Thursday, 17 October 1996

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.04 a.m. and read the prayer.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Drug rehabilitation programs

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

Your humble petitioners pray that following the failure of the Parliament to pass any worthwhile drug law reforms, we request at the very least that the state government provide better rehabilitation and educational programs for drug users.

And your petitioners, as in duty bound, will ever pray.

By Mr Andrianopoulos (150 signatures)

Laid on table.

SCRUTINY OF LEGISLATION COMMITTEES

Mr Ryan (Gippsland South) presented position paper of working party on scrutiny of national schemes of legislation.

Laid on table

PAPERS

Laid on table by Clerk:

Transport Act 1983 — Order for Transfer of Assets and Liabilities pursuant to section 81.


BUSINESS OF THE HOUSE

Adjournment

Mr W. D. McGrath (Minister for Police and Emergency Services) — I move:

That the house, at its rising, adjourn until Tuesday, 29 October 1996.

LEGAL PRACTICE BILL

Message from Council relating to amendments considered.

Council’s amendments:
1. Clause 2, line 5, after “Part” (where first occurring) insert “, section 448”.
2. Clause 2, line 5, omit “450 and 451 ” and insert “452 and 453”.
3. Clause 2, after line 7 insert —
“(...) Section 447 is deemed to have come into operation on 8 March 1988.”.
4. Clause 84, line 13, omit “82(2)” and insert “82(4)”.
5. Clause 305, page 224, line 16, omit “(1)” and insert “(4)”.
6. Clause 320, line 24, omit “apply” and insert “appeal”.
7. Clause 328, line 27, omit “apply” and insert “appeal”.
8. Clause 433, page 310, line 8, omit “RPA” and insert “company”.
9. Clause 433, page 310, line 10, omit “RPA” and insert “company”.
10. Clause 433, page 310, line 14, omit “RPA” and insert “person”.
11. Insert the following New Clauses to follow clause 446 —

‘AA. New section 64B inserted in Legal Profession Practice Act 1958

After section 64A of the Legal Profession Practice Act 1958 insert —

“64B. Immunity for innocent partners

Despite anything to the contrary in the Partnership Act 1958 or any rule of law to the contrary, an action does not lie against a partner of a firm in respect of a defalcation committed by another partner or other partners of that firm, or by an employee of that firm or of any partner of that firm, if —

(a) all persons have been compensated for the pecuniary loss suffered by them by reason of the defalcation, whether as a result of a claim under section 64 or by payment by another partner or other partners of that firm; and
The council is of the opinion having regard to all the circumstances that that partner —
(i) was not a party to the defalcation; and
(ii) acted honestly and reasonably in the matter.

BB. New section 116 inserted in Legal Profession Practice Act 1958

After section 115 of the Legal Profession Practice Act 1958 insert —

“116. Supreme Court—limitation of jurisdiction

It is the intention of section 64B to alter or vary section 85 of the Constitution Act 1975.”.

12. Schedule 1, page 321, line 3, omit “451” and insert “453”.
13. Schedule 2, page 353, line 2, omit “452” and insert “454”.
14. Schedule 2, page 371, line 9, omit “the commencement day” and insert “1 April 1996”.
15. Schedule 2, page 381, line 15, omit “1605” and insert “378”.
16. Schedule 2, page 381, line 21, after “Fund” insert “on or before 30 June 1997”.
17. Schedule 2, page 381, line 34, omit paragraph (c).
18. Long title, before “repeal” insert “amend and”.

The SPEAKER — Order! As this bill and its amendments were passed by an absolute majority of all the members of the Legislative Council, the amendments must also be passed by an absolute majority in this place.

Mrs WADE (Attorney-General) — I move:

That the amendments be agreed to.

The amendments to the bill, copies of which have been circulated to honourable members, cover two important matters. The first is to correct an oversight relating to claims on the fidelity fund arising from existing nominee mortgages. It is unclear in the bill whether the exclusion of claims on the fund applies to all claims in relation to nominee mortgages or just claims arising after 1 April 1996. Amendment 14 makes it clear that the exclusion relates only to mortgages entered into after 1 April 1996.

The other amendment of importance relates to protection for innocent partners in cases of defalcations by employees where the innocent partner is able to show that he or she was in no way a party to the defalcation and acted honestly and diligently.

The provision contained in the bill applied to all employees of solicitors, not just legally qualified employees as is the case under the present act, but was not retrospective. At the time the bill was considered concerns were expressed about a retrospective provision. However, additional information has been obtained since then, including from a former Attorney-General, the Honourable Jim Kennan, QC, that it was always intended that the situation involving employees should refer to all employees and not just legally qualified employees, and the amendment makes that quite clear.

Mr HULLS (Niddrie) — The opposition expressed its views on the bill some time ago. Those views are on the record, so I will not go over them. In relation to the amendments, I received a letter from the Law Institute of Victoria at the time the bill was first debated which referred specifically to a new clause proposed to be inserted by amendment no. 11. It is probably worth reading into Hansard the Law Institute’s views regarding the matter because it appears the Attorney-General has adhered to the concerns expressed by it. The institute’s letter states:

The Law Institute has previously raised with you the case of the partners of Tisher Liner & Co who have suffered loss as the result of defalcations committed by the firm’s office manager, who was not a solicitor. In the draft proposals, prepared for discussion, the equivalent clause under the draft provided for subrogation to innocent partners and employers, the firm remains liable for the moneys paid out by the Solicitors’ Guarantee Fund.

The partners approached the government seeking to have this anomaly amended. Their approach was supported by the Law Institute.

As there is an anomaly in section 64A of the Legal Profession Practice Act 1958 (“the act”), which provides for subrogation to innocent partners and employers, the firm remains liable for the moneys paid out by the Solicitors’ Guarantee Fund.

The partners approached the government seeking to have this anomaly amended. Their approach was supported by the Law Institute.

In the draft proposals, prepared for discussion, the equivalent clause under the draft provided for retrospective subrogation rights to cover the Tisher Liner situation, nominating the commencement date of the subrogation clause to be 8 March 1988. Successive Attorneys-General have indicated that this anomaly would be rectified and that a clause reflecting this change would be included in new legislation.
It is noted that in the bill such commencement date for clause 218 has been omitted in clause 2.

The amendment appears to be in line with the original recommendations of the Law Institute, and as a result the opposition will not oppose the provision. Nonetheless, I ask the Attorney-General to give an indication either now or at a later stage whether any other law firms may be caught by the amendment. Having said that, the opposition has no objections to the amendment.

Mr THOMPSON (Sandringham) — I shall make a few brief comments supporting the contributions already made by the Attorney-General and the honourable member for Niddrie. In particular, I address my comments to a new clause proposed by the Legislative Council to be inserted by its amendment no. 11, which is effectively the Tisher Liner clause.

I commend the government on its decision to include the amendment in the legislation because it will ensure that a just outcome is achieved in the circumstances confronted by Tisher Liner and Co. The issue of retrospectivity is involved and in a written opinion Professor Doug Whalan of the Australian National University has defined eloquently and succinctly some of the principles of retrospectivity that I would like to allude to. The opinion states:

In particular, if the rights of individuals are prejudicially affected by retrospectivity in favour of the state, such legislation should be used sparingly. However, retrospectivity in acts that favour the state against individuals does occur in all Australian jurisdictions.

Retrospective legislation that is beneficial to the rights of individuals is quite common in Australia in both primary and subordinate legislation. This is especially so, if anomalous or unfair positions are discovered. In such cases retrospectivity to correct the anomaly, technicality or unfairness is not uncommon or unusual.

The professional indemnity insurance regulations of 1985 broadly covered the principal or partners in circumstances where an employee, whether a solicitor or paralegal employee, had misappropriated trust moneys. As a consequence of the change in the insurance cover that underpinned the indemnity insurance regulations, changes needed to be made to the Legal Profession Practice Act. A 1989 amendment covered the circumstances of employee solicitors, but did not reflect the breadth of cover under the 1985 regulations. The government has accepted the Law Institute's recommendations and those of other parties and has incorporated the amendment in the bill. It will ensure a just outcome is achieved in the Tisher Liner situation and perhaps other circumstances that are at this stage unknown. The cause of justice is well served this day in this house by this amendment.

The SPEAKER — Order! As the amendments are required to be carried by an absolute majority and there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

CORRECTIONS (AMENDMENT) BILL

Second reading

Debate resumed from 12 September; motion of Mr W. D. McGrath (Minister for Corrections).

Mr HAERMeyer (Yan Yean) — The opposition will oppose the Corrections (Amendment) Bill for reasons that will be articulated during the course of the debate. Although some honourable members may think the issue of prison industries is rather boring, I believe it is one of the most important aspects of social policy because of the implications it has for a number of other spheres. Prison industries can have a significant effect on crime. The rehabilitation programs that are available to prison inmates have a great bearing on the crime rate. Prison industries also have an effect on the cost of running our prison system, and their operations have implications for industries in the community generally.

It has always been an accepted principle in Victoria that prison industries should not compete with industries in the general community and that the jobs in prison industries should not replace the jobs of employees in the general community, so it is an important issue. The opposition believes some provisions of the bill are extremely dangerous because of the impact they will have on those spheres.

In 1983 the Victorian Prison Industries Commission (Vicpic) was established by a very dear friend of mine, the late Pauline Toner, to provide a means by
which work for prisoners and youth trainees could be increased progressively and to organise prison industries on a sound commercial basis. When the commission was established, most of the plant, equipment, buildings, systems and the industrial environment in our prisons belonged in the 19th century. As the late Pauline Toner described it at the time, they were 'museum pieces of antiquity'. That was due to a lack of funding from and a lack of initiative on the part of the Hamer, Thompson and Bolte governments. There were severe health and safety risks in our prison industries for both staff and prisoners. The industries were extremely inefficient, and they were allowed to operate for far too long in that condition.

The Victorian Prison Industries Commission certainly turned Victorian prison industries into modern showpieces. Although the commission has not been without its problems, I believe it has established one of the best models in the world for giving prisoners constructive things to do and appropriate levels of rehabilitation, while enabling the industries to operate under sound management principles. Vicpic provided modern buildings and equipment and introduced new directions for prison industries in this state. For the first time prison industries were based on long-term planning and sound administration.

In the past work in prisons was more or less voluntary; it was really there just to keep prisoners occupied. Little concern was given either to the effectiveness and efficiency of the work done in those industries or to the vocational capabilities of offenders once they got out of the prison system. The Victorian Prison Industries Commission also introduced the effective marketing of the products that were produced by the prison industries. It integrated prison activities with the rehabilitative programs which we now expect in our prisons. It also provided interesting, useful and rewarding work for prisoners as well as covering the cost of running those industries. Prior to the introduction of Vicpic they were certainly running at a loss.

When the commission was established in 1983 Victorian prison industries employed only 30 per cent of the prisoners in our prison system. The notion of prisoners being given useful activities to undertake was considered nonsense. Prisoners were sitting around our prisons with little to do except plan how they were going to get out of prison or talk about the mischief or criminal activities they could engage in once they were released.

As a result of the establishment of Vicpic the community has recognised the importance of prisoners working within the prison system. We know it is important to give prisoners opportunities for employment when they are released. One of the greatest causes of recidivism is prisoners discovering that they cannot find work in the community when they leave the prison system — firstly, because they must overcome the stigma associated with having been convicted and gaoled, and, secondly, because they have not learned any fruitful vocational skills. Usually on their return to the community they cannot find work, so the only way they are able to provide any form of sustenance for themselves is through criminal activity. That is one of the main reasons for the high recidivism rate. The prison system is notorious for turning out people who in large numbers return to it.

Another important aspect of prison industry work is keeping the prisoners occupied. If prisoners have little to do, they have a lot more time to contemplate far more mischievous activities. If prisoners are not occupied there is greater opportunity for friction and instability within the prison system — and of course that scenario produces prison incidents, riots and assaults on staff and other prisoners. It is also important that prisoners learn regular work habits because they generally have not led regular lives and have never gone through the process of getting up in the morning, going to earn money and then putting some of that money aside.

Since it was introduced, in addition to recognising the importance of prison work, the Victorian Prison Industries Commission has increased the number of prisoners employed within the prison system from 30 per cent to more than 90 per cent. That is a strong measure of the success of the commission.

It has greatly expanded the opportunities for prison industries through a strict regime of import replacement. In other words, the industries within our prison system are not competing with industries in the general community and manufacture products that are not in direct competition with our Victorian industries and workplaces. That is extremely important.

It must be acknowledged that prisoners work for between $4.50 and $6.50 an hour. That wage rate should not be exploited to provide a cheap avenue of labour at the expense of workers in the general community. It should not be possible for industries outside to be forced out of business simply because of the use of cheap prison Labor.
A number of problems are associated with prison industries, and Vicpic has addressed them to some extent. Because it had an overall coordinating role it was able to address problems more successfully than was possible under the fragmented system that existed previously, and some problems still need to be addressed by a coordinating statutory authority such as Vicpic.

It must be acknowledged that most prisoners in the system are short-term prisoners, and that fact impedes the task of imparting skills and training them in particular vocations. They are then sent back into the community where the programs within the prison system do not exist. Vicpic’s role should be expanded in that area.

There is also the problem of the constant shifting of prisoners between facilities. Industries are concentrated in particular prison facilities. Typically there may be a metals industry at Pentridge, woodwork at Barwon, and agriculture at Morwell; and because prisoners are continually shifted between those facilities the opportunity for them to learn something in the industries in which they are working is extremely limited. This leads to fragmentation of the training effort.

Mr A. F. Plowman — It is exactly the opposite. They get experience in each one of them.

Mr HAERMeyer — If you are going to train someone in a particular vocational skill they need to work in that area for a set period to pick up skills to the extent necessary for them to be used in the general community. I have no problem with multiskilling, but minimum periods are associated with mastering the skills, and the time some prisoners spend in the system is too short to enable that to be achieved in a thorough and comprehensive way.

One of the ironies of the system is that the last place to which prisoners will be dispatched when they come to the end of their sentence is a prison farm. Since most people within the prison system come from the Melbourne metropolitan area and are unlikely to move to rural areas when they are released from the system I question the value of an agricultural industry. Prisoners really should be prepared for the sorts of jobs they will be applying for when they are freed into the general community.

It makes sense for a prisoner from a rural area to go to a prison farm close to his or her release time to work in the agricultural industry as a final activity, but I am not sure that it is appropriate for the general prison population.

Prisoners are put through all sorts of programs in the prison system, for better or worse, but there is absolutely no follow-up after their release, which means they will have difficulty finding jobs when they are back in the community. Services dedicated to the task of putting prisoners into industries —

Mr W. D. McGrath interjected.

Mr HAERMeyer — That may be, but there is always opportunity for improving the system. I am not blaming this government or any government. The previous Labor government made large strides in improving the prison industry area, but there is room for more improvement. The post-release system is probably the most obvious area where further action needs to be taken, and there is also the problem of stigma. When a prisoner gets out he or she has a prison record and, as a rule, employers are very reluctant to employ prisoners. There is a need for a properly funded program to assist in this area in the way I believe the Second Chance program attempted to assist. That program needs revision, and all these measures need to be under the umbrella of one statutory authority that has responsibility for overseeing rehabilitation and vocational training of prisoners as well as the administration and marketing of prison industries from go to whoa. The abolition of the Victorian Prison Industries Commission is a move back towards the fragmentation of prison industries and vocational training within the system.

The bill seeks to disaggregate the prison industry structure in this state and, as a result, a greater fragmentation of activity within prison industries will occur. That is evidenced by the fact that one reason for introducing the bill is to accommodate what the government perceives to be the needs of the private sector operators within the prison system — in other words, to more or less allow them to go down their own path in the public prison system.

I wonder whether we are headed back to the bad old pre-1983 days when there was little coordination of prison industries and little vocational training and rehabilitation. The government says the abolition of the commission is due to privatisation of the prison system and that Vicpic could really apply only to public sector operators. I do not see why it cannot also apply to private sector operators. The government has stated that the private prisons
would slide seamlessly into the prison framework and that, for all intents and purposes, they would be run the same way as publicly managed prisons, except that they would have private managers and private staff.

Now the government is seeking to hack into the successful and integrated prison system to accommodate the wish of the private consortia to be different. That will create disaggregation of the system. I do not see why the private prisons cannot be integrated into the prison industry structure and be obliged to follow the same conditions and guidelines. One wonders whether it is one of the concessions the government has made to the private consortia — in the contracts the government does not want to show us.

I suggest that the private consortia have an agenda to push out the boundaries of what is an acceptable prison industry until there is competition with free workers and local enterprises. The private consortia make no bones about the fact that they are there to make a profit, and that desire to make a profit overrides any concern about rehabilitation of prisoners and respect for the jobs of free workers.

I should like to refer to an article about the Lockhart Correctional Facility in Texas. The prison is run by the Wackenhut Corrections Corporation, which is the parent company of ACM, the consortium that is building and managing the 600-bed male prison at Fulham. The article states:

Every weekday morning, 55 men punch the time clock at US Technologies Inc. and begin their work on electrical components that are sold to major computer companies such as IBM, Motorola and Dell.

Down the hall at Chatleff Controls Inc., 40 other men fall into an assembly line, manufacturing control valves for heat pumps and air conditioners. At Optiplex of Texas, 26 men produce eye glass lenses that are sold in Florida and Puerto Rico.

The workplaces look just like small factories and shops in any American city. But there is an important difference here — all three industries are located inside a prison and the employees are doing time.

The Lockhart Correctional Facility — located on the outskirts of Lockhart, a small central Texas town — represents what its supporters call a new wave in prison work programs. The inmates keep 20 per cent of what they earn, return the rest to the state and learn marketable skills in the process.

But labour unions don't see it that way. To them, the Lockhart facility is using cheap inmate labour to steal needed jobs from the higher paying private sector.

An honourable member interjected.

Mr HAERMeyer — Did I hear somebody agreeing with the concept that prison industries should be taking jobs out of the free community?

The article goes on:

'Without question, it has taken jobs,' said Joe Gunn, president of the Texas AFL-CIO —

the US equivalent of the ACTU —

'We're talking about a captive work force. A slave is a captive worker. One who does not have a choice is a slave'.

Yet if state rep Ray Allen, R-Grand Prairie, has his way, Lockhart is just the first of several private prison facilities in which inmates will pull their own weight. Allen said he understands the union's concerns, but he insists the Lockhart program has not taken a single free-world job. In fact, he notes, there's a federal law that forbids it, and Lockhart has complied.

'What I'm trying to do is not in opposition to labour's concerns. I just need them to recognise that we're not competing against a finite number of American jobs,' Allen said. 'We're competing in a global marketplace against people in Taiwan, Puerto Rico, the Philippines ... and what we need to do is recognise that these entry-level jobs, if we don't find a way to keep them in Texas, even if they are in prison, we are going to lose them to offshore competition and they will get the collateral growth of these spin-off industries'.

In other words, we need slave labour in the prison system to accommodate the sort of sweatshop labour rates that operate in Taiwan or other countries. The article continues:

He added, 'Of course this is not slave labour. It's all volunteer —

ever seen a volunteer in a prison? —

and if any one of those guys quits, there'd be 50 applicants for his job'.

One of Gunn's specific complaints is with US Technologies. He claims the company closed its Austin
plant and laid off workers, then moved to Lockhart to employ prisoners at near minimum wage.

So the company has closed its plant in Austin, where it employed workers from the general community to manufacture those components, and now those components are being manufactured inside a prison at slave labour rates. The article continues:

Allen paints a different picture.

‘In reality what happened is you had a company that grew extremely rapidly, started well on the road to failure, then bankrupted. Some of those principals recovered a portion of that business by starting a new company and they relocated in Lockhart’.

What an ingenious device! The article goes on:

Raymond Henderson, president of Chatleff Controls, said the unemployment rate is so low in the Austin area that it is difficult to maintain a quality work force. And the prisoners at Lockhart, he says, do a better job.

So they have moved away from the notion that prisoners are not replacing the workers outside; they are saying they do a better job, and do it more cheaply. The article continues:

‘When unemployment reaches those levels, usually what you have is people who simply don’t want to work,’ he said. ‘In our case, we simply can’t hire people off the street. We’re doing it, but what’s happening is we’re getting tremendous turnover, rollover, of people. If we’ve got them six months, we’re lucky’.

That means if they do not want to pay the wage rates necessary to attract people to work for them and people have a choice, they can use slave labour within the prison system. The article goes on:

Although the work at Chatleff does not require a high level of education, Henderson said prison workers are generally smarter than people hired off the street.

‘What we’ve found with people here (prisoners) is that the level of intelligence is considerably greater than what we are seeing in the people coming right off the street. They adapt much quicker. We get far better quality out of these people, and of course we have the advantage of having them here all the time’.

So much for these people not being in competition with people in the general community! It continues:

William Meehan, President of US Technologies, said he hopes to expand the number of prison employees to 210 by the end of the year. He credits the inmates with being able to operate sophisticated machinery and said they are learning valuable job skills.

Then we get onto the real issue here. Mr Meehan is quoted as having said:

‘Absenteism is obviously very low. We don’t have alcoholism. We don’t have drugs. Many of these lads have not worked before in their lives when they come here, or not in a productive job, shall we say. So they leave here not just with the qualifications, but with money’.

The fact is that workers in the general community might have sick days; they might have some sort of industrial injury. It raises issues about absenteeism and the general freedom that workers in the general community have. What we have in the prison system is a captive, slave labour work force. The article goes on:

The Lockhart facility is operated by a private company — Wackenhut Corrections Corp of Coral Gables, Florida.

Robert Mianowski, Wackenhut’s senior vice president of operations, said the work program also makes for safer prisons. Although it takes in only those inmates who are within three years of parole, the prison’s population includes murderers and other violent criminals, as well as gang members.

But Mianowski said that once they get to Lockhart, and have the chance to land a job, the violent tendencies subside.

‘The inmates here don’t want that,’ he said. ‘They want a safe environment, and they know that this prison industries program and the activities associated with it contribute to that. So they’re willing to set aside their gang animosities. They’re willing to work because the environment is enhanced. It’s really that simple’.

That may be all very well and good, and it is admirable that that is occurring in the prison system — it certainly makes Wackenhut’s job of administering that prison easier and cheaper. But the real question is: should Wackenhut be achieving such objectives in the prison system at the expense of free workers in the general community? Obviously it should not.
The interesting thing is that Wackenhut Corporation, as I said, is the parent company of Australasian Correctional Management (ACM), the company which is building and will soon operate the private facility at Fulham. The minister may say the government will not allow it to do that. But we all know the capacity of this government to withstand the pressures of people with money — every time a large corporation or a Ron Walker comes along and says, 'I want this', members of the government jump and say, 'Yes, sure, we'll agree to that'. The private prison consortia are in the business of making a profit so they try to push out the boundaries of what is an acceptable prison industry. They will agitate and slowly but surely whittle down the restrictions that currently apply to prison industries.

It is the principle of the thin edge of the wedge. We have seen it with shop trading hours in this state. We started with some people wanting to be able to trade on just a few Sundays. Now we have open-slaughter trading. Over time that will happen in the prisons system because the private consortia want it.

Mr Baker — They want more people in gaols.

Mr HAERMeyer — That's exactly right. We have heard the argument that because we are going down the path of privatising some of our prisons or placing 50 per cent of our prison population under private management, we have to follow the path and also abolish the Victorian Prison Industries Commission. The government does not have to travel that path. It has made an ideological choice. As I have outlined on previous occasions, there are problems associated with that choice, among them the serious probity problems of the Wackenhut Corporation.

