTERS

The environmental impacts of the project will be kept to a minimum through design work and other measures. A maximum noise level of 63 dB(A) has been adopted as the standard for the whole project. Air quality will be monitored in the vicinity of the link to ensure the highest standards are met. Even with the expected increase in the number of vehicles using the link when completed, air quality is expected to meet all required standards because of more freely flowing traffic and the reduction of traffic on alternative routes.

The route of the link will be enhanced by both exciting design features and extensive local improvement works — and the city will gain two new landmarks. A striking contemporary sculpture, forming an international gateway to Melbourne, will be constructed near the intersection of the Tullamarine Freeway and Flemington Road. And the design of the new Yarra bridge, incorporating 120-metre-high twin towers, will add a graceful new feature to the city’s western skyline. Other features of Melbourne City Link include two tunnels under the King’s Domain and the Yarra River.

On the western section of the link an integral part of the project will be the rehabilitation of the Moonee Ponds Creek. In addition, a wildlife corridor will be established and a new pedestrian and bicycle path will be built alongside the creek, with a crossover to Royal Park. Substantial landscape improvements and opportunities for pedestrians and cyclists are also planned on the southern section of the route, including a new shared pathway along the north bank of the Yarra east of Punt Road.

OVERVIEW OF THE BILL

The project is large and complex and this is reflected in the size and highly technical nature of the agreement and the bill. The bill has three main purposes. First, it ratifies the agreement for the Melbourne City Link between the state and Transurban, which took effect from 20 October. That agreement is set out in schedule 1 to the bill. Under the terms of this agreement Transurban will bear the risks of the project’s commercial success or failure. The interests of the taxpayer have been protected, and there will be no additional debt burden on future generations of Victorians.

Secondly, the bill facilitates the link’s construction. Construction will be carried out under authorisations issued by the Melbourne City Link Authority and under the oversight of an independent reviewer. Fair compensation will be paid for all land acquisitions. Thirdly, the bill sets up the management framework for the link’s future operation. Transurban will have obligations and powers similar to Vicroads in constructing and operating the link.
THE AGREEMENT

The principal agreement between the government and Transurban is called the concession deed. Transurban signed through principals of its three major project vehicles: Transurban City Link Ltd, Perpetual Trustee Company Ltd as trustee of the Transurban City Link Unit Trust and City Link Management Ltd as manager of that trust. The body of the concession deed, schedules and appendix are all set out in schedule 1 to the bill. Because of the size and complexity of the exhibits to the concession deed, these are not included in the bill but are available for inspection in the parliamentary library.

The agreement, as it is described in the bill, provides for a grant of a concession to Transurban. This concession relates to the design, construction, financing, commissioning, operation, tolling, management and repair of the link for the concession period. This period will run for 34 years, as defined in the agreement. The period may be shorter or longer depending on certain contingencies set out in the agreement.

Transurban will pay the state annual concession fees for the period of the concession. These payments provide the state with a full return for its financial assistance for the project, such as the provision of land to Transurban for the concession period and certain state works needed in association with the project. The concession deed also outlines the circumstances where a share of any revenue higher than the projected revenue may be payable to the state. The agreement also deals with the relationship of the link with Melbourne's transport network (both road and public) and government policies on these matters.

Overall the project has set new boundaries for project financing in Australia. The outcome reflects a strong adherence to the principles of the infrastructure investment policy for Victoria. Investors have confidence in the process of negotiation and finalisation of documentation with the state government under this policy and the allocation of risk between the government and the private sector reflects newly established benchmarks of risk allocation.

The general principle guiding the allocation of risks between the state and Transurban is that each risk is best borne by the party best able to control that risk. Thus, for its part Transurban bears, for example, the design, construction, financing, operation and maintenance, and tolling risks. The state will bear, for example, the risks of acts of prevention by the state or its authorities which would materially adversely affect the project, state law which could fundamentally prevent Transurban from constructing, operating and maintaining, or collecting tolls, and changes to state law which could materially adversely affect the project.

The concession deed sets out those circumstances where redress is required for certain events. The redress may not necessarily be in the form of a direct financial contribution. In certain limited circumstances both parties have the right to terminate the agreement. These circumstances are outlined in the concession deed.

In a transaction of this size, complexity and importance, achievement of the level of risk assumption by the private sector was always going to be difficult. Overall the agreed basis for the Melbourne City Link project has achieved a favourable outcome for investors, the state and Victorian taxpayers. This augurs well for future infrastructure projects in Victoria as it sets a very high standard against which all other projects will be compared.

I also draw members' attention to the provisions of schedule 3 to the agreement, which sets out the process for toll setting. The toll prices announced for the City Link compare favourably with interstate toll prices. The decision to levy tolls on the City Link is the preferable course of action. Direct users benefit and pay for infrastructure. The alternatives of higher petrol taxes, vehicle registration charges or government debt funding, among others, are unacceptable. The deed outlines how tolls are calculated and how they may change over time. The deed also ensures a limit on the tolls that can be charged. There are a range of other provisions common to infrastructure project contracts.

PROVISIONS RELATING TO LAND

The project area for the link is defined by a series of maps lodged in the Central Plan Office of the Department of Treasury and Finance. The project area covers the land affected by the construction of the link. The area can be extended or reduced by the Governor in Council, subject to disallowance by the Parliament. A set of the maps of the project area has been provided for the parliamentary library.

The agreement requires the state to make the necessary land available to Transurban with a minimum of delay, and part 3 of the bill enables this
to be done. It facilitates the necessary planning scheme amendments, enables land to be acquired and made available to Transurban and authorises the construction of the link. Both Crown land and private land will be required, but the number of residential properties affected has been kept to a minimum.

Land required for the project will become Crown land and freed from all encumbrances. It will then be reserved for the purposes of the project and made available to Transurban under licences to be issued by the Melbourne City Link Authority. These licences will also provide the authority for Transurban to construct the link. Existing Crown land reservations within the project area may be revoked by the Governor in Council. In the case of private land, the Melbourne City Link Authority will acquire land under the Land Acquisition and Compensation Act 1986.

Acquisition processes under the Land Acquisition and Compensation Act are fair and efficient but delays can occur if there are interests in land which are not disclosed by the usual title searches. The sums of money involved in the project mean that any undue delay in land acquisitions would be very costly. To minimise this risk to the state, the bill authorises the Melbourne City Link Authority either to use existing processes or to opt to acquire land in accordance with an alternative process provided by the bill.

The main difference from the usual process is that notice of intention to acquire the land will be published in the Government Gazette, in addition to being served personally on land-holders. The time lines for the acquisition process will run then from the date of gazettal. The time lines for this alternative acquisition process are based on those in the Land Acquisition and Compensation Act. At the end of the gazetted notice period, the authority can acquire all interests in the land, including those which had not been revealed by title searches. This does not affect compensation entitlements for such interests.

Public authorities and privatised utilities also exercise controls over land in the project area under various acts. These include broad powers to manage or develop particular areas, such as the Docklands, and ownership and control of pipelines and cables running through the area. The construction of the link will require the acquisition of some interests and the relocation or diversion of some of these facilities. As far as possible, these matters will be dealt with by agreement between the Melbourne City Link Authority, Transurban and the relevant authority or utility. If agreement cannot be reached, the relevant ministers can determine the issues or appoint an arbitrator.

To enable the Domain and Burnley tunnels to be constructed under reserved and privately owned land, the bill resumes all interests in the land below specified depths. In the case of private land, that depth is 50 feet, or 15.24 metres. For many years this has been the standard depth for private land titles issued in Victoria. But the bill’s provisions are technically necessary to allow tunnelling under some old titles which are not limited as to depth.

Compensation will be payable in accordance with the Land Acquisition and Compensation Act for private land acquired for the project. Compensation will also be available for private interests in Crown land, provided these are formal interests such as Crown leases and statutory licences in the nature of leases. Local councils will not be paid the value of the public land they administer, but can claim for expenses.

CONSTRUCTION OF THE LINK

Construction of the link will proceed in stages. As each stage is completed to the standard required by the agreement a lease will be granted to Transurban or its nominee on the terms specified in the agreement. Surplus land will be returned to public use or sold, as appropriate. Design and construction will be overseen by an independent reviewer appointed under the agreement. The primary role of the independent reviewer will be to ensure that the link is built to the technical standards specified under the agreement. However, the reviewer will also have emergency powers under the legislation to issue rectification orders or evacuate construction sites.

Security of major works and construction sites is important in the interests of public safety. The bill allows the authority to declare restricted access areas and makes it an offence to interfere with project works.

OPERATION OF THE LINK

Except for the allocation of road management functions, the usual traffic and road management laws will apply on the link. Transurban has contracted to manage and maintain the existing freeways within the project area during the
construction phase as well as managing and operating the new link roads. State authorities will retain their normal responsibilities in relation to emergency management.

The bill provides for the appointment of a company to exercise management functions over the link roads. This company is referred to in the bill as the link corporation. Under the bill the link corporation will have a number of statutory powers relating to road management normally performed by Vicroads or local councils.

The bill also allows for regulations under the Transport Act to be modified to confer powers on the link corporation. It is intended that, before the link road is leased to Transurban, regulations will be made which reflect road management arrangements under the agreement. The bill also provides for the appointment of another company as link operator to carry out certain operational functions delegated to it by the link corporation. New companies can be appointed as the link corporation or the link operator in accordance with the agreement.

Provided Transurban performs its functions in accordance with its obligations under the agreement and the legislation, it will have the same protections and immunities as Vicroads. This is intended to ensure that both legislation and common law relating to the construction and operation of highways will apply to the link road in the same way they apply to other public highways in the state.

Part 4 of the bill authorises the link corporation to charge and collect tolls in accordance with the agreement. Toll levels must be formally gazetted before taking effect and advisory signs will be posted on approaches to toll zones. The link will be one of the first fully automated tolling systems in the world. This system will allow users to travel uninterrupted over the 22 kilometres of the link road. Transurban has undertaken to provide the state-of-the-art technology required for the automated tolling. There will be no toll booths. Instead, customers will have accounts with Transurban. For most users these will be pre-paid accounts and they will be issued with transponder tags for their vehicles. Infrequent customers will have the option to purchase day passes which will allow unlimited travel on the day of purchase. Special arrangements can be made for large-scale users, such as freight companies.

It will be an offence to evade payment of tolls. The commercial viability of the project depends upon there being an effective deterrent to toll evasion. Toll evasion is analogous to the evasion of public transport fares and similar penalties are proposed. The bill provides for a fine of $100 for toll evasion, plus toll and costs. As with fare evasion, higher penalties can be imposed if the matter goes to court or for more serious offences, such as fraud and tampering with tolling devices.

There will be a number of safeguards protecting the interests of link users. The government has been concerned to ensure that, in cases of genuine mistake or emergency, drivers will not necessarily be prosecuted for toll evasion. A number of safeguards will exist for this purpose. First, inadvertent failure to pay a toll will normally result in a letter requesting payment. Under the arrangements negotiated with Transurban infringement notices would normally be issued only if the person still refused to pay the toll or if the driver has a record of toll evasion.

Secondly, Transurban will establish an independent and speedy dispute resolution process. This process will enable Transurban’s customers to query tolling accounts. An infringement notice cannot be issued while a dispute is pending. Thirdly, the bill appoints Vicroads as an independent enforcement agency. The link corporation may report apparent toll evasions. But the enforcement agency will make the final decision on whether an infringement notice should be issued, having regard to the usual principles of prosecutorial discretion. Finally, as with all infringement notices, there is the option of defending the matter before a magistrate in open court.

There will be strict measures to protect the privacy of link users. It will be an offence for the link corporation or its employees to misuse or to divulge without authority personal tolling information or motor registration records. Severe penalties are prescribed by the bill for such offences. The link corporation will be required to maintain proper records. But link corporation records of non-payment of tolls which identify individuals or vehicles must be destroyed within two years or the period fixed by regulations. Vicroads is subject to privacy safeguards under the Road Safety Act. While the regulations can specify another body to be the enforcement agency, this would not occur unless equivalent privacy safeguards were created for that body.
STATEMENT FOR THE PURPOSES OF SECTION 85 OF THE CONSTITUTION ACT

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 117 alters or varies section 85 of that act in relation to the jurisdiction of the Supreme Court.

Clause 117(a) provides that it is intended to alter or vary section 85 to the extent necessary to prevent the Supreme Court reviewing matters or entertaining actions of the kind described in subsections (7) and (8) of section 39 of the Planning and Environment Act 1987, as modified by clause 21.

Section 39(7) currently provides that an approved planning scheme amendment is not made invalid by any failure to comply with certain specified provisions of that act. The specified provisions are divisions 1, 2 and 3 of part 3 and part 8. They relate to the exhibition and notice of planning scheme amendments, public submissions on proposed planning scheme amendments, the process for adoption and approval of amendments and the appointment of panels to consider submissions on proposed amendments.

Section 39(8) provides that a person cannot bring an action in respect of a failure to comply with the same specified provisions in respect of a planning scheme amendment which has not yet been approved, other than the process prescribed by section 39 itself.

Clause 117(a) affects the jurisdiction of the Supreme Court in relation to three categories of matters. The first category consists of matters which are described in the provisions of the Planning and Environment Act to which subsections (7) and (8) of section 39 currently refers but which will be modified by clause 21. Clause 21 of the bill will modify a number of the provisions specified in subsections (7) and (8) of section 39 in respect of their application to the project by clause 21. Thus, the limitation on jurisdiction already contained in subsections (7) and (8) of section 39 is indirectly extended to cover the modifications to the listed provisions.

The second category relates to section 12(1) of the Planning and Environment Act. Section 12(1) sets out certain duties of planning authorities. Clause 21(5) proposes to modify section 39(7) so that an amendment is not invalid because of a failure to comply with section 12(1). Clause 21(6) proposes to modify section 39(8) so that a person cannot bring an action in respect of a failure to comply with section 12(1). The third category is the exclusion, by clause 21(6), of the review process set out in section 39 itself.

The reason why the Supreme Court is not to have jurisdiction in these matters is as follows. By enacting this bill the Parliament will be giving its explicit approval to the construction and operation of the link on the terms set out in the bill and the agreement. Clause 21 will authorise the Minister for Planning and Environment to amend planning schemes applying to any land in the project area so as to facilitate the project. These planning scheme amendments will, in effect, be consequential on Parliament's decision to approve the project. Many of the necessary amendments have already been identified in the project documents referred to in the agreement. In these circumstances the usual processes and criteria for the development and evaluation of proposed planning scheme amendments are unnecessary and inappropriate. For the same reason the exclusion of the Supreme Court's jurisdiction is necessary to prevent actions which challenge the validity of the amendments on the grounds of non-compliance with the Planning and Environment Act as modified by this bill.

Clause 117(b) provides that it is intended to alter or vary section 85 to the extent necessary to prevent the Supreme Court entertaining actions of the kind described in clauses 18(2) and 95 or in respect of which a protection or immunity is given under clause 94. Clause 18(2) provides that neither the state nor a public authority is liable for the acts or omissions of any other party to the agreement or of a licensee in relation to the project.

The reason for excluding the court's jurisdiction in these matters is as follows. A fundamental principle of the arrangements between the state and the Transurban consortium is that Transurban is to bear all the risks associated with the carrying out of its functions under the legislation and the agreement. Transurban will not be an agent of the state. The state and its authorities should therefore not be liable to third parties for the acts or omissions of Transurban or its agents. Clause 18(2) does not limit any liability of the state or of its authorities arising out of their own acts or omissions, nor does clause 117 limit the jurisdiction of the Supreme Court in relation to such liability.

Clause 94(1) confers on the link corporation, licensees and lessees the same legal protections and immunities as the Roads Corporation has in relation to certain matters. The protections and immunities
apply only where the link corporation, licensee or lessee is carrying out functions in accordance with the agreement or the provisions referred to in clause 94(1). The protections and immunities do not apply to other areas of activity or where the functions are not carried out in accordance with the agreement or the specified provisions.

Similar protections and immunities are conferred by clause 94(2) on the company appointed as link operator where it exercises functions under delegation from the link corporation in respect of a matter for which that corporation has a protection or immunity under clause 94(1).

The reasons for excluding the court’s jurisdiction in relation to these matters are as follows. As far as possible there should be one uniform system of laws applying to all of the state’s public highways. It is desirable that, except to the extent specifically provided under this bill, the legal framework applying to the construction, operation, maintenance, management and control of the link should be identical to that which applies to the Roads Corporation. Anomalies and uncertainties would arise if the operation of the common law and of legislation of general application were different on the link from other public highways.

An example may serve to illustrate this point. The common law has developed specific rules defining a highway authority’s liability for negligent non-feasance in respect of road maintenance. It would be absurd if the common law applied in one way on a Vicroads controlled freeway but applied differently 100 metres away on the link. It is not intended to curtail the development of common law or legislation as it applies to public highways generally or the link roads in particular. Rather, the purpose is to ensure that the laws which govern the construction and operation of highways will apply equally to the Roads Corporation and the link corporation and to limit the Supreme Court’s jurisdiction only to the necessary extent. The fact that one road is managed by a public authority and the other by a private body with a statutory charter should be irrelevant to road management laws except in one respect. Clause 94 puts Transurban in the same position as the Roads Corporation only if it is acting in accordance with its functions under the agreement and legislation.

Clause 95 provides that no action is to lie against the link corporation or a licensee or lessee for or in respect of any obstruction to the navigation of any river occasioned by the link road or its associated structures and facilities or by construction work. The reason for the limitation on the Supreme Court’s jurisdiction in these matters is as follows. The construction of the project, as required by the bill and the agreement, will inevitably cause an obstruction to the navigation of the Yarra River and other waterways. For example, the construction of the Domain Tunnel will involve the partial damming of the Yarra River to enable excavations of the bed of the river. While the flow of water will not be stopped, navigation of vessels in the vicinity of the dam could be impeded. The construction of the planned 23.5-metre-high bridge over the Yarra in the vicinity of the Docklands will prevent access of ships and high-masted vessels upstream and to Victoria Dock.

The limitation on the court’s jurisdiction is necessary to prevent liability in respect of impediments to navigation which arise directly out of the proper performance by Transurban, the licensee or the lessee of their functions. It should be noted that clause 95 does not prevent actions in relation to other matters, such as negligent actions or omissions of Transurban, and that the court’s jurisdiction is not limited in relation to such matters.

Clause 117(c) provides that it is intended to alter or vary section 85 to the extent necessary to prevent the Supreme Court entertaining actions in relation to matters in respect of which the bill provides that no compensation is payable. There are several provisions to which clause 117(c) applies.

I will now outline those provisions and the reasons why no compensation should be payable and why the Supreme Court’s jurisdiction should be restricted accordingly. Clause 24(1)(b) provides that no compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of land in the project area except by the Melbourne City Link Authority. The reason for providing that no compensation is payable by other bodies is that the City Link project will take priority over other public purposes in relation to the control and use of the project area. This provision should not adversely affect any person because there will be a claim for compensation under part 5 against the Melbourne City Link Authority. If the land ceases to be part of the project area any basis for claim against another body is automatically reinstated by clause 24(2).

Clause 33(2) has the effect of restricting claims for compensation by municipal councils in respect of the revocation of a Crown land reservation in whole or part or in respect of the closure of a council road.
The reason for this restriction is that such land is, in effect, public land of the state and not an asset of the municipality. It should therefore be available for use by the state as authorised by Parliament. While councils will not receive compensation for the value of the land, clause 36 will provide a right to compensation in respect of actual expenses incurred by a council as a direct result of the revocation or closure.

Clause 37 provides that, except as provided in the compensation provisions of division 3 of part 3, no compensation is payable by the Crown in respect of anything done or arising out of the provisions of division 2 of part 3. The reason for the provision is that the compensation provisions of the bill have been designed to provide a statutory compensation claim for all persons who would properly have a claim for compensation for loss of property interests. In addition, further rights to compensation have been created in respect of land-holders adversely affected by road closures and to reimburse councils' expenses.

But compensation should not be available for all matters. It is for the government and Parliament to determine the most appropriate use of public land. Therefore no compensation right should exist for the removal of reservations and other interests in and encumbrances on public land, except for formal private property rights as specified in clause 33. No compensation right will exist for public authorities' land because this is more appropriately handled as an internal government budgeting matter.

Clause 117(d) provides that it is intended to alter or vary section 85 to the extent necessary to prevent the Supreme Court entertaining actions of a kind described in section 207F(3) of the Local Government Act to be inserted by clause 123 of this bill. Section 207F currently allows councils to recover damages for extraordinary expenses incurred in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive weight along the road. The damages can be recovered from any person who was responsible for causing the traffic or weight along the road. Proposed section 207F(3) will prevent damages claims against the Roads Corporation, the link corporation or other highway authorities arising out of the operation of the link road or other main roads.

The reason for this limitation and the consequential restriction of the Supreme Court's jurisdiction is as follows. It is not appropriate for bodies responsible for the management of highways to seek damages from each other in respect of traffic flows along the state's public road network. The roads in question are public roads constructed and operating in accordance with statutory authority. The bodies responsible for road management cannot regulate the volume of traffic on the roads nor prevent vehicles of excessive weight passing on to council roads.

CONCLUSION

The Melbourne City Link project will bring major benefits to the state.

I commend the bill to the house.

Debate adjourned for Hon. T. C. THEOPHANOUS (Jika Jika) on motion of Hon. C. J. Hogg.

Debate adjourned until next day.

AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 21 November; motion of Hon. HADDON STOREY (Minister for Tertiary Education and Training).

Hon. B. T. PULLEN (Melbourne) — The Australian Grand Prix (Further Amendment) Bill is disgraceful. It represents the next step in the process of community alienation that has marked the whole operation of the Australian Grand Prix at Albert Park. The bill also deceives because although its main purpose appears to be the establishment of a framework for the holding of the Australian Motorcycle Grand Prix at the Phillip Island circuit, anyone who reads it will realise its main purpose is once more to curb the ability of people in the community to put reasoned argument and express reasonable dissent.

The opposition has no problem with and welcomes the holding of the Australian Motorcycle Grand Prix at Phillip Island. If the legislative arrangements pertaining to it were contained in a separate bill, the opposition would acknowledge that and move on. However, during this parliamentary session the government has seemed determined to achieve its desired outcomes by mixing up bills and putting unrelated matters together in the hope that some things will escape notice. Later in the debate I shall move a reasoned amendment on this matter on behalf of the opposition.
It is sad that, while the government has been slowly but surely rewriting the manual on how to inflame people and fan dissent in the community, an event that had tremendous potential to gain bipartisan support has become so divisive. The opposition hopes this is the last stage of the government's progress on that course.

The government has not accepted that people should be able to disagree with measures it proposes and be allowed to express their opposition and that the law should take its normal course and existing legislative powers should be used reasonably and only when necessary. Instead, the government has introduced special regulations for the people of Albert Park and anyone else who feels aggrieved about the alienation of public parkland — they have been singled out. Plans have been prepared designating the areas where they cannot walk and the grand prix corporation has given the ability to make regulations to suit whatever situation it feels is necessary during the defined period.

The extreme deceit of the government during debate on the grand prix bills and motions concerning the grand prix is now revealed. The government, through the Minister for Major Projects and the Premier, defended its actions by saying, 'We are talking about only five or six days. Why are you so upset about the park being interfered with for that short period?'. The bill makes it pretty clear that it will not be not five or six days. Proposed new section 32A(2), which is inserted by clause 8, states:

The period specified in a declaration under sub-section (1)(a) must not exceed a period of 17 weeks and —

(a) must not begin more than 12 weeks before the start of a race period in respect of a year; and

(b) must not end more than 4 weeks after the end of that race period.

It would have been closer to the mark if the Premier and the Minister for Major Projects had talked about months rather than days. It will not be four or five days — it will be four months! It is fairly clear now that the ability of people to enjoy a major Melbourne park will be affected for a substantial period of the year. It is that deceit and the attempts to confuse people that have marked the government's approach to staging the grand prix at Albert Park. The government's process gives people the choice of having either a grand prix or a park at Albert Park. The government's claim that they can have both is patently untrue, and the people of Albert Park know that. The park and its future potential have been compromised.

Views on the grand prix are interesting and have developed considerably since the process began. The majority of people are in favour of the grand prix per se being held in Victoria, although some people would object to the notion of grand prix motor car racing itself. Some of those who support the holding of the event follow motor racing and others think it would enhance interest in Victoria.

Given that there is no basis for general opposition to the event, it is incredible that the government has managed to drag the issue down from such a positive base and turn it into something divisive and negative. That is illustrated by Ron Walker having to hawk around for a sponsor, all the time lowering the price. People are not stupid. The usual sponsors of such events did not want to be associated with an event that was on the nose.

The only sponsor the government could get was Transurban. What will it do? Will it sell tolls on the Internet? What is Transurban's interest in promoting its product overseas for people in Europe or Brazil who will watch the race at 4.00 a.m. or some other unusual time? Is that a good marketing strategy for Transurban? What would induce it to sponsor the event? Suspicions have been raised about why Transurban is involved. What is clear is that no-one else wanted to get involved. Most sponsors sensed the divisive nature of the way the event has developed in the eyes of the community and stayed away from it.

I get three types of messages from people about the holding of the race, although logically there should be four. Some people are basically opposed to the idea of the grand prix at Albert Park and others are in favour of it. Of those in favour of the grand prix at Albert Park, some are very upset about the government has gone about it and the process it has used, while some are happy with the government's process. The smallest group, which may or may not exist, would comprise people who may not like the grand prix but like the government's process.

It is revealing that such a large group is not opposed to the grand prix at Albert Park but is opposed to the way the government has gone about it. People who live at Albert Park and people who want to protect Melbourne's parks are opposed to having it there and are also absolutely infuriated by the way the government has gone about it. That view is to be
expected and is held by a substantial number of people.

Another group comprises people who did not oppose the grand prix originally and could probably be persuaded — not that I or others would necessarily agree with them — about a grand prix at Albert Park but who are now very unhappy and concerned about it because of the ham-fisted and infuriating way the government has gone about it, threatening what people have understood to be good process and normal democratic rights in this state.

Those people see a pattern in what the government does with parks. It treats people with disrespect and does not tolerate dissent. We have seen that in its decisions to allow the expansion of the Carlton Recreation Ground at Princes Park, to site the forensic institute at Yarra Bend Park and to proceed with the freeway extensions over Mullum Mullum Creek. The government regards parkland as a soft target and represes the people who are game enough to stand up for their local parks. Their motives are impugned by the Premier and the Minister for Major Projects, and the government uses whatever force is necessary to stop them.

The normal processes are not sufficient. That is apparent from the legislation, which makes regulations to exclude people from parks. But those people are not the only victims; some victims are closer to the government. I refer to Ms Asher and Mr Guest, who are seen by their constituents as totally ineffective representatives of their province. It must be personally tragic for them that it is now a burden instead of a pleasure to represent an area that is interesting and diverse because of its population’s varied interests and needs. There is nothing worse than knowing that the people you represent feel you are unable effectively to do the job they expect you to do because of your party’s policies.

We are not talking about a small issue. This is not simply about the government’s regard for parks. It has gone beyond the issue of protecting a major green area in Melbourne, important though that is. This is about rights. This is about how the government treats the community and handles dissent, about whether it has shown integrity and recognised in that dissent people’s heartfelt views, and about whether it can deal with that responsibly. The government might disagree with people — any government will find itself at loggerheads with some people — but it should be able to handle dissent without becoming abusive, attacking people without reason and accusing them of having the worst possible motives.

The Premier has accused people of sabotage by throwing tacks on the road, but the dissenters have not acted out of meanness. In its dealing with people right across Melbourne the government has shown it does not respect anybody who has a different point of view. This belligerent government pays more attention to the people with whom it is closely linked and who will gain from dealing with it than it does to ordinary members of the community, many of whom have supported it on other issues. Others have said previously that many people associated with the defence of parks, particularly Albert Park, have been politicised by the process. The statistics show that many of them voted for the coalition at the last election, but they are not so supportive now because they have been educated. The parks issue has shown them the way this government operates.

Minds have been changed, and that is spreading. People who have had the experience of trying to work with this government to obtain justice on the many issues surrounding Albert Park — whether it be the grand prix or simple compensation and relief — and who have not been successful in doing so are now advising the people at Yarra Bend, the people who are fighting the intrusion into the park at Tullamarine, the people who are trying to prevent the blight of excess parking and interference with amenities in North Carlton and the people who are concerned about the blight that is the museum expansion at Carlton Gardens.

They are not paid organisers. The government likes to characterise them as political operatives and organisers, but when you see them at meetings you know they are simply concerned, ordinary citizens, many of whom have lived in their local areas for 20 or 30 years. They are motivated by their concern for a sensitive local issue, and they are warning others to be extremely vigilant and careful. They do not trust this government. Why should they? The conservation policy the coalition released before the election states on page 14:

The coalition will not allow any further erosion of our existing parks.

Hon. D. A. Nardella — Was that a promise?

Hon. B. T. PULLEN — It was a promise. It continues:
We will establish a circle of parks around Melbourne.

There is a circle of freeways, not parks! That was another promise. There have been press releases, but there has been no action. On page 17 the policy states:

To protect metropolitan parks the coalition will legislate to permanently secure their existence. All such parks will be listed under a new schedule to the National Parks Act.

The only schedules are those that prevent people from going into a park for 17 weeks. We should not need schedules saying people have the right to use parks and that the government will legislate to make that clear! If the minister had had the desire to improve people’s rights he would have done it by now. There would not have been any difficulty in legislating to do so because the government has the numbers in both houses; but years have gone by and the government has remained silent on its promises. If it had legislated to protect parks, how would it be able to do what it is doing now? How would it be able to trash parks if it had legislated to protect them?

Years ago grand Victorian parks were established and Victoria was regarded as being well endowed with parkland. Lately metropolitan parks have been established in outer urban areas which reflect indigenous vegetation such as eucalypts or coastal flora. We have grand Victorian parks used to facilitate major events — and they are cheap venues because the government does not have to buy land or do any planning.

The parks are a soft target and are open to exploitation by this government. It is a different approach from the bipartisan attitude of the former Hamer government, which believed in the consensus policy of the parks of Melbourne being something we all value. Victoria was a garden state and no-one believed we would see this intrusion and playing around with our parks.

If you have a mate like John Elliott who wants to do something with a football ground, call it Optus Oval and make it a major entertainment centre — that’s a good idea. If you have another mate like Ron Walker who wants to use Albert Park for his purposes, that’s a good idea! It is not process — it is who you know, and people now understand that.

The government is intent on attacking any opposition because it does not like the chorus of small voices putting their views. It would like to have them silent. It does not like people drawing attention to these issues; no more than the commissioners of Fitzroy liked the people of Fitzroy drawing attention to their plans to close the Fitzroy swimming pool. The commissioners wanted people to agree that there was an economically rational argument for closing the pool. The Minister for Local Government, Mr Hallam, agreed it was an economically rational decision. The people did not like that economically rational decision and made their views known. Perhaps there were no mates involved and we were able to have a win. The Fitzroy swimming pool issue was important because it showed people that if they protested and marshalled their arguments, they could win.

In other cases people were not so successful. The government wants the protest about Albert Park to go away, but I say those people are doing the state a service because they are showing up the process of the government and the way for people to defend the parks of Melbourne.

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In other cases people were not so successful. The government wants the protest about Albert Park to go away, but I say those people are doing the state a service because they are showing up the process of the government and the way for people to defend the parks of Melbourne.

I stated earlier that I would move a reasoned amendment. I move:

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

The reasoned amendment is not a demand that the government back off from the grand prix at Albert Park, it is a request that it talk to people, consult on all the issues affecting people, and enable police and others to manage, with good sense, situations where people use the democratic process of dissent to exercise their right to speak on an issue that concerns them, rather than going beyond the normal powers and using extreme measures to curb the basic democratic rights of Victorians.

I shall refer to those measures. I said before that one of the first issues is the expansion of the defined period to up to 17 weeks — a third of the year — where people may be restricted and regulations may apply. The house does not have the regulations before it. It does not know how detailed the regulations may be or how they may be drafted, but it does know that the Australian Grand Prix Corporation can change things quickly.
Clause 7 amends section 16(1) to provide that when a resolution of the Australian Grand Prix Corporation is made without a meeting, the resolution is deemed to have been made when the last member of a majority of members who favour the resolution has signed a document containing a statement that they are in favour of the resolution. What an incredible process! Somebody starts it off, he writes out the resolution and takes it to a person who signs it. The next person sees the signature on the document and he signs it, and so it goes on. No debate is involved and the minority, which you normally have at a meeting, can raise no arguments, make no queries and propose no amendments. There is no dialogue and the people who make up the minority, if there is a minority, do not have to sign the resolution because it comes into force when the majority of members sign it. You do not even have to tell the others! It is incredible if someone gets the idea that the residents have been terrible and something should be done, he or she can get something drafted and hawk it around. That is what we are faced with here! There is no shred of understanding of the basic democratic principles for the running of the organisation itself, so how can you expect an understanding of appropriate processes?

I wonder whether the government would want to introduce such a measure in this place. We would not need to have a debate. A bill would be passed around to a selected number of government members — not all of them, just those they think are all right! — and as soon as it gets to the point where it is half the house plus one, it is done. You do not need a debate or amendments — what a wonderful system! I have never encountered such a process in all the time I have been in public life. You would not have such a process in the myriad committees that comprise the ordinary collection of people — local societies, community health centres or even branch meetings of the Liberal or Labor parties. Unfortunately, it suits the purposes of the government and we are all party to it. Those who vote for the amendment proposed by the bill will enforce it and be party to it. It illustrates the depths to which the government has sunk in its lack of understanding of due process.

The issue has gone far beyond the question of saving a park. People who get a buzz from following events like the grand prix — I do not like to use the term ‘petrolheads’ — and would like to have a grand prix in Melbourne are concerned about the way it is being done. They are being alienated. People I know who are enthusiastic about the grand prix see the real issues and the dangers in this process and think about the parks and the facilities in their areas. Everyone sees a different dimension to these issues, but the person who wants a tennis event or a golf event or the grand prix also likes to enjoy picnics, passive recreation and the amenities of his or her area.

They say, 'I like a grand prix, but I wouldn’t like that to happen in my area'. That is why the group I mentioned before is very important; the size of the group is increasing. It has burgeoned beyond the people — the visible opposition — who absolutely hate the idea of the grand prix being staged at Albert Park and hate the way the government is going about it. But there is another opposition — that is, the people who did not need to be opposing the government, but the government has made an art form of inflaming and repressing people on this issue.

The government is beginning the process elsewhere, in that it is ignoring the value of other parks around Melbourne. It does not seem to understand that people are capable of talking to each other; they converse and share views. People may not always get onto talkback radio or have much media coverage, but they are genuinely interested in our parks.