I refer to a report of the United States House of Representatives Committee on Interior and Insular Affairs of an inquiry into the covert operations of the Ayleska Pipeline Service Company, commonly known as the Exxon Valdez fiasco. The company that was conducting what was referred to as the 'covert sting operation' was the Wackenhut Corporation, and the congressional committee said about that company:

The committee has further concluded that the Wackenhut agents engaged in a pattern of deceitful, grossly offensive and potentially, if not blatantly, illegal conduct to accomplish their objectives. The hearing testimony and the legal opinions submitted by Ayleska's and Wackenhut's attorneys defending the legality of these tactics are nothing more than vain attempts to legitimise undeniably egregious violations of personal privacy committed by Ayleska's Wackenhut agents and to divert attention from Ayleska's disastrous campaign to silence its critics.

Specifically, the committee believes that in addition to potential civil invasions of privacy, federal and state criminal laws may have been violated by:

(1) obtaining AT & T proprietary telephone toll records without AT & T's knowledge or acquiescence — in other words, theft of documents —

(2) obtaining private credit and financial reports under false pretences and without permission of the individual(s) whose records were obtained — again, theft of documents —

(3) secretly recording private conversations in Florida without consent of all parties to the conversations —

wire-tapping —

(4) secretly recording private conversations in Virginia for the purpose of committing a criminal or tortious act —

this is one of the companies that will be running one of our private prisons and managing one of our prison industries —

(5) possessing and transporting interstate, devices designed primarily for the purpose of surreptitious interception of wire, oral or electronic communications —

bugging —

(6) obtaining under false pretences the free use of valuable computer software —

software piracy —

(7) permanently removing documents from Hamel's home which did not belong either to Wackenhut or to its client, Ayleska —

again, theft of documents. Hamel was the person who informed on Wackenhut.

That is the morality of one of the companies we have asked to manage our prison industries and look after our prisons. You really have to ask: what side of the bars should they be on? This is a criminal outfit. It is a farce to say we expect probity in the prison privatisation proposals of the government and that there will be any probity in the activities of the companies that will operate our prison industries.
It has also been revealed that Wackenhut Corporation lied to the people of Victoria. Late last year the opposition revealed that Wackenhut Corporation was under investigation in the state of Texas for the misappropriation of $US700 000 of moneys paid to it for the purposes of providing drug treatment programs. Money that was supposed to be used for treating people with drug dependency problems actually went into the pockets of Wackenhut. When this was revealed, we had Wackenhut and then the corrections minister, the Deputy Premier, say it was all a minor administrative matter, a contractual squabble. We also revealed that Wackenhut had been suspended by the state of Texas from payment for any of the correctional services that it provided to Texas.

An Australian Associated Press briefing note dated 27 November 1995 states, in part:

It was revealed yesterday that Wackenhut Corporation was the subject of an investigation in relation to the misuse of $700 000 earmarked for drug rehabilitation in the US.

ACS has been contracted by the Kennett government to operate a new 600-bed private prison at Sale ...

Wackenhut Corporation and the government pumped out to the media this letter from the Texas justice department saying that Wackenhut had been removed from the suspension list, but this is how the government interpreted that:

A spokesman for corrections minister Pat McNamara said the letter backed the company’s statement that the investigation was over contractual, not criminal, matters.

The letter, from the Texas Department of Criminal Justice, showed the Texas government had renewed a gaol program and drug management project with Wackenhut Corporation.

It confirms Wackenhut had been removed from the suspension list of the Texas Commission on Alcohol and Drug Abuse.

The government and Wackenhut said, ‘This document clears Wackenhut; it shows it is in favour with the Texas authorities’. However, the removal from the suspension list meant all the companies under investigation by the Texas alcohol and drug administration had been asked to pay a surety covering the amount of money under investigation for misappropriation before the state of Texas would pay 1 cent. That company had to pay $700 000 to the state of Texas to get off the list; it was on a bond. Yet somehow the government is able to say, ‘They have been cleared’. This episode is an example of the sort of morality or ethics we are talking about here.

As to this affair being a minor contractual matter, I subsequently spoke to members of the Texas Rangers task force which was investigating the matter earlier this year. They said the Wackenhut Corporation had been instructed to pay more than $US300 000 of the misappropriated money and that consideration was still being given to the laying of criminal charges, although that matter was to be a political decision for the Texas government to make.

The Victorian government intends that that sort of company will administer our prison industries — that it will run Victorian prisons. That company should be on the other side of the bars, not running prisons.

Mr Baker — How much will they donate to the next election campaign?

Mr HAERMEYER — That is a relevant question. I anxiously await the coalition parties opening their books so we can see if this pure-as-the-driven-snow government has received any money from Wackenhut Corporation or any of its subsidiaries. So much for the integrity of the people who will run our prison industries!

The bill contains some serious drafting flaws. I refer to the abolition of the Victorian Prison Industries Commission (Vicpic). The government intends to replace that with the Prison Industry Advisory Committee, a body with no formal powers that will simply advise the minister.

Vicpic was a statutory body with statutory responsibilities, but the proposed committee will have no functions. The minister will appoint its members, and there is no stipulation about the qualifications of who may be appointed to it. Vicpic has among its members representatives of the Treasurer, the minister, a person with experience in the finance and securities industry, a representative from the Victorian Trades Hall Council — which is an important thing; government members may have the Trades Hall high in their demonic rankings, but that stipulation ensured the prison industries did not impinge into areas currently the province of workers and companies in the general community — and a representative with manufacturing industry experience.
There is no requirement that members of the proposed committee should have qualifications other than that the minister may like them and may appoint them. We know about the record of the government in appointing Liberal and National Party mates to bodies and committees, as will happen in the next few months as local government commissioners become available; we know where they came from — they are overwhelmingly members of the coalition parties or, at least, their strong supporters. The proposed committee will provide some jobs for the soon-to-be-out-of-work local government commissioners.

If we are to go down the path of having an advisory committee, we should have guidelines about, for example, the necessary qualifications for those on the committee. We would like guidelines about what the committee will do other than holding meetings, consuming lunches at public expense and being paid by the taxpayers.

We know about some of the bodies the government has established: a more useless contraption than the Police Board of Victoria has not been seen! I would not like to see a body as useless and as unqualified as the Police Board advising prison industries.

The Scrutiny of Acts and Regulations Committee has expressed concern about the appointment of the Prison Industry Advisory Committee. I refer to that committee's Alert Digest No. 5, which states:

The committee has written a letter to the minister seeking clarification of the reasons why members are appointed by the minister rather than by the Governor in Council.

Another example of political control: the minister will sign a letter; that is all that is necessary to appoint people to that committee. Those concerns by the all-party parliamentary committee are valid. Before honourable members are asked to vote on this bill, the minister may like to provide an explanation of why the government has moved from a system of Governor in Council appointments to the Victorian Prison Industries Commission to a system of ministerial appointments to the Prison Industry Advisory Committee.

A further provision in the bill entitles Vicpic staff to be appointed to public service positions. If Vicpic is to be abolished, by all means retain the expertise accumulated by its members; I would like a security of tenure for them. But this provision should not be necessary because staff will not be deployed elsewhere if Vicpic is not abolished.

The bill changes a process whereby a prison site may be determined to be a prison industry or a prison farm site. It provides the minister with a wider discretion about what sites may qualify as prison industry or prison farm sites.

Section 3(1) of the Victorian Prison Industries Commission Act, dealing with the determination of a prison industry site, states:

The Minister may, on the recommendation of the Director-General and the Commission, make any one or more of the following Orders for the purposes of this Act:

(a) an Order declaring a place within a prison to be a prison industrial site;
(b) an Order declaring a prison, or a part of a prison, to be a prison farm;
(c) an Order declaring a youth training centre, or a part of a youth training centre, to be a youth training centre farm;
(d) an Order declaring a place in Victoria owned or occupied by the Commission to be a commission industrial site;
(e) an Order declaring a place in Victoria owned or occupied by the Commission to be a commission farm.

The bill redefines the minister's power to appoint a prison industry site or prison farm site. Proposed new section 84F, inserted by clause 3, states:

(1) The Minister may by Order appoint any place outside a prison under Part 3 as a prison industry site for the purposes of this Act.

It says 'any site': we have gone from a site that must be either within the bounds of a prison industry or a declared prison farm to a site that is occupied or owned by the Victorian Prison Industries Commission for the purpose of conducting a prison industry on 'any site'.

I do not want to reflect upon the minister in any way, but what is to stop him or any minister from declaring his or her own farm as a prison farm and using prison labourers to work on that farm?

Mr W. D. McGrath interjected.

Mr HAERMeyer — The minister says it is a good idea. Now I am really worried!
Mr HAERMeyer — What is to stop the minister declaring Ford Motor Company a prison industry site so that Ford Motor Company may buy in from Wackenhut or Group 4 prison labourers to work there to replace existing workers? What is to stop the minister from declaring the City Link project a prison industry site so Transurban may save a bit of money by having prison labourers working for it at $4.50 to $6.50 a day? What is to stop the minister from declaring any road site a prison industry site if the minister should wish to introduce chain gangs in this state?

Mr Steggall — Call it freedom of the press — politics.

Mr HAERMeyer — Politics! What the government is basically saying to us at the moment is, 'Oh look, we're not going to do this; trust us, trust us' — trust this government, which barely a couple of months ago told the electorate, 'Trust us, we're not going to have open-slaber trading on Sundays'? The government now says, 'Trust us, we won't let prison industries operate for private profit by providing cheap labour to the outside community; we wouldn't let prison industries operate chain gangs; we wouldn't allow prison workers to be used as strike breakers in industrial situations'. That is the approach of this government. I would feel much more comfortable if the government put a legislative protection in the act to place constraints on the sites the minister may declare as prison industry sites.

The government also made much ado about the proposal in the legislation to force prisoners to save. Apart from the fact that there is already a provision, but a more flexible one, in the act for prisoners' wages to be saved, the government is now putting into place something rather farcical. It mandates the setting aside of 20 per cent of a prisoner's wage, which is to be saved on the premise that that prisoner may have some money in his or her pocket when released.

An employed prisoner earns about $4.50 to $6.50 a day. Taking the middle range, let us say a prisoner earns about $5.50 a day, which would mean the prisoner earns about $25 a week; of that amount the prisoner would be required to put aside about $5 a week in savings.

As I mentioned earlier, most prisoners are in the system for only short-term stays — for example, five months. Under the proposed saving system the prisoner would come out with about $100 or less after five months in the prison system. That is not a lot of money and it will not do a great deal for the prisoner. Secondly, the government is removing the flexibility — —

Mr Richardson interjected.

Mr HAERMeyer — We will come back to that in a moment. It is removing the flexibility for some of that money to be given to dependents or to the family of a prisoner if they should need — —

Mr Richardson — What about the victims?

Mr HAERMeyer — There is no provision in this bill to provide any of that money for victims.

Mr Richardson — What is your position on victims?

Mr HAERMeyer — We are talking about prison industries here, you dope!

Honourable members interjecting.

Mr Richardson — What is your position on victims?

Mr HAERMeyer — We are talking about prison industries here, you dope!

Mr Richardson interjected.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! The honourable member for Forest Hill will get the call in due course.

Mr HAERMeyer — We understand that the member for Forest Hill is himself a victim of sorts, but I will not give that any more credence.

Prisoners would come out of the system with basically $100 after being forced to put 20 per cent of their wages aside. But an interesting thing is that the bill provides that the interest on the money will not be given to the victims or to the prisoners but will be retained by the prison management. So the real beneficiaries of this are not the prisoners and not the victims — as the member for Forest Hill seems to be concerned about. The real beneficiary of this provision is the prison management. Companies like Wackenhut, Group 4 or CCA stand to gain hundreds of thousands of dollars a year in interest retained as a result of holding the money in trust.

That is the real intent of this; it does nothing to give a prisoner any meaningful amount of money, any wherewithal, once he or she comes out of the system, and it does nothing, as the honourable member for Forest Hill suggests, to provide any restitution to victims.
CORRECTIONS (AMENDMENT) BILL

The bill also extends the powers of search in police gaols to those that exist for prison officers under the Corrections Act. There is certainly some necessity for that to occur, but we also need to be conscious of the fact that people who are searched in police gaols are often people who have not been sentenced and who have not been charged, and who may even be visitors to the system. I acknowledge that it may be necessary, but I am concerned that the legislation offers little protection against abuses of that extended right of search and seizure.

But what is even more concerning in the bill is the provision that allows the Chief Commissioner of Police to delegate the search and seizure powers to private contractors. What we are talking about here is privatisation of a police or correctional function to private security firms. I would be really worried at the concept of the black bombers that we see at the football running any of our police gaols and having the power to conduct what may be intrusive searches of people being detained in and of visitors to those gaols.

I have a low regard for some of the companies in the private security industry, and I do not think for a moment that you could trust people like the black bombers to uphold the standards required in the sensitive area of search and seizure within the system. We see those people regularly assaulting people at the football, abusing and stretching their powers beyond what they are contracted to do, and I am worried about the prospect of some of those thugs managing our police gaols.

There is great concern about almost every provision in the legislation. I believe it is an extremely dangerous bill. I do not know whether the government has considered some of the problems, or whether what it is doing is quite deliberate and that it is simply trying to slide these things through. I would like to see the government withdraw the bill and take some of those concerns on board. If the government does not believe that prisoners ought to be used to provide cheap labour for private companies or slave labour that takes away the jobs of workers in the general community; if it believes the prison industry should not be competing with other Victorian enterprises in the general community and that we should not have private security companies like the black bombers running our prisons or police gaols, let it return to the legislation some of the controls that are required to prevent that from occurring, because I am not going to accept the minister's assurance that somehow he will not allow that to happen. The opposition wants those protections enshrined in the legislation as they have been in the past. That is all the opposition asks.

If the government says we are not about allowing private prison companies to move into areas that replace free labour and that compete with outside companies; if it says it is not about allowing the black bombers to take control of our police gaols, let the government reassure the community by tightening up the legislation. If it does not do that we can assume only that the government has a hidden agenda about what it intends to do with the legislation because of what the bill now provides for. The opposition will be opposing this bill.

Mr TRAYNOR (Ballarat East) — The Corrections (Amendment) Bill is about good management in the prison system and an improvement to the principal act. I disagree with the honourable member for Yan Yean: I do not think the bill is complex. There are three key areas in the bill and I will address those briefly.

As mentioned, the Victorian Prison Industries Commission Act will be repealed and the Victorian Prison Industries Commission will be replaced by a Prison Industry Advisory Committee that will be made up of 10 members appointed by the minister. I assure the honourable member for Yan Yean that they will not be, as he suggested, some of the National Party and Liberal Party friends of the government. The minister will be looking for people with expertise and ability in the prison industry. To counteract that, those people will be appointed for not more than three years. If at the end of that term they are not performing it will be at the minister's discretion to replace them. There was some concern about people in the Victorian Prison Industries Commission losing their jobs. Under the Public Sector Management Act those people will be re-employed within the public service; they will be entitled to all the conditions and accrued entitlements as they stand.

The bill is not complex; it is simple. It talks about professionalism and providing competition. I do not see anything wrong with it. To administer the gaol effectively the chief commissioner will be permitted to authorise a staff of contractors, subcontractors and their employees to carry out the required functions in police gaols. A contract for managing police gaols will be provided to undertake bail functions that are currently administered by the police. Section 27 of the Bail Act refers to the fact that every person taken into custody for an offence must be released.
unconditionally on bail and must be brought before a bail justice or magistrate.

I turn to talk about the people employed in the prison industry and about bail security. Most private contractors will be given the same rights as police officers in performing custodial functions — the taking of cash and dealing with savings bank passbooks and real estate. The bill provides for accountability to record that information for safety and security. All the government is doing is giving the powers that the police already have to the private contractors, which is a basic and positive move.

In relation to search and seizure procedures in the police gaols, currently police have the powers to conduct search and seizure under the Corrections (Police Gaols) Regulations, while the powers exercised by prison officers are contained in the Corrections Act. Legal advice suggested that it would be more appropriate that such powers be contained in the Corrections Act, which will enable the police managing police gaols to exercise similar powers to those of prison officers.

Let me quote several experiences. An example is the 14-day police gaol at Ballarat. A person can be arrested on a Sunday night for theft of a motor car and taken into police custody. The police have the power to search him for evidence and weapons. He could appear before the Ballarat Magistrates Court on Monday and be sentenced to a month’s imprisonment. He is then returned to the police cell. Under the Corrections Act the police did not have the power from there on to conduct a search. The proposed legislation simply gives the powers to the police to do that.

The honourable member for Yan Yean mentioned compulsory savings for prisoners — part of the government’s election policy. Prisoners should be released from prison with some sort of remuneration. I understand that prisoners do not get paid very well, but at the end of the day they should be given some sort of start, whether it be $100, as the honourable member for Yan Yean suggested, or $360-odd if they have been there for at least 12 months. It gives them something to look forward to.

My contribution will be short. I do not believe the bill is as complex as the honourable member for Yan Yean indicated. It is a good bill; it talks about professionalism. I commend the bill to the house.

Mrs MADDIGAN (Essendon) — I take pleasure in joining my colleague the honourable member from Yan Yean in opposing this bill. Having read the bill and the second-reading speech I think the bill seems strange because it addresses a number of problems that appear not to exist. I wonder why the government is presenting the bill to the house. The honourable member for Yan Yean pointed out that a number of the provisions in the bill could already be implemented under the former act. I therefore wonder whether there is some sort of hidden agenda. Some of the honourable member’s comments raise possibilities for the future and must also cause considerable concern in the community about how the government intends to operate the Corrections Act.

In relation to the Prison Industries Advisory Committee it is rather humorous that while we have heard nothing from the current government about the continuing downsizing for the past four years, in this case it has decided on a bit of upsizing and is increasing the number of members on the board by 5 to 10! There may be a reason for this, but it is not apparent from any of the information that has been provided in the second-reading speech.

I reiterate the comments made by the honourable member for Yan Yean. It is a retrograde step that the government has removed specific people from the board. When the Victorian Prison Industries Commission was introduced by the then community welfare services minister, the late Pauline Toner, she gave quite specific guidelines of who had to be on the committee. I read from her second-reading speech from the Legislative Assembly on 3 May 1983:

The implementation committee consists of five persons. These persons represent the Trades Hall Council, Victorian Congress of Employers Associations, and Treasury, and two persons nominated by the Minister for Community Welfare Services, one of whom will represent the Department of Community Welfare Services.

The committee provided a wide-ranging field of views to ensure that it operated fairly in regard not only to the prisoners but also to the community in what it was doing. It is a great shame that those restrictions have been removed and that now we will have this vague committee of 10 people with no direction given in the legislation about who they might be and where they might come from, apart from the fact that the minister can appoint them!
In 1983 the then minister, the late Mrs Toner, said in her second-reading speech:

As the commission establishes itself, it will ensure benefits for the whole community, not only in terms of providing useful goods and services to the state but also in terms of providing increasing work opportunities for many prisoners who are not playing a useful role in the prison system. The commission will provide opportunities to improve prisoner work skills by providing useful employment in productive industries —

these final words are interesting —

of value to the state and the prison system.

It is not proposed that the prisoner work skills be of value to the private sector or to the friends of the government, but to provide useful employment of value to the state and the community of Victoria. The late minister continued:

The commission will provide opportunities for prisoners to accumulate moneys which will be held in trust, and to engage in activities that provide a feeling of self-worth.

They were specific guidelines regarding the sort of work to be undertaken, but they are not picked up by the amending bill, and that must raise considerable concern about the use of prison labour in the future.

The honourable member for Yan Yean spoke at length about some of the abuses that occurred in the American system, particularly in relation to the treatment of prisoners by using them as a sort of slave-like force which must do whatever the private contractor says. Concerns have been expressed about private prisons and the sort of work private contractors will be seeking. Obviously, people running private prisons are not doing it for their health but to make money. They will be trying to produce goods at the cheapest rate, which raises a lot of questions about the long-term effects on prisoners. The bill does not appear to provide any protection for prisoners in that regard. A provision that was in place before appears to be missing from this bill, and that is a retrograde step.

The honourable member for Yan Yean referred to competition that could affect normal employees in the state. He referred to Wackenhut and the circuit board assembly plant in Austin in the United States where 150 employees were sacked when the plant was moved to Lockhart where prisoners were paid a minimum wage. That contractor put himself at a competitive advantage over anyone else making the same components in that state. It was a restrictive trade practice in a way because employees making similar parts in other American states did not have the capacity to compete on the same level. The gentleman, whose name is Hill — I don’t know that gentleman is the right word — and who ran the assembly plant showed his concern for his workers by saying:

Normally when you work in the free world ... you have people call in sick, they have car problems, they have family problems. We don’t have that here.

I don’t know why he thinks prisoners don’t have family problems! I should have thought prisoners have massive family problems. He also says:

The state pays for workers’ compensation and medical care.

Presumably if you are a prisoner the state is responsible for your medical care and it is not left to a private contractor. Is it the case that private contractors look at health differently from the state government? The American situation raises real concerns, and I am surprised the government is prepared to allow such a restrictive trade practice. Certainly we hear a lot about encouraging competition by the refusal to allow enterprises to remain in state ownership.

Mr Baker — What about the casino?

Mrs Maddigan — The casino is a slightly different case, isn’t it? As the honourable member for Yan Yean says, perhaps it is a state-owned enterprise! We have to look at these things differently now. There must be real concerns about the way prisons may operate and how prisoners will be treated. There were opportunities for those limitations to be included in the bill and it is a shame they have been left out.

A couple of other things are linked to the conditions of prisoners and how private contractors run prisons in Australia. I am concerned about occupational health and safety of the prisoners when they undertake a whole range of work. At this stage we do not know what they will be. When one looks at the number of deaths occurring in private prisons in Australia one has real concern about the general welfare of prisoners. It is a matter of profit rather than community concern. This matter should have
been addressed in the bill. ACM has won the right to run the prison in Victoria. A letter to the Age of 15 December states:

ACM, a wholly owned subsidiary of Wackenhut, operates two private prisons in Australia — Arthur Gorrie Remand and Reception Centre in Queensland and Junee Correctional Centre in New South Wales.

ACM has operated Arthur Gorrie since 1992. Within five months of opening there was one death, within 14 months there were five deaths. Between November 1992 and September 1995 there have been eight deaths in custody.

If a prison is run on a profit basis the provider must get as much value as he can out of the prison. There is real concern about the range of prison services and those concerns should have been addressed by the bill.

Part 9A, which relates to search and seizure in police gaols, is another provision of the bill which concerns me greatly. A freedom of information request was made earlier this year which highlighted the abuse of the search and seize capacity under the act. The fact that the provisions in the bill are open causes huge concerns, particularly for women’s prisons. An article in the Herald Sun of 17 March explains what a search is like for female prisoners. It states:

During a search a prisoner must remove all of her clothing, a piece at a time, stand naked in front of the officer, open her mouth, remove any dentures and flick her ears ... The prisoner must also bend over with her legs apart and part her buttock cheeks, and if menstruating, remove the pad or tampon.

That is the indignity that is inflicted on female prisoners in this state. That sort of activity in the hands of a private contractor has filled many women prisoners with alarm. It is interesting that Judy Cox on behalf of the Women and Imprisonment Group said she received anecdotal evidence suggesting that if there were not enough women supervisors to conduct searches male officers were involved in the process.

A letter to the editor of the Age on 23 May from Judy Cox details a certain freedom of information claim, which is appalling. At the time it received a certain amount of publicity. The facts are unpleasant and I do not like to confront them, but sometimes we have to. Ms Cox states:

Department of Justice documents released under the Freedom of Information Act to the Essendon Community Legal Centre reveal that in a two-year period 13 752 strip searches were undertaken on approximately 100 women at Fairlea.

That is outrageous. Ms Cox goes on to say:

Women must endure a strip search every time they have a contact visit with their child, their family, their lawyer and community worker.

Honourable members interjecting.

Mrs MADDIGAN — It is all right for members opposite to get upset. I am not making this claim, it is from a Department of Justice document. Instead of pretending that it does not happen, it would have been better if the government confronted this information when it was drawing up the bill. Perhaps there might have been some protection for women prisoners. How successful were the 13 752 strip searches on 100 women?