Another matter that may appear insignificant or unusual concerns the expansion of the area. Does any member know what areas are covered by this amending legislation? I know the park will be affected for 17 weeks, but do we know what areas will be affected? If you want to find out you have to know that the land is situated 1.5 metres east of the Queens Road boundary of Albert Park between the points marked A and B on the plan numbered LEGL/95–128 lodged in the Central Plan Office. Hands up those members who know where the Central Plan Office is! One member — Ms Asher — does, but not many others.

The normal process is that before any debate a member is able to view plans in the parliamentary library. The library holds plans for the City Link project and other controversial projects such as the casino expansion and one can normally inspect such plans there, but these plans are not in the library. I visited the library this morning, but the plans are not there. Although this concern was raised in another place a couple of weeks ago, the librarian has not been able to secure a copy of the plans. Members have arrived here with copies of the plans that are either on loan from advisers or have been acquired.
by some other means. In no sense has there been a proper process, even though the area that will be subject to the bill is crucial. People ought to be able to see what area we are talking about.

Hon. D. A. Nardella — Will you give us your copy, Ms Asher?

Hon. R. I. Knowles — The Labor Party has had three weeks.

Hon. B. T. Pullen — The document is not in the parliamentary library as is the normal practice.

Hon. M. A. Birrell — In the parliamentary library?

Hon. B. T. Pullen — Yes. The plans showing changes to the casino are in the parliamentary library, but the absence of the grand prix plans is a clear example of the way the government is sliding this legislation through Parliament. If people want to have access to the plans, they have to chase them.

I have not seen this provision included in any previous legislation, and it is quite unusual for plans not to appear in the bill itself. If the plans are not included as a schedule to the bill — which is the normal method for land revocations and other such changes — they should have been available for inspection in the parliamentary library.

Again, the government has no interest in the process. It would like to sneak the bill through this place. It hates the idea that people are still concerned about defending parks and about their right to make public complaints about the damage being done to the parks and the loss of their democratic rights.

I make it clear that despite the government mixing up several issues in this bill, the opposition has no problem with the provisions dealing with the Australian Motorcycle Grand Prix at Phillip Island. The opposition does not oppose those provisions.

I emphasise that the opposition totally opposes the unnecessary curbing of democratic rights by the provisions of the bill dealing with Albert Park. Now it has been revealed that the period of disruption and impact on the park will be 17 weeks — a third of the year! From the beginning the Premier and the Minister for Major Projects have deceived Victorians with their suggestion that the period of disruption would be five or six days; now we know a substantial period is involved. We do not know from the regulations to what extent access for the people will be curbed. That curbing will have a huge psychological impact on Victorians.

The idea of the park has been soured, and that souring should not be underestimated; this is seen as an intrusion. Although some areas may be pleasantly grassed, the whole idea of Albert Park as a park to visit has been soured. You do not visit a place only because of its physical attributes but because it has pleasant and important associations and good memories. The people who visit that area will remember it as the area over which the government took them on as the enemy, over which it opposed them and used whatever powers were necessary to repress them. That does not make the place attractive for people to visit.

That fact has become well recognised. The would-be sponsors recognised that the way the government has handled this project is on the nose. They know it is not a good thing to be associated with any more. Ron Walker looked around but could not get sponsors. He kept dropping the price and finally won the amazing sponsorship of Transurban. Nobody has been able to explain how the sponsorship of a grand prix will benefit a firm that builds freeways; nobody has said how it will attract customers to a product the company cannot provide overseas — and it probably should not be providing to Victorians, anyway, because Transurban means tolls on roads! If the company cannot sell itself to Victorians, I fail to see how it helps it to put money into the grand prix to sell tolls overseas — because tolls are a product nobody wants!

I hope I have made clear to the house the position of the opposition: it is opposed to this bill. I invite honourable members to support the reasoned amendment.

Hon. Louise Asher (Monash) — As one who has absolutely no interest in motor racing, I find myself rising in this place for the third time in the past 18 months to support a bill that is concerned with the holding of the grand prix at Albert Park.

Hon. B. T. Pullen interjected.

Hon. Louise Asher — The reason the race is at Albert Park has been explained in this chamber previously: jobs will be created in the hospitality industry; the grand prix will be good for Victoria’s profile. A Price Waterhouse study disclosed that for every $1 spent on the Adelaide grand prix, $4 was generated for the South Australian economy.
This bill builds on the previous grand prix legislation which enables the Australian Grand Prix Corporation and Melbourne Parks and Waterways to hold the race safely. Mr Pullen overstated the effect of the legislation. Specifically, the bill broadly allows two things: firstly, it allows the corporation to conduct works outside Albert Park in what are called designated access areas. Those works will be for the access and egress of spectators. They are very limited works, as one can see if one looks at the map I obtained easily. I understand the ALP had the map given to it three weeks ago.

Temporary pedestrian bridges will be constructed over Queens Road; sections of the service lane of Albert Road and the Armstrong Street and Wright Street underpasses will be designated access areas. The perimeter fencing of Albert Park will require a narrow strip of the Queens Road reserve to be a designated area. The underpasses at Armstrong Street and Wright Street will become designated access areas. Those areas are important for access by emergency vehicles. It is a limited expansion of an area that is being provided for under the legislation.

The second major purpose of the bill is to prohibit people from obstructing, hindering or endangering the carrying out of works in Albert Park in designated access areas of Albert Park itself. Those people will not have the right to obstruct, hinder or endanger employees of the Australian Grand Prix Corporation in carrying out works.

Mr Pullen referred to the 17-week period mooted in the legislation. In my view he deliberately misrepresented the legislation by giving the impression that the park would be closed for 17 weeks.

Hon. B. T. Pullen — We don’t know.

Hon. Louise Asher — That is not the case. The bill says that during the 17-week period works will be undertaken and people will not be allowed to obstruct, hinder or endanger those works. As the government has always said, the park will be open for people who want to go for a walk or to walk their dogs, but they cannot hinder, obstruct or endanger work specific to the grand prix. It is a narrow clause; it does not cover the whole park, and it is wrong of Mr Pullen to argue that it does.

Another point Mr Pullen made where he misrepresented the import of the previous grand prix principal act is in regard to the decision making of the Australian Grand Prix Corporation. He knows as well as everyone else in this chamber that the board of Melbourne Parks and Waterways has to agree to the licence conditions. There has been extensive debate with the board. It is not simply a matter of the grand prix corporation saying what it wants; it is a matter of negotiating those agreements with another body. It is a significant misrepresentation on the part of Mr Pullen.

In essence, the people can still enjoy the park. The legislation allows the park to remain open, but without extensive fencing. Previously the fencing was often pulled down and public property vandalised by protesters, but clause 8 now indicates an area where people cannot go. The bill allows people in the park and the park will be open, save for the one week of the event.

I place again on record that I favour the right of people to protest in a non-obstructionist and non-violent way. That does not include vandalism of public property. For example, I am in favour of the vigil in the park that has been going on for 12 months. I drive past those people every day and I feel sorry for them, having to stand out in Melbourne’s cold winter. That form of protest — it is non-obstructionist — is fundamentally a democratic right, but it is not a democratic right to vandalise public property and to obstruct works. It is important that people know where to draw the line.

The Save Albert Park protesters have gone beyond peaceful protest. They have made some despicable threats to people running the event and now they have threatened an international incident will occur at the grand prix. I note when Bernie Ecclestone came to Australia some weeks ago he said that he did not think the protesters would create an international incident. But Jenni Chandler said, ‘We will create an international incident’. Noel McLaughlin, who lectured me in history at Melbourne University, is reported as saying that he will throw himself under a car. These are examples of protests that have gone too far. The threats and intimidation to local traders who support the event are examples of protests gone too far. I respect other people’s points of view, but I do not respect this type of obstructionist protest and vandalism of public property.

It is important to note on figures supplied to me by the Australian Grand Prix Corporation and by the Victoria Police that the protests by the Save Albert Park group have now cost Victorian taxpayers more than $1.3 million. The costs are divided as follows: the Australian Grand Prix Corporation has had to
expend an additional $900 000 for the use of security guards, additional fencing, the repair of fencing vandalised in the protests and stop-work claims as a direct result, and the police force has had to expend $445 000.

I do not mind a couple of demonstrations in the city, a vigil in the park or people expressing their views, but it is wrong to vandalise public property and to continue obstructionist protests. The continuing threat of an international incident, the ongoing protests and the vandalism will cost the taxpayers and, presumably, those costs will rise significantly. I have always maintained that the protesters have a right to peaceful, non-obstructionist protest, but these protesters have gone too far. The fundamental point is that they have let down the locals.

There are three issues of importance I have been canvassing since the grand prix was announced. The first is noise, which is covered in the principal act in the sense that it refers to one week, one race, not 17 weeks. The 17 weeks is for works associated with the grand prix.

The second issue is traffic management, which is a matter I have been working hard to try to get the grand prix corporation to embrace. It has been announced that no-one will be allowed to drive to the event and only public transport can be used. The local councils of Stonnington, Melbourne and Port Phillip are now working out a regime to enforce the parking restrictions and to ensure that the residents have access to their homes during the grand prix week and the run-up to it.

The third and important issue is how local business can benefit from this event. I note that protesters are intimidating and threatening local businesses that support the grand prix. Protesters are so busy opposing the race that the issues that concern the locals have been completely abandoned. The honourable member for Albert Park in another place is so busy opposing the event that he has criticised me for helping my constituents process compensation claims. My office has always been available for that type of work. I have always maintained that the management of the grand prix locally is the central issue. I have stated that in this house on 18 May 1994 and 13 October 1994 and in letters I have sent to every constituent on the issue.

The issue was all about making sure one race was held; not six races as people originally claimed. It was absolutely vital that people understood that a one race-week period was involved and also that the parking issue be resolved.

The ALP has come into this chamber today and argued about people's rights, and along those lines I will comment on the reasoned amendment. It calls for further consultation on the matter, but if one considers when Parliament will resume and the notice periods required it becomes obvious that the grand prix would be run before any further recommendations could come before this chamber.

The reasoned amendment talks about restrictions imposed on access to and conduct in Albert Park; however, the restrictions apply only to people who obstruct, hinder or endanger works. There is very limited application otherwise. When the principal act was debated the Scrutiny of Acts and Regulations Committee had, in fact, brought down a negative report on it, which was the source of comment in an Age editorial and a source of comment by many members opposite. The Scrutiny of Acts and Regulations Committee, which looks at the issue of rights, did not bring down a negative report on the amending bill.

Hon. B. T. Pullen — Because it hasn't seen the regulations.

Hon. LOUISE ASHER — The committee has the power to go through those regulations, and that parliamentary committee, which is most concerned with rights, has said absolutely nothing about this bill. Mr Pullen is on his own on this one.

I remind the ALP that in all major projects legislation compensation rights or environment effects statements can be suspended — for example, the ALP introduced such legislation when it erected the MCG light towers. It is commonplace for governments to introduce legislation that suspends people's rights to compensation. The ALP did it when it was in government.

I suppose the most hypocritical response of the ALP is actually its response to Albert Park, because when it was in government the ALP had a $250 million development plan for Albert Park that was associated with its pitch for the 1996 Olympics in Melbourne. That $250 million development resulted in a net loss of open space. That was the ALP's proposal, and where were the protesters then? Absolutely nowhere. There was absolutely no word against that proposal, which was far larger than anything envisaged for the grand prix.
One need only consider the words of Mr Brumby, the Leader of the Opposition, to understand that. On 3AW on 17 January 1994, the Leader of the Opposition said:

Can I say where there are positive things that this government does I will support them, and I have supported for instance the grand prix. I think that is a great thing for Melbourne. So where the Premier does something that is positive, I will support it and support it 100 percent absolutely.

That does not sound to me like a man who opposes the grand prix at Albert Park; in fact it sounds like a man who embraced it immediately with wholeheartedness and enthusiasm, and if I recall correctly he even said he wanted to wave the flag that finishes the grand prix race. That is what your leader said — he issued a press statement and was particularly excited about the announcement.

As I travel through Albert Park every day I can only observe how much it has improved as a result of the government’s drainage works, and I congratulate the sporting clubs on their forbearance during construction. One notes that they will all get brand spanking new facilities. I have never seen the park look so fantastic. The Albert Park sporting precinct will now be used for the purpose for which it was designed — that is, sporting activities by the clubs, people walking in the park and so on. Everyone I talk to says how much they like the way the park is looking now.

The Save Albert Park group, as Mr Pullen has acknowledged, is about far more than saving the park. It has broadened its agenda, and Mr Pullen acknowledged that in his contribution today. I will refer to one newspaper advertisement, which appeared at page 5 of the Age of 6 February under the heading ‘240 schools closed’. It followed with a diatribe against the Kennett government’s education policies and then urged people to attend a rally and to save the park and relocate the grand prix.

I agree with Mr Pullen — this is probably one of the few areas of his contribution on which I actually agree with him — that the Save Albert Park group is no longer about saving the park. It is a group with a broad political agenda. You have only to attend one of its rallies and see the divergence of pamphlets to know that. Members of the group are quite happy to broach other issues in their campaign. It is not about saving Albert Park. It is about a much broader political agenda. But don’t just take my word for it; take the word of Salena Makepeace, who lives in Albert Park. Her letter was published in the Age of 13 January:

We joined because of the park and not because of any interest in politics. We’re now reluctantly forced to conclude that the SAP group is being perverted into an arm of the ALP election machine and losing sight of its original goal.

It is a former member of the Save Albert Park group, not me, who is saying this:

We are increasingly forced to conclude such goals are being perverted by purely anti-Kennett agendas less interested in a solution and more in a continuing confrontation, at the cost of SAP resources, people and credibility.

Salena Makepeace made it very clear in her contribution that the Save Albert Park group, which was formed by John Thwaites — the member for Albert Park in another place — back in February 1994 for his own political machinations, is now being perverted into an arm of the ALP. These are not my words; they are the words of a member of the Save Albert Park group.

The bill is very narrow; it will enable the Australian Grand Prix Corporation to remove people who are obstructing grand prix works. The park will remain open. In fact, legislation will allow the park to remain open without the level of fencing that has been erected in the past. It is absolutely disgraceful that taxpayers have already had to fund to the tune of $1.3 million a protest that is not even about a park, as acknowledged by Mr Pullen, and by Salena Makepeace. It is about a broad political protest that is now taxpayer funded to the tune of $1.3 million.

The protesters should take a good look at themselves. I support the legislation, and although I have no interest whatsoever in motor racing, I look forward to a safe grand prix in March 1996; and I hope very much that commonsense prevails among the protesters and they, too, participate in a safe grand prix.

Hon. PAT POWER (Jika Jika) — I certainly want to contribute to the debate, and I am happy to do so following Ms Asher’s contribution. The Kennett coalition is rapidly developing the reputation of being a government infatuated with fascism. I do not use that word lightly. I made a point of checking in the library the definition of the word, and it is reasonable to describe the Kennett coalition as a right-wing, authoritarian government.
The Australian Grand Prix (Further Amendment) Bill and two other pieces of legislation that are on the business program today — that is, the Melbourne City Link Bill and the Casino (Management Agreement) (Further Amendment) Bill — are the reasons why the Victorian community is starting to hold that view about the Kennett coalition. In the eyes of the public it is a reputation the Kennett coalition goes out of its way to earn.

Honourable members interjecting.

Hon. PAT POWER — Ms Asher takes exception to the comment; I would be surprised if she did not. But for Ms Asher and her colleague Mr Forwood to claim that the Kennett government is anything other than right-wing and authoritarian is to test the logic —

Hon. Louise Asher — You are so far left!

Hon. D. T. Walpole — The seal of approval is from Maggie Thatcher herself!

Hon. PAT POWER — My colleague Mr Walpole reminds me that it is not only the community that has the view that the Kennett coalition is right-wing and authoritarian, but none other than someone described as a baroness — Margaret Thatcher — paid the coalition exactly that compliment. She made it absolutely clear that she considers the Kennett coalition a fascist government; she made it clear she considers it a right-wing, authoritarian government seeking to replicate her attempts in Britain.

The Premier, who is unable to duck his head when he ought to, took the time to say that he did not think the Kennett coalition was involved in Thatcherism. He said it was more involved in being Jeffed. Since October 1992 many people in this community have been Jeffed; just as many people in other places were Mussolinied, Hitlered and so on. It is not possible to question that the Kennett coalition is right-wing and authoritarian.

In passing I direct the attention of honourable members to a recent poll published in the Age, which indicates that the gap between the coalition and the opposition is narrowing considerably. The grand prix, City Link and the casino reflect the mateship and cronyism that exists. That is why the next election will be close and why the polls are already indicating that voter intention shows some interesting patterns.

As I said last week, I assume nobody had Mr Birrell’s arm twisted up his back when he gave the pre-election commitment that a coalition government would not be party to any further alienation of public land. However, as we clearly saw last week with Princes Park, Yarra Bend Park and Albert Park, the commitment the coalition gave prior to the election bears no relationship to the decisions it has made in government.

As the shadow Minister for Local Government, I know there are many issues that represent broken promises. The coalition did not explain to the community its intentions for Albert Park, nor did it explain to the community that, with the exception of the Borough of Queenscliffe, it would sack every elected council in the state. That is the kind of behaviour that enables the general community to use the word ‘fascism’ when talking and thinking about the Kennett coalition.

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never came to pass. South Australia did not put up a fight to keep the grand prix in that state. The reason for that is simple: because the Australian Grand Prix is not the economic success for South Australians and Australians that Ms Asher would have us believe.

Ms Asher also said the legislation is necessary because it will enable the grand prix to be conducted safely. Given some of the comments she made later about the lengths to which protesters might go, I found it interesting that she was prepared to give an assurance that the legislation would enable the grand prix to be conducted safely but then went on to talk up the unreasonableness of protesters by saying that they could cause it to be an unsafe event. Ms Asher has to make up her mind about whether the government can say the event will be conducted safely or whether the event may not be conducted safely. She cannot give an assurance on the one hand and then, on the other, attempt to portray the protesters as irresponsible by suggesting they may make it unsafe.

The government and the Australian Grand Prix Corporation are responsible for assuring the community that the event can be conducted safely; and if it cannot be conducted safely things should be brought to a halt until that assurance can be given.

Hon. Louise Asher interjected.

Hon. PAT POWER — Again Ms Asher, by interjection, concedes that the Australian Grand Prix is likely to be run at Albert Park in circumstances that do not guarantee people’s safety. It is outrageous that the lead speaker for the government is saying that the grand prix infrastructure is being developed in a way that does not allow the government to assure the spectators, the Victorian community and the international community watching the event that it will be conducted safely.

Let us remember that today Ms Asher, who is the lead speaker for the government and who allegedly represents the people of the area, has put on the record her belief that it is not possible to give an assurance that the grand prix will be conducted safely. Ms Asher is saying that if there are any problems with the grand prix they will not be the fault of the government or the Australian Grand Prix Corporation or Bernie Ecclestone and his foreign raiders, they will be the fault and a consequence of the actions of the protesters.

We need to remember that it was the Premier who spoke before he thought in accusing protesters of placing tacks on the roadway at Albert Park. He was wrong. Just as Ms Asher has sought to do, the Premier has said any shortcomings or problems with the safe running of the grand prix will be the fault not of the government or the grand prix corporation but of the protesters. That is all on the public record, and we should let the people judge it in that light.

This legislation is as unfortunate, as wrong and as undemocratic as much of the legislation that has been debated in this house since October 1992. At the end of the day it puts people’s rights in the deep freeze while the Kennett government and its mates and cronies pursue the dollar and describe that as progress. Those are the things the broader community will judge in the fullness of time.

Ms Asher attempted to explain that the designated areas are not really a problem. They are a problem in principle because with the stroke of a pen the grand prix corporation, without due process, without paying any attention to democratic principles and with the full support of the Kennett coalition, is able to decide that here, there and everywhere should be declared designated areas. We need to understand that although one purpose of declaring a designated area is to allow legitimate construction to take place, it is clear that another purpose is to keep people out. We also need to understand that the right-wing and authoritarian nature of the coalition is such that it would have no difficulty in declaring a designated area simply for the purpose of keeping people out.

Ms Asher gave a conditional undertaking on democratic rights, saying she supported the right of people to protest lawfully. I am not sure that that is technically true, because she supported the principal legislation on the grand prix that resulted in people being arrested and charged — although the court dismissed those charges. The government then introduced retrospective legislation, with Ms Asher’s support, that addressed that issue.

Hon. Louise Asher — For an amnesty.

Hon. PAT POWER — You do not offer amnesties to people who are not guilty; you offer amnesties to people who, in certain circumstances, have breached charters or laws. The people Ms Asher now denigrates further by saying they were offered amnesties were innocent of any charges — and the court said so.
On behalf of the ALP the Leader of the Opposition has made it absolutely plain that we recognise that an international city like Melbourne should be able to host a sporting event such as the grand prix, but it needs to be done in proper circumstances. John Brumby, the Leader of the Opposition, has made it plain that he does not support the grand prix being staged at Albert Park.

Hon. Louise Asher — He didn’t at first!

Hon. PAT POWER — John Brumby has made it absolutely plain that he believes Docklands is the appropriate location. Let there be no doubt: John Brumby and the Australian Labor Party did not support the Australian Grand Prix being staged at Albert Park.

I conclude by making some comments about the honourable member for Albert Park in the other place. The honourable member has not sought to contest the claim about his involvement with the people who have protested about the staging of the grand prix at Albert Park. The difference between the honourable member for Albert Park and Ms Asher is that one has gone into bat for the constituency and the other has not. I will leave it to the house to judge which of those members is which. If I were a constituent I would not like to have Ms Asher representing my interests and concerns, because she has made it absolutely clear that she is a member of the group described by Mr Pullen — people who do not like the process but support the government’s intention.

As I said at the outset, the Australian Grand Prix (Further Amendment) Bill is yet another attempt by the Kennett coalition to tighten the strings and to impose upon the rights citizens ought to have in a modern community. It is evidence of the reasons why the Kennett government is earning the reputation it has. Mr Pullen’s reasoned amendment ought to be supported. It is broadly consistent with the view expressed in the community — that it is not a question of whether we do or do not have a grand prix, but a question of whether Albert Park is the appropriate place for that grand prix to be held. I oppose the bill and support the reasoned amendment.

Hon. P. R. DAVIS (Gippsland) — It is with pleasure that I support the bill and oppose the reasoned amendment. The bill is designed to ensure that the motorcycle grand prix at Phillip Island can be facilitated by the Australian Grand Prix Corporation as well as enabling certain works required to be done at the Albert Park site for the Australian Formula One Grand Prix.

I listened carefully to Mr Power’s contribution and noted that his remarks, which could provoke anxiety in the community about safety issues, also presented a strong argument for the basis of the bill. Mr Power expressed concern about the activities of some individuals — a minority in the community — who have sought to disrupt the works in progress at Albert Park and have undertaken to maintain that opposition and actively damage the continuing works right up to and including the conduct of the grand prix at Albert Park.

By highlighting how important safety considerations are Mr Power has simply convinced me that the provisions in the bill concerning safety are absolutely required. They go to a couple of matters. One is the need to protect existing works and works to be scheduled and another is to provide for the management of pedestrian traffic seeking access to the park site. The provision of footbridges and fences is designed to manage the way people have access to the park site.

I am pleased that the bill achieves its objectives, which are limited, because the great in-principle debate on the Australian Formula One Grand Prix to be held at Albert Park has been had in this place before. The bill improves the ability of the corporation to manage two major events in Victoria. That is important. Increasingly we see the benefit to Victoria of major events that attract tourists. In publishing the most recent tourism figures, Tourism Victoria said that for the first time Victoria leads the states — even Queensland — in domestic tourism. That is a reflection of the strategy the Kennett government introduced on coming to office: to redirect and correct the marketing focus of Tourism Victoria to attract high-level international events to Victoria, one of which of course is the formula one grand prix, which was formerly run in South Australia.

Victoria has recently won the right to host the motorcycle grand prix, which will be conducted at Phillip Island in 1997. That is another great event that will attract a significant amount of domestic and international tourism. Victoria now attracts 25 per cent of the domestic tourism market; Queensland attracts only 20 per cent.

I dwell on that particularly because it is relevant to the state as a whole and to my electorate of Gippsland Province. Tourism is an increasingly
important facet of local regional economies. All around Victoria regional economies are anxious to capture part of the benefit of increased tourism numbers in Melbourne. Without major events, which generally speaking are held in Melbourne, it is not possible for us to get the same spin-offs for regional Victoria. Events such as the International Flower and Garden Show, the Ford Australian Open, AFL grand finals and the Spring Racing Carnival are not just coincidental—they are vital. Hosting major events attracts interstate and international visitors and has spin-offs for country regions.

In ensuring that it is able to facilitate these major events, the government must from time to time introduce enabling legislation to allow the events to proceed. The bill refines the powers of the corporation and facilitates the better management of two of those major events—clearly with the support of the majority of Victorians.

Hon. D. A. Nardella interjected.

Hon. P. R. DAVIS—Mr Nardella may laugh, but Mr Nardella is a classic example. Why is it that we had to win the Australian Motorcycle Grand Prix back again? Because the incompetent Cain government lost it; it was so hopeless it lost it. The Victorian economy is dependent on competent economic management, and competent economic management depends entirely on a competent government.

The community at large has reflected on how the two alternatives compare in this state in a special report by the Yellow Pages Australia Small Business Index, which I am sure all members of the house are intimately familiar with, published in November 1995. It actually asks questions about managing the business interests of the Victorian state economy—'Which is the best party in Victoria?' and 'Who would do a better job in Victoria handling the state economy overall?'. The revealing fact is that only 2 per cent of those surveyed thought the ALP could do a better job of managing the Victorian economy. If I were on the opposition benches I would not be ho-hoing in a debate like this, Mr Nardella! I would be crawling under my chair in shame— to think that only 2 per cent of the respondents think the ALP is competent compared with the 80 per cent who named the coalition as the better manager of the Victorian economy.

In my recent reading I was drawn to a publication written by a former senator from Western Australia, former Minister for Finance, Peter Walsh. His book Confessions of a Failed Finance Minister gives us an insight into the federal government's view of the competence—or lack thereof—of the Cain and Kimer governments. It brought to my attention something that I had been unaware of. At page 235 he refers to a cabinet decision of January 1990:

... the commonwealth [will] provide up to a maximum of $125 million in January 1990 prices (indexed by the consumer price index) on a dollar-for-dollar basis with the Victorian government towards the construction of the Albert Park sports complex should Melbourne be selected as the city to host the 1996 Olympic Games.

After that gained my attention it excited my curiosity, and I went to the place where all wisdom reposes: the parliamentary library, which provided some revealing reading. The extract in former Senator Walsh's book was confirmed not only by a press release from Prime Minister Hawke on 28 January 1989 stating that $125 million would be allocated towards the Albert Park sports complex but also a press release dated 17 August 1989 from the office of the then Premier of Victoria, John Cain, under the heading 'Albert Park's showpiece in $2 billion games facilities', which says:

Melbourne will get a new $250 million Albert Park sporting complex as the showpiece of a proposed $2 billion construction program for the 1996 Olympic Games bid unveiled today by the Premier, Mr Cain, and the Minister for Major Projects... Both Albert Park's centre and Victoria Harbour will become reality regardless of the result of the games bid.

Regardless of the result of the games bid the project was to proceed.

... Mr Cain said the complex would be built at the north end of Albert Park Lake, replacing all the outmoded existing facilities...

Hon. Bill Forwood—That's called buying sporting clubs, according to Mr Power!

Hon. P. R. DAVIS—Yes. The press release continues:

'This is today's generation's chance to replace the present mishmash of facilities which disfigure Albert Park with one wonderful new sports centre and return prime parkland', Mr Cain said.

The cant and hypocrisy we hear in this place day after day from the opposition benches is absolute.
The Labor government proposed a major facelift and the transformation of Albert Park, which has been a disgrace for years. Anybody with local knowledge would know that Albert Park is in need of major surgery. For some years governments have given commitments to take that action. Not only did the Cain government give that commitment, it did what it did best: it failed to deliver! Not only did it lose the motorcycle grand prix but also it lost the ability to find funds to undertake a major upgrading of the Albert Park facilities.

Notwithstanding the fact that Victoria did not get the 1996 Olympic Games, that commitment was reinforced on 4 July 1991 when the Victorian Government Major Projects Unit announced that the government would call for expressions of interest from the private sector to develop an international sporting complex in Albert Park. That was because the Cain government had no funds at that time.

The bill is necessary to facilitate the continuing work at and public safety in the Albert Park reserve and to enable the Australian Grand Prix Corporation to proceed with the motorcycle grand prix at Phillip Island. I congratulate the government on proceeding with these events, and I am delighted to support the legislation.

Hon. JEAN McLEAN (Melbourne West) — I oppose the bill and support the reasoned amendment. The bill is aimed at stopping a group of people from exercising their democratic right to enter a public park for 17 weeks of the year. It will enhance the already draconian laws this government has brought in which have turned the residents of Melbourne into law-breakers.

The Kennett government has already presided over the arrest and harassment of hundreds of ordinary citizens because they see the use of a public park for a car race as unacceptable. The compacting of the ground in the park to make the racetrack has damaged countless houses in the district, but the Premier, Mr Kennett, took away householders’ civil rights to compensation. Like a lord of the manor he handed out small sums of money as grace and favour payments to a few people, but only if they accepted his terms and his time frame. It was tough luck for those who missed the deadline!

Until this government came to office with its can-do Premier it would have been thought inconceivable not only for laws to be enacted to protect a private company’s use of a public park for private profit but also for the taxpayers of Victoria to spend untold millions of dollars building huge constructions inside that park for the company’s exclusive use for 17 weeks of each year.

The public is to be excluded, but not the Australian Grand Prix Corporation. In the minister’s second-reading speech he said:

At present the corporation is only empowered to conduct works and activities within Albert Park reserve. In order for the corporation to construct the traffic safety facilities and to establish perimeter fencing and emergency exits, it is necessary to provide it with powers to conduct works and activities in specified designated access areas adjoining Albert Park.

As has been pointed out by other speakers, we do not know where the designated areas are, but I am one who believes it is incumbent upon all citizens in a democratic society to protest publicly against unjust laws and immoral activities of government. As honourable members know, I have exercised that right and obligation over the years against many such laws. I believe this bill is one of the most insidious attacks on democracy by a government in our society.

I know there are many people like the Premier who try to depict the Save Albert Park demonstrators is a bunch of middle-class protesters just trying to protect the tranquillity of their suburb. To those people I say two things: firstly, protesters have the right to try to protect their amenity, and, secondly, the park belongs to everyone.

The laws being enacted by the government to take away these rights will take away the rights of every citizen in this state. The bill contains amendments that remove people’s democratic rights to use the courts to redress the consequences of any unlawful activities perpetrated against them.

The bill turns a piece of public land and its surrounds, including the road, into a prohibited area. People who think the Save Albert Park demonstrators are being selfish should think carefully about the ramifications of these amendments and previous grand prix measures. The government has not had to justify legislation that stops any Victorian from lawfully protesting and expressing his or her opposition to the grand prix being given a prime piece of Victorian real estate

Hon. Louise Asher — For a week.

Hon. JEAN McLEAN — For 17 weeks, Ms As\ner.
Hon. Louise Asher — Wrong! You can walk in the park.

Hon. JEAN McLEAN — Not all of the park — a large part of the park has been closed since the government allowed it to be dug up. Following three years of Kennett government I am not surprised by the bill, but I am profoundly disturbed by it. The bill shows how blatantly the government is willing to coerce and lie to the public for the benefit of its mates and to the detriment of democratic government. It cannot be argued that this serious attack on our civil rights is for the greater good of the community. The changes to the act are not to protect our collective wellbeing, our health or the health and wellbeing of our children; they are to facilitate a car race.

The changes are being made for a circus that the Premier, Jeffrey Kennett, hopes may get him re-elected. The Premier hopes his circus will get so much publicity that people will forget for just long enough that their education and health systems have been destroyed, their electricity utilities have been sold to foreign companies and they no longer have effective local government. We have been dunned for a car race designed exclusively to promote the world’s multibillion-dollar car manufacturers.

Victorians were told unequivocally that the park would be closed for only four days. Those who dared to question the closure of the park were lambasted on the ground that this great entertainment spectacular would last for only four days. At Albert Park the things a friend of mine who lives in Adelaide has explained to me are so engagingly part of the grand prix motor racing scene — the noise of the cars, the crowd, the helicopters and the effects of the booze with yahoos and drunks wandering up and down the street vomiting — will take place in front of people’s houses. Obviously that does not worry Mr Forwood.

The government’s stated view was that this spectacular would benefit the state so much that four days of unmitigated hell for residents was a small price to pay. But now we find that the Kennett version of entertainment in the park will restrict the use of Albert Park for 17 weeks — one-third of each year — and that the no-go area will be policed at the expense of taxpayers. Already $650 000 has been spent on police and an unknown amount on structures to protect the Premier’s mates from protesters or people who look like they might protest. In particular, anyone wearing a yellow ribbon is seen as a threat to the good order of the community.

Tacks were thrown onto a road at Albert Park prior to a recent bicycle race. No-one knows how they got there or who put them there, but the Premier immediately blamed the Save Albert Park protesters and the Labor Party. Although he has no proof and the police do not know who put the tacks on the road, the Premier has used the situation to justify this latest law and order bill. However, there is another scenario with exactly the same amount of proof: that the Australian Grand Prix Corporation and the Liberal Party put the tacks on the road to justify these changes! Certainly the grand prix corporation and its supporters would stand to benefit.

Hon. Bill Forwood interjected.

Hon. JEAN McLEAN — I said there is exactly the same amount of proof for that scenario as the Premier has for saying it was done by the Labor Party and the Save Albert Park demonstrators. How do we know the Premier and the Australian Grand Prix Corporation didn’t put the tacks there? We know that in the same way we know the Labor Party and the Save Albert Park group didn’t put them there.

I view the amendments with grave disquiet. Is the government declaring war on the residents of Albert Park and South Melbourne by declaring a no-go area? The Premier certainly appears to consider anyone who opposes the race as being his enemy. People who were by political persuasion and economic advantage normally friends and voters of his have been vilified for their opposition.

I have seen no-go areas in Northern Ireland policed by armed personnel carriers and helicopters with infra-red spy equipment and heavily armed police. Will those sorts of tactics be used to protect this precinct at Albert Park? The terrible thing about the arbitrary removal of civil rights is that it sets neighbour against neighbour. Although I hope we do not see here the drastic results of the British government’s removal of civil and political rights from the people of Northern Ireland, we should not underestimate the effects of the destruction of democratic rights encompassed in the bill.

An article by Terry Lane published in the Sunday Age reminded me of what Martin Niemuller said regarding the failure of the German churches to oppose Hitler in the 1930s:
When Hitler attacked the Jews I was not a Jew, therefore, I was not concerned. And when Hitler attacked the Catholics I was not a Catholic and, therefore, I was not concerned. And when Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then, Hitler attacked me and the Protestant Church — and there was no-one left to be concerned.