For example, the Department of Justice decided to carry out searches in two randomly selected months: 506 were carried out in April, and 574 were carried out in August of 1995. Not one item of contraband was found in April after the women prisoners had suffered those 504 indignities, while August was a bad month because two pieces of contraband were found. Guess what they were? Cigarettes! What a threat to Victoria women prisoners pose by having people smuggle in cigarettes for them! Perhaps if they were better paid and offered fair opportunities they would be able to pay for their own cigarettes and nothing would need to be smuggled into prison.

One wonders about the environment that is being provided for women prisoners, particularly when one considers that 80 per cent of women prisoners have been the subject of some sort of sexual abuse in their lives — 80 per cent of the 100 women who suffered 13 752 searches.

Honourable members interjecting.

Mrs MADDIGAN — Isn’t it odd that government members are usually happy to sit there quietly, but when mention is made of some indignities against women, they jump up and down and scream and yell out! They are absolutely petrified.

Honourable members interjecting.
Mr LUPTON (Knox) — I join the minister and government in supporting the bill. It is not unusual for the Labor Party to oppose anything that has to do with change. This bill brings the prison system into the 21st century and ignores the opposition’s desire to operate it as though we were still in the 19th century. The former Labor government invented the revolving-door prison system: prisoners went in one door and out the other and back into the community. Under the former Labor government Mr John Citizen was not protected.

The house has just had to listen to 10 minutes of rubbish from the honourable member for Essendon. All she talked about was the strip searching of women prisoners. She made no mention of strip searching of men prisoners, so I assume that with the exception of a couple of orifices the strip searching of men and women is the same.

She did not mention that when people smuggle drugs into prisons they hide them in all parts of the body. What will happen when a prisoner who has hidden a drug in a certain part of his or her body dies? The state government, the prison system, the warden and the governor will all be sued. The honourable member for Essendon went on an on about women being strip searched, but she did not talk about men. She should ensure that there is a level playing field and stop being sexist all the time.

Honourable members interjecting.

Mr LUPTON — Did you mention men at all? You did not talk about men at all. Let’s be honest about the whole thing.

Mr Baker interjected.

Mr LUPTON — I am talking the truth.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! I ask the honourable member for Knox to make his remarks through the Chair.

Mr LUPTON — The changes to prisons in this bill are not complex, and they have been detailed. Let’s consider some of the prisons the government has opened: Langi Ka1 Kal, which has 100 beds and which was a former youth training centre; and Laverton North prison, which has 125 beds. The Laverton North prison is tops! It is absolutely a home away from home.

Mr Baker — It is not in your electorate.
Mr LUPTON — That’s right.

Mr Baker — You wouldn’t put one in your electorate.

Mr LUPTON — I am talking about prison conditions, not where prisons are situated. The honourable member for Sunshine is becoming agitated. I am talking about the facilities available in that prison, such as a swimming pool, squash courts, a gym and a sauna.

Opposition members have failed to mention that some of those prisoners are receiving training which they would not have had the opportunity to receive in the wider community. I was surprised to hear the shadow minister for women’s affairs say she was concerned about the danger of prisoners who are being trained becoming slave labourers.

Other prisons that will open next year include the Fulham prison, with 600 beds, and the prison at Derrimut, which will have 600 beds. The design, construction and management of those prisons will cost the same amount as the construction of City Link — somewhere between $1.6 billion and $1.7 billion. The government has accepted that enormous outlay and the responsibility — —

Honourable members interjecting.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! the honourable member for Essendon was given the protection of Chair on three or four occasions. I would like her to show the same respect to the honourable member for Knox.

Mr LUPTON — We are getting on very well. The government is putting in between $1.6 billion and $1.7 billion for the design, construction and management of the prison system. Opposition members do not understand that the government is transferring many of the responsibilities of running correctional institutions to the private sector. For example, a private contractor operating a prison may approach the government about the employment of prisoners and the type of work they should do. The contractor may be advised to have prisoners build deck chairs, but in that case the private operator bears the risk if the business of building deck chairs fails and the business folds. In effect, the government is transferring the risk to the private operators of prisons. The bill is not complex, but will help to bring the operation and management of the prison system into the 21st century.

The honourable member for Ballarat East said police officers had the right to search prisoners in a police gaol, but that once a person was sentenced he or she came under the jurisdiction of the correctional authorities and the police no longer had the right to conduct a search of that person. That is ridiculous. The government is making the prison system more efficient by allowing the privatisation of some gaols. Larger prisons can be operated more efficiently and more cheaply privately, which is what it is all about — getting the best value for state’s dollar.

The opposition said prisoners were being exploited. The honourable member for Essendon referred to the effect of family problems on prisoners in private-sector gaols. I should have thought all prisoners would have family problems. Normally people are entitled to take a day or a week off work if their child or other member of their family is sick. Prisoners do not have the same problems. It may not be ideal, but family problems are not as relevant in the case of a person who has been incarcerated for offending against the standards of the community because he or she has been removed from the family environment. The honourable member for Essendon did not address the fact that in the prison system there is no problem of prisoners absenting themselves from work because of family problems.

The bill provides for a compulsory savings plan for prisoners in respect of prison earnings. Currently prisoners, whether they are serving sentences of 6 months, 6 years or 60 years, are not required to save any money and the bill provides for them to save 20 per cent of their earnings. That may not seem a lot, but it will give prisoners money in their pockets when they are released from gaol to assist them to assimilate into the community. At present many prisoners have no support in the community on release and become a burden on society. The bill will help prisoners get back on their feet and give them something to fall back on when they take on the responsibility of managing themselves following their release into the community.

As I said earlier, the bill is not complex and is designed to bring the prison system into the 21st century. I support it.

Mr McLELLAN (Frankston East) — I support the bill. During my time in this place I have not heard more pathetic or narrow-minded contributions than those made by opposition members today. If we are to believe some of the comments of opposition members, everyone in the world is corrupt except members of the Labor Party. How pathetic!
Opposition members referred to the corruption in the United States prison systems and to appointments to boards and commissions and made out they are the only people in the world who are fair and just when making official appointments. They must be kidding.

Labor should look in its own backyard. I refer in particular to some of the appointments the former Labor government made and to what occurred during the period of federal Labor Party government. What a classic! The wife of the best man of Senator Bolkus was appointed to a $90 000 a year job! Labor specialises in jobs for the boys; it has made an art form of it. I am amazed that opposition members have the audacity to carp and whine and raise these issues. Has the government made one good appointment yet? Anyone listening to the opposition would doubt it!

The honourable member for Essendon spoke about strip searches. My old man was a prison officer at Pentridge Prison for many years before it accommodated women prisoners. I am not making any comments about the sexuality of prisoners, but the honourable member should be aware of how resourceful many prisoners are and of the amount of contraband that is smuggled into gaol on people’s bodies — but not necessarily on the body!

People often ask, ‘How do drugs and other things get into gaols?’ Although some staff members may smuggle drugs and other contraband into prisons, so do the families and friends of prisoners. Prisoners get contraband into their cells by being resourceful and secreting it in their bodies. When I was a kid my old man brought home a bar of soap from prison. Apparently a prisoner made bars of soap in his cell and no-one knew about it. He used to hide them everywhere, and eventually the authorities found hundreds of bars of soap hidden all over the place. However, his workmanship was so good he was permitted to make his beautifully crafted bars of soap full-time. Subsequently the soap was sold and the money raised was used to buy toys and the like.

My father was in charge of prisoners who made hundreds of coir mats for Parliament House and other public buildings. Pentridge stopped making mats when mat making was taken up by the Royal Victorian Institute for the Blind. However, the institute’s mat-making activities did not last too long and the mats are now imported from overseas. Prison industries have often been accused of stealing food out of people’s mouths, yet a prison industry that made a quid and provided an excellent service was closed down because another organisation wanted to make the mats.

The comments of the honourable member for Essendon about strip searching were unbelievable. Prisoners are a group that has been ostracised by society, yet the honourable member wants to give them a gift. She might as well give them the keys to their prison cells so they can walk in and out and hand the keys back when their time is up! People are in prisons because they have offended the rules of society. Years ago prisoners lost the right to vote at elections and did not have the right to make telephone calls.

Mr Bracks interjected.

Mr McLellan — I have no problems with it. You can put it on the record.

You could not get a letter out of gaol without having it vetted. You could not make a phone call out of gaol. In recent times prisoners have been running businesses out of gaol. What nonsense! Also, there have been no checks on the activities of prisoners or on the people who have been contacted by telephone. Last year a woman who was a rape victim told me she had been contacted by a prisoner by telephone. That happens on a regular basis. How can the prison system allow it to happen? It is unbelievable. Prisoners have been able to telephone whomever they want, with no supervision of where the phone calls are going. Years ago you had to book the call. A prison warder would dial the number and you could speak on the phone once the identity of the other person had been confirmed.

It is unbelievable that people bleat so much about what is going on in the prison system. I have not been inside a private prison, but I have a friend who works at the establishment in Brisbane. He told me that it runs very well; that the prison officers are conscious of the health of prisoners; and that few prisoners refuse to take part in work programs.

Evidence shows that the payments to prisoners who sit around doing nothing are so low that when those prisoners leave the system the only thing they can do to get themselves re-established is to commit crimes. They need money to pay bonds on flats or units or to buy some clothing. But if a prisoner had been working and accumulating money while in gaol, things would be much easier when he left. Recently an American talk show focused on prisoners who were working in the gaol system. They were keeping a percentage of their wages and
paying 40 per cent to 60 per cent to the authorities for their upkeep. When they came out of prison they each had between $3000 and $5000 to re-establish themselves in society. They did not have to go out and commit crimes: they did not have to commit robberies or burglaries or thieves or cheat. They had enough money to give themselves an opportunity of returning to the work force and taking their place in the society from which they were ostracised.

The bill is long overdue, and I support it. I have no time for the people who continually harp and carry on about corruption and the potential for corruption. Last year in another debate I said it had always been my experience that those who bleat the most are the closest to it. I commend the bill to the house.

Mr BRACKS (Williamstown) — This is a very dangerous piece of legislation. The government is heading along a route without knowing where it will end. The route could lead to the deregulation of the prison industry sector — those industries that are making, constructing or adding value to products and selling them on the open market. The government is following a route along which there is a lack of safeguards.

The Minister for Corrections will be aware that the current system works very well and does not need deregulating. It includes the Victorian Prison Industries Commission, which ensures through the work of representatives of the union movement, employers and the government, that what is made in the prison system does not compete unfairly with similar products made by other businesses. That is why the changes in the bill are dangerous.

If I were the minister responsible for introducing the bill I would be concerned about what it will do to the manufacturing businesses and the lives of the people who work in those businesses. The bill does not offer the Victorian public the same protections and safeguards that are provided by the commission. Leaving it up to the whim of the minister to decide which committee he will consult and inform him about these arrangements is not good enough. Is the government intending to include on the committee a representative from the trade union movement?

Mr Finn — Why?

Mr BRACKS — I bet you don’t.

Mr McLellan — What for?

Mr BRACKS — They are damned by their own interjections. We will have slave labour, or prisoners being paid almost nothing, which will mean the private prison system will be able to compete effectively with people outside who are trying to earn a living wage producing the same sorts of products. That is the problem the honourable members for Tullamarine and Frankston East and others will have to face up to. There will be no safeguards to ensure that small manufacturing businesses are protected from the Victorian prison system’s producing similar products.

I understand the shadow Minister for Corrections has already provided the house with a clear example of how that can happen. We are not talking about hypothetical issues. The strategy the government is pursuing has already been adopted in the United States of America, where a deregulated private prison system already operates. The honourable member for Yan Yean has told the house about one of those prison institutions. I refer to Lockhart in Texas:

Every weekday morning, 55 men punch the time clock at US Technologies Inc. and begin their work on electrical components that are sold to major computer companies such as IBM, Motorola and Dell.

Government members cannot claim that those are things the private sector does not do. They cannot claim manufacturers in Texas or in other parts of the US cannot do that work. This is basically a way of getting slave labour — under-award, underpaid labour — to do manufacturing work that should be done in the private sector.

It is a sham for a government that purports to be concerned about growing manufacturing to have a policy that will affect the manufacturing industry, especially when that has already occurred overseas.

In a previous job I had cause to visit the new Castlemaine prison, which is on the rise of the hill as you travel into Castlemaine. It is a very good, well-appointed facility, with good training and manufacturing industries. At that time the prison industry was producing motor mowers that were not able to be constructed in Australia. It was a successful enterprise and prisoners were learning a lot of skills — but there were safeguards attached. They had to ensure that the work going on at the prison was not being undertaken elsewhere in Australia and that it was merely replacing goods that would have been imported. That is an important principle.
If you do not have a commission with mandated powers and employer and union representatives, which ensures that you can determine, case by case, exactly what sort of valued-added work can and is being undertaken, you are leaving the government vulnerable to the pressures of that industry. What will happen when the private prison is operating? Representatives could come to the minister and say, 'Under this act you have extraordinary discretionary powers, which you did not have before. We could not have got away with this previously, because a commission regulated these matters, but we have an idea to build and add value and sell. We know there is demand for it, and we think we can produce it and sell it more cheaply than has been done to date'.

The pressure will be on the minister to decide this issue, but why should he have to decide? This should not be a matter for ministerial discretion. The existing system should remain. Either it cannot be made in Australia and therefore the prisoners can do it, or it can be made here and therefore they can't.

I would not like to be in the minister's shoes, and I would not like to be in the shoes of my colleague when he becomes the Minister for Corrections.

Mr A. F. Plowman — Don't you trust him?

Mr BRACKS — This shadow minister will make the best corrections minister this state has ever seen, I am sure of that, and I expect that to happen around 1999 or 2000.

When I have responsibility for industrial relations and the shadow minister has responsibility for corrections I want to ensure that no direct representations are made to the minister on this issue. The system in place should ensure that there is not unfair competition in the manufacturing industry, that people's wages are not taken away from them unfairly, that work within the prisons cannot occur elsewhere in Australia and that the areas of manufacturing pursued are not profitable for the private sector in Victoria.

Prisoners enter the prison system with a range of skills, but the skills they develop should be centred around trade and manufacturing. There is a lot of spare time in prison and it is quite possible for prisoners to develop those skills with the excellent training and support available within prisons. It is dedicated training, often one to one, and the time is available to gain apprenticeships and certificate qualifications so that the work produced is of a high quality.

The minister is leaving himself open to all sorts of problems by repealing the commission. The problems will not necessarily come from state-owned and operated prisons but from private prisons looking for margins. The private prisons need from the government a contractual arrangement under which their operating and capital costs can be paid for in the contractual arrangement, but the government should drive a hard bargain. In signing up with Wackenhut or other operators, the margins involved should not disadvantage the taxpayers of Victoria.

In a difficult economic environment private prisons will look for every possible revenue-earning avenue and the temptation will be there to take a profitable share of the Victorian manufacturing market and value-added manufacturing goods. The minister will receive considerable representations on this point.

The private operators could undercut the price charged by Victorian employees for manufacturing product, and the profit those private operators could make would be considerable because of the minimal labour cost. They have a considerable incentive to say to the minister 'We can make these things. Very few employees will be affected outside of the prisons — only in a small region of Victoria — so you don't need to worry about that. We will have other benefits for you too.' They will do a deal with the minister, and I would not like to be a minister doing deals with those organisations. I would prefer to say to them, 'Go away. There is a commission to deal with this. You put your case to the commission. That commission comprises employers, people from the Trades Hall Council, my representatives and the Treasurer's representatives. They will assess what you are saying to ensure that it is absolutely watertight and to ensure that what you are proposing to manufacture cannot be produced anywhere in Australia in the foreseeable future, even if we skill-up the work force'.

I am not sure why the minister is doing this. His own constituency must have concerns. There are a range of reasons why the bill should be opposed. The compulsory savings mechanism provided for prisoners on small wages will face value the bill. The measure of the manufacturing industry can be taken by prison industries in the future. On face value the bill appears quite innocuous, but it is nasty, and the government cannot know for sure what its eventual outcome will be.

I do not know where the bill was framed or who developed it but it is a flawed reform and,
Mr HAMILTON (Morwell) — I support the comments of the shadow Minister for Corrections. Down in my part of the world there are a number of prisons, and I will refer to one in particular just to make sure I get it on the record. The Morwell River Prison has been an important part of the correctional process in that prisoners are sent there for the final part of their sentencing arrangement.

Mr Finn interjected.

Mr HAMILTON — As the honourable member for Tullamarine says, a number of celebrities have spent time there, including ex-VFL umpires and radio announcers of varying repute. If nothing else goes on the record today, this must: when the Minister for Corrections came down to Morwell River Prison for the annual fun run he challenged those other members of Parliament at the presentation day to sponsor him in next year’s fun run. I agreed to the sponsorship, which was $50.

It appears the minister has a very short memory because today I hear the figure has increased to $200, and unless we get it on the record it is likely to be up to $400 by the time next year’s fun run comes around! So I reiterate that if the minister runs in the Morwell River fun run next year and completes the 14-kilometre course $50 will be on the table as sponsorship for the minister. That is a pretty generous offer because I am not in the habit of giving government members money, but in this case it is an excellent cause. The program has raised tens of thousands of dollars to supply special equipment for handicapped kids, and we were pleased to have the minister down in Morwell showing government support for this exercise.

Mr Finn — Were any prisoners in the fun run? Did they stop running?

Mr HAMILTON — Yes, a number of prisoners were in it and the prisoners organised it. Some of them take their time getting back; some of them socialise with friends and partners down there. There are not too many police officers in it and it would be nice to get some of the fitter ones running in next year’s fun run.

Having made those brief introductory remarks, I will now address the bill. Rehabilitation should be an important part of the prison industry, and there is no doubt in my mind that prison has to be more than punishment. If prison is simply a form of punishment, society has failed. One form of rehabilitation should be the constructive and even creative use of prisoners’ time.

During my years as a member of Parliament I have become acquainted with a few prisoners at Morwell River Prison and I have seen the development of their creative skills. They have produced some beautiful works of art and products of natural timber from the area, and their creativity has been a very important part of their rehabilitation. At Morwell River and Wron Wron prisons, prisoners have been involved in reaafforestation of the Strzelecki Ranges as part of a cooperative venture between the prisoners and the conservation department. I do not know what the department is called these days; it has had 10 name changes that I can think of.

Going into the Sale Prison, which houses prisoners who require protective custody, was one of the most daunting experiences of my life. The doors clanged shut behind me and I could smell that special smell that all prisons seem to have. Prisoners there have been involved in making nails for various companies, and that has been a good way of developing their skills and occupying their time. Prisoners have been making motor car number plates for many years, including the disastrous blue ones with peeling paint. There was nothing wrong with the paint; it was just a way of getting more blue number plates on the road, and it turned out to be an advertising gimmick. But far be it from me to be critical. I still have those green number plates because I have resisted getting the blue ones.

The ACTING SPEAKER (Mr McArthur) — Order! I am aware that an honourable member is allowed to make passing references during a speech, but so far the honourable member for Morwell has made nothing but passing references.

Mr HAMILTON — I have been talking about the prison industries that are important to my electorate, which brings me to the bill. The honourable member for Yan Yean was correct in his criticism of the bill. This government would privatise anything. The Treasurer would privatise his grandmother — if she were still alive! We have privatised power stations and prisons, and we even have a privatised hospital! That has serious implications.

My real concern is the absolute immorality of privatising punishment. It is abhorrent. If society has any responsibility at all it is the responsibility to...
punish those people who break society's rules, but it is immoral and abhorrent to privatise prisons and make profit out of punishment. It is the most immoral thing this or any government could do, and it is not on. The government's sins will revisit it one day.

I do not like the sneaky deals and commercial-in-confidence contracts. Would honourable members believe that Yallourn Energy could be indemnified against industrial unrest? I bet the government has a similar secret deal with the private prison system. I bet it has said, 'If you have a problem we will indemnify you'. When costing a service you have to add on the additional cost of putting profit into private pockets.

However you look at it, privatising prisons, power stations and hospitals is simply a way of transferring money from the public pocket to private pockets. That is what the government is guilty of. If anybody ought to be in prison for his or her sins it is the government, for taking public money and putting it into its mates' pockets. That is what the government is on about, and this legislation will make it even easier. Make another secret deal! It is another secret way of transferring taxpayers' money into private pockets.

What is worse is that the government is walking away from its responsibility to look after people who have been proven by the justice system to be anti-society. The government is taking another step backwards in removing the Victorian Prison Industries Commission. It is another easy way to do sneaky, rotten rorts. The bill is about walking away from responsibility. If ever a government did not want to govern, it is this government. It wants someone else to govern, but it wants the dollars to do the governing.

Dr Dean interjected.

Mr HAMILTON — The honourable member for Berwick makes a very useful point, which I intend to use.

The ACTING CHAIRMAN (Mr McArthur) — Order! The honourable member for Morwell will address the Chair and ignore interjections.

Mr HAMILTON — The honourable member for Berwick makes a good point. The difference is that if sneaky rotten rorts were going on in the past, the government was accountable.

The Corrections (Amendment) Bill takes away that important step of accountability that must be part of our process. If the so-called market forces are allowed to run rampant, all that happens is that the rich get richer and the poor get poorer, and no-one is there to take the blame. We need to be very much aware of that.

We need to have an integrated approach to prison industries. Clearly, prisoners are not paid award wages. The government might be setting the standard in saying: we're going to get prisoners working for $5 a week, and then we'll have everybody working for $5 a week. The government will not be satisfied until everybody is working for nothing. That is what the government wants in its deregulated labour market. The chief executive officers of the new companies earn $300 000 or $400 000 a year, and the poor workers are working for the same wages that Filipinos and Koreans have to work for.

We must ensure that proprieties are set in place and that prisoners are paid proper wages, that the prison industries do not compete unfairly with other industries, and that the prison industries serve the purpose of providing some training and vocational education. We must ensure that what is likely to happen in this case does not happen — that is, the prison operators must not be able to invest the compulsory savings of the prisoners and earn the interest on that investment. It is a rort and it is absolutely dishonest, but that is what is likely to happen. It is a bit like what happens when crook lawyers invest people's money in accounts and then cream them off. What is to say that cannot happen? How can we ever find out, with all the secret commercial-in-confidence contracts?

I am strongly opposed to the bill. It is a backward step. It is another example of an opportunity for the government to walk or run away from its responsibilities. Again the government will say: it's not our fault; it's somebody else's fault, but we can't tell you whose fault it is because we have this secret contract. Secrecy and abrogation will be the
CORRECTIONS (AMENDMENT) BILL

Thursday, 17 October 1996

The downfall of this government. No matter how you pontificate, you will pay dearly for this process in the longer term!

Mr A. F. PLOWMAN (Benambra) — In speaking briefly on the Corrections (Amendment) Bill, first I take the honourable member for Morwell to task. He spoke about the immorality of privatisation and the need for accountability. What he fails to recognise is that the reasons we have prisons are immorality and a failure to maintain accountability in the community. If he thought a stage further he would realise that the government is establishing a system to privatise prisons to meet the public responsibility of giving offenders conditions that may be vastly improved on what they have been in the past.

Mr Hamilton — You believe in fairies at the bottom of the garden!

Mr A. F. PLOWMAN — We are giving prisoners a way of paying for their sins and being accountable while having opportunities for training and rehabilitation. There is a prison in my electorate, at Beechworth, which I have visited quite often. One of the most outstanding features of that prison is the training the prisoners get. More than 80 per cent of the prisoners receive TAFE education as well as training for the industry that is provided in the prison.

Two factors are important. One is that if you ask any of the prisoners what are the most important things they get while they are there, they say one is the experience they got in the industry. I differ from the honourable member for Yan Yean when he said that going from prison to prison is not a good idea, because being part of the industry in more than one gaol gives prisoners a broader understanding of the sorts of industries they might be part of. Many people in prisons have never been employed so taking part in prison industries gives them opportunities they have never had before.