I absolutely condemn the bill and what is involved in its carriage.

Hon. BILL FORWOOD (Templestowe) — I support the bill and oppose the reasoned amendment. It has been an extraordinary debate. Through the ALP we have been to Northern Ireland and we have heard about the fascists — Hitler and Mussolini — and comparisons have been drawn with the government. It is nonsense, and it does not much matter because the bill deals with some minor amendments that will ensure that the Australian Motorcycle Grand Prix can take place at Phillip Island and the Australian Formula One Grand Prix can take place at Albert Park in a safe manner. We just heard more of the cant and rubbish members of the Labor Party dish up all the time. I wonder why they do it, but I guess we are getting used to it.

I make three brief points about what the legislation will not do. It will not close the park for 17 weeks; the park will be closed for the week of the race. The line being run by the Labor Party about the park being closed for 17 weeks is wrong; the legislation is designed to keep the park as open as possible. People can walk through the park so long as they are not endangering themselves or impeding the work of the grand prix corporation. The park will not be closed. The government does not want fences there and would prefer to let people walk their dogs or jog through it. The government is not against parks. In fact, government members like parks. I put it on the record that the legislation will not close the park for 17 weeks.

The second point is that the bill will not exclude people from the park.

Hon. Jean McLean — So long as they don’t wear yellow ribbons!

Hon. Louise Asher — They can wear yellow ribbons but they cannot obstruct, hinder or endanger.

Hon. BILL FORWOOD — Thank you, Ms Asher. People can walk through the park wearing yellow ribbons so long as they do not, in the words of proposed section 51(1)(cb) as set out in clause 13:

... obstruct, hinder or endanger the carrying out of works, the provision of services or any other activity.

Ordinary law-abiding citizens can use the park; the majority of Victorians can use the park; the majority of Albert Park and South Melbourne residents can use the park. It will not be closed. The only people who cannot use it are those who go there deliberately to endanger, obstruct or hinder.

Thirdly, this bill does not stop people protesting. There is nothing in the bill to prevent people protesting. I defend the right to protest. Anybody with a different point of view can protest; I have no problem with that. Those three important facts should be on the record.

On a different issue, I am seriously concerned that the Save Albert Park group has been infiltrated by an organisation known as Militant Victoria. That group came to the fore when Stephen Jolly was sent from Sydney to become involved in the Richmond Secondary College protest. An article in the Herald Sun says that Mr Jolly was sent to report on the school rebels for the magazine Militant, for which he writes, and that he stayed and became prominent in the dispute. Militant Victoria’s publication Perspectives Document 1995, which explains how the organisation operates, specifically mentions the Save Albert Park group and says it is closely allied to the group. A list of items detailing Militants remaining meetings for 1995, shows that Iain Stewart, the convenor of the Save Albert Park group, was to speak about the Left and the Save Albert Park campaign at a Militant meeting on 8 November. One of the last items states:

Stephen Jolly — report back from committee for a Workers International ‘International Executive Committee’ in London.

That meeting takes place on 20 December. That is the sort of connection that exists between these organisations. The document talks specifically about Militant Victoria’s role in the Save Albert Park campaign. If you require more evidence you need only pick up the latest Militant publication, in which Lucy May, whom Militant describes as ‘a well-known member of the Save Albert Park campaign’, writes about her trip to London for the Save Albert Park rally and about the latest rally, which she claims was a success. She also interviews Shirley Shackleton about her attitude to both
East Timor and Albert Park. I applaud Shirley Shackleton's attitude to East Timor, but she has been misled on the Albert Park issue. It is disappointing that she has been associated with a ratbag magazine like this. Militant Victoria's Perspectives Document 1995 states:

The drawing together of the best revolutionary militants and organisations into one united group must at the very least be explored. Militant invites such forces to work together with us in the struggle and also to open up discussions around the ideas in this document ...

What is key is a discussion about methods of building the movement and how a united front can be established in the key campaigns of the day.

Earlier the document states:

The Save Albert Park campaign (SAP) is easily the most vibrant and alive campaign with a real chance of defeating that corporate capitalist circus known as the grand prix ...

As socialists it is blatantly obvious that we must be intimately involved in SAP. Its large (but not exclusively) middle-class core must not be used as a barrier by socialists to getting involved. Avowed socialists have key influence in the campaign and the campaign is not antagonistic to Militant's involvement.

We cannot pick and choose the battlefronts against Kennett.

The document also mentions Public First and how it works, the Save Albert Park campaign and the role of the trade unions. Another document states:

Jingle balls

Gala Christmas concert

Presented by

the Victorian Trades Hall Council

in support of

Save Albert Park and Public First campaign.

But behind the trade union movement, the Save Albert Park campaign and Public First lurks the sinister figure of Stephen Jolly!

Hon. B. T. Pullen — Check under the bed!

Hon. BILL FORWOOD — This document exists! I defend the right of people to protest to make a point, and I am not a believer in conspiracy theories, but there is no doubt that the Save Albert Park group has in it people whose only desire is to oppose the Kennett government in every forum they can find. This is not about the park or the grand prix; this is about opposition for the sake of opposition — for the sake of the cause!

Honourable members interjecting.

Hon. BILL FORWOOD — Start at page 1!

Militant Victoria's Perspectives Document 1995 states:

Our intimate involvement in the struggle to save Richmond Secondary College and our heavy participation in all the major anti-Kennett struggles ...

Save Albert Park is just another one. This document is full of details about the way these people operate. It is appalling that we need to introduce legislation to allow ordinary, law-abiding citizens to go about their business and to enjoy the park and the grand prix.

It is disappointing that there has been so much misbehaviour at Albert Park and that legislation of this sort is necessary. The bill will not close the park for 17 weeks, it will not stop people going to the park, and it will not stop people protesting.

Hon. M. M. GOULD (Doutta Galla) — I support the reasoned amendment and oppose the bill. The legislation rolls two separate issues into one — the motorcycle grand prix, which will be returned to Phillip Island, and outrageous measures that will prevent access to Albert Park for four months of the year. When the Australian Grand Prix Bill was debated in this place we were assured that access to the park would be disrupted for only a few days before the race and for maybe a week afterwards so the stands could be dismantled. With the introduction of this amending legislation the truth has finally emerged: the park will be disrupted by the race for 17 weeks.

Under this bill the government is taking away people's right to publicly express their opposition. The bill will allow the Australian Grand Prix Corporation to exclude anybody from the park. Not only does it take away the right of any citizen affected by construction on the site to seek compensation, it goes further by taking away the democratic right of citizens to demonstrate, because they can be arrested. The government does not care
about the rights of its citizens. If people object they are arrested — and not always while a protest is taking place, because of the outrage that would follow or because the media is in attendance. Instead they are arrested by the back door; they are arrested in their homes or at their workplaces.

The legislation takes away the rights of citizens and extends the rights of the Australian Grand Prix Corporation. Every citizen, not just in the state but in the country, should have the right to seek compensation for damage occurring as a result of works by the Australian Grand Prix Corporation, but those rights have been taken away. What do Victorians know about the financial arrangements of the corporation? It is our money, the taxpayers' money, and we do not know how much we are paying. We do not know what terms and conditions will apply.

We do know that the government is using taxpayers' money as an incentive to other sporting people to encourage them to hold races. However, we found out about that only by accident, and what an accident. It cost Victorians $1 million for a boat that is now sitting at the bottom of the ocean! Victorians were not told about that incentive, but how many others are there? How many are connected to this race? Victorians deserve to know. As the advertisement states, 'It's your money, Ralph'. The government must tell us now.

Victorians will not have access to the park for 17 weeks unless the corporation decides otherwise. As of 1 January 1996 Victorians will not be able to use the park until 14 April. So much for being able to use the park during the summer months. The park can be shut down at the whim of the corporation. The period will now extend for 12 weeks prior to the race and 4 weeks after the race. The park will be restricted for four months of the year!

What criteria will be used by the government to restrict access to the park if people wish to have a peaceful rally? Will people be arrested for holding a New Year's Eve party or a family picnic at the park? How will these arrangements be defined? Why should we attempt to define what people do?

Not so long ago in Australia Remembers we celebrated the 50th anniversary of peace being declared at the end of the Second World War. It was a celebration of the fact that Australians could demonstrate, march in the streets, vote in elections and seek compensation if their rights were taken away. This government was part of those celebrations, but it is now taking away the rights for which men and women made the supreme sacrifice.

The government does not consult the community. If it had, the legislation would not be being debated in this chamber. If the government were not so dictatorial we would not be having the protest against the grand prix being held at Albert Park. Victoria could be united by having the grand prix at Docklands. The opposition has never opposed the grand prix, but it has opposed the location and the process — the secrecy of the financial arrangements, the taking away of people's rights to seek compensation, the extension of the designated area and the time that people will have restricted access to the park.

The government will not listen to the people who elected it to office. If it did listen this event would unite Victorians rather than tearing them apart. A government that listened to the people could have a rejuvenated Docklands that would be a permanent site Victorians would support and be proud of. But the arrogance of this government will not allow it to concede that it has made a mistake.

The government is restricting public knowledge of the bill by making unsubstantiated claims such as the allegation that tacks were deliberately distributed by protesters along the road during a cycling event held on 22 October. The Premier made those allegations so that Victorians would not notice that the government was amending the act to extend the designated area and prevent protesters from entering or expel them from the designated area.

Once again the government is showing its contempt for Victorians by legislating for the park to be used as the site for the grand prix not for a few days before and after the race, but for four months of the year. What next? Will we have legislation after the first grand prix when Victorians have experienced the noise and pollution of the race to convert Albert Park to a permanent racetrack and restrict its use by the public because the government believes it is a bit noisy and there were some traffic jams? We will improve the facilities, enlarge the car park, improve the hospitality venues and build a grandstand with plush superboxes for the government's mates. That is what will happen because the government cannot be trusted. It initially said the grand prix would affect Albert Park for only a few days, but now it is 17 weeks; next it will be 52 weeks! The government cannot substantiate an extension of the area and prohibit Victorians from having access to Albert Park. Not one justifiable reason has been given.
This is not the first time the government has amended the legislation and it will probably not be the last, but on each occasion it is not to give people a better go or extend their rights, it is to restrict retrospectively the rights of Victorians. If anyone opposes the government it introduces legislation to quash them. That is what is occurring now and will occur again. The government did not like the decision of the Employee Relations Commission so it introduced legislation that applied retrospectively. Because the government does not like people to exercise their democratic rights it is introducing legislation that will ban them from the park.

The Premier says one thing and goes ahead and does the exact opposite. In May the Premier said people had the right to protest and express their view. That is big of him! Better men than he gave Victorians that right, and he does not have the right to take it away. The integrity of Parliament is at stake, but the Premier is concerned only about getting his way, not about Victorians. What consultation has the government had with community organisations, residents and citizens about this bill? None. That is why the opposition has moved a reasoned amendment. Albert Park is public property and the corporation should not be allowed to pick and choose who can use the park.

The corporation can stop the citizens of Victoria from entering a public park for 17 weeks of the year. The legislation is specifically designed to prevent people exercising their democratic rights and voicing opposition to the withdrawal of their rights. This government is too weak to take criticism, so it uses its numbers in both houses of Parliament to ram through legislation without consultation. It does not believe in democracy, it believes only in looking after its mates. It shows that it will go to any length to achieve its aim and to stamp on anyone who gets in its way. The bill demonstrates how weak the government is; that it cannot accept criticism, consult or manage change. It demonstrates the lack of respect it has for Parliament, which was established to represent people, to give them a choice for the expression of their views. The government is too weak-kneed to consult, it just steamrolls legislation through and does not give a damn.

How much will the grand prix cost? The rumours talk of $12 million being paid for the conduct of the race. A deal has been done between Victoria and South Australia with taxpayers' money, yet the taxpayers are kept in the dark. It is our money but the government will not tell us how it has spent our money. The government is not telling the truth about the cost of the grand prix. South Australians have been told that they cannot afford another grand prix and Victorians do not know if they can afford one. The financial arrangements are not transparent. The government is into secret deals looking after its mates and does not care about Victorians.

The bill will have far-reaching consequences for the rights of people. We were told the race would result in the park being affected for 1 week, but now it is 17 weeks — four months of the year when people will be restricted from using their facilities! The rights of people to seek compensation are being taken away; Victorians are being kept in the dark about the financial arrangements. I oppose the bill and support the reasoned amendment.

Hon. K. M. SMITH (South Eastern) — I totally support the bill and oppose the reasoned amendment. This important bill will make the Melbourne grand prix at Albert Park a premier event. I can only say, having listened to most of Mr Forwood's contribution, that he laid it on the line. A group of ratbags at Albert Park do not care about what goes on. They are too mean or stupid to understand the great improvements which have been made at Albert Park and from which Victorians will gain great benefit. Not only that, but the people down there are liars!

Hon. T. C. Theophanous — What did you call them?

Hon. K. M. SMITH — I called them liars. They have misled the people of Victoria for a long time. A practical example is on the old Aughtie Drive. Look at the trees with crosses still marked on them and yellow ribbons still tied around them: they are the trees the liars said would be taken out! They misled Victorians about that. They should be ashamed of themselves. I oppose everything they stand for.

I shall not talk about Albert Park because I become annoyed at the thought of the people down there and the lies they are telling Victorians. Instead, I shall talk about what is really good — clauses 5 and 6 of the bill, which deal with the motorcycle grand prix at Phillip Island, part of my electorate. That event will be fantastic because it will be held on a great and proven track, and it is an event that is doing marvellously well.

Hon. D. A. Nardella interjected.
Hon. K. M. SMITH — The motorcycle grand prix event could have been held at Phillip Island for all this time had the former Premier, John Cain, and some of the ratbags advising him — particularly the anti-smoking lobby — used their brains and supported the motorcycle grand prix being staged there. In 1989 about 100 000 people attended the motorcycle grand prix at Phillip Island, but John Cain saw success and thought, 'Let's send it somewhere else. We can't be associated with it; it's successful'. New South Wales was pleased to jump in and run the motorcycle grand prix from 1991 to 1995, yet Victoria had previously staged two magnificent grand prix events at Phillip Island.

That is not where it stops. While the motorcycle grand prix was not being staged at Phillip Island, the superbike series has been staged there. That event has been a great success. Peter and Helen Henderson, the owners of the track, and the Cameron family, particularly Fergus Cameron, have worked hard and put large sums of money into the track to make it a better venue. They have been rewarded because the motorcycle grand prix will return to Phillip Island and will again draw crowds of 100 000 people.

The benefits to the island and Victorians can hardly be counted. The tens of millions of dollars to flow from the staging of the motorcycle grand prix will benefit Phillip Island and sufficient cost-benefit analyses have been done to show that huge benefits will flow to all Victorians. The bill has the emphatic support of everyone associated with Phillip Island. It is supported by the Bass Coast Shire Council, which issued a press release about it.

Hon. T. C. Theophanous — Have you ever been on a Harley Davidson?

Hon. K. M. SMITH — I've been everywhere, Mr Theophanous. I have even been to better places than London, where some of the ratbags from Albert Park have been trying to denigrate Victoria and Albert Park, and I have done the right thing and supported the grand prix at Albert Park.

Comments are often made about the perceived traffic problems at Phillip Island; some say those problems will deter people. The government is continuing to improve and upgrade the road to Phillip Island and to the track. Much work has been put in with the local police and the shire to ensure that the road to the track will be only one-way for certain periods before and after the staging of the event; in fact, the area has already been surveyed. The result will be three cars abreast crossing the bridge to the island. A ferry service will operate...
from Stony Point to Cowes. The motorcycle grand prix will be great for Victoria.

I am proud of my association with the Kennett government and I support what it has done. The staging of the formula one grand prix at Albert Park will be the best thing that has ever happened there. People will later say, 'Our park is now better than it was'. The facilities offered to the sporting clubs and the clubrooms being built for the yacht clubs are fabulous. The support given by the true people — not the ratbags — of Albert Park is fantastic.

The government must be complimented on what it has done. Melbourne Parks and Waterways, under the direction of Jeff Floyd, has done a wonderful job.

Hon. T. C. Theophanous — What about Ron Walker?

Hon. K. M. Smith — He has got that event here. You ratbags opposite said we should stage it at Docklands. What a stupid suggestion!

Opposition members interjecting.

Hon. K. M. Smith — We hear the baying and the calls from members opposite, but why? Because they know they have been wrong. The race at Phillip Island has great support. People from the international motorcycle association have said the last superbike event held at Phillip Island was the most successful. People watching it on television would have realised that. It was the best organised event in the world series. I remind the house that such praise comes from Flammini, the international group in charge of motorcycle racing. The chief executive officer of the Australian national motorcycle body said the Phillip Island race was the best organised race held in Australia.

Phillip Island has set a high standard in conducting events of that nature. The motorcycle grand prix will be a huge success for Phillip Island and my constituents. It will be as successful as, if not more successful than, the formula one grand prix to be staged at Albert Park.

I wholeheartedly support the Kennett government's position on Albert Park and Phillip Island. I oppose the reasoned amendment moved by Mr Pullen, which is a typical negative reaction from the opposition.

Hon. D. A. Nardella (Melbourne North) — I oppose the bill and support the reasoned amendment. This bill is about the motorcycle grand prix and the Albert Park grand prix, and it also takes away people's rights. It is a further extension of the decision the government made not to pay compensation for harm caused by its actions.

Further, the bill provides that the government can never be at fault and that it is never wrong. The bill puts in place provisions to ensure that the government is never wrong and takes away the right of people to take grievances through the due process of the courts. The legislation sets a precedent in that for an extended period — 17 weeks of the year — a beautiful public park will not be available to the people of Victoria.

The legislation also gives the government and the police the ability to harass people who are going about their lawful business. Protesting in a peaceful way is lawful. There has been no argument against lawful protests. Albert Park residents are making a point about the park, but until last week if they stepped onto the park in the course of going about their lawful business they would have been targeted and legal sanctions would have been imposed on them. The legislation further entrenches that position. The joggers and others who use the great facilities of the park will now have no rights. The bill is an abrogation of the democratic rights of people in Victoria.

We may as well call Ron Walker the government because he makes the decisions for it. He picks up these events for Victoria because he wants to line his pockets. The Ron Walker government is not closing the park for five days; he is closing it for 17 weeks in the year and the people of Victoria will be kept away. The real reason for the bill could be said to be the sponsorship of the event by Transurban, because Transurban wishes to test its transponders on the cars going around the grand prix track. It all shows the links between this government and its cronies and mates. The event is for them.

Hon. B. N. Atkinson — I do believe in Santa Claus.

Hon. D. A. Nardella — So you should. Ms Asher spoke about $1.3 million being spent because of the protesters. It is outrageous that this government has spent that amount of money on ensuring that local residents do not have access to their park and its facilities. The government has not told the other house, this place or the community
how much it is spending to prop up the Australian Grand Prix Corporation and its mate Ron Walker or how much subsidy is being given to such people and organisations, because that information is commercially confidential. It is our money, yet Ms Asher said that $1.3 million has already been spent because of the protesters. It is a case of double standards.

In 1994 the Leader of the Opposition supported the grand prix but the government deceived the Victorian public and the local community and put in place legislation that took rights from local people. The bill ensures that they have no right to take the corporation or the government through the legal processes. The government went back on its word, and in the process destroyed democracy.

I refer to the veracity of a proposition put forward by Ms Asher concerning Salena Makepeace. Honourable members would know that the name Salena means heavenly. That is what the parliamentary library’s dictionary says — it means heavenly. This Salena Makepeace, whom Ms Asher quotes as a great authority, has never been a member of the Save Albert Park group. She is not to be found on the electoral roll in Victoria and has no telephone number in the phone book. She has not contributed to any local meeting, and people who have gone to the address where she is supposed to live — 50 Canterbury Road, Albert Park — find a block of 90 flats, none of which contains a Salena Makepeace. People went further and contacted the body corporate to find out whether her name was shown in the body corporate records. Alas, there is no record of any Salena Makepeace in existence there. That is the argument on which Ms Asher rests her case! These sorts of arguments are presented by the government to put down the good people of Albert Park and to try to quash their legitimate concerns and quash democracy in this state.

I turn to the contribution of Mr Davis. The only thing I can say about him is that I am really sad he did not go on to talk about the mini-grand prix in Bairnsdale, which he referred to in his last speech on the grand prix.

Mr Forwood quoted Militant Victoria. A number of concerned organisations are involved in a range of protests, but that does not take away from people’s genuine concerns. They are not idiots, yet that is what government members make the people of Albert Park out to be. They have their own minds and are not led by the nose like government members. These people are the grandmothers and grandfathers, the mums and dads who are concerned about their local area and their local parks and facilities. They are genuine people, and opposition members are concerned about them.

Other organisations are involved, whether they be the Liberal Party, the Labor Party or people from Militant Victoria supporting local communities. That is what democracy is about. Those organisations understand local communities better than the government ever would. Mr Smith called the good people of Albert Park liars. He said they misled Victorians. That is a disgraceful thing for a member of the Liberal-National Party government to say. The coalition’s policy document before the 1992 election said, ‘There will be a guarantee on parks in Victoria. There will be no reduction in parks’, yet that is the response from Mr Smith, who is part of a government that goes back on its promises, goes back on its word and deceives the people of Victoria.

One of the basic principles about which the opposition can feel proud and on which we can hold our heads high involves the smoking lobby. We made sure the people who peddle drugs to the young people in our community did not have the wherewithal or the facilities to continue. One of the major battles involved the motorcycle grand prix at Phillip Island. That major battle was well won because it means, in a real sense, that a number of our young people will not end up with health problems. I sincerely applaud that stance because it means a healthier future for Victorians.

It is disgraceful that governments promote bad habits, all for their self-aggrandisement, their monument building and the benefits they, their mates and cronies, who are contributing to their re-election, can obtain. I support the reasoned amendment.

Hon. T. C. THEOPHANOUS (Jika Jika) — I oppose the bill and support the reasoned amendment. I will talk about the government’s trampling on people’s rights through both this bill and other actions. Other members of the opposition have discussed the rights of residents and the removal of civil rights throughout this whole sorry affair — an affair that did not need to happen because there were, and remain, alternative sites to Albert Park. The fact that the government was not prepared to consider those alternative sites proves that it is not prepared to listen to anyone or to bite the bullet and act in the interests of Victorians.
The project entails the removal of people's right to seek compensation for damages from a range of matters, including compaction works that have taken place or might take place at the site. Local residents had to rely on the good grace of Jeff Kennett to determine whether they would receive any compensation for damage done by the compaction works.

The question of compensation is and should always be a legal matter involving natural justice. It is normally enshrined in the fundamental right of people to seek legal redress through the courts, no matter whether it be for possible damage from compaction works, noise or other problems that may occur at the site. People who are affected by the grand prix works have no right to seek compensation through the normal processes of the Supreme Court.

They are not the only ones who will be adversely affected by the bill. Some businesses in the area have also been denied the right to seek compensation because of this monstrosity called the grand prix. I am aware of two businesses that have been affected. One is the Lakeside Leisure Centre, which is run by Doug Wade, the former champion full-forward for Geelong, and which has been successful. The other business that has been affected is a nightclub called the Redhead, again a successful establishment that has been operating for a long time providing appropriate entertainment without any problems. When I was the minister responsible for liquor licensing, I visited that establishment and was happy to see the high calibre of the operation and the sorts of values and the culture operating there, as well as the way it catered for young people wanting to have a good time without getting into trouble.

A publication entitled 'Albert Park — The New Plan for Albert Park' was delivered to 30 000 households by Melbourne Parks and Waterways. It is supposed to inform local residents about what will happen in the area. When you look at the map provided with the publication you see the area where the two businesses are. You should remember that the two businesses have long-term leases; they are entitled to be there. In the case of Redheads the lease is for another 15 years and in the case of Lakeside Leisure Centre the lease is for another 10 years. The map does not even show them. It is as though they don’t exist. A number of people have drawn the conclusion from the map — honourable members should remember that 30 000 were distributed — that those two businesses are to be put out of business and will no longer exist. In one section the Albert Park publication says:

... the establishment of a new soccer ground at Lakeside Oval with the removal of the oval outer and, as current leases expire, the redundant pavilions.

The publication flags the redundancy of the pavilions and their removal. They do not appear on the plan itself. I point out that the publication has seriously affected the two businesses I mentioned because people have assumed that Redheads and the Lakeside Leisure Centre will not be in business for a long time. Prior to the publication the leisure centre enjoyed a 50 per cent membership renewal rate, but after the publication was distributed the renewal rate dropped to 20 per cent. In January 1994 Redheads had a staff of 56 people, but as a result of the publication by July this year the staff had been reduced to 2.

Those effects were also the result of one other thing — the extensive roadworks that started in January 1994 and were not completed until a month ago. Both those businesses had to deal not only with extensive roadworks that made access to their establishments difficult but also with the publication distributed by Melbourne Parks and Waterways that denied their existence. It basically said to the 30 000 residents that those establishments would not exist in the near future.

Both the roadworks and the publication have had devastating effects on both businesses. In the normal course of events the businesses would seek compensation from the Supreme Court. They would say they were badly done by and the publication was not only inaccurate but failed to mention the length of their leases. Similarly, they would argue that the roadworks have had a significant deleterious effect on their businesses, and they would seek compensation as a result.

The bill is an indication of the way the government operates — simply with the stroke of a pen it removes the fundamental right of men and women in business to seek proper compensation through the courts for harm caused by its actions. We have seen it time and time again with bill after bill. Section 85 of the constitution is changed to the extent necessary so that legal action —

Hon. Bill Forwood — You did it, too!

Hon. T. C. THEOPHANOUS — That is an absolute lie; you have no idea.
The PRESIDENT — Order! Mr Theophanous will withdraw that statement.

Hon. T. C. THEOPHANOUS — I withdraw.
Mr Forwood's statement is an untruth. It is not true, and he knows it is not true. More than 100 bills that have come before the house have varied the constitution to the extent necessary to prevent people taking action in the Supreme Court.

The government has a much longer record of varying the constitution than the former government ever did. Honourable members should bear in mind that any variation of the constitution that went through the house under the former Labor government had the support of both sides of the house. Today's bill does not have the support of both sides of the house. It is an absolute disgrace that the government is prepared to throw away the fundamental right of people to proper legal recourse.

The opposition opposes the bill and supports the reasoned amendment. It is a sensible amendment that should be supported by all honourable members.

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

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Amendment negatived.

House divided on motion:

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Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

QUESTIONS WITHOUT NOTICE

City Link: environmental impact statement

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the Minister for Roads and Ports to the fact that if the federal government undertakes an environmental impact statement on all or part of the City Link project Transurban will be entitled to claim compensation from the state government for any changes that have to be made to the project. I ask: was the minister aware of this provision when he signed the contract on 20 October?
Hon. W. R. BAXTER (Minister for Roads and Ports) — It is interesting to get this sort of question from the Leader of the Opposition. Of course I am aware of the provisions included in the concession deed, because for a long time I was closely involved in putting the deed together and in the negotiations that ensued.

It is also interesting to note some of the comments about the City Link project being made by erstwhile supporters of the Labor Party. I draw the attention of the Leader of the Opposition to statements made over the weekend by the Australian Workers Union suggesting that the opposition leader, Mr Brumby, should stop opposing the City Link proposal because it will directly generate 4000 jobs and indirectly generate another 4000. It is high time the opposition took note of what its own supporters are saying.

Adult, community and further education

Hon. P. R. HALL (Gippsland) — Will the Minister for Tertiary Education and Training advise the house of the funding arrangements for adult, community and further education regional councils for next year?

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — I thank the honourable member for his question because it provides me with the opportunity to give the house some good news about next year’s funding for the regional councils of adult, community and further education, which, as honourable members will realise, are a very important part of the education sector. ACFE provides people with opportunities to gain the education they may not have had access to when they were younger or to refurbish their skills later in life.

We have a very extensive adult, community and further education system, which involves many hundreds of people working in the 559 registered providers. Nine regional councils now oversee the distribution of government funds for those providers, with funding decisions being made by the board and then referred to the regional councils. Following a review of regional council boundaries by the ACFE board earlier this year, the number of regional councils was reduced from 11 to 9, bringing with it significant savings in administrative costs. The board has just finalised its allocation of funds for the nine councils for next year. The centralised allocation of funds has been minimised — that is to say, most of the funds will now be provided to regional councils for distribution. In total, regional councils have been allocated $17.4 million, which is an increase from 1995 of $2.7 million or 18 per cent. All regional councils received an increase in funding. Barwon South Western region received a 32 per cent increase in funds; Eastern Metropolitan region received a 20 per cent boost; and Loddon-Campaspe Mallee region received a 47 per cent boost. The ACFE board has clearly demonstrated its confidence in regional councils and their ability to accurately define further educational priorities.

I commend the work of the 125 members of the regional councils who serve in an honorary capacity and who do a great job in allocating the funds in their different regions. Next year there will be greater opportunity than ever for people to receive the benefits of education through the adult, community and further education that will be provided.

City Link: environmental impact statement

Hon. D. R. WHITE (Doutta Galla) — I refer the Minister for Roads and Ports to the fact that if the federal government undertakes an environmental impact statement on all or part of the City Link project Transurban is entitled to claim compensation from the state government for any changes that must be made to the project. I ask: what is the total possible payout to Transurban under these circumstances, and did Treasury or the minister’s department prepare any estimates of this before or after signing the contract?

Hon. W. R. BAXTER (Minister for Roads and Ports) — The provisions to which Mr White refers are clearly set out in the concession deed tabled several weeks ago in another place and earlier today in this chamber. As to the detail of his question, it is entirely hypothetical because it has not emerged at this stage, nor is it anticipated.

Aged care: elder abuse

Hon. G. P. CONNARD (Higinbotham) — Will the Minister for Aged Care advise the house of any recent initiative by the government to reduce the incidence of abuse of the elderly in the Victorian community?

Hon. R. I. KNOWLES (Minister for Aged Care) — Elder abuse is a complex matter. It is an issue that has come into public consideration only in
recent times, although it has been a question for society for many generations. In 1990 the Office of Public Advocate published a report entitled No Innocent Bystanders, which draws attention to the fact that there is a great deal of victimisation of older people, often in ways that are quite insidious.

The report draws attention to the fact that there is a need to ensure that the services that support older people are made aware of the nature of that abuse, and suggests a course of action to tackle it. The previous government set up a departmental committee to start looking at the issue. Since the coalition has come into government it has built that up and has published a report entitled With Respect to Age — A Guide for Health Services and Community Agencies Dealing with Elder Abuse. The guide seeks to recognise the complexity of the issue and to encourage those who work in the services supporting older people to recognise the symptoms and to respond appropriately.

The government does not believe it is appropriate to adopt for elder abuse the strategies that have been adopted for child abuse. It is more important to ensure that support services are in place and that if the abuse is criminal it is reported to the police to follow up. A great deal of legislation is in place to try to protect people from economic or financial exploitation but often the abuse relates to care and there will be a plea for additional services.

The question is how to get the support services to respond appropriately. Since launching the guide the department has organised regional seminars and has invited all the various support agencies to help them to understand the protocols and to build on the network and services that are in place so that we can better address this question. Although it is an important issue, we need to keep it in perspective. There is certainly no evidence to suggest that elder abuse is becoming more prevalent and that there is a need for more drastic interventions.

The government has confidence in the guide that has been put out and believes continuing to build up the service system will ensure that much of the abuse that is unfortunately occurring will be alleviated. The government will encourage modification of behaviour that leads to the victimisation of frail, aged people — people who are particularly vulnerable and who do not have the capacity to protect themselves from that abuse.

City Link: environmental impact statement

Hon. D. A. NARDELLA (Melbourne North) — I refer the Minister for Roads and Ports to the fact that, if the federal government undertakes an environmental impact statement on all parts of the City Link project, Transurban is entitled to claim compensation from the state government for any changes that must be made to the project. I ask: did the government agree to such a provision, and did the government receive any legal advice on this matter prior to signing the contract?

Hon. W. R. BAXTER (Minister for Roads and Ports) — Last week we had the spectacle of Mr White asking a question followed by Mr Nardella asking another question in similar terms, and we have had a repeat performance today. Of course legal advice was received by the Melbourne City Link Authority in the preparation of the concession deed. And yes, that advice was taken into account.

Local government: elections

Hon. C. A. STRONG (Higinbotham) — As we all know, some 20 councils will be returning to elected councillors in March next year. Will the Minister for Local Government inform the house of the electoral arrangements for those 20 councils?

Hon. R. M. HALLAM (Minister for Local Government) — An important component of the government’s proposed reform agenda has been directed at electoral changes to provide councillors with greater flexibility in the conduct of their councils. The electoral arrangements for the 20 councils going back to elected councillors in March next year have now been largely completed. I am encouraged to report the councils have made efforts to ensure that the arrangements genuinely fit the special conditions of each community. The commissioners have gone to great lengths to conduct public consultations on those arrangements.

Members of this house will recall that the government endorsed the recommendation of the Local Government Board on the number of councillors. The 20 councils had the choice of having between 5 and 12 councillors. The bulk chose between 7 and 9 councillors and three opted to return to having 10 councillors.

The numbers of wards and ridings have provided great diversity from, at one extreme, the
municipality of Southern Grampians, which decided to have a non-subdivided municipality — which I am on record as describing as appropriate but very brave — to Moreland and Boroondara, which each opted for 10 wards. The remainder of the councils cover the spectrum in between. Apart from the City of Melbourne, which is subject to special legislation, 12 councils have opted for single-member wards, one council has opted for two-member wards, and the remainder have opted for a mixed system tailored to the requirements of each of their communities.

One of the issues that created some interest when the reform agenda was going through Parliament was postal voting. I can now report that half the councils going to elections next year have chosen to undertake their elections by postal vote. That is an interesting development, given that it is the first time that option has been chosen. I make the point that the system is working extremely well in Tasmania and New Zealand. Seven councils have chosen to retain the attendance system, while three councils are yet to announce their decisions.

In line with the reforms to the electoral process the government has introduced and in harmony with compulsory competitive tendering, councils can now contract out the conduct of their elections. Only one council has decided to keep the conduct of its election in house. The State Electoral Office has won the contracts for 12 councils and the Australian Electoral Commission has won the contracts for 2 councils. The 5 remaining councils are in the process of determining that issue. Based on the variation from council to council, it is obvious that the opportunity of tailoring their electoral requirements to meet the particularities of their communities has been appreciated. I look forward to the March elections demonstrating a welcome new level of interest in local government in this state.

City Link: environmental impact statement

Hon. T. C. THEOPHANOUS (jika jika) — I refer the Minister for Roads and Ports to the fact that Transurban is entitled to claim compensation from the state government for any changes that must be made to the project as a result of the federal government undertaking an environmental impact statement. I also refer to the fact that the government and, in particular, the Premier misled the people of Victoria at a press conference on 20 October when he said that the state government would not bear any responsibility for things beyond its control, including the actions of the federal government. I ask: why has the minister failed to correct the record since those incorrect statements were made?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I do not believe any statements were made along the lines Mr Theophanous suggests were incorrect. The legislation was introduced into another place many weeks ago and has been debated there. It is unfortunate that the opposition in another place did not provide any rigorous analysis during the debate, but simply made a whole heap of unfounded assertions. I signalled risk-bearing aspects in the second-reading speech this morning. The bill will be debated later this week and the Leader of the Opposition can advance his arguments then.

Baby capsule loan scheme

Hon. S. de C. WILDING (Chelsea) — Will the Minister for Roads and Ports advise the house of the arrangements made to improve the baby capsule loan scheme?

Hon. W. R. BAXTER (Minister for Roads and Ports) — I thank Mrs Wilding for her question because it is an important issue. I also thank her for referring to the scheme by its up-to-date terminology. It was formerly known, when it was introduced 10 or 12 years ago, as the bassinette loan scheme. To most members of the house a bassinette conveys the impression of a cane basket. Mrs Wilding is right when she calls it a baby capsule scheme, because that is exactly what these devices are. Over time they have proven to be lifesavers because since the scheme was introduced the number of infants injured in road accidents has declined dramatically. The scheme has been well supported by parents.

In 1991 a new Australian standard for baby capsules was published. The federal Bureau of Consumer Affairs has advised that this new standard will be adopted as the product safety standard from next year. That means the existing stock of baby capsules will be rendered redundant. As is my wont, I have undertaken an extensive consultation process with local government, which administers the scheme. An options paper was circulated and there has been a good response to it.

It is clear that most municipalities want to continue to be involved in the scheme, despite the fact that many parents are purchasing their own baby capsules and that some private operators in the field...
are hiring out baby capsules. Not surprisingly, municipalities have expressed concern about the cost involved in updating their stock and the government has made a decision to allocate $300,000 to municipalities to assist them to do that and to carry the scheme forward at hire rates sufficient to make it self-funding in the future. This is a meritorious outcome that will enable the baby capsules to be upgraded and this worthwhile scheme to continue.

Hudson Conway: fraud allegations

Hon. D. R. WHITE (Doultta Galla) — I refer the Minister for Gaming to the fact that last week the state government lodged documents in the Supreme Court accusing Mr Graham Manie, the general manager of construction for Hudson Conway Ltd, of making threats to influence the outcome of a contract. Will the minister outline to the house the steps the government has taken to inform the Victorian Casino and Gaming Authority of these allegations pursuant to section 24 of the Casino Control Act?

Hon. HADDON STOREY (Minister for Gaming) — Mr White will recall that some weeks or even months ago the government was made aware of allegations about Hudson Conway Ltd in relation to proceedings that were instituted in the Supreme Court. At that time I informed the authority of the allegations that were made, and I asked it to take all steps to investigate those allegations and determine whether any action should be taken.

I do not know about the particulars to which Mr White referred of what might have been said in the Supreme Court last week, but I understand from the way he described it that it is part of the same proceedings of which the authority is fully aware. It is investigating those allegations, and Mr White would also be aware that the police were investigating the allegations after they were brought to their attention at the time they were made. Those investigations will continue, and when they are concluded by the police and the authority they will determine what action will be taken.

Ecotourism: Alpine National Park

Hon. E. G. STONEY (Central Highlands) — Will the Minister for Conservation and Environment advise the house of the recent steps taken by the government to expand ecotourism in the Alpine National Park?

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — I am pleased to inform the house of a joint federal and state government initiative to upgrade the alpine walking track within the Alpine National Park. The alpine walking track is arguably Australia's premier long-distance walking track. It stretches from Walhalla to Canberra and has received appropriate recognition by the federal government as a site of national tourism significance. The jointly funded federal-state project seeks to safeguard national tourism icons against the dangers of their being 'loved to death'. Funds have been committed to the upgrading of a 7-kilometre section of the alpine walking track between Mount Howitt and King Billy, which attracts a very high number of visitors for bushwalking and horse riding.

Over the summer period a five-member work group from the Department of Conservation and Natural Resources will commence work on stabilising the surface of the track and improving drainage to reduce the impact of water run-off. Materials and equipment from Mount Buller will have to be flown into the site by helicopter.

It is an important project, and I thank the federal government for its support. I also take this opportunity of thanking both Mr Stoney and Mr Craigie for their enthusiastic support of this worthy initiative.
closures of nominations to polling day. The bill does not make any alteration to the current maximum period of 58 days set out in the act; nor would it be appropriate for any such change to be made.

The government's aim in moving to reduce the minimum election period is to reduce the disruption to the proper and efficient administration of the affairs of state which can occur during an election period. The issue of minimum election periods in the commonwealth context was considered recently by the Commonwealth Joint Standing Committee on Electoral Matters in chapter 10 of its Report of the Inquiry into the Conduct of the 1993 Federal Election and Matters Related Thereto.

That committee recommended that the Commonwealth Electoral Act 1918 be amended to provide that the date fixed for polling shall not be less than 21 days nor more than 30 days after the close of rolls or the date of nominations, whichever comes last. This would result in a minimum period of 28 days after the issue of the writ, if adopted by the commonwealth Parliament.

It is true that the minimum period proposed by the bill is less than that recommended in the commonwealth context. But the greater complexity of the administrative arrangements and logistics involved in a federal election, not least in terms of the distribution of electoral material to remote areas, needs to be borne in mind. Such logistical problems do not exist in the closely settled and geographically compact state of Victoria.

It is also worth noting that the Australian Labor Party submitted to the joint committee that the minimum period be reduced to 24 days in the commonwealth context, a shorter period than that provided for in the bill in the Victorian context.

The minimum and maximum election periods currently operating in the commonwealth and other states and territories are as follows:

- **Commonwealth**: 33 — 58 days
- **Queensland**: 25 — 55 days
- **Western Australia**: 28 — 90 days
- **South Australia**: 28 — 54 days
- **Tasmania**: 21 — 51 days
- **Northern Territory**: 12 — 49 days

New South Wales has no fixed minimum period, only a requirement that the election period be no more than 40 days. The Australian Capital Territory has a fixed election period of 37 days.

As honourable members will note, these comparative figures do not reveal any consistent pattern. However, if the minimum election periods applying in the commonwealth and those states and territories that differentiate between minimum and maximum election periods is taken into account, the average minimum period is 24.5 days. This accords with the minimum period of 25 days provided for in the bill.

The bill makes a number of administrative changes that simplify a number of procedures set out in the current act which are unnecessarily time consuming and cumbersome. These administrative amendments simplify the procedures for the casting of postal votes without making any change to the eligibility criteria for postal voting.

The bill also simplifies the current two-stage process for the approval of how-to-vote cards whereby provisional approval is followed by registration. The bill provides for a one-stop shop registration system and also retains for registered political parties the option of registering how-to-vote cards with the Electoral Commissioner rather than with individual returning officers.

Appropriate safeguards are included in the form of appeals to the Electoral Commissioner from decisions of returning officers on how-to-vote cards and appeals to the Administrative Appeals Tribunal of Victoria from decisions of the Electoral Commissioner made in relation to how-to-vote cards. The appeal to the Administrative Appeals Tribunal is available regardless of whether the decision of the Electoral Commissioner was made in reviewing a decision of a returning officer or in considering a how-to-vote card lodged with him directly.

The bill makes a number of other administrative changes which have been recommended by the Electoral Commissioner to improve the operational effectiveness and efficiency of a number of the procedures set out in the act. These changes were recommended by the commissioner in either his report to Parliament on the administration of the 1992 Victorian state election or his report to the Parliament for 1993-94.
The changes will implement administrative efficiencies in relation to voting by silent electors, voting by patients in hospitals appointed as special hospitals by the Electoral Commissioner, the advertising of the location of polling places, the nomination of candidates and the introduction of A to Z voting at all issuing tables on polling day.

In terms of major administrative efficiencies, the amendment provided in the bill to allow returning officers to hold multiple appointments is significant. It is the intention of the Electoral Commissioner that the State Electoral Office operate from 54 offices across the state at the next election rather than from 88 as at the 1992 state election. Each of those 54 offices will be computerised and considerable administrative efficiencies should be achieved.

To effect these efficiencies it will be necessary for a number of returning officers in the metropolitan area to hold multiple appointments — for example, working as a returning officer for two districts and a province. The changes set out in the bill will make it clear that such multiple appointments are permissible under the act.

The bill also makes a number of other changes to the current provisions. In line with the 1992 amendments to the commonwealth Electoral Act 1918, the bill introduces a new section 208AA to allow a returning officer to conduct an indicative distribution of preferences if the returning officer has completed a count of the ballot papers and is directed to conduct the indicative distribution by the Electoral Commissioner.

This amendment was implemented in the commonwealth context following a recommendation by the Australian Electoral Commission in its November 1992 report, Counting the Vote on Election Night. The amendment will allow an early indication of the outcome of a full count of preferences and thereby ascertain on the night the probable outcome of the election. In its report on the 1993 federal election, the commonwealth Joint Standing Committee on Electoral Matters found that the two-candidate preferred count had proved a particularly successful innovation and achieved the aim of providing a clear indication on the night of the result of the election, including the likely result in seats where the actual result could have taken three to four days to decide.

The bill also amends part II of schedule 16 to the act, which sets out the maximum amount of electoral expenses that may be incurred by a candidate. The bill sets the maximum amount at $5000 per candidate for candidates for either the Legislative Council or the Legislative Assembly. The current maxima of $3000 for Legislative Council candidates and $1500 for Legislative Assembly candidates have not been adjusted since 1978.

The bill also formally changes references to the State Electoral Office to the Victorian Electoral Commission. This more modern title complements the 1988 change to the title of the Chief Electoral Officer to the Electoral Commissioner.

Finally, the bill also allows by-elections for provinces to be held on the same day as a state election. Currently, the act requires that the President provide the minister with two days written notice before issuing a by-election writ. If a Council member resigns on the issue of the writs for a state election and if the state election writs nominate the shortest time frame for the election, the two-day period before the by-election writ is issued prevents the by-election and the state election being held on the same day. The added cost of holding a separate by-election for such a province and the inconvenience for the voters of the province caused by such a by-election provide a clear justification for removing this requirement.

I commend the bill to the house.

Debate adjourned for Hon. T. C. THEOPHANOUS (Jika Jika) on motion of Hon. C. J. Hogg.

Debate adjourned until later this day.

SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Hon. R. M. HALLAM (Minister for Finance) — I move:

That this bill be now read a second time.

The purpose of this bill is to make a series of changes as part of the reform program in superannuation. With the elimination of borrowings by the Emergency Services Superannuation Board the board's separate capacity to borrow outside the Borrowing and Investment Powers Act 1987 is being removed. At the same time a new set of standard provisions on the delegation of a board's powers is
being introduced into the governing rules of each major public sector superannuation scheme.

Until last year there were beneficiaries’ accounts inside each of the major schemes. These accounts allowed former employees to defer the receipt of lump sum payments. Last year a program began to transfer these accounts into the new accumulation schemes, where there are options for investment choice. This bill completes the program with the closure of beneficiaries’ accounts inside the State Superannuation Fund and the defined benefit part of the Hospitals Superannuation Fund, and, in each case, there are choices to transfer to a new beneficiary’s account or an external complying superannuation fund.

This bill will make a major change to the management of people classified by the Victorian Superannuation Board as no longer disabled. Members of the State Superannuation Fund had the right to be appointed to the first vacancy by the employer, but this did not always occur. This created the unsatisfactory situation that a person who was no longer disabled continued to be paid a disability pension by the Victorian Superannuation Board.

The government is putting in place a program to ensure that these former disability pensioners are re-employed and given training as part of that program. At the same time these former disability pensioners will have the option of applying to and receiving from the board a lump sum ill-health benefit. That option for a lump sum ill-health benefit will also be available to the members of the State Employees Retirement Benefits Fund who have retired on the ground of disability, but the board has reclassified them as being no longer disabled.

Members of the superannuation schemes can experience delays in being paid their lump sum benefits from the relevant superannuation scheme. Interest is payable where the delay exceeds 21 days, but in the Local Authorities Superannuation Fund interest is not payable until after two months. Under this bill the period in all schemes falls to 14 days.

I commend the bill to the house.

Debate adjourned for Hon. T. C. THEOPHANOUS (Jika Jika) on motion of Hon. C. J. Hogg.

Debate adjourned until later this day.

The Casino (Management Agreement) Act was passed in 1993. The act ratified the management agreement between the state and the Melbourne casino operator. Section 15 of the Casino Control Act provides that the management agreement may be varied but that the variation has no effect until the Parliament has ratified it.

The purpose of this bill is to ratify the second deed of variation to the management agreement for the Melbourne casino. A first deed of variation incorporating a number of design variations to the Melbourne casino complex was executed on 14 November 1994. The Casino (Management Agreement) (Amendment) Act, which ratified that deed, came into operation on 13 December 1994. The second deed was executed on 12 October 1995. That deed contains a number of changes to the management agreement.

I will now deal with each of the main features of that deed. The deed provides for a number of financial benefits to the government. In return for the government’s agreement to extend the completion date for the casino complex from 16 August 1996 to 30 November 1996, Crown Ltd has paid to the state the sum of $5.3 million. This amount is equivalent to the amount which would have been payable to the state as liquidated damages at $50 000 per day if the casino complex had not been completed until 30 November.

Additional payments are to be made by Crown to the state of a new guaranteed minimum base tax totalling $100.8 million, to be paid at $2.8 million per month for three years. These payments are required by the state in consideration for the increase in the number of gaming tables from 200 to 350 which Crown will be permitted to operate at the Melbourne casino. The first payment is due on 1 January 1996.

Crown is required to contribute $1 million per year for five years to Tourism Victoria to enable it to undertake an expanded marketing program for the
state. A separate tax rate for commission-based players will be set at an initial 10 per cent of gross gaming revenue from those players, which includes a 1 per cent community benefit levy. Once the gross gaming revenue from those players exceeds $160 million, the tax rate will increase by 1 per cent for each $20 million of additional gross gaming revenue, up to a maximum of 22.5 per cent. This rate has been set to enable the Melbourne casino to be competitive with its overseas and interstate competitors in the premium player market.

The deed also provides that the state will receive a minimum annual tax from commission-based players of $5 million in 1996, rising to $10 million in 1997. The deed also includes a number of provisions relating to the design of the Melbourne casino complex. These changes are being incorporated in revised drawings for the Melbourne casino complex. Crown is required to expand by approximately 2000 spaces the car park to be built in Whiteman Street for use by patrons of the Melbourne casino complex. Crown is also required to provide a car park guidance system which is reasonably acceptable to the state, and it must pay $500 000 to the City of Melbourne to be used for that system.

Crown must contribute a sum of $1.401 million to the City of Melbourne towards the cost of carrying out modifications to the north riverbank, which are estimated to cost more than $8 million in total. Crown is required to upgrade and extend the hotel, with a second tower to be located on adjacent land owned by Crown at the corner of Queensbridge and Whiteman streets. It will be connected to the main hotel building by a covered pedestrian bridge over Whiteman Street.

The state’s nominated representative, together with the design review committee, reviewed the design changes proposed by Crown and provided advice to assist the government in its assessment of Crown’s proposals. It is anticipated that these changes to the management agreement will generate additional employment and facilitate the operation of a world-class casino which will attract more tourists to Melbourne.

I repeat: since the announcement in November 1993 there have been five major changes.

Furthermore, a casino that was to have had 200 gaming tables will now have 350, which means the government has made a massive miscalculation in the planning of Melbourne’s casino. In effect a business based on the number of tables initially proposed during the bidding process, in which many people were involved, is not the business Melbourne’s casino has become. Therefore, I move:

That all the words after ‘That’ be omitted with the view of inserting in place thereof ‘this house refuses to read this bill a second time until such time as there has been a full social and economic impact study into the effects of Crown Casino and the proposed expansion of the casino and of gaming in Victoria generally and the report on such study has been made available for consideration by the Parliament’.

It is clear from the second-reading speech and from the various announcements made from time to time by the Minister for Gaming and the Premier that neither the Victorian Casino and Gaming Authority nor the government has conducted a study on the social and economic impacts of the casino or of gaming in Victoria. It is hard to believe the government has not undertaken such an exercise considering the size of the gaming industry. So after three years the industry has not been the subject of any research and no impact statement has been prepared.

Last week while announcing some new advertising measures the minister said it was his view that the incidence of problem gambling was probably in the order of 1 to 2 per cent, but as he knows there is no research to support his statement. He is capable of giving the community the impression that problem gambling is incidental and confined to a very small proportion of society. He would have us believe the social and economic impacts of introducing more gaming facilities, particularly 150 more gaming tables, are inconsequential.

We know from the little information we have that the incidence of gambling at the casino and more broadly with gaming machines disproportionately involves the lower socioeconomic groups in the northern and western suburbs and, therefore, has the prospect of having a greater social impact than the Minister for Gaming described. Using gambling terms — it is not only possible but probable. More than likely, the extent of gambling is understated. From the advice we have from financial counsellors,
church groups and individual members dealing with constituent problems, it is a problem of greater significance than the minister would have us believe. In any event, the opposition persists with its view that no decision of this magnitude should be made without a major social and economic impact statement.

Further, on the commercial side, Mr Ron Thomlinson, the executive director of the Retail Traders Association of Victoria, states that the retail industry in Victoria is in crisis. He is supported in his statement by Mr Frank Whitford, managing director of the Sportscraft group, in an article in the Age, the date of which I do not have, but I think it is last Monday week, in which he is reported as stating:

You cannot get an increase in the gambling dollar without impacting on traditional retailing, especially the clothing business.

The chart accompanying that story in the Business Age gives a clear indication of the socioeconomic impact on the groups I referred to earlier and shows that there has been a marked change in what is occurring with disposable income. Not only is an increased proportion of the community gambling, but more is being spent on gambling to the detriment in the commercial sector of the retail industry, particularly the clothing business. People may be spending less on their food, but that has not yet been documented. Certainly the retail sector is saying it is disadvantaged as a consequence of the introduction of gambling.

The minister has always had the capacity from within his resources to undertake the studies the community has been calling for. Since the introduction of gaming machines in 1992 and the establishment of the casino in 1994, gaming revenue has grown astronomically. In 1995-96 revenue from gaming on lotteries will be $300 million; from gaming machines, $440 million; from the casino, $80 million; and from racing, $120 million — making a total of $940 million that will flow into the Treasury coffers.

That demonstrates the spectacular increase in revenue from gaming, as the minister would concede, overwhelmingly from local sources. In fairness, that has reduced the amount of gaming exported by Victorians interstate. However, it means the minister has significant resources to enable him to undertake studies that are overdue. The managing director of Sportscraft says you cannot get an increase in gaming machines without impacting on traditional retailing, especially the clothing business.

We make it clear that the changes take the casino even further away from what was originally intended. In November 1993 Federal Hotels was forced out of the consortium. That is a significant issue in terms of the quality of the consortium that won the bid. Honourable members will recall that during the original tender process it was specified that the successful consortium had to demonstrate that it had experience in running gaming facilities. As a consequence of Federal Hotels being removed from the consortium within days of Crown’s winning the bid, since that time we have been dealing with an inexperienced consortium, with the result that events have occurred at the temporary casino that have not been experienced at casinos in other parts of Australia or the world. To name just one issue, I refer particularly to children being left in the car park while their parents have been gambling in the casino.

In February 1994 plans for the extension of the casino complex were revealed. The number of rooms was increased from 360 to 1000. As Sheraton ITT said at the time, that was in direct contradiction to the original planning proposals for the casino, and it was clearly unfair to the original bidders that within two months of the announcement of the successful bid a major change to the plans was allowed.

In August 1994 the number of gaming tables at the temporary casino was increased from 130 to 180 and the number of gaming machines was increased from 1200 to 1300, with no additional licence fee being paid. At the very least this character of transaction by the government can be said to give the licence-holders most favoured treatment, if not preferential treatment, and if it is not the emergence of cronyism — especially where you have this link between the Premier and his close friend, Ron Walker, the Federal Treasurer of the Liberal Party, who is able at all times to make requests of the government and without question and qualification each of the requests is delivered and fulfilled. Never are they revised.

I can recall on one occasion the Premier saying that Crown had been knocked back on the additional hotel rooms, which demonstrated the bona fides of the government and the authority. Within a few days or weeks, planning approval had been given for the additional hotel rooms.
Although the minister continued to insist that all those decisions, including the increased number of gaming tables, were made exclusively by the authority without reference to the government under certain sections of the Casino Control Act, clearly nobody in the community believed him. Nobody believed that the Chairman of the Victorian Casino and Gaming Authority had not conversed with the minister, the Premier or the government about the merits of having more parking spaces and gaming tables or about the views of the government on the direction for development of the casino and the gaming industry. Nobody believed that Mr Richards, the chairman of the authority, for and on behalf of the authority, would not have had a conversation with the government about whether there should be 200, 350 or 500 tables.

As the house will appreciate, an opportunity has arisen with this legislation. The original contract provided a monopoly operation for 200 gaming tables for Crown Casino; that exclusivity for 20 years relates to an area within a radius of 150 kilometres of Melbourne and to a specific contract. In response to requests for more tables the legislation provided an opportunity for the government to consider its views about competition policy. What did it choose to do? Presented with the opportunity of breaking the monopoly contract with Crown, it chose at all times to continue it.

Contrast that with the circumstance we all find ourselves in with the electricity industry, where the Treasurer, as minister responsible for state-owned enterprises, says it is impossible to make sense of the provision of electricity unless we sell the SEC, unless we divide it up into 11 businesses and sell each because the best interests of the community will be served only if there is demonstrable competition. Of course, we say there is no demonstrable competition in choice for domestic consumers. Specifically, the notion of there being more than one generator and one distributor is large in the government’s philosophy.

I recall a conversation of record when the Treasurer appeared before the Public Accounts and Estimates Committee; he had been discussing the operations of the Transport Accident Commission. He made it absolutely clear when asked whether he was seeking value in the proposed sale of the TAC — which, fortunately, did not proceed — or in competition that what the government wants in the first instance is competition. I also refer to what is proposed by the government for Gas and Fuel and for the water industry. Again we have had a clear, unequivocal case put that there should be competition in the provision of gas and water to Victorians.

In November 1994 a further revision was made to the casino expansion plan. In July 1995 the proposal came forward for the increase in the number of gaming tables from 200 to 350; for a reduction from 10 per cent in the tax for high rollers; for changes to enable the building of a second tower at the new casino; for an extra 2000 car parking spaces; and for an extension of the completion date to November 1996.

By any judgment, those are serious and significant changes to the casino. They represent a significant change to the character of the casino and raise the question whether it is in the best interests of the state to have a casino of that size and scale — now under construction as a permanent casino — operating in the proposed location. I also believe the planning, design, development and construction of the permanent casino with these changes is proceeding prior to the legislation being passed and in defiance of Parliament.

If we are dealing with the casino as a new industry, it is important to know and understand that the Crown consortium is continuing to double its construction development every time it runs into construction cost problems or has a problem about its potential revenue base. Every time it runs into a prospective problem about the design, the location and the number of shops and cinemas it returns to the government — to the Premier in the first instance — and, later, to the authority, like some grotesque reincarnation of the building programs of the 1980s, and says, ‘In order to survive we need more’.

The consequence is that in the end we will have a major financial disaster imposed on the state in addition to a massive transfer of retail facilities from the CBD to a part of Southbank, which is not in the interests of people currently operating in the CBD. It is clear that the law states that no changes can occur until the legislation has been passed, yet so cavalier are Hudson Conway and Crown Casino in the treatment of the minister, the authority and Parliament that design, planning and construction is proceeding as though the legislation now before the house had been passed. This has been the case for a number of weeks.

No reason has been given to explain why those changes have occurred, why they were necessary and what benefits they may bring to Victorians. The
most significant policy statement from the minister in support of these changes is a three-and-a-half-page, double-spaced, second-reading speech which does not do justice to the magnitude of the issues. It says, in the briefest technical sense, what is in the bill. There is no public policy debate or argument. There is no consideration of why those changes to the permanent casino are being made at this time, at this location and at the expense of the remainder of Victoria.

It produces a drift because not only are people not spending money they would otherwise spend in the northern and western suburbs but the casino is also impacting on regional Victoria. People are coming to the casino from regional Victoria — from Geelong, Ballarat, Bendigo, the Latrobe Valley and rural Victoria — —

Hon. Pat Power — And from Flowerdale.

Hon. D. R. WHITE — And a large number of gamblers come from Flowerdale! They are dragged in by the magnet to spend their disposable income at the casino. They are sucked in metal attracted by a magnet. They certainly are overwhelmingly encouraged to do so by the government, which is saying, 'This is the spirit of the new Victoria. It is the gambling dollar that will drive us'.

What is that doing to regional economies? One should reflect on the employment rates in regional Victoria and parts of rural Victoria. Clearly we have the creation of a number of jobs at Southbank at the expense of jobs in regional and rural Victoria as well as the western and northern suburbs, which is causing a major distribution of income and benefits.

Who are the beneficiaries? They are predominantly the mates, friends and cronies of the Premier, Ron Walker and Lloyd Williams who, I persist in saying, are not fit and proper people to be running an operation as sensitive as a casino or to be casino operators. That is becoming increasingly self-evident to an overwhelming number of Victorians who are expressing concern about their objection not only to the City Link but also the mateship and cronyism of this government that is being allowed to fester and proceed because of the inaction and indifference of this minister.

The bill entrenches a monopoly position in contradiction to the general competition principles that the government embraces. Compare the proposal we are dealing with today of a new industry with no competition to what is happening in the gas, electricity and water industries. In order to prosper and survive, the federal treasurer of the Liberal Party, Mr Ron Walker, the friend of the Premier, must be given a monopoly. Every other sector of the community, be it the tomato industry committee or the barley board, has to operate in the name of competition, and there must be compulsory competitive tendering in local government. But when it comes to Mr Ron Walker and Mr Lloyd Williams they are not to be touched: they are to be dealt with differently. What do they know and what do they have that all these other industries do not have? It is clear: the SEC has never donated to the Liberal Party; the Gas and Fuel has never donated to the Liberal Party; the former Board of Works has never donated to the Liberal Party; the statutory authority dealing with the tomato industry has never donated to the Liberal Party; the Australian Barley Board has never donated to the Liberal Party, and the City of Boroondara, as best we know, has never donated to the Liberal Party, but there must be compulsory competitive tendering in local government.

Hon. Haddon Storey — They have had the local members to drinks.

Hon. D. R. WHITE — But they have not donated to the Liberal Party. Mr Ron Walker is on record as saying that it is not the case, but of course he is not telling the truth, nor is Mr Lloyd Williams. They are an exception because they are major donors to the Liberal Party. Not only are they the major donors, but Ron Walker collects the money for the Liberal Party's state and federal election campaigns and has done so over a long period. He is intrinsically linked to the Liberal Party. One cannot have the government without Ron Walker and Lloyd Williams because they are its lifeblood, its lifeline and its financial providers. They are the holders of the ethos and spirit of the Liberal Party on Southbank as part of the grand casino, as is Hudson Conway. Because of that they expect a payback, to be supported and to be given treatment different from that received by any other section of the community.

As you know, Mr Deputy President, they are not the rules that apply to government. The rules are clear whether the tomato or egg authorities or local government are concerned: if one puts a proposition on behalf of a deputation or interest group to a government of whatever political complexion, what one expects of the minister of the day is that the proposal will be treated without fear or favour on its merits, as best we understand it. This applies
whether it concerns the timber industry or submissions put on behalf of the interests of the greens relating to the timber industry. But that is not the character of this government. It is vastly different. We have an authoritarian, vindictive and mean government and a Premier who treats fashion people who are critical of him vindictively, even colleagues in his own party, let alone anybody outside.

It is not a government of fair treatment to the community; it is a government of special treatment where certain people are treated differently from others depending whether they are mates of the Premier, are close to the Premier or are contractors to the Liberal Party. This is why the character of government in this state has changed.

It would be fair to say that previous Liberal Premiers such as Lindsay Thompson and Sir Rupert Hamer were not contaminated in this way. Sir Rupert Hamer always made a point, even at the height of the land deals, of conducting himself in a way that enhanced the propriety of the office of the Premier. That is why he initiated the Gowans inquiry and the Frost royal commission: to demonstrate that in his case he was endeavouring as best he could to maintain, from his perspective, although clearly others were contaminated, the appearance that he was conducting himself with propriety and that there were no special favours or treatment.

That is not the way of the current Premier. As everybody appreciates, either we have competition or no competition. There is nothing preventing the Victorian Casino and Gaming Authority, the minister or the government from examining at any time the merits of breaking the monopoly. It could easily have been achieved by showing that if there were a need for tables it would have been better to tender out the 150 additional tables. I make that point on the basis that the minister in his second-reading speech has not demonstrated why Victorians need 150 additional tables, nor has he demonstrated why we need one additional table, let alone whether we need 20, 50, 100 or 150 more tables.

No substantial material has been provided. It was just a demand from Hudson Conway and Crown Casino for 150 more tables, and that demand was met. But in providing those tables we should ask: if it can be demonstrated that we need 150 more tables, could 120 tables have been given to Crown and a modest 30 tables been tendered for by some other group in metropolitan, regional or rural Victoria? That did not occur.

The government continues to consolidate the monopoly. The Hudson Conway group is clearly a mate, a donor and a crony of the Premier, and of course Ron Walker and Lloyd Williams know and understand what that means when it comes to dealing with governments; they are used to dealing with them over a long period. Ron Walker himself was on the Melbourne City Council and acted at that time on behalf of Lloyd Williams in respect of the Pasley Street, South Yarra flats. They were also used to dealing with governments in Queensland, with Joh Bjelke-Petersen. They knew what the emergence of a foundation meant in this state.

The bill totally disregards the fact that matters of fraud and blackmail involving Hudson Conway are under investigation in the Gleem Pty Ltd case. They are particularly important, given the probity requirements of the casino operators. Those matters — at the time the minister referred to them as being within the province of the Victorian Casino and Gaming Authority and the police — are of such significance that we continue to contest the point he has made: that there is no reason not to proceed with this course of action because the matters before the Victorian Casino and Gaming Authority and the police may take a long time.

We would argue that you cannot operate a casino unless you are a person of honesty and integrity, and unless your commercial activities are above and beyond reproach. So long as there is a question mark over those matters, you should not be given advantages such as those proposed in the bill.

It is of concern to the opposition that the minister and the government are allowing those initiatives to occur while matters are before the courts. The government continues to ignore serious concerns about the tender process. It remains our view that a full independent inquiry into the casino licence bidding process is required. Certainly the unsuccessful bidder, ITT Sheraton, is of the view that it was dudged. The information disclosed in the consultant's report to the authority reinforces the view that one set of information was made available to Hudson Conway and the Crown Casino after the final bids came in and a different set of information was given to ITT Sheraton, and that view persists.

We further oppose the bill and support the reasoned amendment on the ground that the government and the minister have their priorities wrong. The minister is more concerned about how long people have to wait to get on gaming tables at the casino than how long Victorians wait on trolleys to get
hospital beds or how long they have to wait to get ambulances. That should not be allowed to occur. As my colleague the Leader of the Opposition in another place, Mr Brumby, has said on many occasions, 'Think of the culture that is being created in Melbourne and in Victoria. It is unlike anything we have ever seen'.

If you drive into Melbourne as a stranger, you will find 70 signs directing you to the Crown Casino; even trams have signs on them. By contrast, there are only two signs to the Victorian Arts Centre. How many signs are there showing people the way to the Royal Melbourne Hospital or the Alfred hospital? How many signs are there showing people the way to major sporting venues such as the Melbourne Cricket Ground, the Melbourne Sports and Entertainment Centre or even to Parliament House, or for that matter, to Mr Guest's house?

As a measure of its priorities, the government is quite prepared to make a contribution to directing people to the casino. Let us suppose there was an argument for saying we needed 70 signs because it is a new venue. How many signs did we put up for the new National Tennis Centre because it was a new venue? If the argument is that the signs are temporary, and if so many Victorians have already gone there, we can pull them down.

It is as if the state is at the beck and call of, rather than the master of, Ron Walker and Lloyd Williams down at Southbank. This is a major focus of this small-minded, narrow government led by a vindictive Premier whose only interest in governing is to reward his mates.

There is another interesting phenomenon about the Premier's conduct. He wrote personally to all employees of Crown Casino reassuring them of the government's support and commitment to Crown during the establishment of the casino and the current operation. How often has the Premier written to the employees of major commercial enterprises like BHP, Coles Myer, Toyota or Amecon? Has the Premier written to the teachers, the nurses, the doctors or the ambulance drivers? No. What about the people who work in essential services such as police? How often has the Premier written reassuring them of his support? Has he written to local government workers, train drivers, farmers or constituents? No. But he has written to the employees of Crown Casino to assure them that they have his support.

Why is that? There is no question mark over the directors of BHP, Toyota or Amecon, but there is a question mark over Ron Walker and Lloyd Williams. The Premier has decided that he will hitch himself to that bandwagon. He has been part of it all along, and this is another form of expressing it. Wherever they go, he is going, too! We know where Ron Walker and Lloyd Williams are going. At least since the 1890s the history of Victoria is clear about where such people go. But you do not have to look back any further than the 1980s to see where people to which the Liberal Party attaches its wagon go. Who represents the spirit of the 1980s? Where did Christopher Skase, Alan Bond, and John Elliott go? Where did they end up?

Hon. M. M. Gould — At Her Majesty's pleasure!

Hon. D. R. WHITE — That is where Ron Walker and Lloyd Williams will go. The Premier has said that wherever they go he will follow and wherever they are headed he will be. For some strange reason the minister finds all that quite satisfactory. He knows where they are going, just as he knew where those people in the 1980s were destined to go, because he is not inexperienced in commercial law.

What is at issue is whether the minister is also hitching himself to the same wagon. Unfortunately the way this government operates it will contaminate both Mr Richards and the Victorian Casino and Gaming Authority. It has used and abused the authority as much as it can. Because the authority is at the government's beck and call, its independence has been threatened.

I only wish Mr Richards had the experience of being a Supreme Court judge before the former government appointed him so that he had the stature to enable him to stand at a greater distance from the minister and the government. As I said, the government has used, abused and misused the Casino authority and the former government's appointment of Mr Richards. It has contaminated the authority far beyond the circumstances Mr Richards could have contemplated.

Honourable members should not think the activities of the officers of the Victorian Casino and Gaming Authority will not become known. They are longstanding public servants in this state. They have been around for more than a day or a week; they have deep-seated commitments to this community. Like the rest of us, they are longstanding public servants who have worked during the Bolte, Hamer, Thompson, Cain, Kirmer and Kennett governments.
without fear or favour. Suddenly, as officers in the casino and gaming industry they find themselves with a story to tell, but they are not in a position to tell it just yet. Nonetheless, it will be told because not only do they have a responsibility as public servants but they do not like what they are experiencing and doing in the name of this government.