The second important factor is training. Many prison inmates obtain training, which breaks the ice for them, as it were. They realise that training and TAFE education are things they can do and enjoy, so when they leave prison they may undertake further TAFE education. I suggest that is a valuable aspect of the system.

Other issues covered by the bill include strip searching and seizure. I suggest that one of the biggest disruptions in any prison system is the use of drugs. The honourable member for Essendon said strip searching is a total invasion of the privacy of prisoners, is overdone and is totally unnecessary for the security of prisons. I suggest that the greater invasion is the introduction of drugs into prisons.

You can sustain almost any amount of strip searching if it is effective. In recent times for about four to six weeks visitors to inmates of the prison at Beechworth were closely searched. That caused a lot of emotion among many visitors, who felt they were being subjected to unjustifiable strip searches. However, the rate of drug use in that prison dropped dramatically. I ask the honourable member for Morwell: which is the greater sin? It was implicitly beneficial to the community and the inmates of that prison to be subjected to six weeks of strip searching so that the drug problem in the prison could be reduced.

I would like to make many other points on the bill, but time does not allow that.

Mr W. D. McGrath (Minister for Corrections) — I thank the honourable members for Yan Yean, Ballarat East, Essendon, Williamstown, Frankston East, Knox, Morwell and Benambra for contributing to the debate. The bill makes only small amendments to the corrections industry, yet it is amazing that the debate has taken so long. I do not regret that because it is important to have the views of as many members as possible before the house.

The honourable member for Essendon is particularly concerned about strip searching; she spoke at length about the situation at Fairlea Women’s Prison. I remind honourable members that the bill has nothing to do with strip searching at existing gaols; it allows only for the provision of strip searching in police gaols. It has nothing to do with either public or private sector gaols.

The opposition is concerned that as a result of this legislation we will see undue competition in the prison industries and that the private sector operators running the prisons will profit. Of course they will make a profit; that is why they are in that business. I remind the honourable members for Morwell and Yan Yean that the operators have contractual arrangements which are subject to review by the Auditor-General and the Correctional Services Commissioner, John Van Groningen, who have the responsibility of ensuring that prison operators honour their contractual arrangements. Under the auditing and benchmarking arrangements the operators will suffer financial penalties if they do not comply.
Mr Haermeyer — Without exception?

Mr W. D. McGrath — I see no better incentive than the provision of a financial penalty. The opposition talked about deals with the private sector, yet for years the former Labor government did deals with unions. The Labor Party regards it as nothing new to do deals with its affiliates — it all depends where you come from! The opposition criticised the provision that allows the Prison Industry Advisory Committee to select private sector work sites. In 1983 the Labor government set the scene when it allowed the public sector to select work sites.

Mr Haermeyer interjected.

Mr W. D. McGrath — It was a site outside the prison. Don’t tell us there is something new in the world about those provisions!

As to industries within prisons, I am aware that nearly every honourable member has acknowledged that the industries in which prison inmates participate are import replacement industries. I have visited all our gaols except the Dhurringile Prison and the Melbourne Remand Centre since I became the responsible minister, I have seen the workshops at Ararat, Morwell, Sale, Loddon and, a couple of weeks ago, Barwon. I saw the work being done within the prison industries. It is a credit to the people who do the training, most of whom have come from the private sector and now train prison inmates.

Now we can see a private sector philosophy coming through to the public sector. That cross-fertilisation is of benefit to those we are trying to rehabilitate — and I stress the word ‘rehabilitate’. If they commit the crime, they serve their time. I have no problem with that, but we must give them the chance to rehabilitate.

Many honourable members spoke about the drug problem in gaols. In 1989-90, 23 per cent of prisoners were testing positive to urine drug tests. When answering a question yesterday I said it had been shown that 70 to 80 per cent of prisoners had problems with illicit drugs or alcohol when they first entered prison. We have to turn that situation around. We have made legislative changes to allow prison officers to play a stronger part in reducing the availability of drugs in prisons. By 1995-96 the 23 per cent figure had fallen to 5 per cent.

Also in 1989 the number of prison visitors suspected of drug trafficking into gaols and being referred to police for investigation totalled 20; in 1996 that number had increased to 152. Therein lies a significant aspect of the drug problem. Visitors to the prisons bring drugs with them, and the drugs are given to the prisoners, often by devious means such as using body cavities. We have closed the possibility of drug trafficking in that manner considerably because more visitors about whom prison officers may have suspicions are being referred to police for investigation.

The allocation by the government of $5.3 million over three years will allow public and private sector prisons to put in place drug treatment rehabilitation programs to reduce the effects of illicit drugs in prisons. I have been told that female offenders are more likely to reoffend because of their problems with drug addiction that leads to prostitution or drug trafficking. The government aims to break that cycle and give them follow-up treatment after they have left prison. I hope that procedure will become part of the sentencing program so we can limit the number of times some people reoffend and find their way back into gaol. I make another point about the advisory committee. I would be one of the first to acknowledge the contribution of Jim Begg, the union representative on the prisons advisory commission. But it is important to note that now that there are two sectors — public and private — it is not quite as appropriate to have a statutory commission and is more appropriate to have an advisory committee. It will be up to the minister of the day to appoint the 10 people on the committee. I will be looking for a broad representation of people to provide advice on industries, because I want to see the industries that are conducted in prisons continue to contribute to the rehabilitation of offenders.

I refer to the other matter of the requirement for prisoners who get $4.50 to $6.00 a day for the work they undertake to compulsorily save 20 per cent of whatever they earn — and bear in mind that these earnings will be placed into and will remain in the prison trust account and will not go out into the marketplace to earn interest. Again, there is an audit process in relation to that savings provision.

I say this to the honourable member for Yan Yean. He referred to Wackenhut as a criminal outfit and said that it had lied to the Victorian government. I do not know whether or not that is true, but I make this offer to the honourable member for Yan Yean. If the honourable member wants to make the claim that Wackenhut is a criminal outfit — not in here,
but outside — I invite him to do so, and I will arrange for a police officer to take his statement if he so wishes. It is not much good coming in here and making those types of claims unless you are prepared to back them up with solid facts outside.

Mr Haermeyer interjected.

Mr W. D. McGrath — If it is a criminal outfit and it has broken the law, let us get it outside and give me the evidence.

Mr Haermeyer interjected.

Mr W. D. McGrath — We did the probity search and it came up quite well.

These amendments to the Correctional Services Act are proper and sensible, will provide proper and sensible rehabilitation opportunities to people who offend against society, and will give them every chance. The amendments will also give those who operate both our public and private sector prisons the opportunity to do the very best they can with the clients that they have the responsibility to safeguard the community against.

House divided on motion:

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Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 1.02 p.m. until 2.03 p.m.

Hospitals: privatisation

Mr Brumby (Leader of the Opposition) — My question without notice is to the Premier. I refer to the government’s proposal that the new hospital at Knox may in fact be a privatised hospital, and further refer to the fact that the privatisation of the Port Macquarie hospital by the former Liberal government in New South Wales is now costing taxpayers 30 per cent more than a publicly owned hospital and has been severely criticised by the New South Wales Auditor-General. Will the government guarantee that it will publicly release the contracts for any privatised hospital, including all details of the cost and contingent liabilities to the taxpayers of Victoria?

Mr Kennett (Premier) — The Leader of the Opposition is referring to the provision-of-hospitals strategy that the government has just unveiled, which will take hospitals into the 21st century in a way that no government has ever addressed the needs of the community over and above short-term political interests.
I can only assure the Leader of the Opposition that just as in the past the government has used the private sector to provide infrastructure that cannot be provided by the public sector, it will utilise the private sector to give public patients in this case access to the best health care possible and continue to use the best arrangements in the public interest.

Mr Baker — What about Mordialloc, Altona and Essendon?

Mr KENNETT — The honourable member for Sunshine very quickly establishes just how totally out of touch the Labor Party is in terms of providing a responsible and reasonable health care service to the people of Victoria.

Mr Baker interjected.

Mr KENNETT — Just as you were asking about City Link and the casino. The public gave you the thumbs down. The programs that are in place to use the private sector obviously still have to be worked through. The Minister for Health in another place, the Honourable Rob Knowles, yesterday announced that there would be private sector involvement in the provision of the Latrobe Regional Hospital, as there will be in others.

The documentation to be made available will depend entirely on the normal commercial-in-confidence rules that apply in any arrangement. That does not exclude the Auditor-General from having a look at them, as he has looked at commercial-in-confidence documents in the past, to ensure that they are in order before coming to his conclusions. It is for that reason that the public can continue to have every confidence in the way this government will be providing health services into the 21st century.

Melbourne International Festival of the Arts

Ms BURKE (Prahran) — Will the Premier, in his capacity as Minister for the Arts, advise the house on the economic benefits of the Melbourne International Festival of the Arts?

Mr KENNETT (Minister for the Arts) — Today the Melbourne International Festival of the Arts starts what will again be a very exciting period in Melbourne, bringing together artists in fields ranging from traditional arts to street art. Last year's festival was a major success, with over half a million attendances and box office takings of over $1.8 million. Sponsorship last year was at a record level of $2.8 million, and the festival attracted over 12,000 interstate and overseas visitors.

There is no doubt that this year's festival will be a wonderful culmination of three years of artistic direction by Leo Schofield, who after this year will be returning to Sydney to take on a similar responsibility there. The strategy for MIFA is contained in the government's Arts 21 strategy, which is now being acclaimed by artistic communities right around the country for providing clear guidance to those who participate in the arts and look to the arts for entertainment or education.

The festival takes place from today, 17 October, through to 2 November. It is interesting to note that this year there will be 145 overseas and 1743 Australian artists and technical staff participating. There will be more than 600 performances, including 133 indoor performances. Some 15 events will be exclusive to Melbourne, and there will be 6 world and 6 Australian premieres performed in more than 50 city venues and locations.

While the program is an important part of our arts calendar, it is also a substantial credit to all of those who have worked on the festival — the board, Mr Schofield, management, and obviously the arts community. I assure the Victorian community that not only is the festival artistically of great international value to us, it is also of great economic value. I am sure that those of the people of Victoria who attend will gain a great deal of satisfaction from this year's Melbourne international festival.

Attorney-General: pecuniary interests

Mr HULLS (Niddrie) — I refer the Attorney-General to her press release of 4 March 1996 when she announced her decision not to prosecute BHP for contempt despite a Supreme Court decision that BHP had committed a contempt. Is it not a fact at the time she made her decision, which directly benefited BHP and its shareholders, she was a shareholder of BHP?

Mrs WADE (Attorney-General) — My recollection of the matter is in the particular circumstances the Solicitor-General — —

Honourable members interjecting.

Mrs WADE — In answer to this question I refer to the provisions of the Public Prosecutions Act 1994.
Mr Brumby — Were you a shareholder or not?

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting across the table.

Mrs WADE — I refer to the provisions of the Public Prosecutions Act 1994.

Mr Hulls — On a point of order, Mr Speaker, the question was quite specific and quite simple: at a time a very important decision was made that had the effect of assisting BHP and its shareholders was the Attorney-General, who made that decision, a holder of BHP shares — yes or no?

The SPEAKER — Order! The Attorney-General has just begun her answer. The honourable member for Niddrie was premature with his point of order. He should wait until the minister has had an opportunity to answer the question.

Mrs WADE — In answer to the question, this matter is covered by the Public Prosecutions Act 1994, and I refer the honourable member to the provisions of the act. Section 46(1) deals with the question of contempt of court.

Mr Baker interjected.

The SPEAKER — Order! The honourable member for Sunshine will cease interjecting.

Mr Brumby — On a point of order, Mr Speaker, the Attorney-General is flouting the ruling of the Chair. She was asked a specific question: was she or was she not a shareholder in BHP when she made that decision? Walk up to the microphone and answer the question — yes or no!

The SPEAKER — Order! The Attorney-General is not flouting the ruling of the Chair. The Attorney-General understands the question perfectly and she is answering it. It is a serious question. I would like to hear the answer she has to give. If the Leader of the Opposition is not satisfied with the answer he may ask her another question, and another question — as many as he wishes.

Mrs WADE — I refer the honourable member for Niddrie to the Public Prosecutions Act 1994.

Mr Brumby interjected.

The SPEAKER — Order! I would like to hear the answer from the Attorney-General.

Mrs WADE — Section 46(1) of the Public Prosecutions Act, which relates to contempt of court, states:

... the Attorney-General may apply to a court for punishment of a person for a contempt of court that involves an interference with the due administration of justice, either in relation to a pending proceeding or more generally.

As I recall that was the issue that related to the decision raised by the honourable member for Niddrie. The key issue here is whether any decision was called for in the matter.

Mr Dollis — On a point of order, Mr Speaker, in line with your previous ruling to give the Attorney-General some time to begin her answer, I now repeat the fact that the question was precise: is it not a fact that at the time the Attorney-General made her decision which directly benefited BHP and its shareholders was she a shareholder of BHP? Her answer should be yes she was or no she was not. It is a simple, straight-forward answer.

The SPEAKER — Order! It is clear that the minister can answer the question as she wishes provided her answer is relevant to the question. She does not have to answer yes or no. It is in the hands of the Attorney-General or any minister as to how a question is answered provided the response is relevant to the question, which so far it is.

Mrs WADE — The opposition does not understand that the question involves a decision. No decision could have been made in this case. I refer the honourable member to section 46(2), which states:

The power of the Attorney-General under subsection (1) with respect to a matter is only exercisable —

Mr Batchelor — On a point of order, Mr Speaker, the Attorney-General is quoting from a document and I ask that she table that document.

The SPEAKER — Order! I ask the Attorney-General to make the document available when she completes her answer.

Mrs WADE — I am reading from the Public Prosecutions Act 1994 which the honourable member can find on the table.
The SPEAKER — Order! The honourable member for Thomastown has every right to ask that a document from which a member is quoting be provided. I understand the Attorney-General will make the document available at the end of her answer.

An Honourable Member — What are you quoting from?

Mrs WADE — I am quoting from a photocopy of the Public Prosecutions Act.

Honourable members interjecting.

The SPEAKER — Order! If this sort of disorder continues I will leave the chair.

Mrs WADE — The opposition is assuming a decision was made. I am endeavouring to point out to the opposition section 46(2) of the Public Prosecutions Act, which provides:

The power of the Attorney-General under subsection (1) with respect to the matter — —

Mr Brumby — We would love the answer. We know what the answer is and it has three letters and starts with y. That is what the answer is.

Honourable members interjecting.

The SPEAKER — Order! I will resume the chair at the ringing of the bells.

Sitting suspended 2.20 p.m. until 2.24 p.m.

The SPEAKER — Order! The members involved in the disgraceful fracas which occurred in Parliament a few minutes ago should be thoroughly ashamed of themselves. It brought no credit on the house, it brought no credit on the Parliament of Victoria and it brought no credit on the individuals concerned. If question time cannot proceed without that sort of behaviour members will have to forgo their right to ask questions at this time, which would be highly undesirable. I ask members to show a bit of commonsense and to have some regard for the proper decorum of Parliament.

I also add that there are rules for quoting from documents. After question time I will explain what those rules are — and I will see that they are upheld. The Attorney-General, finishing her answer.

Mrs WADE — The opposition is assuming I made a decision. Having read section 46(1), which refers to the circumstances in which the Attorney-General may apply to the court for punishment of a person who may be in contempt of court, I draw the attention of opposition members to subsection (2), which states:

The power of the Attorney-General under subsection (1) with respect to a matter is only exercisable by him or her acting on, and in accordance with, the advice of the Solicitor-General with respect to that matter.

In the particular circumstances of that case, as I recollect — and I was not expecting this question — —

Mr Hulls — I bet you weren't!

Mrs WADE — I always carry around this particular part of the act because I know contempt is raised in Parliament from time to time. In the circumstances, as I recollect, the Solicitor-General said there was no case of contempt, and therefore, it was not necessary to make any decision in this particular matter.

National Trust: new museum

Mr ANDRIGHETTO (Narracan) — Will the Minister for Planning and Local Government inform the house of the National Trust's position on the development of the new museum?

Mr MACLELLAN (Minister for Planning and Local Government) — The National Trust has recently made its previous position even clearer by way of a public statement. The National Trust has expressed dissatisfaction about the inaccurate comments being made about the site of the new museum adjacent to the Royal Exhibition Building. The trust has come out publicly in support of the new museum development at the site and believes the design of the new museum is respectful and will not detract from the Royal Exhibition Building itself.

The trust researched the matter for a long time and conducted extensive internal debates on the impact of the new museum on the Exhibition Building. Two years ago, when the model of the project was first displayed, the trust formed the view that the new museum did not compromise the cultural significance of the Exhibition Building. Furthermore, the trust does not believe the museum is an
 incursion onto public parkland because the site has not been used as parkland for over 100 years.

Until recently the trust had decided that it would not take a high-profile public stance on the issue but would allow the community debate to continue. Recently, however, the trust was accused of being negligent and of not properly examining the conservation issues involved. Of course, it had done so over two years, and it felt obliged to say so. Yesterday, the trust made that information available to the media and stated its position publicly and clearly. The National Trust believes the new museum will not in any way compromise or detract from the cultural significance of the Royal Exhibition Building and will ensure the long-term conservation of the building itself, which supports its World Heritage listing.

It is important to note that the trust is judicious in picking those heritage issues it pursues and those on which it has, perhaps, more restrained views. It is significant that the trust has adopted a public and open stance in supporting the new museum at the Carlton site. Those opposed to that site should note the trust's position as an independent and respected organisation in the community.

**Attorney-General: pecuniary interests**

Mr HULLS (Niddrie) — I refer the Attorney-General to her decision, as set out in her press release of 4 March 1996, not to prosecute BHP for contempt when she had shares in the company. Is it not a fact that the only reason the Attorney-General has now decided to place her shares into a blind trust is because she was aware of her blatant conflict of interest, and consistent with the example of her federal colleagues, Senators Short and Gibson, will she now resign?

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition will cease interjecting. The rules associated with the asking of questions indicate questions should contain no imputations and, therefore, the latter part of the honourable member's question is out of order. However, the first part is in order.

Mrs WADE (Attorney-General) — The answer is no.

**Kids Under Cover program**

Ms McCALL (Frankston) — Will the Minister for Youth and Community Services inform the house of the level of government support for the Kids Under Cover program which is providing many young people throughout Victoria with a range of short, medium and long-term housing options?

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for her question and continued interest in young people in her electorate and throughout Victoria. The government has a very strong commitment —

_Honourable members interjecting._

The SPEAKER — Order! People in the gallery will put those documents down. Clear the upstairs gallery.

**Persons escorted from gallery.**

Dr NAPTHINE — As I was saying, the government has a strong commitment to addressing the needs of young people at risk of becoming homeless and has allocated more than $5 million on programs since 1994 to assist such young people.

The Kids Under Cover organisation is a non-profit, community-based organisation that does a commendable job in providing housing stock for young people in need. Since the organisation was established in 1989 it has been involved in more than 50 projects and is now providing bungalows for young people in need. Kids Under Cover provides housing stock in partnership with community-based agencies.

_Honourable members interjecting._

Dr NAPTHINE — As I was saying, Kids Under Cover is a community-based organisation that works with other community agencies. It provides the physical housing stock for young people who are at risk of homelessness or who are in need of accommodation to ensure they remain in education or have further training or job opportunities.

The organisation also works in partnership with the government. Since 1992 the government has provided $394 320 for a variety of projects so that it can continue its valuable work. At a special dinner held at Parliament House on Tuesday evening the government announced a further grant of $315 000.
for the organisation. The funding will provide an additional 10 bungalows for use by various agencies in locations across the state.

Kids Under Cover works with local TAFE colleges, particularly the Holmesglen College of TAFE. At Holmesglen students are involved in the construction of the bungalows which are placed in the backyards of a number of community housing agencies that are assisting young people with adolescent placement or foster-care programs. The 10 bungalows will be placed in rural centres such as Warrnambool, Bairnsdale, Seymour, and at Mulgrave and six locations yet to be decided.

The important thing about the bungalows is that they are demountable and transportable, so they can be used to service the needs of young people where and when required. When people get older and move on, the bungalows are dismantled and transported to other locations, which enables the organisation to provide continuing support for young people.

Approximately $210,000 of the $315,000 will go to more permanent accommodation in the Barwon and South West regions. I refer in particular to three accommodation properties constructed by Kids Under Cover. The first is at Colac, in the electorate of the honourable member for Polwarth, who has been active in gaining the facility for his area. The program, under the auspices of the Colac Community Health Centre, will provide housing for young students who otherwise would be homeless and may drop out of education, which would be detrimental to their futures. Another program operates in Geelong under the auspices of St Augustine's, and a further Geelong program auspiced by Kids Under Cover working for Bethany Family Services provides accommodation for young families who are or are at a risk of becoming homeless.

Kids Under Cover is an excellent organisation that is providing physical accommodation services for young people. It works in partnership with community-based agencies and the government so that it can continue to provide accommodation for young people and young families to provide them with an opportunity in their time of need to rebuild their lives, look forward to a positive future contributing to society. I am happy that the extra $315,000 provided to the organisation will be used in the same way as previous funds have been used: doing positive work.
The SPEAKER — Order! The honourable member for Mornington is being much too noisy. I ask him to hold his peace.

Mr Batchelor — The document which I requested be tabled and which you have advised should be tabled was a series of pages that were not loose — they were held together by a paperclip. That was the document from which the Attorney-General was quoting. After I raised its tabling the Attorney-General, in a deliberate action, removed some pages from the document which I understand she has now tabled. Sir, I seek from you a direction to the Attorney-General to table all of that document, not the part she has deliberately separated from the others.

Mr Dollis — On the point of order, Mr Speaker, your ruling on the tabling of the documents is very clear.

The SPEAKER — I would have thought so.

Mr Dollis — At the same time, as you have asked the Attorney-General to table the documents she was quoting from, she will have to table more than the document she has attempted to table by giving you a photocopy. It is obvious that the Attorney-General has received advice from her learned colleague the Minister for Planning and Local Government, who is a mastermind when it comes to these questions.

Honourable members interjecting.

Mr Dollis — I am praising you. If the integrity of Parliament is to be upheld and the first law officer of this state is to have some credibility in this place, the Attorney-General must table those documents. It is obvious not only to the opposition but also to the people in the gallery who observed her that the Attorney-General was quoting from documents that she has not tabled.

The SPEAKER — Order! I think I have heard sufficient on the point of order. I thought my previous ruling would have clarified the matter, but I will read it again:

Members or ministers quoting from public documents in debate —

and question time could be considered debate; it certainly was earlier —

must be prepared to table those particular documents —

the documents from which she was quoting —

but not necessarily the complete file in which such documents are contained.

The minister must table the document from which she was quoting. I ask the Attorney-General to indicate to the Chair whether she has made available to the house the document from which she was quoting.

Mrs WADE (Attorney-General) — The only document I quoted from is a photocopy of two pages of the Public Prosecutions Act — I am sure that will be quite clear from Hansard — and I have tabled that document.

The SPEAKER — Order! The Attorney-General has made quite clear the document from which she was quoting. Copies of the document are being photocopied and will be distributed to the house.

Mr Batchelor — On a point of order — —

The SPEAKER — Order! I am not ruling on the same point of order.

Mr Batchelor — No, it is a separate and different point of order; however, it is related. We seek your guidance and ruling as to what constitutes a document. The rulings on which you have relied from Rulings from the Chair deal with loose sheet documents and files. But as I indicated to you earlier — this hinges on the question of whether pages that are held together with a paperclip constitute a document rather than a file — the traditional interpretation of a file is that it is a series of different pages and documents that are contained in some clasping mechanism. A document contained within a file was clearly not what the Attorney-General was quoting from.

We submit to you, Mr Speaker, that the Attorney-General had a document that was held together by a paperclip and that the whole document rather than part of it should be tabled.