One should not think they are not expressing their concerns in a private, off-the-record capacity, but those private conversations will not last forever. Ultimately they will have a responsibility and an opportunity — I hope in a formal, public sense without jeopardising their standing as public servants — to make their concerns known.

The minister has made no real attempt to deal with the gambling culture that has spread in Victoria. The minister has made his second-reading speech on this bill and has made public pronouncements, including one last Friday, and I ask him what education programs warning children of the hazards of gambling are currently available in our schools? Those programs should be supported by the Community Support Fund, which generates more than $1 million a week.

Every day I see advertising material from Crown Casino, Tattersalls and Tabcorp, inviting people to gaming premises. Those advertisements, which are all in general consumption time, give a clear impression that if you gamble you will win. To a 5-year-old, a 10-year-old or a 15-year-old the suggestion is that it is a good idea. It is worthy, it is sensible, and you will be a winner. All honourable members know that is not correct. The probability is that if you gamble you will lose. In any event, it is not the form of activity we want to see promoted in our society. It is not the first activity we want to encourage a child to undertake. We might want to encourage a child to follow his interests, whether vocational, sporting and so on, but this type of recreational interest should be a low priority for any child.

Hon. B. E. Davidson — What if you get three grand or something like that and you’re a minister?

Hon. D. R. WHITE — That is another example of the character and conduct of this government. We will investigate the operations of the greyhound board, but after the minister gets his dog! The dog came first, then the profits, and then the minister tells us that he is acting impartially, without fear or favour, and that he is not contaminated! The Premier is the world authority on conflict of interest. He will say, ‘That’s all right. You can do that’. Under this government you can do anything.

The government has a responsibility to send back to the community a message about what is expected, and the message should be clear. Firstly, if you gamble the probability is that you will lose. The message has to be of a similar stature and scale to that proposed by Tattersalls, Crown and other bodies. The problem with last Friday’s advertisements is that they were too little, too late; they were not of the same magnitude. If you pick up Monday’s Herald Sun you will see an advertisement covering half to three-quarters of page 16 telling people to ring the hotline if they have gambling problems. However, in the same edition you will see two full-page ads for Tattersalls encouraging people to buy Tattslootto tickets. That is affecting — —

Hon. D. A. Nardella — Mr Deputy President, I direct your attention to the state of the house.

Quorum formed.

Hon. D. R. WHITE — There has been a massive intrusion of gambling into our society. One would expect a message to be sent to the community about how we can produce a civilised gambling industry. One message that has to be sent is that if you gamble, the probability is that you will lose. The second message that must be conveyed is that if you gamble and you become a problem gambler it will be a problem not only to you but to your family. We have to change the culture and the way people use their discretionary incomes to a far greater degree than the minister is contemplating.

The magnitude of the Victorian gaming problem is not dissimilar to the magnitude of the problem Victoria confronted in 1970 when 1034 people died on our roads. It is not dissimilar to the magnitude of the problem that confronts us today with 17 people a day dying from tobacco-related diseases, 2 people a day dying from alcohol-related diseases and 1 person dying every two days from hard drugs.

How do we know about those figures? An epidemiologist from the Anti-Cancer Council of Victoria named David Hill has provided us with information on smoking patterns and health-related diseases. He has also been able to document the incidence of smoking among teenagers, particularly females aged between 10 and 18 years and males over 15 years. He has documented the success of the
Quit smoking campaign in getting across the message that smoking is addictive.

What this state requires — this minister has failed to deliver it — is a research program that enables us to document the incidence of gambling and understand its consequences. The minister’s estimate is that the problem adversely affects only 1 or 2 per cent of the community, but he has offered no evidence to support it. The problem is greater than he claims it to be.

The compulsory seat-belt legislation introduced by the Hamer administration and the TAC programs introduced by the Cain and Kirner administrations were successful in reducing the road toll — and they all required government consideration, deliberation and action. If the Anti-Cancer Council of Victoria was right in getting 180 000 supporters together to take on the tobacco industry and to get the message across that tobacco smoking was a community health problem, I say to the house that we have a gambling problem of the same magnitude that needs to be tackled in the same way. I remind the house that that anti-smoking campaign changed the social culture in this state. Queensland has a completely different smoking culture, but Victoria is more civilised because its governments have been prepared to intervene to change people’s habits.

At the end of the day — it will occur despite this minister, but because of him it will not occur when it should — we want every citizen who contemplates gambling to know and understand that he or she has only a certain amount of discretionary disposable income to spend on gambling and that that differs according to age, income and economic circumstance. Every person knows that he or she has only so much to spend on clothing and holidays.

Hon. J. V. C. Guest interjected.

Hon. D. R. WHITE — They do not practise it, Mr Guest. Unfortunately lower income groups are now spending a disproportionate amount of their discretionary disposable income on gambling, which has had a detrimental effect on retail sales — and retail activity has declined accordingly.

Some 25 years ago we set out to address the social and economic problems caused by the road toll. We changed people’s driving habits, especially their attitude to drink-driving. Even in 1970 you and I knew it was hazardous to drink and drive. But notwithstanding that, we did it. We all knew the logic of the proposition. Despite the announcement last Friday warning people that if they gamble the probability is that they will lose, there is still no electronic media advertising to match the message put out by Crown Casino, Tattersalls and Tabcorp that if you gamble you will be a winner. There is nothing to warn people that if they become problem gamblers they will create problems not only for themselves but also for their families. As is usual with this minister, last Friday’s announcement was too little too late.

In addition, Crown Casino has been given permission to open on Anzac Day, Good Friday and Christmas Day. There is no legislation permitting similar businesses to open on those days; an exception has been made for Crown Casino. We are

Hon. J. V. C. Guest interjected.

Hon. D. R. WHITE — Well, Mr Guest, we all knew the logic of the proposition. But even if you want to make an exception of yourself, you know that when it came to drinking and driving many of your contemporaries had habits very different from those that are custom and practice today. Changing that culture required the state to make an enormous effort. Victoria changed its drink-driving behavioural patterns before any other state as a result of the compulsory seat-belt legislation and, subsequently, the TAC ads. When it comes to tobacco smoking the message conveyed to our parents in the 1930s, the 1940s and the 1950s was completely different from the message conveyed to today’s community.

Even if people understand that they have only a certain amount of discretionary disposable income and that only a certain amount of that should be used for gambling, the rapid increase in gambling outlets and facilities has meant that that understanding has not been put into practice. That is because only one message is being overwhelmingly conveyed — and nothing to the contrary. The message is that if you gamble you are likely to be a winner, even though everybody knows that is not the case.

That is what our 5-year-olds, our 10-year-olds and our 15-year-olds are being told. In the constituencies that we represent too great a proportion of discretionary disposable income is being spent at gaming facilities and at the casino. Until such time as that is addressed we will not have a civilised gaming industry; rather, we will have a barbaric gaming industry, with people gambling disproportionate amounts of their incomes.

Despite the announcement last Friday warning people that if they gamble the probability is that they will lose, there is still no electronic media advertising to match the message put out by Crown Casino, Tattersalls and Tabcorp that if you gamble you will be a winner. There is nothing to warn people that if they become problem gamblers they will create problems not only for themselves but also for their families. As is usual with this minister, last Friday’s announcement was too little too late.

In addition, Crown Casino has been given permission to open on Anzac Day, Good Friday and Christmas Day. There is no legislation permitting similar businesses to open on those days; an exception has been made for Crown Casino. We are
not satisfied with the gesture made by Mr Lloyd Williams, who has said the casino will close for some time on each of those three days. We say to the minister that at any time he or the Premier or the government could have insisted — he can still insist — that the casino should not open on those three days. They have traditionally been recognised as days on which a facility such as that should not be open.

In any event, the minister constantly hides behind the notion that the Victorian Casino and Gaming Authority is an independent authority. He asks us to believe that he has never had a conversation with the chairman of the authority, Mr John Richards, on such an important social question as whether the casino should be allowed to open on any of those three days. He also asks us to believe that the chairman has not at any time sought his advice, assistance or views on the important question of whether the number of tables should be 200 or 350. He asks us to believe they have operated at arm’s length and there have been no conversations about those questions. We do not believe the minister when he says publicly and in the house that such conversations have not taken place. The opposition disagrees with him absolutely when he says that on the major public policy issue the Victorian Casino Control Authority operates without regard to him.

In this bill the minister has provided tax relief for the high rollers at the casino at a time when ordinary Victorians are paying the highest taxes and charges in Victoria’s history. Workers, families and preschools have not had tax or price cuts — nor have they occurred in public transport. The one group that gets a tax cut is Crown Casino and the high rollers. Why is this the case? Are the ordinary families of Victoria donors to the Liberal Party? Are the overwhelming numbers of children who attend preschools whose parents have to pay increased preschool fees donors to the Liberal Party? What are Crown Casino, Ron Walker and Lloyd Williams?

The minister talks about the independence of the Victorian Casino and Gaming Authority, but has he ever talked about the independence of Mr Ron Walker and Mr Loyal Williams? How remote are they from government? Has he ever referred to the fact that these are men of honesty and integrity and beyond reproach, who can never be contaminated and who are kept at arm’s length? Are Mr Walker and Mr Williams remote from government? Are they detached and dispassionate?

The minister keeps saying Lloyd Williams and Ron Walker are people he admires — people of commercial enterprise. He has said it in the house: Mr Walker gets events for Victoria. Not only does he get events for Victoria, he gets his way with the Victorian government on anything he wants whenever he wants it, so they get a tax cut. The major single individual tax cut that has been made in three and a half years goes to the two beneficiaries, Ron Walker and Lloyd Williams.

More than $1 million a week goes into the Community Support Fund, and it is being used almost exclusively for non-community support activities — pork-barrelling! The Premier gave $1.5 million to oneAustralia to try to get a yacht in the America’s Cup. He had one sail on the yacht. Although he arranged for four television channels to film it, he was sitting on the back of it and was not allowed to speak. He did not disclose that that boat ride cost Victorians $1.5 million. The next day it sank. We did not want it to sink. We wished Bertrand well. We hoped for the boat’s success.

The question is: what was the Kennett government’s no. 1 priority for the Community Support Fund? The no. 1 priority was to support a yacht race and a yacht that sank, for which the Premier paid $1.5 million for a ride. That was not the purpose of the Community Support Fund. Of course the Community Support Fund has the capacity to provide money for tourism, recreation and sporting facilities, but that was not the major purpose of the fund. The major purpose of the fund was to raise money on the basis that there would be support for people who might be disadvantaged or innocently victimised as a consequence of gambling in this state. As you would recall, Mr Deputy President, 88 per cent of the money invested by a punter is returned to the punter; 4 per cent goes to the government; and 4 per cent goes to Tattersalls or Tabcorp. In the case of a not-for-profit organisation, the figure is 4 per cent; in the case of a hotel, 3 per cent. From the hotel sources, 1 per cent goes to the Community Support Fund; and at least $1 million a week from just one half of the gambling industry goes into the Community Support Fund.

The churches understood the reason for the establishment of the fund and indicated what they wanted in return for not publicly opposing the introduction of gaming facilities. Firstly, they wanted someone on the gaming authority — and that was originally an Anglican minister, Reverend Andrew Oddy. In addition, they wanted the Community Support Fund to do a number of things.
One was to carry out research, and that has not occurred. Another was to undertake an economic and social impact study. Another was to provide support for the major charitable institutions for people with serious gaming problems, and that has not occurred. And still the funding is being used for other than its designated purposes. Within this context and within the character of this industry we have the remarkable event where Mr Ron Walker has signed up Transurban as a sponsor for the grand prix, which further reinforces the inextricable relationship that exists between this government, Ron Walker and Lloyd Williams.

Further intrusions have occurred that were not contemplated when the gaming industry was established. One of those, which the minister has not attended to, has seen the emergence of gaming machines in regional shopping centres. The first occasion was at Highpoint where the proprietor and major owner is Mark Besen. A provision stipulates the establishment of gaming facilities in clubs and in hotels, but there have been no major hotels in regional shopping centres. Without any study about the implications, we saw overnight the intrusion of a gaming facility at Highpoint using existing licensing laws. This was not called for by the local community. It was not supported by the Australian Hotels Association. It was not supported by the sporting clubs. It was supported by only one person: Mark Besen. There is no doubt that he was a donor to the Liberal Party. Once he gets machines into a regional shopping centre everybody else starts to put their hands up and wants them in their regional shopping centres. It occurred surreptitiously, without notice or major public debate at Highpoint — it was done by stealth without the local members appreciating what was happening. And government backbenchers thought it was okay because it is in the western suburbs — nobody will hear about it, there will not be any complaints and we’ll close our eyes and pretend it hasn’t happened.

Hon. B. N. Atkinson — It was done by a planning permit. You tied it to liquor laws so the gaming machines were provided for under liquor licensing. The process at Highpoint and Forest Hills was taken up under proper planning legislation and was subject to public consultation.

Hon. D. R. WHITE — I remind Mr Atkinson that you do not need a planning permit to allow the extension and establishment of those venues.

Hon. B. N. Atkinson — They needed a planning permit to allow the extension and establishment of those venues.

Hon. D. R. WHITE — If you look at Highpoint you see it is within the existing shopping precinct and they did not need a planning permit for gaming machines under the legislation. The important thing that has occurred since is that a number of other regional shopping centres are now requesting gaming machines.

Hon. B. N. Atkinson — How have they been doing that? Via planning permit applications. It is the same thing.

Hon. D. R. WHITE — What was the response?

Hon. B. N. Atkinson — They were knocked back after public consultation on planning legislation.

Hon. D. R. WHITE — The only occasion on which they have been knocked back, Mr Atkinson, was in Geelong on a technicality, which is not sufficient to stop the intrusion of gaming machines in Geelong. It will not stop gaming machines getting in because it was knocked back on a planning technicality only. Gaming machines will result.

The important point is that the troops are restive! The community does not like it. Not a day goes by without someone writing to the local newspapers, a local member, or the government opposing the introduction of gaming machines in regional shopping centres. Regional shopping centres are one of the places in our community where people feel they can go with their disposable incomes to shop. Highpoint is an example of a pleasant place where people can shop, go to the pictures or visit restaurants and coffee lounges without gaming machines intruding into the environment.

The minister is sitting on his hands. This was not the spirit or intent of the legislation we debated in 1991, and it is not the spirit or intent of the legislation we debated concerning the establishment of the casino. This has been allowed to occur, but no-one in the community brought pressure to bear to have gaming machines introduced into regional shopping centres. No-one in the community wants them. On behalf of the hotel industry the Australian Hotels Association has made no representations for gaming machines in regional shopping centres. No sporting club in Victoria has applied, and there is no — —
Hon. B. N. Atkinson — What about Hawthorn Football Club at Waverley Gardens?

Hon. D. R. WHITE — No football club has made representations for machines to be placed in regional shopping centres.

Hon. B. N. Atkinson — What about bingo centres that were established in shopping centres under the previous government? It is the same argument.

Hon. D. R. WHITE — The bingo industry was established in the 1970s.

Hon. B. N. Atkinson — That’s all right?

Hon. D. R. WHITE — It is on very small scale.

Hon. B. N. Atkinson — I agree with you, but this has nothing to do with the bill.

Hon. D. R. WHITE — There was no case of any consequence put, except by one group. They were the proprietors of the regional shopping centres who in furthering their own commercial interests have not furthered those of the leaseholders of facilities in their centres. This means they will be disadvantaged. The shopkeepers, the cinema operators and so forth have not benefited from having gaming machines in regional shopping centres.

There has not been one letter in support of gaming machines in regional centres, and still the minister sits on his hands. As everybody appreciates, there has been no evidence and no research has been undertaken into the impact of gaming on behaviour patterns in major gaming premises such as the casino. We must examine and take note of the few technical pieces of advice or information we have.

I refer to the spokesman for the Victorian problem gambling referral service Break Even, Mr Neil Mellor. He has taken an interest in major social policy issues over a long period. The information he said should be taken seriously was conveyed in a newspaper article. He suggests an unfortunate pattern is developing in casinos because of the design and construction of the temporary casino. He urges that problem gamblers be prohibited from playing for a month and that intoxicated gamblers be banned for 24 hours. He asks for legislation and regulations to put the onus on proprietors — that was done with intoxicated drinkers on hotel premises — to prohibit intoxicated players from gambling for 24 hours. He makes those suggestions which would introduce changes in people’s behaviour patterns. That is the best information we have available at the moment. Although there may be other suggestions, research such as that undertaken on cancer by the Anti-Cancer Council of Victoria has not been carried out on problem gambling. Because information about skin cancer has been made publicly available, people’s behaviour patterns with skin exposure have changed dramatically.

Mr Mellor suggests that clocks and windows be placed in gambling houses so that people retain contact with the real world. Honourable members would realise when they look at the design of the permanent casino that it tries to attract people into the casino. Once inside, the decor is designed to keep them there. One has a similar experience with the design of regional shopping centres. They are designed carefully to keep people on the premises.

Hon. Jean McLean — Exactly. You can’t find your way out!

Hon. D. R. WHITE — That is done deliberately. Mr Mellor says casinos should be designed so that people do not lose contact with the real world. They should not forget what they should be doing with their disposable incomes. They should not be left with insufficient money to meet their household bills. That is happening already. People are misusing their household funds and are unable to pay their bills.

Mr Mellor also calls for a cooling-off period after large winnings so that those winnings are not squandered. He suggests that if people are successful at the casino, they should cease playing for a period to prevent them losing their winnings. I have spoken to a number of problem gamblers who say they did not have a problem gambling when they were losing because they appreciated what was happening to their money. The greatest problem is when people win. They feel infallible and that they are on a roll. They reinvest their winnings to get bigger wins. The worst thing that can happen to them is for their expectations to be temporarily realised, because that drives them to spend more money. When people have substantial wins, regulations should be instituted to encourage them to stop gambling.

Of course, Mr Mellor’s real warning is that under-age gambling is becoming a problem. He urges that schools educate young people about the
dangers of gambling and that children should be surveyed to establish the extent of the problem.

We need a referral system for people who are charged and appear in court on gambling-related charges. Signs should also be set up in gaming venues to encourage more people to seek counselling than are currently doing so. Eftpos machines should be banned in gaming venues. None of those suggestions is currently being taken up, and there is nothing along those lines in the bill. We need a better method of preventing under-age gambling.

Has the Minister for Gaming carried out a study on the economic and social impacts of gaming in this state? The answer clearly is no. Prior to the completion of the economic and social impact statement on gaming, has the minister taken any steps to delay the introduction of more casino gaming tables and gaming machines? The answer again is no. In view of the widespread concern expressed in the community, has the minister taken steps to delay the introduction of additional gaming machines in regional shopping centres so that a proper study can be done? The answer again is no.

The opposition totally opposes the bill, particularly because no economic and social impact study has been undertaken. We oppose a government that invests only in mates and cronyness. We know absolutely that, with the knowing and wilful support of the Minister for Gaming, the government has decided that wherever Ron Walker and Lloyd Williams go it also intends to go. With all their great commercial acumen and efforts at getting the grand prix, the only place Ron Walker and Lloyd Williams are destined to go is the way of Christopher Skase, Alan Bond and John Elliott.

The government has hitched its wagon closely to Lloyd Williams and Ron Walker who, as the history of Victoria shows, are destined only to go down, and it is in the interests of the Victorian community that the government should go down with them. The opposition strongly opposes the bill. It is the government’s umbilical cord to Ron Walker and Lloyd Williams. As they descend, so the government should go down with them. The opposition strongly opposes the bill.

Hon. JEAN McLEAN (Melbourne West) — The bill introduces immense changes to the gambling den, otherwise known as Crown Casino. In particular, it increases the number of gaming tables from 200 to 350. One would have thought that, given the amount of money and the number of people who already pass through the temporary casino, the government would reduce the number of tables that will be available when the new casino opens.

The government is also reducing the tax rate by 10 per cent to look after the few high rollers who go into the special cubby designed for them at the temporary casino and in the hope of attracting gamblers from Japan and other countries who now go to places such as Malaysia. However, part of the reason international gamblers go to gambling dens in Asia is because virgin prostitutes are offered as a sideline.

Hon. B. N. Atkinson interjected.

Hon. JEAN McLEAN — It happens to be a fact that part of the reason wealthy men go to places in Asia to gamble is because one of the perks is access to young prostitutes — and, given the incidence of AIDS, it is considered to be very important.

Another thing disturbs me about the new casino. Not only has the government allowed Crown Casino to build a much larger hotel than was first proposed — at least it decided not to put the glass condom over the children’s playing field — but we will now have a 1000-room hotel towering over the river and the arts precinct.

I believed, as I thought the Minister for the Arts believed, that the arts precinct was pretty good and was doing something pretty nice for our city. The former government intended to build a museum by the river so that people who wandered along the riverfront with their children after having coffee or other refreshments could continue on to the museum. Now the only alternative will be the casino.

Children have been found unattended in cars or wandering around the temporary casino’s car park while their parents have been attempting to win all the money they have been promised. As a result of the fuss some parents now leave their children unattended at home. Unlike what was portrayed in the movie Home Alone, most small children do not have the ability to handle problems that may arise when their parents are not present.

The Premier has condoned the obscene growth of the casino in the middle of the city; a city that, thanks to our forefathers, was recently given the title of the most livable city in the world. Authorities in France, the United States, Monaco and so on keep casinos out of capital cities and keep the residents out of the casinos.
Hon. Haddon Storey — Who put this one in the capital city?

Hon. JEAN McLEAN — It was proposed to be much smaller. I do not condone casinos anywhere, so don’t blame me! The Premier does not want the casino to be anywhere other than where it is. Even if the former government had planned to put a casino in the city, it has been built since the current government came to power. The government did not have to put it in the city simply because the Labor government was stupid enough to propose that — it could have done better.

The Premier and his cronies have placed the casino on the river and in the middle of the arts precinct. The casino has so far managed to destroy the lives of families as well as the night life and commercial life of the city. Parents cannot be blamed for neglecting their children because they cannot afford babysitters, especially once they have lost all their money. The Premier boasts about what he can build with the taxes he reaps from the casino, such as two huge, golden phalliuses on the edge of some bridge he hopes to put over the river!

However, the Premier ignores the losses to the rest of the community, and in the commercial district they are very significant. Pawn shops are springing up all over Melbourne. Punters are not only losing their tax refunds and wages at the casino, they are also losing their previous earnings because they are having to pawn their possessions. I believe there are people in the casino who prey on punters as they lose, offering them immediate loans so they can keep gambling without losing their spots at the tables.

The Director of the Retail Traders Association says Victorians are taking to gambling like ducks to water, and that is true. Victorians seem to have the highest number of mobile phones and VCRs in Australia. Apparently, Melburnians like their entertainment to be passive, although I am not sure whether you can describe throwing your money away as passive entertainment. Ordinary people — not the rich people or members of this chamber — are gambling away their wages. Honourable members do not throw their money away at the casino or take their friends there so they can do the same. Instead they buy decent bottles of wine and sit at home and drink them. People in electorates like mine are losing their money to make Mr Walker and Mr Williams disgustingly, obscenely wealthy. Those two are the only people in this state who cannot lose at the casino.

I do not gamble, but I do not believe it should be illegal. That does not mean I support or approve of the visual and social monstrosity in the middle of our city. Not only is it making its profits from money that is not being spent where it should be in the rest of the community, it is having a detrimental effect on the region in which it operates. King Street has had its problems over the years. Nightclub bouncers used to bash up the customers — —

Hon. M. M. Gould — Used to?

Hon. JEAN McLEAN — I believe it is better now. Certain standards apply to how they bash who they bash! Now King Street is full of drunks wandering up and down the pavement. Mostly they are people who have been kicked out of the casino because they have lost their money and who are not allowed into nightclubs because they are drunk. They are not even allowed into places that have tabletop dancing. I have not managed to see inside one of those places; perhaps one of my male colleagues will take me so I do not feel threatened while I have a look at what goes on!

The drunks that have been kicked out of the casino are not allowed in anywhere so they wander up and down King Street upsetting the young people who go there to enjoy themselves and putting them at risk. It is not a pretty sight. They hang around creating a whole new set of problems. I am sure the police will come up with a new way of harassing young people as well as the drunks who have been thrown out of the casino, but perhaps if we closed the casino we would not have the problem.

I should like to tell the house about a constituent of mine who is a gambling addict. He was not a big businessman like Lloyd Williams, but he had a decent little business. He gambled before the casino opened, but it did not destroy his business. His gambling might have made things a bit hard at times, but it was manageable. Once the neon signs lit up at Crown Casino and all the arrows pointed to nirvana, he ended up losing his business. He also lost his house, his wife and his children, and he is now a member of Gamblers Anonymous. He is slowly working his way back up, but without his wife and children, without his dignity and without the support of the community — and certainly without the support of a government that put up neon signs saying, ‘This is the way to win’.

The money that flows into the pockets of Ron Walker and Lloyd Williams is not new money, money from overseas or money from interstate. It
comes from other sections of the community. Advertisements for gambling in this state show a beautiful girl with white teeth and a huge smile who is very excited because she has been to the casino and won. Occasionally, when I remember, I spend $5 on a Tatts ticket because I think that maybe I will win. The advertisements never show people not winning; they always show people winning millions of dollars. If there is some inside track, I do not know what it is. The advertisements tell you that you will win; they do not tell you that you will lose. That leads to the idea that gambling offers a decent chance at winning — and that is not true.

When I was a little girl I used to walk along the foreshore at Mentone. In the tea-tree along the cliffs opposite the Mentone Hotel a group of men — never women — used to play two-up and bet with SP bookmakers. This terrible activity was considered a scourge on the community. My mother told me not to walk near where they were gambling because the police would come, and she did not want me to get caught up with the police. I took her advice for only a few years! After that I decided to find out what it was like and started protesting!

Hon. B. E. Davidson — What else was going on in the tea-tree?

Hon. JEAN McLEAN — I noticed only the gambling. Perhaps I was too young to notice anything else. They drank and played two-up and put money on with the SP bookmakers. I was told that illegal gambling was bad, but when I look at legal gambling I realise that the gambling I saw was illegal only because they did not pay taxes. I believe in taxes; I believe people should pay them. I also believe people should have some say in how those taxes are spent. They are supposed to be able to do that through their elected representatives. But now they have no hope, because we spend it all on phallic symbols, gambling dens and car races. We give millions of dollars to stage car races. We give away millions of dollars! I would like to know how much Lloyd Williams and company paid for the airspace over the King Street bridge. How much are they paying for that huge piece of valuable real estate? Who is paying for the bridge and how much are they paying for the air space? Perhaps there is no demand in that area for another building, but like the dreadful Gas and Fuel building in Flinders Street, it should not be allowed.

The effect of illegal gambling does not compare with the effect that legal gambling is having on the fabric of our society. Something is intrinsically wrong with a Premier who makes a decision — I know it is supposed to be an independent committee — to throw gambling tables, a bunch at a time, at those controlling the casino. They say, ‘If I had twice as many tables I would make twice as much money’. The government says, ‘Take them. Have some more’. Surely there is something remiss when for unknown reasons — the temporary casino may be too crowded or its directors want to milk more money from the retail sector, or take food from the mouths of babes and the community — money is given to Lloyd Williams and Ron Walker. It is a nightmare story and reflects the lack of planning for this beautiful city. Melbourne is still a beautiful city, but we are in the process of stuffing it up.

I appeal to honourable members opposite to join with the opposition and oppose this dreadful bill, which will allow those two crooks and their friends to rip off Melburnians even more than they are being ripped off at present. I oppose the bill and support the reasoned amendment.

Hon. PAT POWER (Jika Jika) — I join with my colleagues in expressing opposition to the bill and support for the reasoned amendment. It is sad that at the end of a distinguished parliamentary career the Minister for Gaming is charged with the responsibility for this bill. The minister is thought of in libertarian terms of education, arts and culture rather than for gambling, and in that sense he has my sympathy. Notwithstanding that we are coming towards the end of a sessional period, it is disappointing and noteworthy that no government members will contribute to the debate.

Hon. B. E. Davidson — They are ashamed of it.

Hon. PAT POWER — As Mr Davidson says by interjection, there is good reason for government members to be ashamed at a personal level and concerned about its impact at a political level. Voters at the next election tell me that the issue about which they are concerned is the way the casino has been established and managed and the close personal and political relationship between the principals of the casino and the Premier.

It was not unreasonable for Mr White to put on the record the example of the climate in Queensland created by government action. Heaven help us! We may be a number of years away from that climate, but it is legitimate for the community to be concerned about the relationship that exists between the proponents of the casino, the government and the Premier. It is not possible for the government on
the one hand to be part of that relationship, and the community on the other to observe that there is beyond question a lack of integrity and probity in the way the casino is managed.

Hon. B. E. Davidson — Snouts in the trough.

Hon. PAT POWER — Mr Davidson refers to snouts in the trough and that notion, plus the gravy train, mateship and cronyism is a theme that is increasingly apparent as people in their homes, workplaces and with their extended families and social networks assess the performance of the government. A government that has as a major part of its fiscal strategy a gambling-led recovery is not the sort of government a modern community deserves.

It is true that the former Labor government created the atmosphere for a casino in Victoria, and the views that I express are as applicable to that scenario as they are to the one we face today. I do not believe there was ever any suggestion that the former Labor government’s approach to the casino involved the white-shoe management that we are facing today. I do not believe the former Labor government, especially the Kirner Labor government, looked at casinos as a major element in the recovery of the state’s fortunes. The former Labor government believed electronic gaming machines were a reality, that there was a need to do something about the amount of traffic that crossed over the River Murray into New South Wales, and in that sense it was like the Labor government’s attitude to the liquor laws.

When the Cain government reformed liquor laws — and I think ‘reformed’ is an apt description of what occurred — nobody suggested the government was supporting the excessive consumption of alcohol. Nobody could say the Cain government was arguing that we should have an alcohol-led recovery.

The Labor government’s attitude to casinos was in the same climate — that is, it was a social reality and we could not bury our heads, so to speak; it was necessary for the government to go down that path. However, since October 1992 the approach of the Victorian government to gambling and its preparedness to make revenue from gambling a significant component of its fiscal policy is undeniable.

Slowly but surely an increasing level of concern has appeared in the community. People from church and welfare groups have been most prominent in expressing or predicting concern about the socioeconomic consequences of our community approach to gambling. Organisations like the Brotherhood of St Laurence, the Salvation Army and the Victorian Council of Social Service have been increasingly putting forward, as Mrs McLean did about one of her constituents, case studies that indicate very significant damage is being done. I was very interested in the tour that Mr White took us on in his contribution to the debate. He compared the incidence of deaths and injuries on our roads with the damage that could well be occurring in gambling.

When the 1034 campaign to reduce road deaths was run there was broad recognition in the community that we could no longer afford this carnage, that it was not a question of a family or loved ones being traumatised by yet another death on our roads or of an individual seriously injured in a car accident spending 2, 3, 5 or even 10 years in recovery and rehabilitation. The reason the 1034 campaign got off the ground was that the community recognised we could no longer afford the costs, that it was not just death or injury but a very real cost to the Victorian community.

The success of that campaign championed by governments of all persuasions is a great credit to Victoria and is an indication of the capacity that exists in the community. Sure, there are still people who drive when their blood alcohol content is higher than it should be — some people drive when their seat belts are not fastened in the way they should be — but as a community campaign it has been a wonderful success.

I have had the opportunity on previous occasions of paying tribute to young people who, as a consequence of that educative campaign, are capable of making good judgments about driving and alcohol, and who are capable of making good judgments about seat belts and travelling in cars. The success of the 1034 campaign may well be the reason why the casino and the government are not prepared to conduct a similar campaign on gambling. There is no question that if a similar educative and support campaign were run we would see an increasing attitudinal change building through our young where Victorians would realise that the casino is not the yellow brick road and that on the basis of receiving balanced information people are capable of deciding whether their behaviour is in their own or the community’s interest.
As Mr White said, it is reasonable for young people and often not-so-young people whose circumstances may be clouded by stress or emotion to believe their short-term problems can be successfully addressed by a visit to the casino. I agree with Mrs McLean that when you view the television advertisements you see nothing other than all the images of success. You do not see anything other than relatively young and beautiful people winning money. Perhaps if those advertisements were judged in the strict context of company law, they would be judged as illegal because they are clearly misleading. You see no advertisements for the casino that show the aftermath to which Mrs McLean referred, where people become so distressed by their failure to win that their day or evening gets into a dangerous downside.

I have not spent any time in King Street after dark, but it seems there is much anecdotal evidence to suggest that some of the people who cause trouble — mostly men who, if sober, would know better — are those whose pockets and egos have been hard hit by their experience at the casino. They have to leave the casino because they have no money and they wander back to town through the King Street precinct.

Notwithstanding the fact that casinos and electronic gaming machines were a creature of the former Labor government, I emphasise again that if one examines the manner in which the Cain government in a pioneering way reformed liquor laws, nobody could suggest that that was done irresponsibly or that it resulted in people excessively participating in an over-consumption of alcohol. It was done as a recognition that in a sophisticated and modern society there are certain behaviours where limits of freedom ought to be extended.

The same is true of gambling. The Labor government never proposed it was to be the key fiscal policy element that it has become for the Kennett coalition. The Labor government was prepared to work closely with the church and welfare groups and to tap into and use the enormous expertise those organisations possess to ensure that the downside of any new social policy is, in the first instance, prevented as much as possible and then, in an ongoing way, monitored so that, if necessary, remedial action can occur as soon as possible.

Only recently have the casino and the government come to the realisation that there is some need for a different promotional approach for the casino. At last we are beginning to see promotions, alongside images of the beautiful people and the beautiful smiles, that give the community an opportunity to balance the real outcomes of a potential visit to the casino. There is an ample amount of evidence to suggest that, like alcohol, gambling is potentially a dangerous practice, and we must ensure there are enough educative material and publications so that before they develop a pattern, especially an addictive pattern, people can measure up the pros and cons in real terms.

We must also pay attention to the issue that Mrs McLean raised about the design psychology that is applied to the casino. I have not been to Crown Casino but I have spoken with people who have. They have spoken of being in a surreal environment where once one gets into the building one finds it is a completely artificial atmosphere — perhaps much like this chamber — where it is not possible to have any relationship with the time of day. One can be in this place and, unless one is completely alert, not know whether it is 2 o’clock in the afternoon or 10 o’clock in the evening.

In contrast, shopping centres are increasingly designed in such a way that there is ambience that draws in natural light which enables people to continue to have some contact with the environment they have left. It shows that it is possible to do it, but the question that must be asked of the government and/or the casino operators is whether they want people to have any continuing psychological contact with reality or whether there is some sort of psychological perpetration which means their propensity to continue to gamble is energised.

The role of Ron Walker and Lloyd Williams cannot be underestimated because it is a theme that causes many people in the community considerable distress. Again I go back to the Queensland situation where, I remember, many years ago Ray Whitrod left the police force in most unsavoury circumstances and went to South Australia. He was reported at the time as saying that Queenslanders had the government they deserved. It is tragic in a sense because it took so long before Queenslanders were prepared to do anything positive about the white-shoe government they had in that state.

The Fitzgerald inquiry painted a clear picture of the dangers that exist when there is no public accountability or transparency about commercial transactions in this black-money area. That inquiry showed that people who may not necessarily have been unscrupulous by nature are increasingly drawn
towards that style of behaviour, and it becomes an acceptable pattern of the way in which an organisation or an industry is run. Many people in Queensland ended up as victims. People who started out as decent men and women were seduced by the white-shoe approach to issues like casinos. The Queensland experience showed us how dangerous it is for otherwise decent people to be caught up in unsavoury and unsatisfactory processes.

I do not know nor have I met Ron Walker or Lloyd Williams, but I am concerned that what appears to me to be a relationship at a personal and political level between those two individuals and the Liberal Party as an organisation, between those two individuals and the coalition government and between those two individuals and, say, the Premier of this state, is not healthy.

Mr White pointed out that those three individuals must understand that they are putting themselves in a situation which in the short term may build them up but in the long term will bring them down because there is only so much time that a community will silently accept processes in which there is a lack of probity, public accountability and comfort in the eyes of those who are assessing these issues.

It is a fact that words like mateship, cronyism and gravy train indicate the way in which people look at the style of the Kennett government — the coalition — and increasingly they see people like Lloyd Williams and Ron Walker as the beneficiaries of this mateship, cronyism and of travelling on the gravy train. It is simply a matter of time before the way the casino issue has been managed catches up with somebody.

Mr White made an interesting point about competition. Again in relation to the Crown Casino, there is a reasonable assessment or view in the community that the government is simply party to creating a personal mint for Lloyd Williams and Ron Walker. The perception is that the government's attitude is not, 'Okay, casinos will be part of our social infrastructure. Let's establish an industry in which there is integrity, probity, public accountability and competition'. It is reasonable to argue that the size to which Crown Casino is now likely to grow is simply unhealthy, and this is occurring at a time when the government's approach to reliable and historically well performing public utilities is just the opposite.

Despite the capacity of the State Electricity Commission to provide services, maintain infrastructure and address issues such as demand management, the government told it that a public monopoly was not the way the government ought to proceed; so, in the words of the government, the public monopoly has been broken up into a number of private potentially competing units. That stands in stark contrast to the approach the government is taking to the Crown Casino, where the opposite is occurring.

The opposite approach has also been taken in local government. The Kennett coalition said it would change local government, and change local government it has! Part of that change was to impose its will in a heavy-handed way on the entire Victorian community. With the exception of Queenscliffe, every municipality in Victoria has been abolished, every elected councillor in the state has been sacked, and legislation has been introduced to demand that the 78 new municipalities meet the government's requirements on compulsory competitive tendering.

Therefore, in an industry that is close to its community, the government is legislating to introduce what it describes as competition — for example, in the Shire of East Gippsland every piece of activity is to be contracted out. In other municipalities every piece of local government activity will be tested and then decisions will be made about compulsory competitive tendering.

That is in stark contrast to the private monopoly the government is party to creating for the Crown Casino. Mr White made some interesting points about how, in a few short years, Crown Casino is having an impact on regional economies — and in this vein it should be understood that we are talking about regional areas in metropolitan Melbourne as well as provincial and country Victoria. Small businesses are already reporting that a significant explanation for their downturn is the impact the casino has had on the people who patronise their businesses. In a sense, that is the proof of the pudding, the test of whether the casino is in the interests of all Victorians, because these small businesses are saying the discretionary incomes to which Mr White referred are being eaten into significantly, and sometimes totally, by a gambling problem practised at the casino.

Therefore, this private monopoly, the Crown Casino, is not creating new money; it is simply resulting in a different dispersal pattern of the discretionary
income that Victorian workers and their families have at their disposal. Again I return to the view that the Kennett coalition is treating the gambling revenue as a substantial element of its fiscal program.

I remember the floods in north-eastern Victoria in 1993, which caused significant damage. Despite the fact that a clear natural disaster agreement exists between the states and the commonwealth, the Kennett coalition failed to act in a way that would have triggered a financial contribution from the federal government in addressing the short and long-term damage that arose from those floods — whether it was damage to infrastructure, farming machinery and shedding in primary production, or the sort of damage that occurred in places like Bright, Wangaratta and Benalla.

Similarly, although it has been prepared to put an enormous amount of energy into creating this private monopoly around the Crown Casino, the Kennett coalition has been unable to do anything about petrol prices for regional, provincial and rural Victorians. I hear a lot of noise from coalition members about how outrageous it is that there is such a disparity between country and city prices. I understand the Deputy President heads a coalition committee examining petrol prices and that solutions will be found. The fact is that nothing has been done.

Hon. R. I. Knowles interjected.

Hon. PAT POWER — Mr Knowles invites me to get back to the bill. I am quite happy to go along on this theme. The Kennett coalition has put an enormous amount of energy into creating this private monopoly known as Crown Casino at a time when it is prepared to tell public monopolies, such as the former SEC that they should be broken up in the name of competition. Crown Casino has no competition. This government is prepared to support the establishment of a private monopoly in which the two individuals with absolute key roles are politically close to the coalition government and to the Premier. That is in stark contrast to the preparedness of the coalition government to address issues like the floods in north-eastern Victorian in 1993 or petrol prices or — let’s put it on the table — jobs. While the coalition government puts so much energy into the private monopoly known as the Crown Casino it is doing little about employment.

Hon. R. S. de Fegely — How many thousands of jobs has it created?

Hon. PAT POWER — I await with interest Mr de Fegely’s contribution because off the top of my head I am not aware of the number of jobs that have been created at the casino.

Hon. R. S. de Fegely — If you took the trouble to find out you would see there are thousands. Your saying we have not created any employment is nonsense!

Hon. PAT POWER — There may well be some thousands, and I am prepared to acknowledge that, but that needs to be measured against the performance of a Kennett coalition that has got rid of 8000 jobs in education and is getting rid of 10 000 jobs in local government. To say that a private monopoly — that is, the Crown Casino — can be justified on the basis that it has created some thousands of jobs does not stand up against the enormous downsizing the Kennett coalition has undertaken.

Its downsizing has been so significant that only last week the great Baroness Margaret Thatcher congratulated the Premier. She described the Kennett coalition as being of the same stature as the Thatcher government was in Britain. We know the Premier was unable to allow that intended compliment to pass by. He said that Victoria had not been Thatchered but had been Jeffed! Before the 1992 election the Premier said that local government workers and public servants contribute not one dollar of wealth to Victoria. I do not know what his current view is when public servants and local government workers visit Crown Casino!

One issue that has created a great deal of controversy has been the circumstances under which the additional tables have been made available to Crown Casino. This is an example of the problems that exist with the integrity and probity of the government. It is an example of the problems that exist when a full, open and public process has not been undertaken.

When people seek information to establish whether due process resulted in the decision to allow more tables at the casino or increase the capacity of the hotel, as Mrs McLean said, no information that provides any comfort is available.

It is fine for government members to say the decision was taken in the best interests of the casino. That may well be their belief; I am not questioning that. But the criterion for good government is the capacity to illustrate to the people who elected it —
and the government has a responsibility to govern — that it can provide information to them so they can make a judgment about whether it is best for the casino, the community or for Victoria. Regardless of whether you talk to the churches, welfare groups, the ordinary punter in the community or even those people who support the increase in the number of tables and the significant increase in the capacity of the hotel, they all say they are concerned about the process.

I was interested in Mr White’s comments about signage because it was only recently that I noticed the number of signs advertising the casino. It took me by surprise when I was subsequently advised that there are some 70 signs splattered around Melbourne directing you on how to get to the casino. Although some people might describe that as overkill, I think the signs sum up in a symbolic way the commitment the coalition has to making this private monopoly work. It will not leave any stone unturned; it will adopt any strategy necessary to fill Crown Casino’s car parks, to fill its rooms, to increase its turnover, to deliver increasingly excessive profits to the Lloyd Williamses and Ron Walkers of the world and, as each day goes by, to make gambling revenue a cornerstone of this government’s fiscal policy. That is Roman Empire stuff. I do not believe any government in a modern society can with any honour predicate its fiscal policy on revenue that comes from gambling.

The coalition’s energetic commitment to the private monopoly known as Crown Casino stands in stark contrast to its commitment to infrastructure. How many schools have been closed? How many jobs would be created if the government embarked on a capital works program in education? How many hospitals have been closed? How many jobs would be created if the government embarked on a capital works program for hospitals? It does not matter whether you go to Murtoa or to the Latrobe Valley, the story is just the same: people are deeply concerned about the future of their local hospitals. Telling them about the yellow brick road, about the Crown Casino that has the wholehearted support of the Kennett coalition, gives them no comfort at all.

Recently I was in Mildura where I met some senior citizens who were genuinely distressed by the prospect of having to stay in the Manangatang hospital rather than the local Mildura hospital for the duration of their illnesses.

Hon. R. I. Knowles — What a load of nonsense! We actually put rehabilitation services up there, which you denied.

Hon. PAT POWER — The minister says I am speaking nonsense. I would be more than happy to take the minister to Red Cliffs any time he likes and introduce him to — —

Hon. R. I. Knowles — I have been there!

Hon. PAT POWER — I did not say you have not. I would like to introduce him to those same senior citizens who are concerned about being transferred from the local hospital to places like Ouyen or Manangatang. If you do not accept — —

Hon. R. I. Knowles — Have they lost their services? No, we are actually going to secure them!

Hon. PAT POWER — The minister seeks to say the problem is about the maintenance of services. Those senior citizens told me that historically they have been able to spend their entire recuperation time in Mildura, but now they find themselves being discharged from the Mildura hospital and admitted to remote hospitals in strange locations, where they are unable to have any visitors.

Hon. R. I. Knowles — On a point of order, Mr Deputy President, it is bad enough that we have to put up with drivel, but whether people have to travel from Mildura to wherever for particular services is totally unrelated to the bill. Mr Power has talked about everything other than what is in the bill. I believe he should be brought to order.

Hon. D. R. White — On the point of order, Mr Deputy President, Mr Power was drawing an analogy between the priority the government gives to the casino and the priority it gives to health services, which languishes behind the former. In doing so he made a specific reference to Mildura, to which the Minister for Housing took exception. He vigorously interjected — —

Hon. R. I. Knowles — Because it is a lie!

Hon. D. R. White — In vigorously interjecting, which is his custom and practice, the minister was inviting a response. If he had not interjected — —

Hon. M. A. Birrell — He was trying to shut him up!
Hon. D. R. White — No, that was not the nature of the interjection. The interjection was about the adequacy of health services in Mildura, and the minister was inviting a response. Mr Power responded to the interjection from the minister, who knows it — —

Hon. R. I. Knowles interjected.

Honourable members interjecting.

Hon. R. I. Knowles — Excellent! I withdraw!

The DEPUTY PRESIDENT — Order! I think I have heard sufficient on the point of order. As the house knows, I have just resumed the chair. I will listen very carefully to Mr Power and I will ensure that he stays on the bill and on the reasoned amendment.

However, on the point raised by Mr White, an interjection is disorderly — unless it is apposite and relevant to the debate. There is no excuse for digressing from the subject of the debate to answer interjections. I am sure that, having heard that particular point, Mr Power will from now on keep to the bill and the reasoned amendment, without worrying about Mildura.

Hon. PAT POWER — Mr Deputy President, it is a ruling with which I am comfortable. It is indisputable that the coalition's energetic commitment to the private monopoly masquerading as Crown Casino stands in stark contrast not only to its commitment to infrastructure development in education and health but also to its attitude to the effects its policies have had and are having on rural, provincial and metropolitan Victoria. I include the 8000 jobs that have been lost in education, the 10,000 local government jobs that have gone, the 270-odd schools and the many hospitals that have been closed, and the nine country train services that have ceased to run.

Those many Victorians who do not and will never use the Crown Casino are entitled to be concerned about the government's energetic support for the Lloyd Williams-Ron Walker enterprise and its less than energetic commitment to the maintenance and development of public infrastructure. By interjection the Minister for Housing said I lied. I did not lie; I do not lie. The story was told to me by senior citizens in Red Cliffs, and I have faithfully and accurately presented that story to the chamber today.

The community is also concerned about the approach taken by Crown and the government to the casino's operating on those three sacred days which, as Mr White so clearly explained, all Victorians agree should be treated differently. The history of the episode is that the casino authority felt that its mandate, its level of support from the coalition government, was so high that it could test it by declaring that even on those three days it would trade as it does on other days.

My recollection of the response by the government at the time was that the decision that Crown was going to implement was quite appropriate. It was a bit like the Fitzroy swimming pool with respect to local government: it was only the actions of the general community that forced the government and the casino authority to revisit their decision. We know the Yarra commissioners and the government supported the decision to close the Fitzroy swimming pool, and that it was only a genuine and committed response by the affected community that was able to overturn that decision. The same is the case with the three sacred days: Lloyd Williams, Ron Walker, the Premier and the coalition government were quite happy for the casino to operate as a gambling venue on those days.

It was only when people like Bruce Ruxton and a whole range of other ordinary Victorians said, 'Look, notwithstanding the coalition's energetic commitment to the Crown Casino, notwithstanding the preparedness of the Premier and his government to give Crown Casino anything they want, there ought to be a line drawn somewhere'. To the credit of Crown Casino and the coalition government, they recognised that community outrage, and the casino will operate during more suitable hours on those days.

I noticed in today's Age reference to the goldmine that parking is at the Crown Casino. I suppose it is a measure of how popular the casino is as a venue for people to visit, but we need to acknowledge that the car park being full so many hours of so many days is a measure of the sorts of concerns churches and welfare groups have — that if the casino is like the MCG on grand final day every day of the week it stands to reason that the number of problem gamblers, the number of people who stand likely to develop gambling problems, is enormously high. If the aerial shot by the Age had shown car parks half empty I suppose that would be a reasonable measure of a lesser problem.
I conclude by talking about the issues I started with. My concern about the casino is based upon whether it is correct in a modern community for the government of the day to create a gambling industry that is such a critical part of its fiscal policy. Even though I am not a gambler myself I accept that gambling in all forms, whether it is two-up, greyhounds, trots, gallops or electronic machines, is a reality and is part of our society — so, too, was drink-driving and driving without seat belts. A conservative government recognised that as a society we could no longer afford the trauma and the costs associated with the downside of those tragedies, and that it was not just dying in a car or the horrific injuries that some people suffered; it was the actual cost in productivity and rehabilitation that we had to do something about. To the credit of a successive number of governments, drink-driving reforms and seat belts can be described as successes, although we would all agree that if the number of deaths were zero it would be even better.

The opposition is saying today, and in other debates it has had about the casino, that yes, let us recognise, as the Cain government did with liquor laws, that gambling is part of modern social habit, but let us structure it and manage it in such a way that people are in no doubt about whether the operators of the casino are or are not in the pocket of the government of the day. More important and more worrying is whether the government of the day is in the pocket of the casino operators.

The opposition argues that if gambling and the Crown Casino were developed as a genuine aspect of a range of social patterns and interaction we would not have church groups, welfare groups and an increasing number of examples of people expressing deep concern about gambling and the problems that arise from it.

Just yesterday I listened to the Doug Aiton program on which Sir Rupert Hamer was guest speaker. I remember the sort of politician Sir Rupert Hamer was. He could be described as a genuine libertarian, somebody who believed we needed to develop the arts and the culture of our state and who, I suspect, in conjunction with a whole range of other Victorian premiers — with the exception of the Honourable Jeffrey Kennett! — would say that developing a gambling industry that is as critical a component of the state's fiscal policy as Crown Casino is unhealthy for the community, and eventually unhealthy for the government.

I conclude by reiterating that the Casino (Management Agreement) (Further Amendment) Bill ought to be opposed and that Mr White's reasoned amendment should be accepted. The amendment states in part that:

... this house refuses to read this bill a second time until such time as there has been a full social and economic impact study into the effects of Crown Casino and the proposed expansion of the casino and of gaming in Victoria generally and the report on such study has been made available for consideration by the Parliament.

Mr White does not contest that gambling is part of the social habit of Victoria. Mr White's amendment therefore seeks to ensure that the study will be undertaken now in a socially and economically responsible way.

Hon. G. B. ASHMAN (Boronia) — I am pleased to speak so that I can return the debate to the bill before the house. Previous opposition speakers have barely addressed the issues in the legislation. They seem to have rambled around on a broad range of issues while successfully avoiding debating the bill.

The bill ratifies the second deed of variation to the management agreement for the Melbourne casino to enable Crown Casino to increase the number of gaming tables and the size of the hotel that is attached to the casino. It also makes provision for a significant additional financial contribution to the state as recognition of the increase in the number of gaming tables.

I do not speak as a gambler as I must confess I have been to the casino only once and I am unlikely to be a regular customer. Indeed the extent of my gambling is to occasionally buy TattsLotto tickets on Saturday mornings, when I remember, but it is not a deliberate act.

Hon. Pat Power — And if you have time to wait in the queue!

Hon. G. B. ASHMAN — My interest in racing is somewhat similar. I enter the debate with a disinterested view about gaming, and I believe I can look at the issue more objectively than someone who is either an active participant or an active opponent of gaming. There is no doubt there is a significant demand for gaming in Victoria, and that is demonstrated by the number of people who are still queuing to get into the casino even though it is some time since it opened. I do not suggest we
should not cater for the wishes of people who want to go to the casino for that form of entertainment. A great deal of discussion has ensued this afternoon about people’s changing spending patterns on things ranging from restaurants and the retail sector to gaming, but the bottom line is that people should be able to go to the casino and spend their discretionary incomes as they wish. We as the government and you as the opposition should not be suggesting how people spend their discretionary incomes. We have a passionate view about each person having a free choice to dispose of his or her income as he or she wishes.

I acknowledge there are a few problem gamblers. It may be 0.5 per cent to 1 per cent of those who go to the casino, but the same gamblers would otherwise be at the TAB, the racetrack or some other gambling venue — whether it be poker machines or another illegal activity. People will gamble regardless of what governments and we as a responsible community do by putting in place programs that will assist them.

As the house is well aware, the government has taken action to provide support services for gamblers, and for that purpose it has recently provided $2.5 million. Those funds will boost the G-Line telephone counselling and referral service, increase funding to the Break Even counselling and liaison services, fund regional and statewide community awareness programs on the potential problems of gambling and fund research projects into the delivery of these gambling support programs. That support will increase as we determine needs, and the research is under way.

Research has been commenced by the Department of Health and Community Services into three major areas: firstly, through a baseline data project into how the community gambles. We do not have this information and it is not available anywhere around the world. Victoria is leading the way, as Mr Power said, with seat-belt legislation, driver education and reducing the road toll. In the same way, Victoria is leading the way by developing a database of information on how the community gambles and its impact on individuals and families. The information will be relevant not only to Victorians but also to governments around the world that will draw on the database when it is developed.

Secondly, we are conducting research into community perceptions of gambling because we do not have information readily available on that matter. Thirdly, a further survey is being undertaken on gaming venues, their effects on local communities and their role in the gaming industry.

As I said at the outset, the bill ratifies a second deed of variation of the agreement with Crown Casino, and it is proper that it come before Parliament for debate. As early as October 1991 the former Labor government recognised that it was probable that the number of gaming tables would be increased. Statutory rule 186 of the Casino Control Act 1991 contains a regulation which says:

Style and size of casino

6. The casino —
   (a) must have not less than 150 gaming tables; and
   (b) must have the potential for future on-site expansion if the casino has less than 200 gaming tables; and
   (c) may include a private gaming area.

That statutory rule was put forward by the Honourable Jim Kennan, who was then the Minister for Major Projects and the responsible minister at the time.

Hon. M. M. Gould — Mr Deputy President, I direct your attention to the state of the house.

Quorum formed.

Hon. G. B. ASHMAN — Back in October 1991 the Labor government recognised there may be a need to increase the number of tables at the casino. Jim Kennan, who was then the responsible minister, proposed the statutory rule. Given Mr Kennan’s role in the government of the day it is appropriate to question why the current Labor opposition is now criticising the actions of a man who was held in high esteem by both his parliamentary colleagues and the party itself.

Clearly there is a demand for an increase in the number of tables. Although opposition members made many negative comments about the casino, no-one talked about the number of illegal casinos that have closed since it opened. Prior to the opening of the casino, the police encountered significant difficulties dealing with illegal gambling in and around the city. It needs to be on the record that since the advent of Crown Casino the number of casinos operating in Little Bourke Street and North Melbourne and the problems associated with them have declined significantly.
The government is extracting its pound of flesh from Crown Casino for the increase in the number of tables. The casino has made an up-front payment of $5.3 million or $500,000 a day for failing to complete the project on time and has guaranteed the government an additional $100.8 million as a result of the changes.

Crown Casino has also agreed to put in $1 million a year for the next five years for tourism promotion. As Victoria increases its share of the domestic and international tourism markets, promotion becomes extremely important. Interstate and international promotion is the best way of continuing the growth. When coupled with the grand prize and a number of other major events, tourism promotion will ensure that Melbourne becomes the focus of many potential tourists as they consider their travel plans and Victoria becomes known as the events state. Money must be available to fund that promotion and put forward Victoria's position.

Hon. D. A. Nardella interjected.

Hon. G. B. Ashman — Mr Nardella would appreciate the job opportunities that flow directly from increases in tourism. Tourism is extremely labour intensive and is a strong generator of employment — and we need to seize every possible opportunity to increase employment. Crown Casino has increased employment opportunities in Melbourne, and the additional tables will add to the 2000 jobs it already provides. The bill also provides for the creation of a training centre for Crown — a further plus for Victorians.

The hotel complex is necessary. It is generally accepted in the tourism industry that Melbourne needs additional beds of four and five-star standard, whether on the Crown site or elsewhere. Money from Crown is also funding the Agenda 21 program for the museum and exhibition centre. No opposition member would oppose those facilities being completed in a relatively short time.

In 1990-91 the former government proposed the building of a new museum on the site now occupied by the new exhibition centre. If I remember correctly, it committed $15 million to a grand facade at the entrance but had no plans to take it further. If we had been forced to wait for Labor to fund that project, it would not have been completed before 2000 or 2050.

When in government the Labor Party presided over disasters such as the VEDC, State Bank and Workcare and succeeded in hitching its star to all those failed entities. When people with vision, drive and initiative try to get new projects off the ground, the opposition seeks to drag them down. Throughout the debate we have heard constant criticisms of Walker and Williams. To suggest they are in the same category as Skase and Bond is totally outrageous — Skase and Bond were stars of the failed Labor years. It could even be suggested that the Labor Party failed and left the state in the debt inherited by the current government in 1992 because it modelled its style of government on those people.

The bill ratifies the agreement and covers a significant number of other issues with which I have dealt during my contribution. The bill should be welcomed, not least for the additional jobs that will be generated in the construction phase. I am sure opposition members would not want to have to go to the leaders of the Construction Forestry Mining Energy Union and suggest that jobs are not wanted.

Hon. B. E. Davidson — Friends of yours, are they?

Hon. G. B. Ashman — I have a number of good friends in the lower levels of the CFMEU. Many members of that organisation are good and responsible citizens. However, a significant number of thugs now hold senior positions in the union and are currently causing serious disruption on a number of building sites around town. I conclude by rejecting totally the reasoned amendment moved Mr White. I urge the house to support the bill.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Hon. D. A. Nardella (Melbourne North) — I oppose the bill and support the reasoned amendment moved Mr White. The bill represents a further progression down the road of the casino culture that is developing in Victoria.

Hon. W. A. N. Hartigan — You cannot have a further progression.

Hon. D. A. Nardella — Yes, you can, Mr Hartigan. It is helping to entrench the difficulties this great state will inevitably have to deal with in the years to come. The bill will enable the already massive casino complex and entertainment centre to become even larger, eventually becoming the biggest complex of its kind in the Southern Hemisphere — and there is no doubt that with the expansion will come many associated problems.
When we think about the problems that have arisen since the opening of the temporary casino, we can imagine the extent to which those problems will be exacerbated when the permanent casino opens at the end of next year. The house should be in no doubt that the casino will be built by then.

The problems are real: families are hurting; kids are going without; and people are selling off their possessions to pawnbrokers because they need the money to gamble. Many people in the community are facing those problems every day. This measure is part of the problem because it allows the already massive permanent casino to become even bigger. The government does not understand the nature of its dual responsibility. The initial casino control legislation was passed in 1991 with the concurrence and support of the then coalition opposition.

**Hon. W. A. N. Hartigan** — Reinventing history again, are you?

**Hon. D. A. NARDELLA** — No, I am not. Our position was clear. When he had the carriage of the legislation in this place in 1991 one of Mr White’s major concerns was ensuring the availability of support revenue to deal with the gambling problems a casino would create. In recognising its joint responsibility the government reinforced the importance of the Community Support Fund. Today we see the breakdown of the philosophy behind the Labor government’s intention in 1991, with the concurrence of the then opposition —

**Hon. W. A. N. Hartigan** — You were looking for a quid!

**Hon. D. A. NARDELLA** — How can you sit there, out of your place, and say we were looking for a quid when the legislation provided for a casino to be built after October 1992 — after the government’s term of office had expired? It is illogical! The 1991 legislation was in part designed to safeguard the community, but that spirit has not been carried through by this government.

Mr Ashman, the only speaker for the government so far, said $2.5 million has been put into an advertising campaign to replace the campaign that was mooted several months ago. The government receives approximately $1 million a week in tax from the casino but is allocating only $2.5 million to advertising the dangers of gambling. That amounts to just 5 per cent of its revenue from that source. What a pathetic approach! Compare that with the massive advertising being forced on the community by the gambling institutions: Crown Casino, Tabcorp and Tabaret. Day in, day out one sees advertisements for Crown Casino. Its logo is everywhere — at Melbourne Airport and in other places throughout Melbourne. The signage does not highlight hospitals, schools or other institutions, but Crown Casino! It demonstrates the government’s attitude — promoting and looking after its mates and not worrying about the social problems arising from excessive gambling. The bill will exacerbate the problems of gambling in the community, and I shall detail some of them.

Honourable members interjecting.

**The PRESIDENT** — Order! I am interested in what Mr Nardella is saying, but I can hardly hear him because of the conversations taking place in the chamber. Honourable members will help the house by not chatting among themselves. If they want to speak to each other they should do so quietly and allow Mr Nardella to continue in silence.

**Hon. D. A. NARDELLA** — The reasoned amendment expresses the opposition’s concerns that a full social and economic impact study should be held into the proposed expansion of the casino and that the results be reported back to Parliament. Unless the community is fully informed it cannot make proper decisions about the future.

Before the Casino Control Act was introduced, investigations and reports dealing with a number of potential problems with this industry were tabled in Parliament. The Cain-Kirner administrations adopted a bipartisan approach to get the best result for the Victorian community. Parliament does not know how the increase in gambling facilities will affect the community. All it knows is what is happening at the moment. The bill will increase the number of gaming tables from 200 to 350. Commission-based players will pay a reduced rate of tax. Crown Casino is required to upgrade and extend the hotel with a second tower. Parking space will be increased by 2000 cars. And the completion date of the complex has been extended to 30 November 1996. No-one knows the full effect of these changes.

If the Labor Party were in government the Liberal and National parties would call on it to instigate an investigation of the effects or benefits to the Victorian community, including the social and economic effects. We know that shops and small businesses in the retail sector, generally owned or operated by families, are facing crises. People are not
spending money in those establishments because money is being spent on the gambling tables of the casino and gaming machines in shopping centres. It is not good enough for retailers to go to the wall because of the culture of mateship and cronism being exhibited by the government. It is not good enough that the Victorian economy is based on increased gambling by ordinary Victorians, but that is what the government is attempting with this legislation.

There is no doubt the government is relying heavily on gambling taxes. Almost $1 billion is being paid into the Treasury coffers. It is really a tax against the Victorian community — the wives, the husbands, and, more importantly, the children of families whose parents have gambling addictions.

Mr Ashman referred to a number of academic studies being conducted, but Victoria needs a complete and serious study into the impact of gambling. Unless the reasoned amendment is agreed to, some time in the future a study may be done, be it academic or commissioned by the government, which will demonstrate that the changes now being put in place by this measure will have had a deleterious effect on Victorian families. It will then be too late. It is tragic that more families will have gone under by then. Many will have sold their possessions and had their lives ruined because a simple study was not done.

The legislation goes further than that envisaged by the former Labor government. More importantly, it provides far in excess of what was included in the tender documents of 1992-93. Instead of having a hotel of 360 rooms, as the tender documents disclose as the benchmark or guide, the new hotel will have 1000 rooms. Mr Ashman said that when the opposition was in government, it considered having about 150 tables as the benchmark. However, this legislation increases the number to 350 without any social impact studies having been conducted.

As if it did not have enough already, the number of poker machines at Crown Casino will be increased from 1200 to 1300. A number of smaller clubs or pubs throughout Victoria have no access to poker machines, but, because of its privileged position and mateship with the government and some of its members, Crown will get an additional 100 machines.

The revised casino expansion plan will mean the new hotel will have 1000 rooms. That number is well in excess of the number for which Crown Casino and ITT Sheraton tendered in the early 1990s. It is wrong for the government to change the rules as time passes. It is wrong for the government to have set up a process by which a company obtained the casino licence and then later changed the rules midstream. That is what this legislation will do.

Many Liberal Party members — not the National Party members because they are really agrarian socialists at heart — consider competition to be a fundamental tenet of their beliefs. However, the hypocritical double standards of the government and its Liberal Party members are starkly evident in the legislation. We should remember that only a week or so ago this house passed legislation which picked up the federal government’s competition policy. Now the government has adopted a hypocritical stance on competition regardless of what its mutterings may be on the subject. It has double standards which belie its supposed philosophy.

The government does not apply that philosophy to other community sectors. The Minister for Local Government is not here to justify his double standards regarding the government’s compulsory competitive tendering principles for local government, yet the government is saying to the community that it must have competition.

What does this legislation say about competition? What is the minister’s position on the principles of competition? The bill further monopolises the position of Crown Casino within the Victorian community. It does not simply monopolise the industry so that it can be later broken up, as will happen and has happened with the gas, water and electricity industries. The great economic rationalists in the government are supposedly keen on introducing competition and market forces in particular industries. The house should remember that the casino is a sunrise industry for Victoria, which has never had a legal casino before. But this legislation codifies the absolute dominance of Crown Casino for all time.

That position cannot be easily changed. The investments by Crown Casino and the structures resulting from this legislation will constitute a monopoly that cannot be easily challenged or broken. How can a large multinational company compete with a casino which has a hotel of 1000 rooms, 350 gambling tables, at least 1300 poker machines and facilities that may be located on a couple of sites in the future? The full facts have not been revealed in the equation centring on the
goodwill and patronage of all Victorians. How can a company compete on an alternative site when Crown Casino has been given its prime location?

The Melbourne City Council — in other words, the MCC ratepayers — will complement to the tune of $8 million the cost of structural works, the subject of this legislation, to be carried out by Crown Casino. How can you compete with that once it is up and running for, perhaps, 11 or 12 years? You cannot compete. The opening of the temporary casino has seen all the sly casinos close because of a lack of patronage.

Hon. E. G. Stoney — That's good.

Hon. D. A. NARDELLA — That is good, but how can you then have another casino compete legally with Crown Casino once Crown has its 350 tables? No company will be able to compete. What about the training of people for employment at Crown Casino? There will be no TAFE courses because Crown will provide its own training. No member here — not even Mr White when he retires from Parliament in another 15 years — will be able to attend an independent training course!

Hon. D. R. White — Mr Storey is retiring next year — he can do it.

Hon. D. A. NARDELLA — That’s right, he could! We will not be able to go to that training facility and then go to another competitor after learning the skills necessary to be a croupier or a cardsharp because those facilities are for the exclusive use of Crown Casino employees. It belies the fact that one can create a competitive environment for another casino to compete with Crown Casino.

Hon. E. G. Stoney — That’s rubbish!

Hon. D. A. NARDELLA — It’s not rubbish, because the strength of Crown Casino will be immense, as will the patronage. The landmark situation that this creates for Melbourne and where it is positioned will be immense. The only other place another casino can be built is Docklands. Who wants to build underneath a 25 metre high bridge or invest money in another casino when the patronage and control of Crown Casino is so strong? Legislation like this sets it in stone forevermore.

Boutique casinos in rural areas and provincial seats like Ballarat and Bendigo will have difficulties. The operators will not invest in Melbourne because they will not be able to compete and, as a result, the monopoly will become entrenched forever. That is sad because this government could create a competitive environment where other players could enter Victoria’s casino or gaming industry. That will not be the case because this government had to help out its mates, the bagmen who provide the funds for the political party come election time, federal and state. If the government keeps on helping its mates it will be in terrible trouble. The connections are there and have been mentioned in this place on numerous occasions. The opposition will continue to mention those connections in this place.

A competitive environment will not be created when the only way that one can set up an important sunrise industry in this state is to have mates who have links with the political party that is in government at the time, and direct links with the upper echelons of that party and that government. It is an impossible ask for any business proprietor, entrepreneur or company. For example, ITT Sheraton cannot compete because it does not have the links with the bagmen of the political parties and with the upper echelons of those organisations. In a real sense the cronynism and the mateship continue, and the gravy train continues to roll on. That is extremely sad. Although the company is being investigated for fraud and blackmail, when the bill is passed shares in Hudson Conway will increase in value and the company will be rewarded for underhand illegal practices.

It is imperative that the relationships between governments and casino operators maintain the highest standard of probity. I remember Premier Cain being concerned about poker machines and casinos and corruption in the industry. It can take place and, unfortunately, we are living through it at this time. Even while I speak, Hudson Conway, whose main employees are Lloyd Williams and Ron Walker, is in court because of allegations of fraud and blackmail. Yet through this legislation the government is rewarding that company. That is not good enough.

When this legislation is passed and by the end of next year Melbourne will have the largest casino in the Southern Hemisphere. It will have great pulling power and therefore a propensity for corruption that will be difficult to stop. It will be difficult because this government does not have the willingness or the ability to control Crown Casino, Hudson Conway, Lloyd Williams or Ron Walker.

Hon M. M. Gould interjected.
Hon. D. A. NARDELLA — That's right. They control the government but the government has no control over them.

Hon. E. G. STONEY — Absolute rubbish!