The SPEAKER — Order! I believe it is perfectly clear what a document is: a document is a piece of paper. I listened to the Attorney-General when she was giving her response. In fact, she cited the document from which she was quoting. She made it very clear what she was quoting from. I cannot remember the actual document, but I understand it is the document which has been provided to the house. A bundle of documents held loosely in a file
or by a paperclip or whatever means is a file of documents. The Attorney-General or any minister or any member on either side of the house must, if required, table the document from which he or she has been quoting.

If the member believes there is more to the act that the Attorney-General was quoting, he should go back and look at Hansard. I think it will clearly indicate that the member was quoting from the act — which she cited — and that she made very clear what she was quoting.

Mr HULLS (Niddrie) — Mr Speaker — —

The SPEAKER — Order! I do not intend to entertain any further points of order on this matter.

Mr HULLS — No, it is not a point of order. I desire to move, by leave:

That this house censures the Attorney-General for her blatant conflict of interest in that, while she was a shareholder in BHP, she made a decision, as published in her press release, not to prosecute BHP for contempt of court in the full knowledge that in making that decision that would have a direct bearing on her share portfolio, and as a result of that blatant conflict of interest and in accordance with the examples set by her federal colleagues, Senators Gibson and Short, she should resign.

Leave refused.

LOCAL GOVERNMENT (AMENDMENT) BILL

Message from Council relating to amendments considered.

Council's amendments:

1. Clause 27, line 21, omit “that” and insert “any particular financial”.
2. Clause 27, omit lines 27 to 29 and insert —
   ‘CP is the proportion of the value of the arrangement entered into by the regional group that the Council is entitled to, as specified in the arrangement’.
3. Clause 28, lines 7 and 8, omit “Minister on the nomination of the”.
4. Clause 28, after line 9 insert —
   ‘(b) in clause (1)(b), for “Minister” substitute “Attorney-General on the recommendation of the Minister”,’.
5. Clause 28, after line 20 insert —
   ‘(2) In section 45 of the Local Government Act 1989, after “inquiry” insert “by a municipal electoral tribunal”.
   (3) For Section 45(2) of the Local Government Act 1989 substitute —
   “(2) The application for an inquiry must be lodged with the principal registrar of the Magistrates’ Court.”.

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That the amendments be agreed to.

Mr HULLS (Niddrie) — I move:

That the debate be now adjourned.

I do so because it is absolutely essential at this stage that the house deal immediately with matters of propriety and of potential and actual conflicts of interest, particularly in light of what we have just witnessed at question time today. The Attorney-General refused to answer questions about whether she held BHP shares at a time when she was personally making very important decisions about the fate of BHP in relation to a contempt matter, in the full knowledge that her decision would — —

The SPEAKER — Order! The honourable member may refer to why he wants an adjournment but may not refer to the text of the matter that he is now getting into. It is clearly a narrow question.

Mr HULLS — I am asking that this debate be adjourned because it is absolutely essential that the address-in-reply to the Governor's speech be brought on immediately. Obviously it is a wide-ranging debate and the opportunity such a debate provides must be taken to ensure that we can discuss fully the actions of the Attorney-General in relation to not bringing contempt proceedings against BHP at a time when she held a share portfolio in that company.

If the current debate proceeds the opposition will be denied the opportunity of discussing the fact that the Attorney-General herself put out a press release saying — —

The SPEAKER — Order! The honourable member is beginning to debate the issue rather than the adjournment of the current debate.
Mr HULLS — As I said, I am moving this motion because it is necessary to have a wide-ranging debate about a whole range of things, including propriety, conflicts and potential conflicts of interest. Parliament needs to debate the Members of Parliament (Register of Interests) Act and indeed whether or not particular members of Parliament have adhered to the requirements of that act. As you would well know, Mr Speaker, if they have not adhered to the requirements of that act they have indeed broken the law. One special requirement of that act is that a minister shall ensure that no conflict exists or appears to exist between his or her public duty and private interest.

It is essential in upholding the standards of this house that we have a wide-ranging debate about those types of matters, and that cannot be done if debate on the bill currently before the house proceeds. The only way such a wide-ranging debate can take place is if the debate is adjourned.

All honourable members remember the headlines some time last year in relation to the BHP matter. In May 1994 an exclusive article by Michael Pirrie appeared in the Herald Sun and made it quite clear that BHP faced a $4 billion writ if contempt proceedings were proceeded with. Who has the power in this state not to proceed with contempt proceedings? None other than the Attorney-General herself. As all honourable members know, the Attorney-General moved amendments to the legislation to give herself powers in relation to contempt and she added to that by putting out a press release some time ago.

The DEPUTY SPEAKER — Order! The honourable member for Niddrie has already been counselled by the Speaker prior to my taking the chair that the question before the Chair is very narrow; it deals specifically with the adjournment of the debate. It is not an opportunity to canvass the wide ambit of the debate the honourable member would like to have brought on. The honourable member must concentrate on the reason for the adjournment without introducing the substance of the debate which he would like to have, if his motion is successful. I remind the honourable member for Niddrie that he must continue down that path.

Mr HULLS — Thank you, Mr Deputy Speaker. Quite obviously the reason for moving the motion is because the current bill is a narrow bill, and the Minister for Planning and Local Government would certainly agree with that. Particularly in light of what occurred in question time today, a far more wide-ranging debate is needed and the only way such a debate on a number of issues can proceed is if the address-in-reply debate is brought on now.

We need to discuss matters such as propriety, conflict of interest, potential conflict of interest, the Members of Parliament (Register of Interests) Act and whether or not certain members of this house may have breached a particular act.

I have pointed to the matters raised at question time because if the address-in-reply debate is not brought on it will not be possible for the opposition to fully canvass serious matters such as whether the Attorney-General of this state, the person who has power in relation to contempt proceedings and as to whether she can bring contempt — —

The DEPUTY SPEAKER — Order! The honourable member for Niddrie is again starting to introduce the substance of what he would like to debate. I again remind him that the question before the Chair is extremely narrow — that is, why the rest of this debate program should be adjourned in order to bring on another debate. The Chair will continue to hear the honourable member for as long as he is able to do that. If he is not able to do that, he should wind up his debate and we should proceed with the debate. He must contain himself to the reasons for the adjournment and not the substance of the matter he wants to debate.

Mr HULLS — I certainly understand your ruling, Mr Deputy Speaker, and I must explain to the house the reasons I have moved such a motion. Indeed, as I said, it is incumbent upon this house to have a wide-ranging debate about the matters raised in this house at question time.

They include whether the Attorney-General, in making the decision that is described in her own press release of 4 March — —

The DEPUTY SPEAKER — Order! There is a standing order that refers to tedious repetition. We should all be aware that in some debates in this place we are allowed to cover a wide range of issues, irrespective of the time allowed and the requirement that we not repeat ourselves. Other debates are narrow. When we talk for any length of time we sometimes repeat ourselves and may even repeat ourselves many times, and so become tedious.

The honourable member for Niddrie is now starting to repeat some of the elements he has raised since I
took the chair and which, I presume, he raised prior to my taking the chair. I remind him that he must not enter into the substance of the debate. The points he makes must deal with the principle and not the content of the reason the debate should be brought on. I will hear the honourable member so long as he does that, otherwise he will force me to call the next speaker.

**Mr HULLS** — Thank you, Mr Deputy Speaker. I do not intend to flout your ruling. The matter before the house is narrow. Very serious questions of propriety were raised at question time and as you, Mr Deputy Speaker, would be aware I attempted to move a motion by leave immediately after question time so that the house could discuss those matters. They go to the heart of the concept of conflict of interest, and the Attorney-General may well have been involved in a serious conflict of interest. However, the government refused leave.

I am sure government members are keen to have a wide-ranging debate on a matter that goes to the heart of a true and fair democracy: the concept of conflict of interest. That is why I moved the motion, and I urge the house to support it.

**Mr DOLLIS** (Richmond) — This is a serious matter. It affects not just a minister of the Crown but the first law officer of the state. The question of the Attorney-General’s involvement in a conflict of interest is of paramount importance. When it adjourns today, Parliament will not return for 10 days. For the sake of Victoria’s reputation and our business takes priority, but there seems to be ample opportunity — it is a prime opportunity — for the government and the opposition to address the question of the Attorney-General’s actions and the conflict of interest that has been discovered by the opposition. The adjournment of the debate on the bill would have the effect of bringing on the debate on the address-in-reply to the Governor’s speech, which would allow a wide-ranging debate. The adjournment motion is within reason and should be supported.

As the honourable member said, the opposition earlier attempted to raise the matter by moving a motion. It was up to the government to allow the debate to take place, and because it would not argue the case, as we are doing now, the opposition is left with little room to move. All I can say is that a matter of such public importance cannot be left unanswered until the house resumes.

The serious question before the house is whether the Attorney-General has a conflict of interest. The opposition attempted to question her but could not get an answer. In response to the first question, she refused to table the documents — documents that could have given us the answers we seek. On the second question, we got a one-word answer.

The opposition is in an impossible position and has very little choice. If justice is to be served and the people of Victoria are to understand and have confidence in the system of government and Parliament, it is imperative that the matter raised by the honourable member for Niddrie be debated.

This matter involves the first law officer of the state. It would be serious enough if it affected an ordinary member of Parliament, but when it affects the first law officer of the state we have no option, given that the government refused earlier to allow the debate, but to proceed down the path outlined by the honourable member for Niddrie.

**Mr BRACKS** (Williamstown) — I support the motion moved by the honourable member for Niddrie. I understand the confines of the discussion, but the case is clear. Government business takes priority, but there seems to be ample opportunity — it is a prime opportunity — for the government and the opposition to address the question of the Attorney-General’s actions and the conflict of interest that has been discovered by the opposition. The adjournment of the debate on the bill would have the effect of bringing on the debate on the address-in-reply to the Governor’s speech, which would allow a wide-ranging debate. The adjournment motion is within reason and should be supported.

The Governor’s speech outlines how government should operate and how ministers should be accountable. It is a great opportunity for the opposition to scrutinise matters and for the government to answer the key questions surrounding the reason for the motion. Those questions are twofold: whether the Attorney-General has made a decision — —

**The DEPUTY SPEAKER** — Order! The honourable member for Williamstown is getting into dangerous territory by going outside the tight parameters of the matter before the Chair. He is able to substantiate the principles of his argument, but he should not try to substantiate the argument with details that would be covered in the debate.

**Mr BRACKS** — The matter before the Chair relates to the Legislative Council’s amendments to the Local Government (Amendment) Bill. The opposition appreciates the importance of the bill, but
those amendments can be dealt with at a later date; they do not need to be dealt with now. The question raised by the honourable member for Niddrie is clear: in seeking an adjournment of the matter referred to this chamber by the Legislative Council, the honourable member is saying there is a matter of greater importance. That is what has to be considered by the house.

The argument has been well put by opposition members and there is a strong case. The concerns the opposition and the public have about the matter should make the government realise that it should be considered now rather than when the house resumes two or three weeks from now.

We have a clear opportunity now and we should take it. We should give the government an opportunity to address itself to the key questions of whether there was a conflict and whether a decision had been made by the Attorney-General. There is a strong and sensible case for adjourning the debate so that the house can move to the address-in-reply to the Governor's speech and we have an opportunity to raise these matters properly.

Mr MILDENHALL (Footscray) - I pose a question to the house: under what circumstances ought the house entertain a motion for an adjournment of the business of house? Under what circumstances is it appropriate to interfere with the notice paper to bring on a debate of this nature? Is the subject matter in this case of appropriate significance; is the timing appropriate; and is the nature of the subject of the motion of sufficient substance to bring on the debate?

The questions have clear answers. The first question goes to the significance of the issue. I will not repeat what other speakers have said. It is fair to say there was a great deal of consternation, excitement and concern in the house during question time.

It is fair to say also that members of the opposition sought to take every opportunity to bring on such a debate, including a censure motion and a series of attempts to ask a question. Now the opposition is seeking reasonably and logically to interrupt government business to bring on the debate. The fact is that within an hour or an hour and a quarter you, Mr Deputy Speaker, or whoever is in the chair, will be required to interrupt the business of the house and adjourn the house for 10 days. That will end the opportunity for Parliament to consider the matter; for members of the community to examine the substance of the issue; and for Parliament to exercise its functions, if you like, in holding ministers of the Crown accountable for their actions by subjecting the government of the day to appropriate scrutiny.

Given those circumstances, it is appropriate to have these matters brought forward and considered. The address-in-reply, in which the Governor talks about standards, principles, ethics, the role of the Parliament and the expectations of government, is an appropriate opportunity for such a discussion.

In summary, given the seriousness of the matter, the timing of the business at hand in relation to the overall business paper, the sincerity of the opposition in endeavouring to bring the matter forward as has been demonstrated by attempts having been made to take every opportunity, and given the appropriateness of the address-in-reply as a debate in which the matter could be discussed, the house should agree to the motion and bring forward such an important matter for public scrutiny and debate.

Mr MACLELLAN (Minister for Planning and Local Government) - On the question of the adjournment of the debate, I invite you, Mr Deputy Speaker, and the house to accept that we have just witnessed one of the great fake debates. I say 'fake debates' because if the motion moved by the honourable member for Niddrie were to be passed and the program moved on to the address-in-reply, neither the honourable member for Niddrie nor the honourable member for Williamstown nor the honourable member for Footscray would be able to contribute to that debate because they have already spoken in the debate.

Here they are, the leading lights of the Labor Party, faking to you, Mr Deputy Speaker, with crocodile tears their desire to bring on the next debate — so that they cannot be part of it!

Honourable members interjecting.

Mr MACLELLAN — If they simply passed the amendments — and frankly I do not think they have any reason not to; indeed, I suspect that they actually support them — by agreeing with the motion I moved, instead of wanting to adjourn it, they would find themselves discussing the address-in-reply, because it is the next item of business on the notice paper.

They have been spoiling their own opportunity — not their opportunity, but the opportunity of those back-bench drongos in the opposition — to be able
to contribute to the debate on the address-in-reply. This is the irony: they are suggesting that they want to get to the address-in-reply debate, knowing that they cannot contribute to the address-in-reply because they have already spoken and knowing that the only members of the opposition who could are members who are perhaps not quite up to the challenge of the big task they are suggesting.

I know it will be necessary, because of the fakeness of the debate, to test it by your ruling from time to time. Therefore I have great pleasure in suggesting to you that the question be put. I move:

That the question be now put.

The DEPUTY SPEAKER — Order! The motion has been moved by the minister — —

Mr Cole — On a point of order — —

The DEPUTY SPEAKER — Order! The minister has moved that the question be put forthwith — that is, without debate. The standing orders of this place are very clear that when questions are to be put forthwith, they are dealt with without debate. Therefore, the Chair cannot accommodate any debate. The question is:

That the question be now put.

House divided on question:

Ayes, 50

*Andrighetto, Mr McGrath, Mr W.D.
Ashley, Mr McCall, Mr (Teller)
Brown, Mr McGill, Mrs
Burke, Ms
Clark, Mr Naphine, Dr
Coleman, Mr Paterson, Mr
Cooper, Mr Perrin, Mr
Dean, Dr Perton, Mr
Dixon, Mr (Teller) Pescott, Mr
Elder, Mr Peulich, Mrs
Elliott, Mrs Phillips, Mr
Finn, Mr Plowman, Mr A.F.
Gude, Mr Reynolds, Mr
Henderson, Mrs Richardson, Mr
Honeywood, Mr Rowe, Mr
Jasper, Mr Ryan, Mr
Jenkins, Mr Savage, Mr
John, Mr Shardey, Mrs
Kennett, Mr Smith, Mr E.R.
Kilgour, Mr Smith, Mr I.W.
Lean, Mr Spry, Mr
Lupton, Mr Tehan, Mrs
McArthur, Mr Traynor, Mr
McCall, Ms (Teller) Treasure, Mr
McGill, Mrs Wade, Mrs

* [See later correction statement]

Noes, 28

Andrianopoulos, Mr Hamilton, Mr
Baker, Mr Hulls, Mr
Batchelor, Mr Kosky, Ms
Bracks, Mr Langdon, Mr
Brumby, Mr Leighton, Mr
Cameron, Mr Lim, Mr (Teller)
Campbell, Ms Loney, Mr
Carli, Mr Maddigan, Mrs
Cole, Mr Micallef, Mr
Cunningham, Mr Mildenhall, Mr
Dollis, Mr Pandazopoulos, Mr
Garbutt, Ms Seitz, Mr
Gillett, Ms (Teller) Sheehan, Mr
Haermeyer, Mr Thwaites, Mr

Motion agreed to.

House divided on Mr Hulls’s motion:

Ayes, 28

Andrianopoulos, Mr Hamilton, Mr
Baker, Mr Hulls, Mr
Batchelor, Mr Kosky, Ms
Bracks, Mr Langdon, Mr
Brumby, Mr Leighton, Mr
Cameron, Mr (Teller) Lim, Mr (Teller)
Campbell, Ms Loney, Mr
Carli, Mr Maddigan, Mrs
Cole, Mr Micallef, Mr
Cunningham, Mr Mildenhall, Mr
Dollis, Mr Pandazopoulos, Mr
Garbutt, Ms Seitz, Mr
Gillett, Ms Sheehan, Mr
Haermeyer, Mr Thwaites, Mr

Noes, 50

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Finn, Mr Plowman, Mr A.F.
Gude, Mr Reynolds, Mr
Henderson, Mrs Richardson, Mr
Honeywood, Mr Rowe, Mr
Jasper, Mr Ryan, Mr
Jenkins, Mr Savage, Mr
John, Mr Shardey, Mrs
Kennett, Mr Smith, Mr E.R.
Kilgour, Mr Smith, Mr I.W.
Lean, Mr Spry, Mr
Lupton, Mr Tehan, Mrs
McArthur, Mr Traynor, Mr
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Spry, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGil, Mrs
Richardson, Mr
Rowe, Mr
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr E.R.
Smith, Mr I.W.
Tehan, Mrs
Treasure, Mr
Wade, Mrs

Motion negatived.

The DEPUTY SPEAKER — Order! The motion now before the Chair is that the amendments made by the Legislative Council be agreed to by the Assembly.

Motion agreed to.

BUSINESS OF THE HOUSE

Postponement

Mr MACLELLAN (Minister for Planning and Local Government) — I move — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Chair would attempt to resolve this if he could just hear what was going on.

Mr MACLELLAN — I move:

That the consideration of order of the day, government business, no. 3, be postponed until later this day.

Mr Loney — On a simple point of order, Mr Deputy Speaker, the Clerk had in fact read the order of the day, and the minister was too slow in getting up. The order of the day should stand. I seek that you rule that we go to the order of the day as called.

The DEPUTY SPEAKER — Order! Just to correct the honourable member, in case his eyesight is different from mine, my observation was that I called the Clerk. My second observation was that the Clerk did not get to read the order, that the minister got to his feet first and was called. I could be corrected by Hansard, but my understanding is that as I called the Clerk to read the order, the minister got to his feet, and I called the minister, assuming the minister was going to speak on some point of order. Now I would need — —

Honourable members interjecting.

An Honourable Member — Ask the Clerk.

The DEPUTY SPEAKER — Order! There are plenty of experts here. If the house would control itself in a reasonable way, I will confer with the Clerk. The Clerk advises me that he commenced the process and when the minister got to his feet he ceased because the business of the house is in the hands of the table. So my observation is that we are in the hands of the minister and the minister has now moved — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Just to make it abundantly clear to the house, I point out that the minister has now moved that order of the day, government business, no. 3 be postponed until later this day.

Mr Dollis — On a point of order, Mr Deputy Speaker, this side of the house does not usually take exception to your rulings, but this government will do anything not to allow any of the issues about the Attorney-General that the opposition has been attempting to bring on for debate to be debated here.

Now we can go down your path, because the majority is there, with the government, but for the sake of decency I suggest that the ruling on moving to the next order should not be allowed.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Would the honourable member for Melbourne like to speak further on the point of order?

Mr Cole — Mr Deputy Speaker, on the point of order I question the capacity of the minister to have moved the motion, and I seek your ruling on it. I suggest that the Minister for Education be quiet, otherwise he will go in Hansard and will have to get it amended again.

On the point of order, the minister was not in a position to move the motion because you had asked for the next order of the day to be read — at which time it was. I seek clarification on this issue. The minister moved that we move onto the local government amendments, and then we were to
move onto the address-in-reply — about which there was much debate on why we would like the opportunity to do that.

If debate on this matter is postponed now — and I seek your clarification at this point, Mr Deputy Speaker; indeed, you may have to consult with the Speaker — I am concerned that there will have been a substantial breach of the separation of powers process, not only by the ministers at the table in their smart-alec attempts to deny the democratic processes, but also by the fact that when the Director of Public Prosecutions Bill was changed it gave the Attorney-General certain powers, which should be discussed here today, over the Attorney-General's capacity.

The DEPUTY SPEAKER — Order! The honourable member for Melbourne is testing the ambit of the debate and, I might add, the patience of the Chair. I ask him to return to the point of order before the house, which was to do with the issue of whether the minister had moved the motion prior to or during the instruction by me to the Clerk to proceed to the next registered procedure.

Mr Cole — The point of order is that you had given the instruction more quickly than they were able to get their smart-alec stunt together. That stunt is a failure. Mr Deputy Speaker, you should decide in favour of the address-in-reply debate being heard, as was the clear and unequivocal intent of the Clerk, and stop the government from preventing the scrutiny of the Attorney-General on the issue of the use of contempt powers.

The DEPUTY SPEAKER — Order! The honourable member for Melbourne attempts to make some mileage out of a point of order in terms of a debate that is inappropriate. The Chair is in a position to advise the Clerk to proceed with the next order of the day in line with normal procedure. In this event the minister at the table as Leader of the House has sought to change the order of the day.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Before anybody gets too excited, allow me to finish. Given that that is the procedure that is adopted, I have no alternative as Chair but to accept the direction from the floor. If members of this house wish to take issue with that there is an appropriate forum to do it. I remind members in the house that the Chair is in the hands of the house. There are procedures and there are options within those procedures, but the Chair at all times is in the hands of the house.

Mr Cole — The Attorney-General isn't!

The DEPUTY SPEAKER — Order! The Minister for Planning and Local Government has moved that order of the day no. 3 be postponed until later this day. I intend to take that motion and put the question.

Mr Loney — I sought clarification on the call earlier.

The DEPUTY SPEAKER — Order! I will allow the honourable member for Geelong North a point of order if he wishes, but the fact that he sought the call on any piece of legislation, as he would well know, is contingent upon the debate coming on in the house.

Mr Loney — The call on this question.

Mr Leighton — He can speak to this question, for goodness' sake.

The DEPUTY SPEAKER — Order! Is it a point of order? Can the honourable member for Geelong North tell me if he wishes to speak to a point of order?

Mr Loney — Mr Deputy Speaker, there is a question currently before the house that is entitled to be debated. Some points of order were taken in relation to that but there has been no debate. When a point of order was taken I sought to speak on the question, and I believe I am entitled to speak on the question before the house.

The DEPUTY SPEAKER — Order! The honourable member for Geelong North now wishes to debate the question that debate on item no. 3 be postponed until later this day.

The Clerk draws my attention to the fact that I have not ruled on the point of order. It is appropriate for me to rule on that before I call on the honourable member for Geelong North. I do not uphold the point of order for the reasons I have already explained to the house.

The Clerk draws my attention to the fact that I have not ruled on the point of order. It is appropriate for me to rule on that before I call on the honourable member for Geelong North. I do not uphold the point of order for the reasons I have already explained to the house.

I will now call the honourable member for Geelong North on the question that debate on government business order of the day no. 3 be postponed until later this day.
Mr LONEY (Geelong North) — I wish to speak against the question currently before the house.

Mr Macelllan interjected.