Hon. D. A. NARDELLA — It is not absolute rubbish. It is demonstrated day in, day out by what is happening constantly in the media and by this legislation. It brings me no joy to remind the house of the practices that occurred in the 1980s with the Skases and the Bonds of this world. I remember where I was when Australia won the America's Cup: it was about 7.30 a.m. and I heard Bob Hawke on the radio saying something unparliamentary to employers who sacked their employees because they watched Australia winning the cup! It was a great feeling. We do not want these corrupt people who destroy people's lives and take them to the cleaners.

That is occurring again with this legislation: we are giving people too much power. They already have too much power over the government, and, as Miss Gould says by interjection, the bill virtually gives them a licence to print money.

The bill further reflects the misplaced priorities of the Kennett government. Instead of dealing with major social issues, the government is giving its mates a stronger position in our society. Victoria currently has one of the highest unemployment rates in Australia — 9.7 per cent! That is a disgraceful situation. Under the leadership of John Cain and Rob Jolly, Victoria had the lowest unemployment rate in Australia for 86 months. This government is going for the record — of Victoria having 86 months of the highest unemployment in Australia!

This government's priorities are all wrong. There have been cuts in hospitals, and the western health network is sacking 180 people. School retention rates are falling, which reflects the government's disgraceful record in that area. Some members of the public still have to wait on hospital trolleys for medical attention. The bill reflects those wrong priorities. I would rather be standing here supporting the government on measures it was told you so. We told you these extra problems would be created in the community. We told you the propensity for corruption and influence of the government would be too great. We told you the potential for pain and misery that families are now going through daily because of the changes should have been investigated beforehand and dealt with seriously by the government. But the government has not dealt with them seriously, and the bill will make the lives of those people even worse. I

It is incredible that the bill gives a tax break of 10 per cent to the high rollers. The government says the casino will compete with other casinos. According to the government we are creating a world-class facility — the biggest casino in the Southern Hemisphere — which will absolutely gazump and overshadow every other casino in Australia; yet the taxes the government will collect from those high rollers will be 10 per cent less than the taxes payable by the average person. Many of those high rollers are from overseas. Many have a lot of money, and many gamble professionally, so it is not unusual for them to use the facilities available at the Melbourne casino anyway. However, this bill gives them a tax break.

Honourable members should compare that situation with the additional $2000 in taxes and charges that have been foisted on ordinary Victorian families each year, and that is even after you take off the $100 home tax. Ordinary Victorians have had to wear increased water and electricity charges. Pensioners have come to me saying they find it extremely difficult to find the extra $16 a quarter the government has added to their electricity bills just for having the electricity on. Yet, this bill reduces the taxes payable by the high rollers.

There have been increases in motor registration fees, petrol levies, bank taxes, insurance, stamp duty and cigarette prices. Public transport fares have been increased even though the system is still running to the timetable set during the 1992-93 holiday period. The government has imposed some $5000 increases or new taxes and charges on Victorians, yet it provides a windfall for the high rollers at the casino. It is disgraceful and absolutely outrageous that Victorian families are forced to pay an extra $2000 a year while the high rollers are getting off scot-free, not having to pay the taxes they should pay — that is, the taxes that ordinary punters, such as people from my electorate, who go to Crown Casino have to pay. That is not good enough.

I oppose the bill. It is bad legislative practice to introduce such a bill without an impact study having been carried out. Unfortunately it will not be long before the opposition will be able to say, 'We told you so. We told you these extra problems would be created in the community. We told you the propensity for corruption and influence of the government would be too great. We told you competition would be virtually impossible because of the stranglehold this organisation would have on the Victorian community. We told you that the potential for pain and misery that families are now going through daily because of the changes should have been investigated beforehand and dealt with seriously by the government.' But the government has not dealt with them seriously, and the bill will make the lives of those people even worse. I
therefore oppose the bill and support the reasoned amendment.

Hon. B. W. MIER (Waverley) — I oppose the bill and support the reasoned amendment moved by Mr White. I shall indicate to the house in reasonably brief terms the concerns not only in Melbourne but around Victoria about what is happening to the city and the state. None of us — from either the previous or the present government — envisaged in any shape or form the reality of what would happen.

As a member of the Labor government I supported the establishment of a casino and the installation of gaming machines in certain facilities around the city and the state. I thought that would bring Victoria up to date with what was happening in other states. Over a period I have travelled extensively around Australia and have visited numerous casinos. I have visited the casinos in the Northern Territory — both Darwin and Alice Springs — Townsville, Western Australia, South Australia and Tasmania. After attending all those casinos I appreciated that it was ludicrous that Victoria should not participate in organised casino facilities. It was clear the state would benefit from the revenue derived from people visiting Melbourne to attend a casino.

However, I never envisaged the temporary casino that has been established by this government. It was not established under the previous government’s suggested format but through a questionable process involving only two particular companies — that is, Hudson Conway and Crown Casino — both of which have directorships directly associated with the government of the day.

The Premier and the minister’s establishment of the casino and their association with the two companies has raised grave concerns among most Victorians. None of us envisaged that the temporary casino would have developed into what we see today. No casino in Australia, whether it be permanent or temporary, reflects the situation in Melbourne with the temporary Crown Casino. Patronage has not been matched anywhere else in Australia. It indicates to many of us that Melburnians and Victorians have been deprived of these sorts of facilities for so long that they have raced into the casino in a frenzy and participated in all the gambling activities available.

During the course of the previous government’s deliberations about the establishment of a casino strong arguments were presented that that sort of thing would happen. A previous minister, the Honourable Steve Crabb, strongly argued that this type of facility was wrong and that this sort of frenzied activity could well eventuate. He strongly argued that we should pursue the line, design and planning that existed within European cities — namely, London and a number of other major European cities.

The former government argued that we should not go for the big, grand Las Vegas, American-style casino with all its bad features, which have been outlined on numerous occasions by previous speakers — that is, prostitution, no windows, no clocks, a sense of confinement and so on. The former government argued that we should go down the line of the smaller, boutique-type casino that exists within the major cities of the UK and Europe. However, the former government did not have the opportunity to pursue that line. If the people believe we need a casino, I am sure they would have preferred this government to have pursued Steve Crabb’s concept projected when the Labor Party was in power.

What has happened under this government has been a total disgrace. The implementation and administration of both the temporary casino and the permanent casino have been a disgrace. We have seen no plans whatsoever for any other form of casino in the state; we have seen only the Hudson Conway-Crown Casino concept projected.

Some months back when the Premier attended the temporary casino and saw the huge numbers of patrons within the establishment, he suggested there was a need to increase the table facilities from 200 to 350 because he had to wait to get one. If that is not the most biased and most weighted comment anyone could make I do not know what it is! There was no suggestion whatsoever as to, ‘Well, let’s open a new casino in Geelong, Bendigo, Ballarat or Wodonga’. No! It had to remain with Hudson Conway and Crown Casino.

If any more gambling facilities were to be made available in this state they had to go to Hudson Conway and Crown Casino — the Liberal Party junta. The Premier made that clear when he indicated that the only reason there should be more tables was that he had to wait. The phenomenon which has occurred in Victoria and which has not occurred anywhere else in Australia had to be channelled through the Liberal Party’s gravy train and rort system — that is, through the two particular companies whose directors are prominent members of the Liberal Party.
This is an absolutely disgraceful situation. In addition to increasing the number of tables, the original concept — the hotel, the size of the casino and so on — has been changed five times. What opportunity has there been to provide a fair and honest approach to the tendering for the project by people other than Hudson Conway? None whatsoever. It has had the inside running all the way and has continued to have it with the increase in tables.

What are the effects of this totally biased and corrupt approach adopted by the Premier of this state and the gaming minister, Haddon Storey? As late as last Friday I attended in my electorate the official opening of the Waverley RSL, which has just been extended and renovated. The opening was attended by the State President of the RSL, Mr Bruce Ruxton. He has never been associated with the Australian Labor Party in any way, shape or form, but even he objects to what is going on.

In his inimitable way, Mr Ruxton clearly said he and the RSL could not understand what this government was up to by issuing 13,000, 14,000 or 15,000 poker machine licences. He said they could not understand why the profits from the casino were going into the pockets of individuals, not like the RSL clubs, the profits from which go back into the community.

The profits from the casino are going to Mr Walker and his cohorts through Hudson Conway and Crown. When a person like Bruce Ruxton stands up at a well-attended official function such as the opening of the new Waverley premises of the RSL and condemns the government for its handling of this issue, the government should realise it has some serious problems to contend with. As I said, Mr Ruxton is not a Labor man, and he has never been one to support us in opposition. But I tell you now, Minister, he and the RSL are very concerned about the way you and your government are dealing with this issue.

By virtue of having a Las Vegas-type one-off casino in the city of Melbourne the minister has created a situation that not only the RSL but the whole retail industry is concerned about. Retail figures are down right across the board, right across the state. I can guarantee the house that we would never have put ourselves in this position because we would not have given in to the gravy train. We would not have taken the corrupt approach of allowing two individuals who were closely associated with the government to run a casino. If we were in government we would never have subjected the business community of this city to the depression-type retail economy the casino has created.

The minister and his government are responsible for creating one of the most serious situations this state has experienced since its inception. During the gold rush Victoria went through some torrid times. There were some tyrannous people around in those days, including, no doubt, the likes of Mr Walker and Hudson Conway. We also recall the activities of Tommy Bent, a former Premier, and the outrageous behaviour of some Treasurers who nicked off back to England or Scotland or wherever with state funds. Some of those events took place a hundred years or so ago — but there has never been an event like this in the state's history.

The minister is guilty of allowing a two-partner casino to rip off the whole state in all manner of financial transactions. He has allowed them to harm the retail sector as well as all those well-established and honest forms of gambling that have existed for the past 100 years or so, such as betting on horse racing, including harness racing. The minister has put the torch to racing people; they are in dire straits. But I suggest the minister and his government are in dire straits because of the biased and corrupt approach they have taken towards the whole process.

The government's arbitrary decision to increase the number of gaming tables in the permanent casino from 200 to 350 resulted simply from the fact that when he entered the gaming room in the temporary casino the Premier was not able to get a table within a few minutes. No other venues were considered; no consideration was given to spreading the load across the state — none whatsoever.

We have seen the results of the bias and the corruption, led by the Premier and the minister. Minister, you are a guilty person; the citizens of this state will not forgive you for what you and your government are doing, and you will pay the price at the next election.

Hon. M. M. GOULD (Doutta Galla) — I oppose the bill and support the reasoned amendment, which calls for a study of the effects of Crown Casino and the proposed expansion of the casino and gaming in Victoria in general, the report on which should be made available for consideration by Parliament.
This bill will dramatically change the original structure and size of the casino, the design of which we were all informed about when the principal legislation was introduced in 1993. The bill does not provide for any impact study on the social consequences of the expansion, which the community is concerned about. I have spoken to members of Melton neighbourhood houses in my province, to citizens advice bureaus and to people involved in running emergency accommodation. All of them have told me the demand for the services they supply has increased dramatically since the temporary casino commenced operating.

The Heidelberg emergency housing group, with which I am closely associated, supports families in need. It provides houses for emergency accommodation, the number of which has just risen from six to seven, with the small amount of funding — $120,000 a year — it receives from the state government.

The services it supplies to Victorian people assist them financially. The service has told me that since the casino has come into operation the demand for financial assistance has increased dramatically and that the number of people who have come to it seeking emergency accommodation has increased. Assistance has been sought by people who have been evicted for being unable to pay their rent or people who have lost their houses after being unable to continue making mortgage payments because of their gambling problems.

The service has told me that once it would give people a $20 voucher for food, electricity, gas or water and there were no problems; the money would be used to purchase food or pay the bills. Now it says the vouchers are being cashed in and people are spending the money at the casino. The service says there is an enormous increase in requests for cash, and that this government has agreed to increase the number of gaming machines without doing a detailed study of the ramifications of the casino on the community.

In my electorate in the north-west the average person’s disposable income is quite small. Instead of going towards paying for food for children or buying clothes, that income is being used to gamble. The number of requests and demands for financial assistance has increased because the government did not bother to do a detailed study of the impact of gambling prior to bringing in this piece of legislation. It is for that reason that I support the reasoned amendment and oppose the legislation.

I am also concerned about the changes that have occurred since the original tender process for the casino was closed. Federal Hotels, which had the experience and expertise in managing casinos, is no longer involved. Hudson Conway is now the sole owner of the casino. Plans have been revealed to extend the casino from 360 rooms to 1000. What sort of impact will that have on the Victorian tourist industry? An empty bed overnight is money down the tube for all the other hotels around town, and it can never be regained.

The situation has changed since the original tender process was put in place. In August 1994 the size of the temporary casino was changed by increasing the number of available tables and poker machines. Has the government asked for additional licensing fees? Has it asked for a relevant amount of money in licensing fees? No, it has not.

It has been proposed that this legislation will reduce the tax paid by high rollers by 10 per cent. What will these high rollers do for Victoria’s tourist industry? Will they pay for their hotel accommodation? No, they won’t. Will they pay for their chauffeur-driven ride from Tullamarine airport to Crown Casino? No, they won’t! That will be paid for by Crown Casino. These high rollers will not contribute one cent to the Victorian tourist dollar — all they will be contributing to is Crown Casino. These high rollers will be treated as VIP guests. They will be taken out to golf courses either by helicopter or by chauffeur-driven car, but they will not be paying for that out of their hip pockets; they will not even be paying the same tax as every other Victorian on every gambling win he or she receives. They are being treated specially and differently.

We have heard a training centre will be built specifically for Crown Casino. That flies in the face of the whole training reform agenda we heard the minister speak about in this house: the need to train Victorians in fields and skills that can be recognised and transferable. This will be an elitist little club, an elitist work force that will prevent or restrict the workers of the Crown Casino having their skills transferred and recognised elsewhere, because it will be a single-site training centre.

Major changes have been introduced to the casino from when the original tenders were opened and closed. Changes have been made to the detriment of the previous tenders. The opposition opposes those changes and still expresses major concerns about the whole tendering process.
This government says one thing and does another. It is hypocritical in what it does. It talks about the need to have competition in our essential services, to have our electricity, gas and water utilities sold off and divided up. But the mates of Crown Casino have a monopoly! No-one else is allowed to get in on the act. No-one else is allowed to get in on the casino that gives it a licence to print money at a cost to all Victorians. It is all right for some, but it is not all right for others.

This government changes its mind to suit its mates. That is what this government is about; it is not about looking after Victorians. It is more concerned about looking after its one and only casino, and we know who is connected to it. That is one of the opposition's concerns, and it is a concern the opposition continues to have because the government says one thing to the people of Victoria but to its mates it says, 'We'll look after you. We'll make sure there is only one casino and that you are well looked after and well serviced'.

The opposition is also concerned about the lack of probity of the owners of Crown Casino, Hudson Conway and Gleem Pty Ltd. The casino requires the highest probity standards. The casino has a monopoly, so it is important that before anyone else gets a look into the casino industry in this state it and the people involved in it are beyond reproach. It must have no dirty linen hidden away anywhere - no sniff of impropriety. The casino requires a high probity for its owners and its employees. The government needs to ensure that those standards are maintained.

My stepsister's husband managed a hotel that housed gaming and poker machines. What was required of him in a probity check was incredible. My brother worked at that hotel part time. He had to produce the names, ages, birth dates and residential addresses of his brothers and sisters. And I have to admit it takes quite a bit of time to go through my family with all those lists. Every single one of us was checked out by the police to ensure that my brother could work in a local pub that had poker machines in it. If there had been the slightest sniff of impropriety not only would my brother have been precluded from working there but my stepsister's husband would have been unable to manage that section of the hotel.

We have the biggest casino in the Southern Hemisphere and the probity of major shareholders and owners is in question because of fraud and blackmail charges. What sort of a government can allow such circumstances to continue? The government must ensure the highest level of probity is maintained at all times. The guidelines have changed and, as I said, so have the guidelines for the tendering process. The opposition continues to raise concerns about that process and what was originally set out, which has now resulted in major changes to the size of the casino. The bill provides for an increase in the number of gaming tables, but that opportunity was not made available to the original bidders in the tender process. The bill provides for the number of gaming tables to be increased from 200 to 350, which is totally outrageous and unacceptable.

The opposition is concerned about the priorities of the government, which is more concerned about the casino than it is about addressing the needs of the Victorian community. Schools have suffered cuts that have resulted in increased class sizes and falling retention rates. People are waiting for ambulances and hospital beds, but we cannot have anyone waiting for casino tables!

Speech pathologists in my electorate have telephoned me with their major concerns about children they are treating who cannot get into kindergarten because their parents cannot afford the fees. The government is not addressing the needs of the Victorian community by ensuring that kindergarten fees are kept at a level that people can afford. It is concerned only about the number of tables so that people do not have to wait. The government has its priorities wrong. It is not concerned about waiting lists and falling retention rates.

Hon. W. A. N. Hartigan interjected.

The ACTING PRESIDENT (Hon. P. R. Hall) — Order! Mr Hartigan, it is difficult for Hansard to hear with your continual interjections.

Hon. M. M. GOULD — The government is concerned only about the waiting time to get a table at the casino to have a bet and to lose your money to pay the government's mates such as Mr Walker and Mr Williams. The culture of the casino should not be accepted. The government has ceased its campaign on the evils of gambling. It has prevented an advertising campaign directed towards young people about the problems of gambling.

When the Labor Party was in government it strongly supported an anti-smoking campaign by showing revolting advertisements about what happens to
people's insides if they smoke, but this government is not producing advertisements to deter people from gambling and losing their houses, being evicted, or having their electricity or gas cut off. Instead of generating jobs, the government is more concerned about promoting Melbourne as the gambling capital of the Southern Hemisphere, if not the world. If members go to one of the biggest retail complexes in the state, Daimaru, they will see it is having a pre-Christmas sale. Have you heard of a pre-Christmas sale before in the retail industry?

Hon. W. A. N. Hartigan — Sure!

Hon. M. M. GOULD — You don't have a sale before Christmas. You have it after Christmas and not before. That is the time for the retail industry to hold sales, but our retail industry is going down the tube because the amount that has been spent on purchasing products in this state has been reduced. Instead of buying new televisions, refrigerators, VCRs, quality Australian-made products or named products people are buying second-hand televisions, refrigerators or VCRs. Their spending on good quality products is reduced because they are spending their money on gambling.

Hon. W. A. N. Hartigan — Are you against gambling?

Hon. M. M. GOULD — I am not against gambling, but what I am saying is you must measure it appropriately.

Hon. W. A. N. Hartigan interjected.

Hon. M. M. GOULD — Gambling for entertainment is all right, but when there is no food on the table, the gas and electricity are cut off, people are evicted and children have nowhere to sleep, that is when I oppose gambling. The government is encouraging gambling. Instead of Victorians receiving tax relief they must pay between $1000 and $2000 extra a year in taxes. It is not fair when the government is reducing the tax burden on the high rollers that Victorians must pay increased electricity, gas and water bills, petrol taxes and public transport fares. The government does not have its priorities right because it is more concerned about encouraging people to spend their money at the casino than addressing the needs of Victorians. We have had more than 5000 increases in taxes and charges in Victoria, which has meant that families are paying up to $2000 extra a year in taxes and charges.

The government has walked away from the issue. It has not considered the social impact of gambling in this state. It tried to stop the original advertising campaign against gambling. It has not done appropriate research into the ramifications of gambling and it has not spent money from the Community Support Fund appropriately. Some of those funds were spent on a boat that is sitting at the bottom of the ocean.

Honourable members interjecting.

The ACTING PRESIDENT — Order! I can hear conversations in my right ear, in my left ear and in front of me. It is difficult for me to hear and I am sure it is difficult for Hansard to hear. I ask members to keep their conversations low or to go outside the chamber to converse.

Hon. M. M. GOULD — What the government has not done and what the opposition says it should do is ban intoxicated gamblers from the casino for a 24-hour period. It should also ban gamblers who have major wins so that they do not spend their winnings straight away. It is not the winners but the losers who have built the casino, the racing tracks and so forth. We should not have Eftpos machines at the casino. People should not have access to money over and above the amounts they set for themselves and take with them. Notices should advertise the organisations that assist people with gambling problems. Restrictions should be placed on known problem gamblers and intoxicated gamblers. Eftpos machines should not be placed in casinos so that people do not withdraw their last dollar to gamble.

The bill makes Ron Walker and Lloyd Williams winners and ordinary Victorians losers. Small businesses, particularly small retailers and businesses in the hospitality industry, are suffering and have made it known publicly that reductions in retail sales can be attributed to the casino.

Hon. W. A. N. Hartigan — Mismanagement.

Hon. M. M. GOULD — Those business people will be pleased to hear that their sales have fallen because of their mismanagement! Hotels and clubs, at least in Labor electorates, are not getting in the revenue they want because so much money is going into the casino. Mr Mier referred to what has been said by the State President of the Returned Services League about the casino and the losses it has caused RSL clubs.

Hon. W. A. N. Hartigan interjected.
A Labor government would protect basic values by reversing the casino culture and the gambling-led recovery. It would put an end to looking after this government's mates — people such as Ron Walker and Lloyd Williams — and would reduce the number of tables at the casino. A Labor government would concentrate on the right priorities for Victoria, such as secure and productive jobs, quality health care and education and fairer taxes.

It is imperative for the Victorian community to have a detailed study of the impact of gambling in the state, yet, instead, the government is increasing the size of the casino. Building work is already going ahead in anticipation of the bill's passage through Parliament. The builders, owners and operators of Crown Casino have shown their contempt of this Parliament by proceeding with what the bill allows prior to it being passed. The opposition opposes the bill and strongly supports the reasoned amendment.

Hon. C. J. HOGG (Melbourne North) — I will make only a few points in support of the contributions of my colleagues. The casino is a big presence at the far end of town and the very many changes being made to it clearly send a message about gambling not only to the people of metropolitan Melbourne but to all Victorians.

Several weeks ago I heard a spokesperson for the Salvation Army say on radio that during the past 12 months the number of requests it received for household assistance had increased by 200 per cent. The spokesperson was linking gambling — something people now feel much more relaxed about than ever before because of the message sent out by the casino — with the calls for assistance. The casino is a large symbol and sends a heavy message to the rest of state.

Gambling is a huge problem in some of the working-class suburbs I represent. I hear from social workers, neighbourhood houses and community interest groups that many people are now living with gambling problems. Although all opposition members are extremely glad the advertising debate will be brought on quickly, perhaps it is already too late. We need to think about what is happening in the city. Instead of moving in the direction of extending the casino and allowing more changes we should be taking stock of the situation before serious damage occurs to the social fabric of the state.

My colleagues have talked about this issue at some length, and I do not intend to repeat their arguments. However, one argument has not been raised tonight. A number of people involved in the arts community have suggested to me that the casino, as well as being a gambling palace, will be a huge entertainment venue the like of which has not previously been seen in Melbourne.

I raise this matter now because the Minister for Gaming, who is also the Minister for the Arts, is in the chamber. We have had many debates in this place during which the minister and I have asserted the primacy of Melbourne as a cultural capital. In those debates we have talked about the different types of entertainment that can be found in the Melbourne area; how exciting, fresh and new the fringe entertainment in the relatively low-cost centres of Brunswick Street and Carlton is; the strength of commercial theatre and the importance of the 19th-century infrastructure in keeping it alive; how important all that has been in getting tourists into Melbourne; and how important it has also been to provincial tourism.

Cultural tourism is vitally important for Victoria. We do not have some of the natural attractions of the Northern Territory and other states but we do have a cultural life which I believe is still second to none. The city is a lively, strong and exciting cultural centre.

I am not certain that what we have celebrated in debate on many occasions can withstand what is likely to happen in the entertainment complex of the casino. I shall be interested to hear the minister's thoughts on this because I have not conjured these ideas out of thin air. Many people associated with the arts community are very worried that a Las Vegas style of entertainment may grow up in the casino and that it will represent a real threat to the cultural, arts and entertainment life of the city of Melbourne.

This matter has not been discussed in detail in this house. I made glancing reference to it in my speech on the budget but the minister was not then in the chamber. I shall be interested in the minister's response to my concern, which is shared by many people.

The opposition has huge concerns about families and individuals affected by gambling problems and wants to know the details of the proposed public campaigns. However, I am also worried about the effect of the shadow cast over the city by the casino on what I thought we had all agreed is the most exciting cultural presence in Australia.
SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL

Tuesday, 28 November 1995

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

Ayes, 25
Asher, Ms Forwood, Mr
Ashman, Mr Guest, Mr
Atkinson, Mr Hall, Mr
Baxter, Mr Hallam, Mr
Best, Mr Hartigan, Mr
Birrell, Mr Knowles, Mr
Bishop, Mr Smith, Mr
Bowden, Mr Storey, Mr
Brideson, Mr Storey, Mr
Cox, Mr Strong, Mr
Craige, Mr (Teller) Wells, Dr
Davis, Mr (Teller) Wilding, Mrs
de Fegely, Mr

Noes, 11
Davidson, Mr Mier, Mr
Gould, Miss Power, Mr
Hogg, Mrs Pullen, Mr
Ives, Mr (Teller) Theophanous, Mr
Kokocinski, Ms (Teller) White, Mr
McLean, Mrs

Pairs
Connard, Mr Nardella, Mr
Skeggs, Mr Waipole, Mr
Varty, Mrs Henshaw, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

Many issues were canvassed during the debate, but Mrs Hogg raised one that was not mentioned at any other stage — the effect of the bill on Melbourne’s cultural life. I would be pleased to discuss it with her at length, but now is not the time. The short answer is that the potential impact was considered when the registration-of-interest procedure started in 1991.

It was always contemplated that the complex would have a substantial entertainment element. I do not believe the extensions that are the subject of the bill will affect that issue. The types of entertainment are likely to be different from those we currently have. I hope they will increase our interest in new activities rather than detracting from Melbourne’s existing cultural attractions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. R. M. HALLAM (Minister for Finance).

Hon. T. C. THEOPHANOUS (jika jika) — The opposition does not formally oppose the bill. However, we want to register our concerns, particularly about the consultation process and about the employees who will be affected by the bill. The Minister for Finance will be aware that those issues were raised during the debate in the other place. Undertakings were sought from the minister, who was asked to enter into consultations with the people who would be affected. I do not know whether that has occurred, but undertakings were given that the minister would be notified.

Hon. R. M. Hallam — Which minister?

Hon. T. C. THEOPHANOUS — The Minister for Finance.

Hon. R. M. Hallam — Most of the employees are in the education system. Intensive negotiations have occurred.

Hon. T. C. THEOPHANOUS — The bill deals with superannuants. Did the negotiations occur while the bill was between houses?

Hon. R. M. Hallam — They have been going on for some months.

Hon. T. C. THEOPHANOUS — It is clear from the minister’s response that no action was taken in the other place, and I shall come back to that later.
Essentially, the bill has four major components. The first deals with the new standard delegation clause allowing the boards of superannuation funds to delegate investment powers to fund managers without the Treasurer's consent. Although the opposition recognises and does not object to the fact that boards should take responsibility for the management of their funds — ultimately the state is responsible for the funds — in the past it was possible for the Treasurer to keep an eye on who was selected as a fund manager because his approval was required. I am not sure about the removal of that requirement. Time will tell whether it is a good idea. If a board selects fund managers who are incompetent or unable to manage the funds appropriately it is possible for the Treasurer to say 'It is nothing to do with me because the board selected the fund managers'. At present the Treasurer's approval is required for the selection of the fund manager, so to that extent he is accountable.

The second major change is the rationalisation of beneficiaries' accounts. The amendment completes the process of the rationalisation of these accounts. It involves taking funds voluntarily kept in defined benefits schemes and placed in accumulation funds such as Vicsuper. As a consequence of the changes individuals who own the funds are being offered wider investment choices than they would otherwise have were the funds still within the defined benefits schemes. The opposition does not object to that change because it affects only those people whose superannuation is in defined benefits schemes and who are being transferred into other superannuation funds. Indeed, risk is associated with the defined benefits scheme or an accumulation fund such as Vicsuper. The only difference is that with the accumulation fund the individual has a wider choice of investments; so the risk to that extent is with the individual rather than entirely within the ambit of the defined benefits scheme. The opposition has no difficulty with that provision.

The third major issue relates to disability pensions, an area of some debate and angst, particularly for people affected by the amendment. The amendment will affect people on disability pensions who are declared no longer disabled. Many people still receive the disability pension even though they were declared no longer disabled, so in many respects the provision runs counter to the provisions of the act.

**Hon. R. M. Hallam** — Certainly the spirit of the act.

**Hon. T. C. THEOPHANOUS** — The spirit and perhaps even the law. Certainly the spirit of the act is breached.

**Hon. R. M. Hallam** — If it was the letter of the act we would take a different remedy. It is the spirit of the act that is being challenged.

**Hon. T. C. THEOPHANOUS** — I am not a legal expert so I shall not argue about that. You may wish to raise it with your legal advisers.

**Hon. R. M. Hallam** — We have been trying to find our way through a complex problem in a humane way.

**Hon. T. C. THEOPHANOUS** — I am trying to approach this issue constructively, because it affects people who are currently receiving pensions. I am not arguing whether it is the spirit or the letter of the act that is affected, and I do not particularly care. The fact is that traditionally people have remained on disability pensions even though they have been declared no longer disabled. The bill attempts to rectify the problem by giving some choices to individuals. The first is that the individual can take a retirement benefit in a lump sum and if the individual accepts a lump sum the disability pension is no longer paid. If an individual is not interested in receiving a lump sum he is offered employment. I am not certain which is offered first — the job or the lump sum.

**Hon. R. M. Hallam** — They are effectively entitled to the job, to re-employment.

**Hon. T. C. THEOPHANOUS** — Presumably the job is offered first.

**Hon. R. M. Hallam** — Yes.

**Hon. T. C. THEOPHANOUS** — They can choose to re-enter the work force. I presume arrangements are in place for the public body or organisation that formerly employed those people to agree to take them back. They do not necessarily go back to the same jobs; they may go to something different to their previous employment. It is of some concern that the jobs to which they may return may pay significantly less than did the original positions. Indeed, there is no requirement that they would necessarily be paid at the level of the jobs in which they are then employed. The only requirement is that they be paid at the level of the disability pension or the minimum wage payable in the public service, whichever is the greater.
Many of these people have had quite senior positions — for example, school principals; they may find themselves being offered jobs that are akin to, say, the duties of assistant clerks in the administration of a department or they may be offered assistant teaching jobs. Consequently, their levels of payment, although they would not have decreased, would not be at the level at which they were paid prior to their becoming disabled.

Hon. R. M. Hallam — Unless they resume the job at that level.

Hon. T. C. THEOPHANOUS — That is right, but the requirement is that they not be re-employed in the previous job.

Hon. R. M. Hallam — That is true.

Hon. T. C. THEOPHANOUS — It is quite the reverse. The act allows for jobs other than their former jobs to be offered to them.

Hon. W. A. N. Hartigan — A safety net provision, in effect.

Hon. T. C. THEOPHANOUS — Yes, a safety net provision, but it is designed to get somebody who is no longer classified as disabled back to work in some kind of employment. In some sense it has some parallels with the Workcover legislation. It does not surprise the opposition that you, Minister, would support that. However, as you are aware, we have had problems with similar aspects of the Workcover legislation. I hope we do not have similar problems in the way this legislation is implemented.

Employers will be required to offer employment. However, I understand there are no real penalties if that does not occur. There may be no penalties within government departments, but it is more at the whim of the minister that a department actually conforms. Under the provisions of section 76(2) of the act they would be offered something like the first vacancy that arose. Although that is a requirement, the job may not be available.

If a person refuses an offer of employment and he also refuses to take the lump sum, there is a question of what happens to him. If, in the example I gave, he does not want to work as a teaching aide, having been a school principal, and does not want to take the lump sum, what would happen to that man? The answer is he would be taken off benefits.

Hon. R. M. Hallam — True.
self-esteem if you had to stand outside — not that I
mean to demean the work done by the
parliamentary staff, but — —

Hon. R. M. Hallam — You just did.

Hon. T. C. THEOPHANOUS — I don’t believe I
did. Nor is it demeaning to the work of teaching
aides to compare them with school principals. They
perform a different function.

The issue concerns the way in which individuals see
themselves. If you have spent 10 or 15 years seeing
yourself as a school principal, it is hard to change
overnight and adapt to seeing yourself as a teaching
aide, I suggest. The bill affects a large number of
people. I understand 2500 people in the under-55
age group and about the same number in the
over-55 age group are affected. The number affected
could be as high as 5000, not all of whom have been
classified as being no longer disabled. I think that
number would total about 200.

Hon. W. A. N. Hartigan — Correct.

Hon. T. C. THEOPHANOUS — The immediate
impact is not on an enormous number of people.

Hon. R. M. Hallam — We start with the premise
that we apply the test to those beyond 55 years of
age. That is where we start from.

Hon. T. C. THEOPHANOUS — I have no
problem with what the minister has just said. It is
simply the way this is constructed. I do not think
that impinges on anything I have said.

I understand there is also an appeal process to the
Administrative Appeals Tribunal. I am glad that has
been incorporated in the legislation because it may
well mean, in the example I used, that the AAT may
decide something different, although I am not sure
whether the AAT has the power to resolve a dispute
concerning the employment asked of the individual
or whether its power is limited to deciding whether
the individual should be classified as being no longer
disabled. Perhaps the minister will clarify that matter. Does the minister know?

Hon. R. M. Hallam — I do know, but it is not
germane to the debate. The AAT will perhaps sit in
judgment on the question of entitlement after the
event but not on the question of whether the
disability is to be reviewed. That is a question for the
same people who determine disability in the first
place.

Hon. T. C. THEOPHANOUS — I have been
unable to ascertain from the bill what all that means,
but I am happy to see there is some appeal to the
AAT and I hope it is broad enough to deal with the
issues I have raised.

The fourth part of this legislation deals with new
standards for payment of interest on overdue
amounts, and that is that the interest is payable if the
lump sum is not paid within 14 days as opposed to
the present provision of 21 days, and in some cases
two months. We welcome that initiative.

They are, broadly, the four major areas of the bill. I
have indicated that we reserve judgment on the first
and have some concern regarding disability
pensions. We are aware that there has been an
agreement between Trades Hall Council and the
government about these matters, and I have been
provided with a copy of that agreement which sets
out the process for people going back to work.

Clause 3 of that agreement states:

The employing authority is responsible for developing
and implementing return-to-work programs for such
individuals. Those individuals who have elected to
return to work will be placed in a position with pay
equivalent to the former pension payment applying to
the individual or the minimum wage applying to the
lowest work classification in sector M — government
administration industry sector, whichever is higher.

That confirms my understanding: that people can
suffer significant reductions in salary from the point
of view of the work they used to perform compared
with the type of work that is offered. The important
matter in the clause is about the authority being
responsible for developing and implementing
return-to-work programs. I hope that those
return-to-work programs are of an effective nature
and are sensitive to the human issues that I have
raised.