Mr LONEY — Which is what I have been attempting to do. This is simply another example of the endless bullyboy tactics that the government will use to avoid any scrutiny in the house. We just had such a spectacle, and in relation to this matter it is important to listen to what occurred before. The minister who moved this motion only 10 minutes ago stood up in this place and said that as soon as we got off the Local Government (Amendment) Bill I would be able to take up my right to speak on the address-in-reply. Holding the debate up shows the lack of integrity of the government and the minister, and the lack of honesty in this place.

We all know what this mechanism is about. The Minister for Planning and Local Government sat at the table during the previous debate when there was an attempt to adjourn debate on the Local Government (Amendment) Bill and said, ‘You can have your go in address-in-reply’! He didn’t mean a word of it. What he meant was: we will get through this, then we will use another bullyboy tactic to get rid of any rights the opposition has.

That is what this is about: the removal of opposition rights to speak in this place. The minister stands condemned out of his own mouth. What the minister just did was an act of utmost hypocrisy, having said previously that on the completion of debate on the previous motion the house would go on to the address-in-reply debate.

If the minister questions whether he said that I suppose he can look at the Hansard report at some stage. This is about the fact that the address-in-reply debate could be used to examine the integrity and probity of the government — a perfectly legitimate thing to do during debate on the address-in-reply motion.

Mr Macelllan interjected.

Mr LONEY — No, I hadn’t spoken. I had the call. That is why I am entitled to be making this speech now. I had the call as the next speaker. I was the one the minister guaranteed would be able to speak after the Local Government (Amendment) Bill. I am the one directly affected by what the minister has done, so I am quite entitled to speak on the motion. I should also be entitled to speak on the address-in-reply. Because of the actions of this minister and this government I will not be able to speak on the motion — not only today but at all — because it is listed as one of the pieces of government legislation to be voted out this week. This shows up the government again: it is about precluding any debate and any questioning of the Attorney-General and her behaviour in relation to the decision about BHP. It is an attempt by the government to make sure that the facts of that decision cannot be put before this house. That is what this is about: it is an attempt to suppress the facts. It is an attempt to ensure that things such as the press release the Attorney-General put out, stating quite clearly that it was her decision, cannot be put out in her place when in fact she said during question time that it was not her decision to do so. Yet on 4 March this year she stated it was her decision.

The DEPUTY SPEAKER — Order! The honourable member for Geelong North should not attempt to introduce the substance of his comments into his contribution to the debate on the adjournment or non-adjournment of debate on this legislation. I have allowed him a little liberty, but he should be mindful of that.

Mr LONEY — Thank you, Mr Deputy Speaker. What I am attempting to address is the motivation behind the moving of this question. The motivation behind the motion is clearly an attempt not to allow scrutiny. A former Leader of the Opposition, the Honourable Jim Kennan, used to say, ‘It is an attempt to get away from the disinfectant of sunlight’. That is precisely what this is about — avoiding the Attorney-General being dragged into the sunlight on this issue. The government likes to deal in the dark. The government likes to make its decisions outside and it does not want them questioned. This is why the motion has been moved. This matter shows not only the lack of standards and integrity of the Attorney-General but also the lack of standards of the entire government.

The motion is symbolic of the way the government treats Parliament and the community. It should be ashamed of moving the motion. It is a motion of shame and it is an admission by the government that it cannot face facts in the house. It is an admission by the government that it is not prepared to stand up and allow the truth to be debated. The motion moved by the minister allows the government to avoid the issue.

We know agreement had been reached about the second reading of bills. There was no need to move
this motion because they would have been dealt with in the normal way at 4.00 p.m. They probably will be dealt with not as a result of proper process, the government honouring its agreement or as a result of the integrity of the government but as a result of a shameful action. It is the result of numerous shameful actions by the government both inside and outside this place and the shameful action of the Attorney-General when she made a decision when clearly she had a conflict of interest.

Mr E. R. Smith — Name one!

Mr LONEY — I just named the shameful action of the Attorney-General. That is the clear motivation behind the motion.

The DEPUTY SPEAKER — Order! I understand the motivation behind the motion. The difficulty is that the honourable member for Geelong North must not attempt to introduce the substance of the debate into the reasoning on the motion. That was the problem of the honourable member for Niddrie when he was attempting to outline why the motion should be agreed to. The honourable member for Geelong North is restricted from introducing any substance. The honourable member for Glen Waverley is out his place and is not assisting the debate by inviting the honourable member for Geelong North to provide details of why this should happen. The honourable member for Geelong North should try to stay away from the substance of the debate.

Mr LONEY — The substance of this issue could not be dealt with in the single sentence I used earlier.

Mr Maclellan interjected.

Mr LONEY — The Minister for Planning and Local Government is obviously prepared to make light of a very serious matter. He takes it as some sort of comic relief that matters of scrutiny cannot be raised in this place. The minister has invited me to use the time remaining to me in the manner suggested by the minister you, Mr Deputy Speaker, would rule that I could not. The minister sits with a smirk on his face. He has said that I should go ahead and debate it because I have the time, knowing full well that I do not. The reason he moved the motion was to avoid that.

Clearly, this is a gross abuse of the proceedings of this place. Members opposite should be ashamed to put their hands up in support of it, but no doubt they will because they have shown no sign in the months since the election that they feel shame about anything.

Mr HULLS (Niddrie) — I support the comments made by the honourable member for Geelong North, particularly in relation to the reason the minister moved this motion. You, Mr Deputy Speaker, said you are well aware of the reasons behind the motion. You have been here for much longer than I have, but I am well aware of the reasons behind the motion, which bear poorly on the minister. During the contribution he made earlier the minister was unequivocal in saying that he was prepared to allow the wide-ranging address-in-reply debate to take place after this matter. The reason he has moved the motion — —

Mr Maclellan interjected.

Mr HULLS — The minister interjects almost like a child, 'We did not cooperate'. That is a sad reflection on the minister. He is well aware that had the house adhered to his original proposal that the wide-ranging debate would take place the matters of utmost importance that were raised at question time would have been discussed.

One issue that would have been raised is the fact that when the Public Prosecutions Bill was being debated the opposition warned the government that under no circumstances was it appropriate for the Attorney-General to have sole powers relating to contempt. It is because of that legislation and the fact that the Attorney-General gave herself sole powers in relation to contempt that she has come unstuck.

Mr Perrin — On a point of order, Mr Deputy Speaker, I know you were temporarily preoccupied, but it is clear to me that the honourable member for Niddrie is now canvassing matters against the clear direction you gave earlier today. He is not canvassing the motion before the house.

The DEPUTY SPEAKER — Order! The honourable member for Bulleen is right, the Chair was distracted when taking advice on the procedures that will follow this debate. I did not hear the honourable member so therefore I am not able to directly comment on the issue, but the
honourable member for Niddrie knows my views on the issue.

Mr HULLS — It is interesting that the minister has moved a motion to shorten debate on the scrutiny of government, which is the purpose of his moving it. He is the same minister who has been keen to allow a number of important matters in his own portfolio to be scrutinised. He is also the same minister who in the past has shown exemplary standards and who has shown he believes that propriety, particularly in this place, is of the utmost importance. That is why I find it disappointing that the minister, who was more than happy to provide information about the KNF matter — —

The DEPUTY SPEAKER — Order! The time appointed under the sessional orders for me to interrupt business has arrived. I am therefore required to put certain questions. The first question is:

That consideration of government business, order of the day no. 3, be postponed until later this day.

Those of that opinion say aye.

Government Members — No.

The DEPUTY SPEAKER — Order! I will put it again. The question is:

That consideration of government business, order of the day no. 3, be postponed until later this day.

Mr Leighton — On a point of order, Mr Deputy Speaker — —

The DEPUTY SPEAKER — Order! Will the honourable member take his seat.

Mr Leighton — That is incorrect.

The DEPUTY SPEAKER — Order! Before I take advice, I need to explain to the house that there is no opportunity for debate on the question given that it is after 4.00 p.m. I cannot entertain points of order or debate on the question, but I will take advice before we proceed with the vote.

Mr Leighton — On a point of order — —

The DEPUTY SPEAKER — Order! There is no facility for raising a point of order. The motion before the Chair is:

That consideration of government business, order of the day no. 3, be postponed until later this day.

All those of that opinion say aye.

Opposition Members — Aye.

Mr Leighton — It is not part of the business program.

The DEPUTY SPEAKER — Order! The honourable member for Preston has been in this place long enough to know the protocols of this place. While the Chair is on his feet honourable members — —

Mr Leighton — I am trying to raise a point of order.

The DEPUTY SPEAKER — Order! I have already explained to the house in words of one syllable — I will now explain it again to the honourable member for Preston — that the sessional orders provide that at 4.00 p.m. this day all questions shall be put without motions, points of order or debate. That is the instruction under which the Chair has to operate, so that is the instruction under which we will operate. I will now attempt to put the question again. The question before the Chair is:

That consideration of government business, order of the day no. 3, be postponed until later this day.

All of those in favour say aye.

Opposition Members — Aye.

The DEPUTY SPEAKER — To the contrary, no.

Government Members — No.

The DEPUTY SPEAKER — The noes have it.

Opposition Members — The ayes have it.

Mr Batchelor — Division required.

Bells rung.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I said earlier in the week that there must have been something in the water; there is certainly something in the water today! The division that has been called for can be decided only in the negative because there are no
GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 16 October; motion of Mr DIXON (Dromana) for adoption of address-in-reply.

Motion agreed to.

Ordered that address-in-reply be presented to His Excellency the Governor by the Speaker and members of the house.

ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The bill contains a number of further miscellaneous amendments to the Electricity Industry Act 1993, the State Electricity Commission Act 1958 and other acts. Part 1 of the bill states its purpose and provides for its commencement. Part 2 contains various amendments to the Electricity Industry Act 1993.

The bill contains an extension to the powers of Powernet Victoria so that it is authorised to carry telecommunications cables in conjunction with its electricity transmission cables. The bill also clarifies that Powernet's easements may be used for this purpose, but ensures that the power to compulsorily acquire land and easements may be used only for electricity-related purposes.

The bill enables the Office of the Regulator-General to determine whether particular facilities constitute co-generation facilities for the purposes of the act so as to provide certainty where the application of that term to a particular facility may not be clear.

In order to facilitate the transition to a national electricity market, the bill authorises the Governor in Council to make rules to facilitate the operation of a wholesale market for trading in electricity between persons in Victoria and persons in one or more other states or territories. The provisions will enable consistent wholesale market rules to be created for trading, initially between Victoria and New South Wales, as a transitional step towards the national electricity market.

The bill inserts a new section 159(6) to clarify that the licensing provisions of the act do not apply to the transmission, distribution or supply of electricity by or for the use of the Public Transport Corporation.

At present the Electricity Industry Act requires the holders of certain licences to be incorporated in Victoria as a means of supporting the enforcement provisions of the cross-ownership rules contained in part 13. The bill will allow that requirement to be waived by the minister, at the request of the Office of the Regulator-General, having regard to the conditions to which the relevant licence will be subject.

The bill contains a number of technical changes to the cross-ownership provisions contained in part 13 and the related licensing provisions in part 12. The amendments, which do not affect the policy underlying the provisions, are designed to:

- equate partnerships and joint ventures with companies by providing for the issue of a single licence to the partnership or joint venture;
- provide the Office of the Regulator-General with a specific power to include in a licence provisions requiring a licensee to continue to own property in Victoria used in the licensed activity, as a desirable adjunct to the office's powers of enforcement under part 13;
- remove anomalies in the tracing of generation capacity;
- remove from the effect of the cross-ownership provisions a small number of distributors who have been exempted from the requirement to hold distribution licences; and
- repeal the provision that a transaction which results in a person holding a prohibited interest is illegal and void to ensure the provision does not have unintended consequences, in conjunction with providing for enhanced enforcement powers of the Office of the Regulator-General.

Part 3 of the bill amends the State Electricity Commission Act and various other acts.

Section 15(4) of the State Electricity Commission Act authorised the establishment of the Newport power station subject to the conditions recommended by...
the majority of the Newport Review Panel. On one view, these provisions could be read as limiting the generation capacity of the power station and requiring its closure in 2012, among other requirements. The bill amends section 15(4) to clarify that those restrictions are not intended to apply and that the future operation of the power station is undertaken in accordance with normal commercial decisions and requirements. The bill also makes various drafting revisions and corrections to the State Electricity Commission Act.

The bill contains amendments to the Land Act 1958, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Alpine Resorts Act 1983, the Conservation, Forests and Lands Act 1987 and the National Parks Act 1975. The objective of these amendments is to provide certainty of tenure to Southern Hydro Ltd, the generation company which owns the state's hydro-electric assets, by providing appropriate powers for the creation of leases, licences and land management agreements over land subject to those acts where necessary for the generation of electricity for supply or sale.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 31 October.

BIRTHS, DEATHS AND MARRIAGES
REGISTRATION BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of the Births, Deaths and Marriages Registration Bill 1996 is to repeal and replace the Registration of Births, Deaths and Marriages Act 1959. The bill provides for a simpler and more efficient administration of the registration of births, deaths, marriages, adoptions and changes of name and for access to the register. The bill will promote consistent registry practices across the states and territories.

The bill implements an agreement of the Standing Committee of Attorneys-General made in February 1995 to introduce common core legislation dealing with the registration of births, deaths, marriages and changes of name. Pursuant to this agreement, a model bill was subsequently developed by state and territory registrars of births, deaths and marriages. South Australia, New South Wales and the Northern Territory have already enacted common core births, deaths and marriages legislation. The proposed bill closely corresponds with the legislation enacted by the other jurisdictions, apart from specific variations which accommodate the particular requirements of Victoria.

The bill sets out the requirements for the notification and registration of births, registration of marriages, registration of deaths and registration of changes of name of adults and children. The scheme proposed under the bill broadly continues the existing system for the registration of births, deaths, marriages and changes of name and for the provision of certificates recording these events.

Notification and registration of a birth

The bill requires a doctor or midwife responsible for the professional care of the mother at the birth, or any other person present at the birth, to notify the Registrar of Births, Deaths and Marriages of the birth. The notification can be by written or electronic means.

The bill acknowledges and supports the valuable and important role played by both parents in a child's upbringing, starting at the birth of a child, by making the parents jointly responsible for having the child's birth registered. Both parents are required to sign the birth registration statement which is lodged with the registrar. While the involvement of both parents in a child's life may be an ideal and desirable outcome, there are of course situations where such an outcome is not possible. In order to accommodate such situations, the bill makes provision for the registrar to accept a birth registration statement signed by one parent where the registrar is satisfied that it is not practicable to obtain the signatures of both parents.

Under the current act, the family name of a child is required to be the family name of the father, if a person is registered as the father of the child. The bill removes the priority given to the father's family name in recognition that both parents should have equal rights in choosing a name for their child.

Registration of a marriage

The bill requires that a marriage solemnised in Victoria be registered by lodging either a certificate of marriage or other such evidence of marriage — as
required by the registrar — with the registrar. The marriage is registered by the inclusion of the certificate as part of the register or by including particulars of marriage in the register.

Notification of a death

The bill requires a doctor who was responsible for the deceased's medical care immediately before death or who examines the body of a deceased person to notify the registrar of the death and cause of the death within 48 hours after the death.

Registration of changes of name

The bill sets out the procedure for the registration of changes of names of adults and children. In relation to a child, the bill provides for either the parents — or one parent in certain circumstances — or a child's guardian to apply for registration of a change of name for the child. Where a child is 12 years of age or older, before the change of name can be registered the child's consent to the change of name is required, unless the child does not understand the implications of the change of name.

Corrections of the register by adopted persons

Currently, the Adoption Act 1984 precludes an adopted person from adding to or amending any registrable information in the person's original entry of birth on the register. For instance, an adopted person who subsequently discovers the identity of his or her natural parents and wishes to amend his or her original entry of birth to reflect the new information is at present unable to achieve this objective.

This discriminates against adopted persons, as non-adopted persons may apply to have registrable information added or amended. The bill addresses this anomaly by allowing an adopted person to apply to the registrar to have information either added or amended in the person's original entry of birth in the same manner as a non-adopted person.

The register

The bill obliges the registrar to maintain a register of registrable events — that is, births, changes of name, deaths, marriages or adoptions. The registrar is empowered to conduct an inquiry to find out whether a registrable event has occurred or to find out particulars of a registrable event. The registrar can correct the register to reflect the findings of an inquiry to bring an entry about a particular registrable event into conformity with the most reliable information available to the registrar or at the direction of a court.

Privacy and security

The bill enables the registrar, subject to conditions the registrar considers appropriate, to allow a person or organisation that has adequate reason for wanting access to the register or wanting information from the register to have access to or to be provided with information extracted from the register. The registrar's discretion to determine the adequacy of the reason takes into consideration the nature of the applicant's interest, the sensitivity of the information, the proposed use of the information and other relevant factors.

The bill provides specifically for confidentiality and security of data on the register. An overriding duty to protect private and confidential information is imposed on the registrar. In granting access or providing information, the bill obliges the registrar, as far as practicable, to protect the persons to whom entries in the register relate from unjustified intrusions on their privacy. The bill makes unauthorised access to or interference with the register an offence.

Electronic access

The Registry of Births, Deaths and Marriages has made significant advances in service delivery in recent years. Further advances, particularly in the delivery of more convenient services electronically to Victorians and to interstate residents with Victorian roots, are needed to enhance compliance with government policy in relation to customer service and cost reduction. The bill allows the Victorian registry to issue information from the register of another state or territory. This will greatly improve service to those Australians born or married in one state or territory who are no longer resident there.

The bill allows the delivery of a more expedient and less expensive service by the registrar. It provides for more flexible methods of notification and access to the register. This will create greater ease in providing proper public access, particularly in developing appropriate means of electronic access. The bill fully reflects the current methods of computerised registration and generation of certificates together with further proposals for electronic access to the register.
Additional services

In addition to issuing official certificates containing certified information, the bill enables the registrar to engage in the provision of additional services which meet community needs — for instance, the provision of decorative birth certificates and the provision of historical or genealogical information.

The authoritative recording of the key events in our lives — birth, marriage and death — is fundamental to the way in which we organise our society. The work of the Registry of Births, Deaths and Marriages underpins many other important transactions, from enrolling our children at primary school or applying for passports to the intergenerational transfer of property. The public has always enjoyed a high degree of confidence in the accuracy of the register. The bill will make timely improvements to its legislative framework by facilitating the greater use of new technology, with all its attendant advantages of quick, efficient and accessible service, and by reflecting some of the changes in social attitudes to these key events which have occurred over the years.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 31 October.

MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of the bill is to make amendments to a number of acts which are mainly technical in nature. In particular, the bill makes the following amendments.

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and Livestock Disease Control Act 1994

Parts 2 and 14 of the bill amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and the Livestock Disease Control Act 1994, respectively, to consolidate changes needed for industry to keep up with rapidly changing national and international requirements for the identification of livestock to property of origin for the control of diseases and chemical residues in meat.

Victoria has made significant progress with implementing quality assurance programs in the livestock production and processing industries and this is seen as the means by which Victoria will maintain its competitive advantage in marketing its livestock and livestock products on export markets. The introduction of quality assurance procedures and standards provides the opportunity to increase our markets. These procedures and standards have to be underpinned with identification and information systems that enable standards to be verified. Critical to verifying standards is the property of origin of cattle.

Identification procedures have proved to be very important to the cattle industry in the eradication of brucellosis and the approaching eradication of tuberculosis and limiting the trade impact of chemical residues. The identification system has proved to be most valuable where commonwealth and state bodies have collaborated about the disease or residue status of cattle on properties and with meat processors when there is an imperative for Australian meat exports to meet international standards. Release of this information, together with the property identification system to verify the veracity of property information, has to be achieved under controlled but necessary circumstances.

The cattle industries in New South Wales, Queensland and Victoria have had their cattle identification systems placed under severe pressure from the occurrence of chemical residues in New South Wales and Queensland beef over the last 15 months. In December 1994, Victoria launched a strong campaign to limit the movement into Victoria of cattle contaminated with chemical residues. This campaign has been successful to the extent that no helix-contaminated beef has been detected in Victorian abattoirs. National reviews of the current and future tagging requirements for cattle have demonstrated that the national cattle industry needs to achieve:

- permanent identification of livestock to their property of birth;
- transaction identification of livestock to their last property of origin; and
- an ability to release, under controlled but necessary circumstances, information collected under legislation on diseases, chemical residues
and property information if government and industry are to be in a position to respond effectively to incidents occurring within Victoria and other parts of Australia.

At the April 1995 meeting of the Agricultural and Resource Management Council of Australia and New Zealand, Victoria sought the establishment of a working group to research the future needs of the cattle industry on the identification requirements of cattle. This working group, chaired by Victoria, has obtained agreement to research a system by which cattle can be permanently identified to their property of birth. Trials of various tags are about to start with the financial support of the Meat Research Corporation.

Adoption of an identification system with a permanent tag indicating the property of birth in conjunction with a transaction-based tag to last property of origin will go a long way to ensuring the integrity of declaration systems and industry auditing of the origin of cattle.

Application of a permanent identification system in combination with a transaction based system requires amendment of the act. The transaction-based identification system, which started 20 years ago, was developed as a herd identification system. The new permanent and transaction identification systems will have to be property based if Victoria is to ensure the livestock identification system reflects national requirements. National specifications for livestock identification are also currently being developed, and the proposed amendments will provide Victoria with the flexibility to quickly adopt nationally agreed changes in procedures or systems.

The bill provides that any disease or chemical residue information released by the Secretary of the Department of Agriculture can be on such conditions and restrictions necessary to ensure that the information is handled only within the parameters of the need for its release, such as in assisting national or international trade to protect public health. The proposals for the release of any information strike a balance between the rights of individuals and the public good.

In addition to the identification and information release issues of the bill, a number of amendments will improve the administration of the livestock disease control act generally and meet known future commitments. These amendments will improve the administration of the act. I mention just two of these changes.

As currently framed, the Livestock Disease Control Act in section 15(1), requires any livestock or livestock product found to be diseased to be destroyed, or ordered to be destroyed. While this action is appropriate for a highly contagious exotic disease, it is not always the most appropriate way of dealing with footrot-infected sheep where the owner may be offered the alternative of return to their property of origin for treatment. A return to property or other disposal of livestock or appropriate treatment of livestock products needs to be possible in the legislation.

The proposal for interstate beekeepers to remain in Victoria for a period of three months is the agreed convention between states to overcome the need for dual registration, and recognises that owners moving across state borders for short periods are only carrying on their business.

The livestock identification requirements for diseases in the Livestock Disease Control Act need to be integrated and harmonised with the identification requirements under the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and the Stock (Seller Liability and Declarations) Act 1993. To make the identification requirements interchangeable it is necessary to amend the other two acts.

Also in the interests of integration and harmonisation, similar provisions for the release of information are being made under these two acts as in the Livestock Disease Control Act. This will ensure that there is consistency in the provision of information to third parties.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is being amended to provide for the notification of instances where livestock or produce are detected as being contaminated. This reporting requirement applied while chemical residues were deemed to be diseases under the now repealed Stock Diseases Act 1968.

Associations Incorporation Act 1981

Part 3 of the bill amends the Associations Incorporation Act 1981 to repeal age restrictions imposed on persons authorised to apply for incorporation of an association and persons who may be appointed as public officers of an association. This amendment is consistent with the

**Borrowing and Investment Powers Act 1987**

The Victorian Plantations Corporation has been given approval to make a $2.3 million investment in an export woodchip facility. This approval was given subject to the corporation managing the foreign currency exposure arising from this investment. In order for the corporation to meet this requirement it is necessary to amend schedule one of the Borrowing and Investment Powers Act 1987 so that section 11 of the act applies to the Victorian Plantations Corporation. Section 11 will provide the power for the corporation to enter into financial arrangements (derivatives) to hedge or manage its exposure to market movements including currency exchange rates.

**Casino Control Act 1991**

Part 5 of the bill makes provision for the casino operator to extend credit betting only to overseas residents who come to the casino as commission-based players, that is, as premium players or on a junket.

The bill also makes a minor amendment to the definition of 'premium player' under the act, to make it more consistent with the definition of 'junket' which will ensure consistent conditions apply across the board to commission-based players.

These amendments will better enable the casino to compete with casinos overseas for the business of the international high roller and will further the aim of ensuring that Victoria has a world-class casino.

**Crown Land Acts (Amendment) Act 1994**

Part 6 of the bill provides for the re-enactment of certain provisions of the Land Act 1958 which were inadvertently repealed by the Crown Land Acts (Amendment) Act 1994, and which deal with the registration of encumbrances on Crown grants and the transfer of registered encumbrances between leases.

**Crown Land (Reserves) Act 1978**

The existing provision in section 14b(4) of the Crown Land (Reserves) Act 1978 specifies a term of 'three years' for members of incorporated committees of management. The provision is unnecessarily inflexible and causes administrative difficulties, in particular where committee members resign prior to the completion of their full term and new replacement members are appointed or where interim management arrangements are proposed.

The proposed remedy is to provide for a term of 'up to three years'. This would be consistent with the existing provision for membership of unincorporated committees.

**Decentralized Industry Incentive Payments Act 1972**

The purpose of part 8 of the bill is to repeal the Decentralized Industry Incentive Payments Act 1972. This act had the objective of decentralising economic activity and population growth away from Melbourne by encouraging manufacturing to move to regional areas by a system of subsidies and incentives. This matter received high priority in the late 1960s and early 1970s.

The act was amended in 1985 to phase-out benefits over the ensuing years because a review showed that the incentive system had only been successful in a limited way in relocating industry from the city to the country. The phase out of benefits is by way of loans to firms who would otherwise have an entitlement under the act. Several of these loans have maturation dates well into the future so the bill has a savings provision to ensure that they are unaffected by the repeal of the act.

The act is now redundant because it has not been used for the purpose for which it was enacted since the late 1980s and other means are available to provide assistance to decentralising industry.

**Docklands Authority Act 1991**

The Docklands Authority Act established the Docklands Authority and enables it to exercise its powers over a specified area. The Governor in Council may reduce the docklands area but amending legislation is required for any additions to the statutory boundary. The act is proposed to be amended to include within the docklands area the former dry dock and narrow strips of land along the Yarra River and along the Moonee Ponds Creek adjacent to the business park precinct. The amendment would merely enable the authority to exercise its powers in the extended area and the usual process for the authority to obtain interests in property will still apply. Part 9 of the bill proposes that the Docklands Authority complete its work by
31 December 2005. The authority believes that this period will be sufficient for the task.

**Ethnic Affairs Commission Act 1993**

Part 10 of the bill includes provisions which alter the titles of the Ethnic Affairs Commission and the Ethnic Affairs Commission Act to the Victorian Multicultural Commission and the Victorian Multicultural Commission Act respectively. The change to the name of the commission which was announced in March 1996 has been welcomed by the ethnic community as it acknowledges that Victoria is a multicultural society and that ethnic communities are an essential part of the Victorian society. The change emphasises that the commission's role is to serve all Victorians.


Parts 11, 26 and 28 deal with amendments to the Financial Management Act, the Treasury Corporation of Victoria Act and the Victorian Managed Insurance Authority Act.

In 1994, the Financial Management Act was amended to provide the Treasurer with power to give indemnities to directors and officers of statutory authorities and state-owned companies. An indemnity signed by the Treasurer operates to provide directors and officers insurance to directors and officers in the public sector. This indemnity has recently been transferred to the Victorian Managed Insurance Authority (VMIA).

The provisions giving the Treasurer and the VMIA power to provide indemnities need to be amended to enable former directors and officers to be provided with run-off insurance. The legislation excluded cities, towns and boroughs which, in effect, meant excluding built-up or densely populated areas. Section 2(1)(a) of the act defines public land as, inter alia, 'land which is not within the municipal district of a city council or a rural city council'. Land within cities or rural cities can be included in LCC studies through the provisions of section 2(2) of the act.

With the restructuring of local government, the cities and rural cities in rural Victoria contain large areas of rural land which are not densely populated and these may include substantial blocks of public land. A further development is that LCC studies have also changed from general studies covering all areas and types of public land in a region to more specific studies such as 'historic sites' or 'box-ironbark forests and woodlands' where it is easier to assess whether a particular city or rural city should be included in a study.

This bill will amend the definition of 'public land' in the Land Conservation Act 1970 to exclude land within the municipal district of a metropolitan municipal council specified in the schedule to the bill, instead of excluding land which is 'within the municipal district of a city council or rural city council'. The schedule of the bill lists all of the city councils in the Melbourne metropolitan area.

In determining the terms of reference for a study, the Governor in Council may approve with or without modification the location of the districts and areas proposed to be investigated. This will enable the Governor in Council to approve a proposal that a particular city or rural city, or part thereof, not be included in a study. The act is to continue to provide for a process to declare other lands to be public land so that areas such as Commonwealth land can be included.

**Lotteries Gaming and Betting Act 1966**

The main purpose of part 15 of the bill is to amend certain betting provisions of the Lotteries Gaming and Betting Act 1966 to strengthen the effectiveness of the act against illegal SP bookmaking operations and other illegal betting-related activities.

Following a joint government and racing industry analysis and Victoria Police submissions, it is proposed to extend the existing range of betting house offences to include keeping a house or place for the purpose of taking instructions for the placement of bets on behalf of any person and to make technical changes to existing prohibitions on...
the advertising and communication of betting information and systems about sporting contingencies.

It is also proposed to clarify the legitimacy of registered bookmakers settling bets at their home or at other places, providing such bets have been lawfully placed on course during race meetings. The introduction of legal telephone betting in 1994 has increased the need for bookmakers to settle bets away from racecourses.

Another purpose of the bill is to reform the act to accommodate new initiatives of the racing industry requiring the communication of betting odds from racecourses to other places. A number of initiatives are under consideration and the amendment gives the minister the flexibility to respond where appropriate without the need for further amendments in each case. Communications will only be approved following full consultation with the racing industry and Victoria Police.

Finally, the bill streamlines the administration of Calcutta sweepstakes, enables user-pay fees to be charged for the issuing of athletic and cycling race betting permits and pre-recorded betting information authorities, and removes the anachronism that requires media reported betting odds to be sourced from places outside Victoria.

This bill introduces changes which will increase the protection of the public against unlawful betting-related activities and which will, in turn, help guard the integrity of the established racing industry. The bill's reform and streamlining of existing regulatory provisions will be beneficial to both the government and the racing industry.

Melbourne and Olympic Parks Act 1985

Part 17 of the bill amends the Melbourne and Olympic Parks Act 1985 to remove a superfluous column headed 'Extent of revocation' in part 5 of the schedule to the act.

Police Regulation Act 1958

The Public Sector Management Act 1992 was amended in 1995 to provide for the appointment of permanent assistant police commissioners by the Chief Commissioner of Police. However, these recent amendments did not consequentially amend the specific provisions of the Police Regulation Act 1958 in relation to acting assistant commissioner appointments. Those amendments now accord consistently with the intended operation of the Public Sector Management Act 1992 by providing for the appointment of acting assistant commissioners by the Chief Commissioner of Police.

Part 19 of the bill adopts provisions that are similar in nature to the acting provisions available to other departmental heads, where in the event that an assistant commissioner position is vacated, or where the holder is suspended, sick or absent, an acting appointment can be made by the chief commissioner.

Consistent with the intent of the Equal Opportunity Act 1995, the bill also repeals those sections of the Police Regulation Act which specify age qualifications for police reservists and a compulsory retirement age for protective services officers.

Prostitution Control Act 1994

Part 20 of the bill amends the Prostitution Control Act so as to prohibit brothels from operating on premises which are not buildings on land. The effect of the amendments will be to prohibit the operation of brothels from floating vessels, as well as from other mobile alternatives. There are three amendments: firstly, to prohibit those kinds of brothels; secondly to enable the premises from which they are operated to be closed; and, thirdly to enable the suspension and cancellation of the offender's licence for a serious breach of the act.

The amendments are consistent with the government's stated policy of strict control over prostitution, and will prevent tourism and recreation sites from being adversely affected by the presence of floating and other mobile brothels. Those amendments will also help preserve the amenity of local areas by protecting them from mobile brothels, which may be beyond the power of local councils to control, or difficult for them to control, because of the limitations planning controls have on these kind of brothels.

Racing Act 1958

Part 21 of the bill amends the Racing Act 1958 to enable the levels of the guarantee against defaults in payment of wagers by bookmakers to be determined by the Governor in Council rather than by amendment of the principal act. The current levels were prescribed in 1987 and they need updating. Allowing levels to be fixed by order will mean they can be readily adjusted as required. These adjustments will be made after consultation with the racing industry.
Bookmaking is an integral part of the racing industry and a key feature of the on-course experience. There are approximately 280 registered bookmakers who employ over 1100 staff. In 1995-96 a total of $433 million was wagered with bookmakers, and this generated $8.16 million in betting turnover tax. Punter confidence in bookmaking is essential for the viability of the profession, and this bill will increase the level of protection to punters to cater for the uncommon situation of a bookmaker encountering financial difficulties and being unable to meet the payment of wagers.

The other purpose of the bill is to reform the act to simplify and reform various licences and permits which are presently issued to authorise the conduct of race meetings and betting by bookmakers on these events. These licences and permits provide a basic regulatory framework for securing the probity and integrity of the racing industry, and while the need for the maintenance of this framework is essential, there is considerable scope for streamlining its administration.

In particular, it is proposed to issue annual racing club licences, racecourse licences and minor race meeting permits on a perpetual basis; abolish the need to issue permits for harness races at agricultural shows; abolish the obsolete requirement for registration of bookmakers course agents by allowing registered bookmakers clerks to operate secondary bookmakers stands; and provide the option for the Victoria Racing Club, the Harness Racing Board and Greyhound Racing Control Board to issue club bookmakers licences instead of individual racing clubs. Those reforms, which will be safeguarded by appropriate mechanisms, will deliver significant administrative savings to both the government and the racing industry.

The bill acts to increase the protection of punters against defaulting bookmakers and in turn, will help maintain confidence in the racing industry. The bill’s streamlining of existing licensing and permit systems implements the government’s regulatory reform policies.

Teaching Service Act 1981

Part 23 of the bill amends the Teaching Service Act 1981, so that an inquiry into a teacher’s suitability to be employed under that act may have regard to matters irrespective of when they occurred.

The amendment is being made because there is no power at present under that act to inquire into the conduct of — and if appropriate take action against — officers in respect of matters that are alleged to have occurred prior to 24 March 1982, which is the date of commencement of that act. This limitation needs correcting as there are current complaints of sexual assault by state school teachers against children, where the facts are alleged to have occurred prior to 24 March 1982. In two matters, criminal charges were laid by the police and the teachers were found not guilty. Criminal charges are pending in other matters.

If a teacher is found not guilty of a criminal charge, and in particular where the criminal charge involves an allegation of sexual assault of children, the Department of Education has a duty to ensure that it investigates all matters relating to the teacher’s suitability to be placed in charge of children. This duty arises out of its role as an employer of that teacher, as well as being entrusted with the care of children. For that purpose, the Department of Education reviews the teacher’s conduct, having regard to the totality of the evidence, and the difference in the standard of proof between civil and criminal proceedings. The amendments will enable any departmental investigation into a teacher’s suitability to consider matters occurring at any time, and in particular matters occurring prior to 24 March 1982, as well as matters occurring prior to a teacher being employed by the department as an officer under the Teaching Service Act 1981.

The bill implements the changes by amending section 45 of the Teaching Service Act 1981. That section already authorises an inquiry into a teacher’s fitness, capacity and efficiency to be an officer of the teaching service. The amendment makes it clear that when conducting such an inquiry regard may be had to matters irrespective of when they occurred. To remove any doubt and out of an abundance of caution, the amendment also makes it clear that in considering an officer’s fitness, regard may be had to matters other than physical fitness, so that any relevant matter such as a person’s conduct and character may be taken into account.

The Decentralisation Advisory Committee Act 1964

The purpose of part 24 of the bill is to repeal the Decentralisation Advisory Committee Act 1964. That act provides for the appointment of a committee whose functions are to inquire into and report upon areas outside metropolitan Melbourne having the
most potential for industrial and commercial development and to report on any matter referred to it in relation to industrial and commercial development of country areas.

From such records as are presently available it appears that no appointments have been made to the committee for some considerable period and that it ceased to operate at some stage prior to 1985. In any event, the function previously performed by the committee is now undertaken by other means with mechanisms in place for the interaction between various government bodies for the effective development of regional Victoria. For those reasons it is clear that the act is now redundant and should therefore be repealed.

Transport Accident Act 1986

Part 25 of the bill amends the Transport Accident Act 1986. The Transport Accident (Charges) Regulations 1986, which were made on 23 December 1986, sunset by virtue of section 5(1) of the Subordinate Legislation Act 1994 on 23 December 1996.

Recent actuarial information has identified cross-subsidies in the current structure of compulsory third-party insurance premiums. The subsidies do not affect the viability of the scheme and provide benefits to motor vehicle owners who are pensioners, country residents and motorcyclists. On policy grounds, the government has decided not to review the premium structure at this stage of development of the scheme. The cost to beneficiaries of removing the cross-subsidies would substantially exceed any benefit to other insured vehicle owners. Furthermore, the scheme is not yet mature and future development and claims experience could alter current apparent cross-subsidies.

The amendment will continue the present regulations in force for up to 10 years. The government will continue to monitor development of the scheme so that action can be taken to maintain the viability, equity and effectiveness of the scheme.

Victorian Funds Management Corporation Act 1994

Part 27 of the bill amends the Victorian Funds Management Corporation Act 1994. The Victorian Funds Management Corporation (VFMC) was established to act as a manager of fund managers for the public sector. In acting as a fund manager for the public sector, VFMC, and not the client for which it was acting, was to be responsible for selecting and monitoring the appointment of fund managers and master custodians. It is not possible for the Transport Accident Commission to transfer responsibility for the appointment of fund managers and to master custodians VFMC and for VFMC to be solely responsible for their appointment and performance. In order for VFMC — and not its client authorities — to have clear responsibility for the appointment and monitoring of fund managers and master custodians, it is necessary for the legislation to be amended.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Mrs WADE (Attorney-General) — I move:

That the debate be adjourned for two weeks.

Mr HULLS (Niddrie) — I move:

That the word 'two' be omitted with the view of inserting in place thereof the word 'six'.

I do so on the basis that I understand this omnibus bill covers 20 acts and 12 portfolio areas. The time proposed by the government makes something of a mockery of the parliamentary, and hence the democratic, process. If the opposition is to be able to scrutinise legislation properly — and the importance of that is that it leads to good government — we need to confer and consult with a wide range of people. In all the circumstances, I suggest that the appropriate time for us to undertake such consultations would be six weeks rather than two weeks.

Mrs WADE (Attorney-General) — I am sure the honourable member for Niddrie underestimates his capacity. This is a technical and straightforward bill. Many of the acts that are covered in the amendments are no longer in operation and need to be repealed. One appears to have ceased operations in about 1985. It seems to me highly unlikely that the opposition would wish that to continue in operation. A number of provisions relate to changes of name, such as the change from the Ethnic Affairs Commission to the Victorian Multicultural Commission. Other provisions relate to administrative arrangements of a relatively simple variety.

I undertake to approach the various ministers responsible for the acts and ensure that any briefing
the honourable member for Niddrie or his colleagues require is made available over the next two weeks. I am sure the honourable member for Niddrie will find that he is able to manage what is a very simple bill.

Mr BRACKS (Williamstown) — On the question of time, Mr Deputy Speaker, the debate on the bill should be adjourned for six weeks at minimum. As the honourable member for Niddrie said, 20 different acts and some 12 portfolio areas are included in the bill, as described in the second-reading speech. Although some of the changes are minor, others are not. For example, some of the provisions relating to gaming are relatively significant, as are some of the provisions relating to Treasury and Finance, for which I have responsibility. The coordination task, given 12 portfolios are involved in the briefings, is significant.

In the past omnibus bills have been related generally to a single portfolio area. As a classic example, last week the concept and nature of the State Taxation (Further Omnibus Amendment) Bill was approved and supported by the opposition because there a relationship between the matters. The briefing was clearly for one area — that is, Treasury and Finance. This bill requires significant coordination; two weeks is not long enough to try to get 12 different people together for a portfolio briefing, which is effectively what is required, or to have separate briefings. That is what the opposition will have to do to make some sense of the different provisions and to assess that the Attorney-General is right in all cases, and we are not certain about that. Her assertion is that each provision is minor and relates to either redundant legislation or small matters. The opposition needs to test that assertion by consultation. Each provision requires some consultation with the persons affected. That is the role of the opposition and it must undertake its role responsibly. To suggest that that could be done across 12 disparate areas in two weeks is nonsense.

I am critical of the government for misusing the omnibus concept as an opportunity to range over areas as broad as sport, the arts, recreation, racing, treasury, finance, justice, health and so on. We need a minimum of six weeks to assess our position on these disparate areas.

Dr NAPTHINE (Minister for Youth and Community Services) — Mr Deputy Speaker, on the question of time, the point put by the honourable member for Niddrie and supported by the honourable member for Williamstown is wrong. The alternative to putting these matters into an omnibus bill would be to have 12 pieces of legislation, with 12 second-reading speeches covering the 12 portfolio areas — that I take to be correct, based on the information provided by the honourable member for Williamstown — and have debate on each of those 12 pieces of legislation adjourned for two weeks, and be back here in two weeks debating all those 12 pieces of legislation.

I suggest the alternative for the opposition, which it obviously has not thought about, is to use a bit of teamwork. The sort of thing it should be able to do with the omnibus bill, given that it covers 12 portfolio areas, is get each member who has responsibility for the portfolio area to handle that individual part of the omnibus bill, with advice from the relevant department. The ministers on this side and their departments are more than happy to help them with briefings and information. Perhaps they could actually have a meeting of the 12 people and come to a consensus position.

The other reason for supporting the two-week adjournment is the comprehensive nature of the second-reading speech. We have listened to a detailed second-reading speech which outlines the changes, the reasons for them and the effects of the changes, so a lot of the work has been done for the opposition. These are not controversial matters. They are largely technical matters or changes introduced to ease administration of the legislation.

As I said, the alternative that might have been used 10 years ago would have been to have 12 pieces of legislation and each would have been adjourned for two weeks, so in two weeks time we would have been debating 12 pieces of legislation. Clearly it is more efficient and appropriate and increases the productivity of the Parliament to put these matters into an omnibus bill. All it requires from that side of the house is a division of labour and then a bit of teamwork and cooperation so that they can get their act together in two weeks. It is a fairly simple matter and there is no reason why the debate should not be adjourned for two weeks.

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

Ayes, 45

Andrighetto, Mr
Ashley, Mr
Brown, Mr
Burke, Ms

McGrath, Mr W.D.
McLellan, Mr
Macellan, Mr
Maughan, Mr
Amendment negatived.

Motion agreed to.

Debate adjourned until Thursday, 31 October.

HEALTH ACTS (FURTHER AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

This is the second of the omnibus bills which have been introduced by the government during the life of the current Parliament designed to amend acts allocated to ministers in the human services portfolio.

Like its predecessor, which is now the Health Acts (Amendment) Act 1996, the bill sets out to resolve problems which have arisen in connection with the administration of such acts or to improve the effectiveness of their operation. It also facilitates the involvement of the private sector in the provision of public hospital services.

This bill will amend the Cancer Act 1958, the Cemeteries Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Mental Health Act 1986 and the Pharmacist Act 1974.

Because of the disparate nature of the amendments proposed in the bill honourable members may find it of more assistance if I briefly canvass the proposals in terms of the acts they will amend rather than attempting to discuss the bill as a whole.

Cancer Act 1958

Part 2 of the bill will make several minor amendments to the provisions of the Cancer Act as they apply to the Anti-Cancer Council of Victoria. It will bring forward the date of the annual meeting of the council from October to April each year and enable the council to report on a calendar rather than financial year basis. It will also remove the requirement in the Cancer Act for the council to table financial statements. Such a requirement is no longer necessary as the council is required to prepare and table financial statements in accordance with the Financial Management Act 1994.

Drugs, Poisons and Controlled Substances Act 1981

Part 3 of the bill is designed to modernise the structure and functions of the Poisons Advisory Committee which is established under the Drugs, Poisons and Controlled Substances Act. It will also resolve a defect in the provisions of the act which currently enables Victoria to amend the poisons code in certain circumstances only, such as to correct clerical errors in the code or to correct mistakes in describing the commonwealth standard on the scheduling of drugs and poisons.

The amendments proposed in the bill will also enable the poisons code to be amended or revoked and substituted if such action is necessary in order to ensure consistency with the commonwealth standard on the scheduling of drugs and poisons as in force from time to time.
Pharmacists Act 1974

Part 4 of the bill allows a friendly society dispensary, within the meaning of the Friendly Societies Act 1986, to call itself a pharmacy. The proposed amendment will clarify the law in the short term on what a dispensary may call itself pending completion of a broader review of the Pharmacists Act.

Cemeteries Act 1958

Part 5 of the bill makes a statute law revision amendment to the Cemeteries Act by inserting a title provision as section 1 of that act.

Health Services Act 1988

Part 6 of the bill makes a number of unrelated amendments to the Health Services Act. The first of these will enable the members of a board of a non-metropolitan public hospital, other than a board member who is a member of the Legislative Council or Legislative Assembly, to be paid for holding that office if so specified in the instrument of appointment.

I take this opportunity to make clear to the house that there is no intent to pay board members of all public hospitals. However, the insertion in the Health Services Act of a discretionary power will enable members of boards of non-metropolitan hospitals facing key strategic issues, such as base hospitals merging with other health service facilities, to be appropriately remunerated in a similar way to members of the boards of the new health care networks. The inclusion of a discretionary power to remunerate these board members will enable the government to recognise board members' skills and expertise in developing an effective and efficient hospital service for the Victorian community.

The second group of amendments will improve the regulation and monitoring of supported residential services registered under the Health Services Act. They will, among other things, establish penalties for a failure to comply with certain provisions of the act. These include a failure to take all reasonable steps to ensure provision of appropriate health care to a resident and failure to prepare residential statements in accordance with section 106.

The bill will also make directors liable for the offences of bodies corporate. It will, thus, enable the Department of Human Services to pursue directors of a company for fines and legal costs that are unpaid by the company.

The third group of amendments are designed to establish the legislative framework for the involvement of the private sector in the provision of public hospital services. The immediate objective is to facilitate the development and operation by the private sector of the new Latrobe Regional Hospital.

The provisions in the Health Services Act which apply to private hospitals and designated public hospitals will also apply to such privately operated hospitals. Likewise, they will also be subject to the Ombudsman Act 1973 and the Freedom of Information Act 1982 in respect of the contracted health services they provide in the same way as both acts apply to public hospitals.

Privately operated hospitals will be excluded from those provisions in the Health Services Act relating to the funding of agencies providing health care services. These provisions are not relevant to privately operated hospitals because the funding of those hospitals are matters which are more properly dealt with in the contracts between the minister and the relevant private health provider.

The bill will also enable the minister to enter into contracts for and on behalf of the Crown for the provision of private management services in public hospitals where it is intended that the services provided by those hospitals will be provided in the future by a privately operated hospital.

These contracts will facilitate the smooth transition from a system in which public hospital services are provided in a conventional public hospital to one in which they are provided in a privately operated hospital. The minister will retain the right to intervene in the management of public hospitals which are the subject of these transitional management agreements if he or she considers that

...
this is necessary to protect the health or safety of patients receiving or requiring services at the hospital.

Once such an agreement is made, the board of management of the existing public hospital will no longer be needed because management services will be provided by the private contractor.