It is necessary for me to mention that the opposition
has had correspondence on this bill, in particular
from the Early Retirees Association, much of which
is not complimentary. The letter has in bold writing
at the top the word ‘Help’ and goes on to talk about
the destruction of the public sector reform
agreement on superannuation that was signed in
1993. It is a letter addressed to John Brumby, a copy
of which was also sent to me. The letter raises a
number of concerns about the disability retirees and,
in part, states:
Quite apart from the financial ruin that could befall 3000-plus people we are extremely concerned about the welfare issues considering the varying disabilities that we have already identified. Attempted suicides have already occurred during review processes that are now conducted at Workcover rehabilitation centres instead of government medical officers.

Whether that is an overreaction or not, the fact is that the association has raised a number of concerns, including its view that these arrangements go against current commonwealth superannuation. The most important matter it raised is the lack of being consulted. The association says in a letter of 5 November:

On October 24th this year the superannuation board were given two days notice of proposed legislation that will either demolish or diminish the rights of 3000 ill-health retirees. The new Minister for Finance, Mr Roger Hallam, has now reviewed this agreement without any form of consultation that was, in itself, to form part of this agreement.

That refers to the 1993 agreement. The letter goes on to make the same point about contravening the commonwealth legislation, but the central point is the difficulty faced by many of these people, their isolation and insecurity and a whole range of problems that are part of the tragedy of being disabled.

Hon. R. M. Hallam — They are no longer disabled.

Hon. T. C. THEOPHANOUS — They are talking about the 3000 people.

Hon. R. M. Hallam — The point is that the people affected by this bill are adjudged to be no longer disabled.

Hon. T. C. THEOPHANOUS — I understand what the bill says, but the central point is the lack of consultation, and that is what I am raising with you, Minister. Not only is lack of consultation indicated to us in correspondence, but undertakings were given in another place that such consultation would be raised with you. It is clear from your attitude and your response that it has not been raised with you and that no such consultation has taken place between you and these associations.

We understand an agreement has been reached with the Trades Hall Council and that there is an attempt to deal with this issue in a way that will have the least effect on these individuals. However, at the very minimum it is not only Trades Hall Council that must be consulted: I would have thought, Minister, that you of all people would recognise the need to actually consult those who are affected by the legislation. It is quite clear that you have not, and it is quite clear that those undertakings in the other place have not been adhered to either.

Not only has the Early Retirees Association forwarded correspondence, but the Combined Council of State Retirees has also contacted the opposition and made similar points about the lack of consultation with its organisation in relation to this matter. That council represents 20 000 retirees, and it claims that these measures will affect its members in the 10 organisations, including retired police officers, retired senior officers of the Victorian education system, retired railwaymen, retired state employees, retired teachers, the retired officers division of the SPSF — now affiliated with the Community and Public Sector Union — Vicroads retirees and the Association of Retired Principals under the old technical, secondary and primary education system.

So the council has a broad representation and a broad set of interests to try to look after, and it is saying it was not consulted on this bill.

Hon. R. M. Hallam — I do not wish to be flippant, but we are not talking about people who have retired; we are talking about people who have gone on disability benefits and are now deemed to be no longer disabled.

Hon. T. C. THEOPHANOUS — The council represents those people. These sorts of organisations represent such people.

Hon. R. M. Hallam — You are talking about retirees.

Hon. T. C. THEOPHANOUS — The Combined Council of Retirees and the Early Retirees Association represent those people. Such people are members of these organisations. Is the minister saying that if an organisation has a dispute that involves a small part of its membership, that organisation should not be consulted? It is an absolute nonsense, and the minister knows it. The best he can do is to say he will undertake to consult them and try to explain how the bill will work and why the process to be put in place will not disaffect them. That would be the logical and appropriate thing to do during the course of this debate. I say
simply to the minister: thank you for that, and I hope those discussions will bear fruit and that these people's fears can be allayed so we can move onto actually implementing the legislation in such a way that everyone is comfortable with what the government is trying to achieve. If we were not comfortable with what the government is trying to achieve we would be opposing the bill.

With those words, and notwithstanding the need for me to raise my voice in this matter — I did not intend to have this debate in that context, but rather to try to be constructive and assist the government, if you like, in making sure that people are consulted and that these changes have the desired effect, which is to put people back into proper and appropriate types of work, offer them lump sums and try to deal with a problem that has been emerging as part of the superannuation arrangements — I indicate the opposition will not oppose the bill.

Hon. W. A. N. HARTIGAN (Geelong) — I obviously support the bill. I do not wish to go over the ground covered by the Leader of the Opposition. He has described some of the machinery elements of the bill and accurately defined the reason for the action being proposed under the bill.

We are trying to bring the operation of superannuation policy in the public sector onto some sort of organised, standard basis. The delegation of board powers, for example, is an appropriate response to giving responsibility to the major public sector superannuation schemes.

I think it makes sense to allow beneficiaries' accounts to be put into accumulation accounts. That gives beneficiaries some opportunity to, in a sense, maximise their income opportunities. I see every reason why we should do everything we can to widen the opportunities and give people the widest choice of ways to manage their funds that arise from the superannuation arrangements.

Hon. T. C. Theophanous — See! There are some things on which we can agree.

Hon. W. A. N. HARTIGAN — You work on it. I am sure that with a little sympathy, education and appreciation of the real world, there would be many things on which we could agree.

Hon. T. C. Theophanous — Some people say I have had too much education.

Hon. W. A. N. HARTIGAN — I do not know if that is possible. In many cases it depends on your capacity to receive it. The bill completes the arrangements with respect to beneficiaries' accounts. It gives a range of choices to everybody relying on the public sector superannuation accounts. That is good.

The major issue raised by the Leader of the Opposition is that of a person previously classified as disabled being classified, after medical review, as being no longer disabled. Of course, this creates a problem with the purpose and intention of superannuation and it is not surprising that it brings us into conflict with the federal superannuation scheme. Consequently, it is true to say this bill is in a sense a transitional arrangement that over a period of time enables people who are newly classified as disabled to understand how the system relating to the denial of disablement operates.

The government has tried in this bill to provide people who perhaps do not wish, on being advised they are no longer deemed disabled, to take up employment with whichever authority employed them before their disability. It gives them a choice of taking up a lump sum payment or going back and seeking an employment opportunity with the authority that originally employed them.

As the Leader of the Opposition identified quite correctly, the number of people involved is not large in relation to the level of employment that exists in the major agencies from where most of these people come. I can see no reason why they should be discriminated against merely because they were disabled at one stage and are now no longer considered disabled. I can see no reason why the authorities responsible for their re-employment should treat them on any basis other than one of fairness and equity. In other words, if they are qualified to take up a particular level of employment, there is no reason why that would not be readily available in most cases. As I said, the number of people affected is not large.

The Leader of the Opposition also accurately referred to the fact that a person who has been removed from the disability list has a right to appeal a decision in the Administrative Appeals Tribunal. So a number of protections are in place for people affected by this bill.

The bill represents a considered, serious and humane response to the need to align the Victorian legislation with the requirements of the federal
superannuation legislation. It represents a reasoned approach to giving people a choice between seeking re-employment with the authority by which they were originally employed or taking up a lump sum. More importantly, it correctly places the responsibility on the employing authority rather than on the superannuation fund, which I suspect has been the case in the past. The bill represents a sound move in the right direction and, with a bit of goodwill on everybody’s side, it will work for the benefit of those people shown to be no longer disabled.

The other issue relates to a reduction of the time in which lump sum payments must be made and the payment of interest. The minister will know that some of his colleagues, myself included, believe it is appropriate to tighten up the guidelines for the superannuation authorities. We believe superannuation lump sums should be paid as quickly as possible and we want to ensure that the authorities that are dilatory in their payments are forced to compensate beneficiaries.

All in all, this bill tidies up the residual elements of chaos or disorder in public sector superannuation administration. It deals with the problem that was capable of causing us a certain amount of embarrassment in terms of conforming to the federal superannuation arrangements. I think it is an approach that attempts to deal fairly with people affected.

I do not wish to make an issue of the point that Mr Theophanous raised about the disability associations, but the fact is that nothing in this bill affects the rights of the disabled. The bill deals with people who are no longer disabled and although I suppose you could, by some extension of logic, argue that the disability associations had some interest in it, it is a fairly long bow to draw, and certainly it is not the government’s intention to treat those people unfairly.

When they see the impact of the legislation and the way it operates they will find some of their fears unfounded. I recommend the legislation to the house.

Motion agreed to.

Read second time.
to rezone their large properties to allow double the number of lots currently allowed through subdivision.

In view of that situation I request that the Planning Authorities Repeal Bill be proclaimed to determine whether it offers any improvement to the present unsatisfactory situation of virtually unfettered ministerial power.

**TAFE colleges: enterprise agreements**

Hon. C. J. HOGG (Melbourne North) — I raise with the Minister for Tertiary Education and Training the enterprise agreements that have been reached at RMIT and Swinburne by staff members belonging to the relevant employee organisations — the Australian Education Union, the Australian Liquor, Hospitality and Miscellaneous Workers Union and the National Tertiary Education Union. Over some months the agreements were worked out with great care and patience. I am informed that in each case the TAFE component of the agreement has been deemed unacceptable by the Office of Training and Further Education, which is now throwing those agreements into doubt.

I ask the minister how he can reconcile his arm's-length approach to the institutions and the much-discussed autonomy of TAFE with the interference of OTFE at this time with agreements that have been long argued and hard won.

**Minister for Sport, Recreation and Racing: greyhound lease**

Hon. D. R. WHITE (Doutta Galla) — I raise a matter for the attention of the Minister for Roads and Ports relating to the portfolio of the Minister for Sport, Recreation and Racing in another place. The matter concerns the gift of a lease of a greyhound to the minister when he was a backbencher in opposition and pursuant to his term as shadow minister for sport and recreation.

I have consulted the Racing Act of 1958 and have received legal advice on the matter to the effect that the Greyhound Racing Control Board was acting improperly and outside its powers when it leased to the minister a dog he called Liberal Victory. The board is not allowed to own dogs; it is not allowed to be party to the ownership of and competition of greyhounds. As the control board is responsible for all matters to do with greyhound racing, including hearing appeals against the decisions of stewards, how could it put itself in the position of hearing its own appeal?

The dog was registered in the name of the promotions officer of the Greyhound Racing Control Board, but it was still owned by the board. As the minister has received a dog that the control board was not legally permitted to give him, what can he now do, as the minister in charge of the Racing Act, to prosecute the board, given that he is party to the offence? We are dealing here with a crime that involves a minister — —

Hon. M. A. Birrell — On a point of order, Mr President, the honourable member has suggested that a minister of the Crown is party to an offence. That is offensive and I ask him to substantiate it. The point could have been raised in the lower house, but it was not. It should be withdrawn.

Hon. D. R. WHITE — Mr President, on the point of order, I am raising a matter relating to the activities of the Greyhound Racing Control Board, and I am pointing out that the control board has committed an offence under the Racing Act.

Hon. M. A. Birrell — You said the minister has been party to an offence.

Hon. D. R. WHITE — As a consequence of having received that dog, which is a breach of the act, he in turn, willingly or unwillingly, has made himself party to the offence.

The PRESIDENT — Order! The rules in relation to matters involving members of the other house are clear. The member referred to is not here to protect himself, so other members are entitled to object on his behalf. The question is whether the statement is objectively offensive or whether the matter should be proceeded with by way of formal motion. I believe the matter is objectively offensive, and I ask the member to withdraw it.

Hon. D. R. WHITE — Mr President, thank you for your ruling. I withdraw the words 'is party to the offence'. It appears that the board's giving greyhounds to individuals or companies is a crime under the act, one which would attract considerable penalty points. Clearly, the greyhound racing industry, being part of the gaming industry, must be beyond reproach. As I have said, the greyhound control board is responsible for putting itself in the position of having to deal with offences under the act. In his dealings with the industry the minister
must preserve his reputation, which he has not done by accepting the dog and the winnings.

Hon. R. I. Knowles — On a point of order, Mr President, the honourable member has just reflected on the minister. That is not allowable under the standing orders, and I request that it be withdrawn.

Hon. D. R. WHITE — On the point of order, Mr President, I have indicated that the minister has not protected his reputation by putting himself in the difficult position of accepting the dog and the winnings. I point out to the house that there is no question that the minister has accepted the dog and the winnings; and in doing so and because under the act the Greyhound Racing Control Board has committed an offence, the minister has not protected his reputation.

Hon. R. I. Knowles — Further on the point of order, Mr President, the honourable member’s saying that the minister has not protected his reputation implies that the minister is party to an alleged offence. That is not established, it is offensive and it ought to be withdrawn.

Hon. D. R. WHITE — Mr President, I cannot see how the words ‘the minister has not protected his reputation’ —

The PRESIDENT — Order! In this instance I agree with Mr White. It is capable of a number of interpretations and is not objectively offensive. I do not uphold the objection of the Minister for Housing. But I ask Mr White to get to the point of his question.

Hon. D. R. WHITE — The trainer involved is Kevin Richards. He, in turn, is the subject of investigation at the moment for sire switching, which has put a lot of people out of pocket. How can the minister preside over a sport when he is involved in receiving gifts and when, as a consequence of investigations into the sire swapping activities of the trainer, Kevin Richards, the dog that is a gift to him is being trained by a person who in turn is the subject of investigation?

The opposition’s view is that the minister is putting himself in a position where on the one hand he receives the gift of a dog and on the other hand has as the trainer a person who in turn is under investigation, who has compromised the training activities of the greyhound racing board and the investigations that should arise from that.

The PRESIDENT — Order! Mr White knows he is not allowed to make a set speech. He is able to ask a question. The question is whether the answer calls for an opinion. How is the minister to protect himself? I am at a bit of a loss to know. I will give Mr White one last chance to frame the question.

Hon. D. R. WHITE — The question I put to the minister representing the minister in another place is: what steps does he intend to take to extract himself from the circumstance where he has received a gift that has compromised his ability to deal fairly and without favour with the activities of the Greyhound Racing Control Board and to deal, as he will have to, with the investigations that are currently being undertaken into the activities of the person who is training his dog — namely, Mr Kevin Richards?

Supported residential services

Hon. D. A. NARDELLA (Melbourne North) — The state government is responsible for supported residential services (SRSs). In this year’s annual report by the Office of the Public Advocate the Community Visitors express concerns about some residents not having enough disposable income and being absolutely dependent on their carers and the proprietors of hostels and nursing homes. They rely on the SRSs for small things like toothpaste, toothbrushes, soap, face washers and other personal effects. Many do not even have money for small things like telephone calls and newspapers. Some of the residents earn lollies or other small rewards, such as smokes, for performing duties at the SRSs.

The Community Visitors report says the system is open to exploitation of residents by proprietors in this unregulated environment. At the commonwealth level residents of hostels and nursing homes retain at least 12.5 per cent of their pensions to maintain their independence and dignity. The Department of Health and Community Services uses SRSs for some of its clients and is placing older clients into such situations. A recommendation by the Community Visitors suggests that pension-dependent residents receive a weekly disposable income of 12.5 per cent of their pensions.

I ask the Minister for Aged Care what the government will do to implement this important recommendation, and if it is the intention of the government to implement this recommendation, when the minister sees this happening.
Franchise companies: code of practice

Hon. B. N. ATKINSON (Koonung) — I direct to the attention of the Minister for Gaming, who represents the Attorney-General in another place, my continuing concern about the operations of franchise organisations in Australia and the lack of effective regulation or legislation controlling those operations.

I note with dismay that recently an organisation called Mr Antenna went into liquidation. It had heavily promoted franchise opportunities on 3AW and in the press, despite the fact that clearly there were limited market opportunities for people who might become involved in the organisation. I also note the failure of two other well-known franchise organisations, Cut Price Deli Pty Ltd and the Knitwit chain of stores.

I am aware that the federal Minister for Science and Small Business in conjunction with the Attorneys-General from around Australia has been expressing concern about the operation of the current voluntary code of practice. That follows reports that have tried to appraise the code of practice and have found that the smaller franchise organisations have not been complying with it. In fact often they do not register with the code and therefore are not bound by it, whereas the larger franchise organisations that are not as much at risk in terms of their extracting money from investors are prepared to join the code but have some concern about the legislation. Their industry and operations have been severely compromised by the activities of people of disrepute and shoddy business practices in the way they try to attract franchisees.

My major concern is the fact that many of these franchisers — Mr Antenna was one until recently and Cut Price Deli was in the same boat — were going around to exhibitions trying to sell franchises at a time when clearly they were in financial difficulties. They were selling a goodwill component in the franchise fee that they were not in a position to offer, given that their businesses were in some difficulty, and more importantly they were offering new locations for businesses that were unproven. I have a real problem with that goodwill component of franchise fees.

I ask whether the Attorney-General will consider the possibility of suggesting to the other Attorneys-General around Australia and to the federal minister that a scheme be investigated to allow the goodwill component of the franchise fees to be paid into a trust fund by the franchise organisations and drawn down on a gradual basis, perhaps over two or three years. If these organisations were to fail, as Mr Antenna, Cut Price Deli and Knitwit did, at least the franchisees would be able to retrieve some of their investment, as one would expect they would be entitled to.

Moonee Valley: services

Hon. PAT POWER (Jika Jika) — I seek assistance from the Minister for Local Government in relation to a matter involving the City of Moonee Valley that has been drawn to my attention by a resident of Bellair Street, Kensington. The resident has forwarded to me, and I am advised she has also forwarded to the minister, a copy of the correspondence she has written to the chair of commissioners at Moonee Valley council.

I raise this issue in the context of the minister having given assurances on a number of occasions that the consequence of amalgamations and CCT will not be that the standard and quality of local government services will fall. Indeed, the minister has argued that services will be maintained, if not improved. That was not the experience of the resident in Kensington who says in the correspondence that in all the time she has lived in the area she has had no cause to complain and has never complained before about the services provided by local government.

However, the experience has been that from the moment Kensington began to be administered by the City of Moonee Valley there has been great cause for complaint. My constituent, who is a resident of Kensington, writes about a severe decline in the quality of street cleaning and garbage collection services, with a corresponding decline in cleanliness, hygiene and aesthetic appeal. My constituent also expresses concerns about Racecourse Road and Bellair Street, and states:

The litter and filth is not just of recent origin ... It is of slum proportions, and that is not an exaggeration. My neighbours noticed rats in the laneway.

I ask the minister whether he will inquire of the City of Moonee Valley on this issue and report in due course whether the experience of the Kensington resident to whom I have referred indicates that the minister's claim of a maintenance of and improvement in local government services is not the experience in this case.
ALP: privatisation policy

Hon. BILL FORWOOD (Templestowe) — I raise for the attention of the Minister for Finance a matter concerning Victoria's commercial activities and its reputation as a significant trading partner. In particular, I direct the attention of the minister to the Labor Party's proposals to take back into public ownership utilities sold by the coalition government.

I have received advice that the Heidelberg North branch of the ALP is meeting tomorrow night. That branch is owned by Craig Langdon, who is well known as the current Labor Party candidate for the state seat of Ivanhoe at the next election and as the former electorate officer of the honourable member for Preston in another place.

Among the members of the Heidelberg North branch are: Laurinda Lee Langdon, membership no. 19470; Kent Langdon, membership no. 19488; Mark Staples, the son of the federal member for Jagajaga, membership no. 17786; Sean Hyland, membership no. 23890; and its president, Dean Sherriff, who is also the director of Craig Langdon's campaign for Ivanhoe, whose membership no. is 23886.

Tomorrow night, following an address by guest speaker Mr Barry Pullen, who is talking about woodchipping and the environment, and his shadow ministry —

Hon. B. T. Pullen — I will be here tomorrow night debating the City Link bill.

Hon. BILL FORWOOD — This is important because the Heidelberg North branch will be debating the following motion —

Hon. Jean McLean — Who are you asking this question of?

Hon. BILL FORWOOD — The Minister for Finance. The motion is:

That this branch calls on the next Labor government to 'take back' into public ownership —

Hon. D. A. Nardella — On a point of order, Mr President, your guidelines relating to the content of speeches on the adjournment debate are specific: matters raised must be within the administrative competence of the Victorian government. In a long dissertation Mr Forwood has referred specifically to the Heidelberg North branch of the ALP, but he has not yet outlined how the matter relates to government administration. I ask you to bring him to order.

The PRESIDENT — Order! The maximum time allowed for this type of speech is 5 minutes. Mr Forwood has slightly more than a minute to go, and I will give him that time to relate his question to government business.

Hon. BILL FORWOOD — The motion states:

That this branch calls on the next Labor government to 'take back' into public ownership, with minimum compensation to corporate investors, the electricity, water and gas utilities which have been privatised by the Kennett government ...

If Labor ever returns to power it will probably be next century. However, I ask the minister how Victoria's corporate reputation would be affected if a Labor government were to take back those sorts of utilities, offering minimum compensation.

Moreland: Jacana Valley open space

Hon. M. M. GOULD (Doutta Galla) — The matter I raise for the attention of the Minister for Conservation and Environment relates to the proposal by Melbourne Parks and Waterways to sell off part of the Jacana Valley open space at Glenroy. Local residents and other members of the public are concerned at the possible loss of a soon-to-be-diminished piece of parkland to a golf course, which will take up 95 per cent of the current open space.

The City of Moreland has declined the offer to purchase the strip of land at risk, but it fully supports the need to retain it as open space. In conjunction with a representative group of Moonee Boulevard residents, the council has been requesting an appointment with the minister to discuss the issue since the beginning of August. Several letters from residents and repeated communiqués from Mrs Clare McCardle, who is the director of development at Moreland council, have so far achieved only the reply: the minister is not ready yet. Mrs McCardle's requests to meet with the minister's adviser have also been unsuccessful.

I ask the minister to inquire into the matter and to make time to talk to the Moreland council and the residents about the sale of the Jacana Valley open space at Glenroy.
Tullamarine Freeway: road markings

Hon. D. M. Evans (North Eastern) — In raising a matter for the attention of the Minister for Roads and Ports I point out the advantages to public safety of highly visible markings on road extensions. I refer in particular to the guardrail that runs down the centre of the Tullamarine Freeway. If the rail were more brightly painted the roadway would be safer for drivers. The matter was raised with me by a constituent who uses the freeway regularly. Will the minister assure the house that the matter will be attended to?

As one who uses the Tullamarine Freeway regularly and is frequently caught in traffic jams, I cannot wait for the proposed freeway extension to be completed so that I can pay my $1 and avoid the traffic jams.

Hon. M. M. Gould — It will be $3.

Police: Moonee Ponds bike patrol

Hon. D. T. Walpole (Melbourne) — I raise with the Minister for Roads and Ports, in his capacity as the representative of the Minister for Police and Emergency Services in another place, an article in the Community News of 14 November on police bike patrols. The Community News is a local newspaper circulating in the Moonee Ponds area. The article entitled ‘Police need your donations’ states:

Moonee Ponds police are trying to raise funds to set up a bike patrol in the area.

Sen. Sgt Chris Connor said the station needed $4400 to cover the cost of bikes and uniforms.

Two bikes fitted with minimum standard equipment and special accessories are needed to make up the four-member patrol.

The force was reluctant to spend district funds on bike patrols, preferring to use the money for computers and other equipment, Sen. Sgt Connor said.

The bike patrols would help to establish a visible police presence in the community and foster closer ties with residents and traders, he said.

‘Moonee Ponds is a settled old area with lots of alleyways and car parks’, he said.

‘Bike patrols can cover five times the area of foot patrols and a visible presence can help reduce crime and give police greater contact with members of the community’ ...

Anyone interested in making donations should ring Sen. Sgt Connor.

Bike patrols are an excellent idea, but I wonder where society is going when police are forced to go begging to the community to purchase equipment to carry out their duties properly and effectively. Police bike patrols would benefit the local community and I know people would welcome the patrols, but they are distressed that police are forced into the position of begging for funds. It is ridiculous that police have used capital funds to purchase an armoured personnel carrier that may be suitable for Bosnia but certainly not here.


Hon. D. T. Walpole — That is probably a good idea. Perhaps the armoured personnel carrier could be used around the streets of Moonee Ponds instead of a police bike patrol! I do not think the residents would like it. I wonder how many bikes could be purchased with the money wasted on an armoured personnel carrier. I ask the minister to take up the matter with his colleague in another place to see what can be done to assist the police in Moonee Ponds to obtain funds for a bike patrol so the citizens of Moonee Ponds can feel more secure.

Queenscliff: marina and harbour plan

Hon. B. T. Pullen (Melbourne) — I raise for the attention of the Minister for Conservation and Environment the status of a proposed new marina and harbour plan at Queenscliff. I understand it was the subject of a meeting at Queenscliff today and was previously discussed at a harbour study meeting on 16 November.

Melbourne Parks and Waterways and the Department of Conservation and Natural Resources have, I understand, been contributing to the project, which has already progressed to an advanced stage, including plans and a preferred proposal that envisages the development of a 200 or 300-berth marina in Swan Bay, the development of buildings and facilities on Rabbit Island and the building of a new access road along the foreshore and through the existing Victorian Fisheries Research Institute or the Marine Science Laboratories site.

Hon. M. A. Birrell — Whose proposal?
Hon. B. T. PULLEN — A new channel is to be cut between Swan Bay and Port Phillip Bay. A new causeway between Queenscliff and Rabbit Island is also to be constructed. All that is occurring in the Swan Bay area at a scale and in a location not previously considered for development. It encroaches on the Swan Bay flora and fauna reserve. Will the minister advise the current status of the proposals?

Hon. M. A. BIRRELL — Whose proposals?

Hon. B. T. PULLEN — I refer to the role of the Department of Conservation and Natural Resources, and Melbourne Parks and Waterways. Why has there been no public announcement that such a wide-ranging and significant development in that environmentally sensitive section of the Victorian coastline is under consideration?

Hon. M. A. Birrell — Development of what?

Hon. B. T. PULLEN — Of the marina.

Hon. M. A. Birrell — Whose proposal?

Hon. B. T. PULLEN — I am asking you about it.

Hon. M. A. Birrell — Whose proposal am I being asked to respond to?

Hon. B. T. PULLEN — The Queenscliff community is aware of a proposal for a large marina to be built in Swan Bay. It is the understanding of many people that a working party involving personnel from the Department of Conservation and Natural Resources, and Melbourne Parks and Waterways has been preparing this proposal in conjunction with the Queenscliff council. Is that the case? If so, and if the state government is involved in the proposal, why has there been no public announcement of such a substantial proposal in an environmentally sensitive area? Either you know about it or you don’t!

Responses

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — Mr Pullen referred to a rumour apparently circulating among some people in Queenscliff.

Hon. B. T. Pullen — Are you saying it is a rumour?

Hon. M. A. BIRRELL — You are putting it forward as a rumour.

Hon. B. T. Pullen — I am not.

Hon. M. A. BIRRELL — You are not presenting it as a fact, nor are you giving sources of substance. It makes it impossible to comment on something that has not been put forward. I am more than happy to ask Melbourne Parks and Waterways, the Department of Conservation and Natural Resources or the duly elected council in that area, which you, Mr Pullen, presumably strongly support, for their views on this topic. I am more than happy to explain to Mr Pullen any process which is in place, including the Planning and Environment Act and many others, and which would apply to any such proposal if it were ever put forward.

Miss Gould referred to the Jacana land and, in particular, to correspondence from an officer of the council seeking a meeting with me or the department. I am more than happy to see where that correspondence, which relates to land next to a proposed golf course development, lies; it does not come to mind. I will be happy to pull out that correspondence and make a quick reply to it.

Hon. HADDON STOREY (Minister for Tertiary Education and Training) — Mrs Hogg referred to an enterprise agreement made with TAFE staff at RMIT and Swinburne University of Technology. She said the agreement has been disallowed and asked how I could reconcile that with the autonomy of TAFE colleges. I find it astonishing that Mrs Hogg talks about the autonomy of TAFE colleges when the staff at those colleges were formerly employed from a central administrative unit. Colleges previously had no say whatsoever in the terms and conditions of employment that may have been agreed between the union and the government.

We have devolved employment powers to the colleges to enable them to carry out their own enterprise bargaining; but as is the case with all other government agencies they have to do it according to government guidelines, and they have to submit the agreements they have made. If they do not accord with those guidelines, the colleges have to reconsider them. I shall examine the particular points the honourable member has raised, but if the agreements do not comply with the guidelines set down by the government for the whole-of-government approach, they clearly cannot be approved by me as minister.
Mr Atkinson raised for the attention of the Attorney-General various franchise operations that have gone into liquidation, such as Mr Antenna, Cut Price Deli and one I have not heard of before, Kruitwit. He asked me to raise with the Attorney-General the proposition that when someone buys a franchise the goodwill payment be put into a fund that could somehow be drawn on. That would give the people who pay for the goodwill some opportunity of recovering some of the money they have invested. I shall be pleased to refer that matter to the Attorney-General.

Hon. W. R. BAXTER (Minister for Roads and Ports) — Mr White raised a matter which he invited me to refer to the Minister for Sport, Recreation and Racing. It is scarcely a matter that is suitable to be raised during the adjournment debate, bearing in mind that the alleged incident occurred before my colleague became a minister. It is perfectly obvious to all members of the house that Mr White has raised it on behalf of a colleague in another place, which, I have to say, is repugnant and contrary to the forms of the house. Nevertheless, I shall refer it to my colleague and invite him to make his own decision on the manner in which he responds.

Mr Evans raised the markings on the Tullamarine Freeway. The freeway is now outdated, having served Melbourne for some time. It is clearly in need of major refurbishment, which the City Link project provides for. I look forward to that work commencing as soon as possible. It will commence very soon provided the house endorses the legislation that is currently before it. The reference to a $1 toll on the Tullamarine Freeway is unduly pessimistic, because the announced toll will be considerably less than that — in fact, it will be 80 cents. That puts paid to Miss Gould’s interjection that it would be $3. I invite her to check the figures before making such assertions in future.

Mr Walpole raised a matter for the attention of the Minister for Police and Emergency Services. Perhaps it is unwise to rely too heavily on what one reads in the newspaper. It would have been more appropriate if Mr Walpole had contacted the officer in charge at the police station or perhaps the Chief Commissioner of Police, who may have been able to address the matter that has caused the honourable member concern. Nevertheless, I shall invite the minister to communicate the facts to Mr Walpole.

Hon. R. M. HALLAM (Minister for Finance) — Mr Power cited a complaint he received from a resident of Bellair Street, Kensington, concerning the standard of street cleaning in Moonee Valley. He suggested that I, too, received a copy of that letter. If I can discover the correspondence from the description Mr Power gave me, I will supply him with a copy of my response to it.

My colleague Mr Forwood raised with me, as the representative in this place of the Treasurer, a motion he says is to be debated tomorrow evening by the Heidelberg North branch of the ALP, which calls on the next Labor government, as I understand it, to take back into public ownership the privatised essential service utilities. I am somewhat at a loss to understand what Mr Forwood was asking me to do, but I undertake to raise the issue with the Treasurer and seek his comments on the financial implications of such a take-back. I will report to Mr Forwood in due course.

Hon. R. I. KNOWLES (Minister for Housing) — Mr Ives raised with me a matter to be directed to the Minister for Planning in another place about the timetable for the proclamation of the Planning Authorities Repeal Act. I shall certainly refer the matter to the Minister for Planning and ask him to advise Mr Ives directly.

Mr Nardella referred to the Community Visitors report. I am delighted he has done so because it enables me to contrast this government’s approach with that of its predecessor.

Hon. D. A. Nardella — You do not need to make a contrast. Just tell us what you are going to do.

Hon. R. I. KNOWLES — Let me tell Mr Nardella not what we are going to do but what we have already done. The previous government developed some regulations to apply to supported residential services but never implemented them. Honourable members will be well aware that as a result some quite scandalous stories appeared in the press from time to time about the very poor standard of accommodation provided for many of the most vulnerable people in our community. This government implemented the regulations. In fact, it has required supported residential services to comply with those minimum regulations. That has led, directly or indirectly, to the closure of some 40 of the worst supported residential services in this state.

Mr Nardella specifically inquired about my response to the recommendation of the Community Visitors that the government do something about the capacity of those services to charge recipients of
social security benefits 100 per cent of their benefits. This has always been a problem. The Community Visitors have directed attention to it ever since they started reporting on the services. The fact that it is a problem is a direct result of the approach of the commonwealth government, which since 1985 has — —

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

Hon. R. I. KNOWLES — Since 1985 the commonwealth government has nominated residential care as being primarily a commonwealth responsibility. The Labor Party has bragged widely since 1985 about the commonwealth government’s accepting responsibility for residential care. However, there is one problem: the commonwealth funds beds rather than people. If the commonwealth government funded people on the basis that they are eligible for support, the problem Mr Nardella raised would be eliminated because it would be inconsequential in the setting in which the person was being cared for due to the funding stream.

I welcome Mr Nardella’s concern about vulnerable people in residential services. They are being discriminated against not because they are poor and vulnerable but because of the setting in which they are being cared for.

Hon. D. A. Nardella — You make the regulation — you can regulate that industry!

Hon. R. I. KNOWLES — Mr President, I shall answer that issue, and I apologise to the house because it may delay proceedings. It is a fairly important issue because if the state government prescribed regulations to limit the amount that could be charged for someone to have access to that service, guess what the result would be. Residential services would simply be eliminated. It would not guarantee that a resident of a residential service would pay no more than 85 per cent of the age pension. The residential services would simply cease to exist because they are totally funded by their residents.

If the government says they are allowed to charge only a specified amount, as occurs in a hostel, the proprietors would not be able to operate. That is recognised by the commonwealth with hostel services. The commonwealth restricts the amount that can be charged to a resident of a hostel and it subsidises the balance of the cost for the care of that person. That will always be the case.

It would be easy for the state government to say, ‘We will restrict the amount that can be charged by any private provider of supported residential services’. That would simply mean that the services would close and the current residents, who need not only shelter but also personal support in their daily living tasks, would have nowhere to live.

That might well be the outcome the Labor Party wants to achieve, but it is not the outcome the government wants to achieve. Although the government will insist on minimum standards for the health and safety of those residents, it is conscious of the fact that they need shelter and personal support. That is the whole definition of a supported residential service. The government thinks the commonwealth government should give substance to what has been its rhetoric since 1985 — that is, that residential care is primarily the commonwealth’s responsibility. This government agrees, but that means the commonwealth has to provide support to meet the criteria of supported residential care, whatever the setting is. Once the commonwealth accepts that principle this government will address the significant issue to which attention has been drawn ever since the first Community Visitors report was presented to the Parliament five years ago.

I will go back to where I started: this year the Community Visitors report said the government is taking seriously the need for some minimum standards to be observed and commended the government for having achieved that outcome. I do not want to diminish the substance of Mr Nardella’s concern, but I do want to sheet home where responsibility for the solution lies. I invite him to join with the government to try to ensure that outcome.

Motion agreed to.

House adjourned 11.24 p.m.