The bill, therefore, provides that on the coming into effect of this transitional management agreement, the members of the board of management of the public hospital in question are replaced by an administrator. That administrator will exercise the functions and powers of the board, except those which the private contractor is entitled and obliged to exercise and perform under the agreement.

Section 85 statement

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill. Clause 35 proposes to insert a new section 157E into the Health Services Act that is intended to alter or vary section 85 of the Constitution Act to the extent necessary to prevent the Supreme Court from entertaining actions for compensation in respect of matters over which section 690 provides that no compensation is payable.

Section 69D provides that no compensation is payable where land is transferred to the minister or the Crown pursuant to an agreement entered into between a contractor and the minister except to the extent that the agreement provides for compensation.

The reason for preventing the entertaining of these proceedings is to enable a clear and unencumbered transfer of land to the minister or the Crown free of all pre-existing interests and rights in the land and all claims for compensation based on them, other than claims under the agreement.

Mental Health Act 1986

Part 7 of the bill amends the Mental Health Act 1986 so that the definition of the words ‘private hospital’ in that act is the same as the definition of those words in the Health Services Act.

Summary

The various amendments proposed in this bill will not only resolve a number of problems which are being experienced with acts in the Human Services portfolio but also enhance the more effective and efficient provision of health services in the community.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 31 October.

CHIROPRACTORS REGISTRATION BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

Current legislation governing chiropractors — the Chiropractors and Osteopaths Act 1978 — has been much amended. The present Chiropractors and Osteopaths Registration Act reflects a traditional model put in place for chiropractors and osteopaths in 1978. That model has already been replaced in legislation dealing with medical practitioners and nurses by a more modern review model. Some of the shortcomings include that there is one board to regulate and inquire into two distinct and competing professions, the joint board is not incorporated, the lack of a statutory definition of unprofessional conduct, closed inquiries, and a broad restriction on any advertising which by today’s standards is anti-competitive.

It is the intention of this Chiropractors Registration Bill to remedy these situations and adopt the review model for the regulation of health professionals as has already been adopted for medical practitioners and nurses. It is also the intention of this Chiropractors Registration Bill to bring Victoria’s legislation into line with that of other states so as to facilitate mutual recognition for chiropractors.

It is also the intention of this Chiropractors Registration Bill to bring Victoria’s legislation into line with the national competition policy principles. The primary purpose of registration should be to protect the public rather than to promote the interests of the profession concerned. Accordingly, as well as remedying flaws in current legislation, and providing for mutual recognition, this bill has been developed with the protection of the public in mind.
The bill establishes a new Chiropractors Registration Board, which is to have seven members. The board will have four members with chiropractic expertise, a lawyer and two persons who are not chiropractors. The Chiropractors and Osteopaths Registration Board had only one lay member. The new Chiropractors Registration Board introduces another person with a community perspective onto the board.

The board will be incorporated and independent of government. It will have the capacity to employ its own staff and contract in its own name. The board will be responsible for the registration of chiropractors and for investigations into the professional conduct of registered chiropractors. This is a core area of the bill. I do not propose to outline these provisions in detail. They are designed to ensure that:

- the board has sufficient power to investigate allegations of misconduct against chiropractors;
- board hearings are more open than is presently the case;
- rights to attend hearings and make submissions are given to complainants;
- investigations into professional conduct are conducted fairly and natural justice provisions are included for any chiropractor whose actions are under scrutiny; and
- suitable review mechanisms are included.

A further change brought in by this bill is the freeing up of restrictions upon the advertisement of chiropractic services.

The bill will permit advertising of chiropractic services, in general, but make it an offence for any person, including a corporate body and the managers of such a body, to advertise chiropractic services in a manner which is false, misleading or deceptive.

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 84 of this bill. It is the intention of clause 84 to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of actions of the kind referred to in clause 53 of this bill.

Clause 53(3) of the bill operates to alter or vary section 85 of the Constitution Act 1975 by providing that no action for defamation lies against the board or its members for giving a notice under clause 53(1). Clause 53(1) requires the board to notify any determination to impose conditions, limitations or restrictions on the practice of a chiropractor, or suspend or cancel the registration of a chiropractor in the Government Gazette, to registration authorities in other states and territories and in New Zealand, to the Health Services Commissioner, to the employer of the chiropractor, where that chiropractor is an employee, and to a chiropractic registration authority outside Australia if the board has received a request for information about the chiropractor from that authority.

The purposes of the act will not be fulfilled if a chiropractor whose practice has been restricted or who has been suspended or deregistered can continue to practise either in Victoria or elsewhere because notice of the board’s action has not been communicated to the relevant authorities. This provision is essential to ensure that the board and its members can communicate vital information to the relevant authorities without the threat of civil action for defamation against them. I am confident this bill will ensure the continuing provision of responsive, high-quality chiropractic services to all Victorians.

I commend this bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 31 October.

OSTEOPATHS REGISTRATION BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill now be read a second time.

Current legislation governing osteopaths — the Chiropractors and Osteopaths Act 1978 — has been much amended. The present Chiropractors and Osteopaths Registration Act reflects a traditional model put in place for chiropractors and osteopaths in 1978. That model has already been replaced in legislation dealing with medical practitioners and nurses by a more modern review model. Some of the shortcomings include the fact that there is one board to regulate and inquire into two distinct and
competing professions; the joint board is not incorporated; the lack of a statutory definition of unprofessional conduct; closed inquiries and a broad restriction on any advertising which by today’s standards is anticompetitive.

It is the intention of the Osteopaths Registration Bill to remedy these situations and adopt the review model for the regulation of health professionals as has already been adopted for medical practitioners and nurses. It is also the intention of the bill to bring Victoria’s legislation into line with that of other states so as to facilitate mutual recognition for osteopaths. It is also the intention of the bill to bring Victoria’s legislation into line with the national competition policy principles.

The primary purpose of registration should be to protect the public rather than to promote the interests of the profession concerned. Accordingly, as well as remedying flaws in current legislation and providing for mutual recognition this bill has been developed with the protection of the public in mind.

The bill establishes a new Osteopaths Registration Board which is to have seven members. The board will have four members with osteopathic expertise, a lawyer and two persons who are not osteopaths. The Chiropractors and Osteopaths Registration Board had only one osteopath and only one lay member. The new Osteopaths Registration Board will have an increase of three osteopaths and introduces another person with a community perspective onto the board.

The board will be incorporated and independent of government. It will have the capacity to employ its own staff and contract in its own name. The board will be responsible for the registration of osteopaths and for investigations into the professional conduct of registered osteopaths. This is a core area of the bill. I do not propose to outline these provisions in detail. They are designed to ensure that:

- the board has sufficient power to investigate allegations of misconduct against osteopaths;
- board hearings are more open than is presently the case;
- rights to attend hearings and make submissions are given to complainants;
- investigations into professional conduct are conducted fairly and natural justice provisions are included for any osteopath whose actions are under scrutiny; and
- suitable review mechanisms are included.

A further change brought in by the bill is the freeing up of restrictions upon the advertisement of osteopathic services. The bill will permit advertising of osteopathic services in general but make it an offence for any person, including a corporate body and the managers of such a body, to advertise osteopathic services in a manner which is false, misleading or deceptive.

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 84 of the bill. It is the intention of clause 84 to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of actions of the kind referred to in clause 53 of this bill.

Clause 53(3) of the bill operates to alter or vary section 85 of the Constitution Act 1975 by providing that no action for defamation lies against the board or its members for giving a notice under clause 53(1).

Clause 53(1) requires the board to notify any determination to impose conditions, limitations or restrictions on the practice of an osteopath, suspend or cancel the registration of an osteopath:

- in the Government Gazette;
- to registration authorities in other states and territories and in New Zealand;
- to the Health Services Commissioner;
- to the employer of the osteopath, where that osteopath is an employee; and
- to an osteopathic registration authority outside Australia if the board has received a request for information about the osteopath from that authority.

The purposes of the act will not be fulfilled if osteopaths whose practices have been restricted or who have been suspended or deregistered can continue to practise either in Victoria or elsewhere because notice of the board’s action has not been communicated to the relevant authorities. This provision is essential to ensure that the board and its members can communicate vital information to the
relevant authorities without the threat of civil action for defamation against them.

I am confident the bill will ensure the continuing provision of responsive high quality osteopathic services to all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 31 October.

BUSINESS OF THE HOUSE

Division list

The DEPUTY SPEAKER — Order! I inform the house that in the division that took place in the house on the question that the question be now put on the Local Government (Amendment) Bill, the tellers for the ayes inadvertently recorded the honourable member for Mill Park instead of the honourable member for Narracan, Mr Andrighetto. The Clerk will make the necessary correction in the division list.

Remaining business postponed on motion of Dr NAPTHINE (Minister for Youth and Community Services).

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That the house do now adjourn.

ADJOURNMENT

Kingston: lifesaving clubs

Mr PANDAZOPOULOS (Dandenong) — I raise a matter of major importance for the Minister for Planning and Local Government relating to the lifesaving clubs in the City of Kingston. As part of local government reforms, local government has been changing its policy. In this case the Kingston commissioners have decided they will charge significant rent to the seven lifesaving clubs in that municipality. Clubs have been forced to pay huge fee increases, which may lead to the closure of a number of clubs and may leave Kingston beaches not patrolled this summer.

Lifesaving clubs in the City of Kingston are self-funding. Carrum lifesaving club has built its own building.

Mrs Peulich — The matter has been resolved.

Mr PANDAZOPOULOS — No, it has not. The clubs do not receive any council funding. The fee Carrum lifesaving club has been asked to pay has actually gone from $8 per annum in recognition of its community service up to $1540. Other examples are Aspendale lifesaving club, $4700; Edithvale, $1300, and Chelsea, $1500. Obviously it is a big increase. It seems that Kingston commissioners are using this as an opportunity to collect extra revenue or taxes.

The seven clubs each contribute 2000 volunteer hours per annum on beach patrol alone, providing a rescue service for the public. That is 2000 hours looking after those family beaches — a big playground for Melbourne during summer. The clubs survive through holding sausage sizzles, and 65 per cent of their costs relate to providing an emergency service. The minister should intervene in this issue to have commissioners reverse the decision, because it is an issue of public safety. The clubs do not want to fold but if they are asked to pay more they will find it hard to survive. If any of them folds, beaches in the City of Kingston will be left unattended.

Mrs Peulich — On a point of order, it is my understanding that the issue is not an issue — —

The DEPUTY SPEAKER — Order! The honourable member for Bentleigh is attempting to use the forms of the house to make a personal explanation.

Mr PANDAZOPOULOS — The honourable member for Bentleigh should be embarrassed about this because it is a major issue. I have been in communication with the clubs recently.

The DEPUTY SPEAKER — Order! The honourable member’s time has expired.

Youth suicide

Ms BURKE (Prahran) — I direct to the attention of the Minister for Youth and Community Services a matter that is of concern not only to those in my electorate but also to any other thinking and caring person — that is, the rise in the rate of youth suicides and attempted youth suicides. The matter is
continually raised with me. It is not a matter that is peculiar to Prahran; I am aware it is an issue that has caused enormous problems in rural communities as well.

It is an extremely sensitive matter and I will not go into detail because of the effect it may have on different members who have had family and friends involved. Mention of it also tends to cause a copy-cat mentality among those who are feeling weak and whose self-esteem is low. As I said, I shall not go into details about individual cases as I will leave those facts for the minister.

Not many facts are available about youth suicide although it is a common problem. Most people believe young males are the ones who are prone to take this course, but young females try seven times more often than young males do to commit suicide. Sadly, however, young males are more successful. The community is concerned about why so many take their lives at a young age and there needs to be more explanation and understanding of what is happening from the government's point of view.

I recognise it is not only an Australian problem but also a world-wide problem. As a Victorian parliamentarian and a mother of four children aged between 15 and 24 years — the ages prone to suicide — I feel most responsible. Stories that tend to circulate in the electorate are concerning me because I do not believe many people are aware of the large amount of work the government is doing in the area of youth suicide. I ask the minister to inform the house about the assistance available for families involved and what prevention policies are in place to assist the youth of Victoria.

**Workcover: anaesthetists dispute**

Mr CAMERON (Bendigo West) — I ask the Minister for Youth and Community Services, who is at the table, to direct to the attention of the Minister responsible for Workcover the workers who need operations as a result of work-related injuries under Workcover. Senior Constable Whitman who is stationed at Eaglehawk police station in central Victoria suffered a shoulder injury in March 1995. He has had no time off work although he is still carrying the injury. He has been able to perform operational duties.

Workcover has accepted liability. He requires decompression surgery to relieve the nerves in his shoulder because of numbness and pins and needles. He was booked into Mount Alexander Hospital in Bendigo for an operation on 2 October as part of the Workcover obligation to pay for the operations for injured workers. However, the operation did not take place because Workcover is in dispute with anaesthetists about the amount they are to be paid for operations.

As a result of the dispute between Workcover and the anaesthetists this man has had to live with his injury, which may result in his having to leave his employment. He must also have physiotherapy regularly. The argument is over a difference of $280, but it may ultimately cost the state more. I ask whether the negotiations between Workcover and the anaesthetists can be resolved quickly or, alternatively, whether a resolution can be arrived at so the injured worker can get his operation, subject to the dispute being sorted out. If workers such as Senior Constable Whitman do not have necessary operations they may have to go off work. That would not be satisfactory, particularly when in this case the community clearly prefers him being at work rather than at home — and he would prefer to have his shoulder fixed.

**Agricultural chemicals**

Mr A. F. PLOWMAN (Benambra) — I ask the Minister for Police and Emergency Services to draw to the attention of the Minister for Agriculture and Resources the regulations designed to promote the safe and responsible use of agricultural chemicals. I have no argument with the claim that regulations are needed for the supply, production and use of most agricultural chemicals and that those regulations need to comply with world-best standards. Anyone who wants to use schedule 7 poisons requires an agricultural chemical user's permit. It is interesting that a recent addition has been made to that schedule to include the ingredients of phosboxin, a chemical used for the eradication of rabbits. Also included in the list of schedule 7 poisons is chloropicrin, the chemical used in larvacide. To get an agricultural chemical user's permit a person has to do a farm chemical user's course, which costs about $80. That person then requires a permit, which costs $38 every three years.

This matter is of great concern at a time when a virus to reduce rabbit numbers is being released and when every other aspect of rabbit control has been used. It seems absolutely inappropriate that people who have used those chemicals in their agricultural pursuits throughout their lives are now being required to obtain agricultural chemical user...
permits. Using a chemical proscribed under the schedule incurs a penalty of $20,000.

I ask the acting minister to review the regulations covering these two chemicals and perhaps delay the restriction, particularly while the calicivirus is being released.

**Bemm River**

Ms Garbutt (Bundoora) — I draw to the attention of the Minister for Conservation and Land Management the problems at Bemm River, a small township in East Gippsland. I ask the minister to investigate the waste of money and the complete mismanagement that is involved and to take steps to resolve the problems that the department has caused or at least failed to resolve. Those problems include access to Bemm River itself, the lake and beach — the three main attractions of the town and the reasons why people go there. The ban on the access to those three sites has had a serious impact on both the number of visitors to Bemm River and the businesses that operate there. In fact, they estimate they have lost 80 per cent of their business.

Turning to the issue of access to the river, the only road access to the river has been closed by a farmer. Local people tell me it is a public road running through public land and that it is close to the high water mark. The Department of Natural Resources and Environment has intervened but no resolution has been reached. People who visit the area to fish, which is one of the prime recreations in the region, find they cannot get to the river and have to turn around and go home. The issue needs to be resolved.

The second issue concerns access to the lake. Although the former jetty, which was pulled down, was replaced by a pontoon jetty, during low tide the pontoon sits on mud and the boats cannot get in. A number of other features of the lake are a danger to boats.

Against the advice of local people, the car park was remade with clay using heaps of taxpayers’ money. It rains frequently in the region and the rain turns the clay to slush. The access road to Pearl Point and the beach was also constructed of clay, again against the advice of locals, and more money must now be thrown at it to fix it up. An inquiry must be held to find out why this disaster for local businesses occurred, who made these blunders and why local knowledge was ignored.

**Sunbury Secondary College**

Mr Finn (Tullamarine) — I raise for the attention of the Minister for Education the plight of the students, staff and school community of Sunbury Secondary College in my electorate. The college has a brilliant academic and sporting record — one that it can be extremely proud of — and is ably led by an outstanding principal, Mr Eric Keenan. The college is very popular with parents and students living outside Sunbury who choose to send their children to the college, but it has problems with maintenance and facilities.

For some years, like so many other things in my electorate, indeed throughout the state, the college became run down during the decade of darkness from 1982 to 1992 when the Labor Party, whose members like to beat their breasts about education, did absolutely nothing to help the college or any other school in the electorate.

It was during this period of Labor government that the school deteriorated to a sad and sorry state. One of the great achievements of the government has been the upgrading of schools to acceptable levels throughout the state generally and in my electorate in particular. I could speak for some time about the number of schools in my electorate that have been helped in this way. I am very proud of the work done by the current Minister for Education and his predecessor, the Honourable Don Hayward, in lifting up the standards of schools in my electorate. The electorate is very grateful for the support shown by the two ministers.

I ask the minister to consider the real needs of the college. The school community has worked hard and effectively to maintain the standards of the school, but the time has come for the government to lend a helping hand, and perhaps more than just a helping hand. I ask the minister to consider the plight of the students, teachers and the school community and assist in providing an environment that will assist the students to succeed. Sunbury is an outstanding secondary college and has a great record.

**Werribee: toxic waste dump**

Ms Gilleit (Werribee) — I raise for the attention of the Minister for Planning and Local Government the proposed toxic waste dump in Werribee. Over the past few months, I have been raising with the minister a series of matters about the proposal by CSR and Brambles to dump a toxic waste facility on the Werribee community. On this
occasion I refer to a petition signed by 14,000 Werribee residents who oppose the proposed facility. Opposition to the toxic waste dump is broadly based. On this occasion various business and community groups and individual residents have joined forces to strongly oppose by action and deed the placing of the dump in Werribee.

In the house last week I raised with the minister the form of the petition that is in his possession. I asked him specifically about the intentions he had for it. Early this week a representative of the minister’s office contacted my office to advise that the minister himself would be tabling the petition in the house. I understand that is an unusual procedure.

I have waited patiently on each sitting day this week for the minister to table the petition — and on each occasion I have been terribly disappointed. I seek an assurance from the minister that he will table that very important petition on the next sitting day.

**Dandenong youth cafe**

**Mr Rowe (Cranbourne)** — I direct to the attention of the Minister for Youth and Community Services a matter raised with me by the Salvation Army, an organisation with which I work closely in my electorate. The Salvation Army provides many good services for the community in the south-eastern area, particularly youth services.

The matter relates to The Diner, a cafe operated in the Dandenong area by young people who receive on-the-job training in hospitality and customer service skills from trained chefs and youth workers. In addition to delivering labour market programs to disadvantaged young people, The Diner links them with other support services in the region, such as health services and so on. The project is considered to be a model because it assists young and homeless people who need to overcome a range of barriers to gain access to mainstream education and employment.

I raise this now because the program closed in the second week of July due to the uncertainty over federal government funding. That has created a great deal of angst among the young people of Dandenong and surrounding areas who had access to it. I have been advised that Mr Harkin, the Director of the Salvation Army, has lodged an application with the minister for some form of financial assistance to ensure the continuation of that valuable program for the young people of the region.

I ask the minister to indicate whether he is prepared to favourably consider the granting of the application and whether he will intercede with our federal colleagues to ensure that valuable youth service continues to operate in the Dandenong region for many years to come.

**Preschools: departmental responsibility**

**Ms Campbell (Pascoe Vale)** — I raise a matter for the attention of the Minister for Education relating to preschools and kindergartens, which have experienced great upheaval under the Kennett government.

**Dr Napthine** — On a point of order, Mr Deputy Speaker, kindergartens and preschools actually come under the responsibility of the Minister for Youth and Community Services. The honourable member may wish to address her matter to the appropriate minister.

**Ms Campbell** — It relates to the Minister for Education, as the minister will realise when I outline the matter fully.

**The DEPUTY SPEAKER** — Order! The honourable member will continue.

**Ms Campbell** — Preschools have experienced quite a deal of upheaval under the Kennett government. Kindergarten communities, parents, teachers, the peak organisations, teacher unions and Kindergarten Parents Victoria have all had to cope with enormous change. Another matter has now arisen about which we need to be informed and it concerns the move of kindergartens from under the umbrella of the Department of Human Services to the Department of Education.

As I understand it the Minister for Education has set up a committee within his department to consider moving responsibility for kindergartens to his portfolio. There is a great deal of uncertainty and I ask that kindergarten communities are given an indication of exactly what is going on.

To my knowledge 18 people from the Department of Education have been providing input to that committee, and I would like to know exactly who is on it, what are its terms of reference, how much consumer input has been received and what proportion of its terms of reference relates to the financial state of parents as opposed to the proportion-based needs of preschool children.
I notice that the honourable member for Ripon has entered the chamber, and he is helping the Minister for Education on this matter. He will need to know all about it too, so I hope the minister can provide a response on this matter.

Traffic lights, Upwey

Mr McARTHUR (Monbulk) — I ask the Minister for Youth and Community Services, who is at the table, to direct to the attention of the Minister for Roads and Ports in another place the traffic lights at the intersection of Burwood Highway and Morris Road, Upwey. I will quote a letter from one of my constituents:

Upon approaching the intersection from Upper Ferntree Gully the main traffic light was green for through traffic heading towards Tecoma on the Burwood Highway. The right turn-arrow turned from amber to off as I approached the intersection. As it was safe to turn right in regards to oncoming traffic on the Burwood Highway I executed the turn. There were cars stopped in Morris Road (on the railway bridge) waiting at a red light to turn into Burwood Highway.

A pedestrian was crossing Morris Road from the Ferntree Gully side to the Upwey side —

I might add that this is a little used pedestrian crossing —

I was unable to see the pedestrian and collided with her. The reason I was unable to see the pedestrian was that when cars are stopped on Morris Road at a red light waiting to turn into the highway the front car is on an upward incline due to the alignment of the road there. Accordingly, the headlights of the car shine directly into the eyes of a motorist turning right, making it impossible to see a pedestrian on the crossing, particularly when it is raining heavily as it was on that night.

As the correspondent points out, not many people actually cross the road at that particular pedestrian crossing. There is a right-turn arrow at the intersection but it has only green and amber — there is no red right-turn arrow.

My constituent suggests that to solve the problem a red right-turn arrow that can be activated when the button is pressed should be fitted.

We need to bear in mind the circumstances: low visibility, glare from the headlights of cars parked on the Morris Road side, and heavy rain. Also, because of low pedestrian usage of the road, motorists turning right there do not expect to see people on the road. The pedestrian in question was not wearing dark clothes, so that had no bearing on the incident.

There are two options for the minister to consider: enabling the red right-turn arrow to be activated by a pedestrian or enabling the flashing amber arrow to be activated to attract the attention of motorists. Local motorists are not used to seeing pedestrians at that intersection.

Veterinary research laboratories

Mr BRUMBY (Leader of the Opposition) — I raise for the attention of the Minister for Agriculture and Resources the continuing saga of the veterinary research laboratories. The house is aware of the background to the privatisation of the laboratories.

I understand that the minister has before him a recommendation concerning a company called Rowan Garden Pty Ltd, which has been recommended for this tender. Two non-departmental committee members have resigned, including Tony St Clair, deputy chairman of the Victorian Farmers Federation. The company is not even registered with the Australian National Quality Assurance Program and there are major issues relating to the link between Rowan Garden, Gribbles Pathology and Mr Wallace Cameron who is a close associate of Bruce Mathieson. Mr Mathieson may or may not still have close links with Gribbles.

I ask the minister to sort out the mess, to guarantee existing services to farmers and vets, to submit the fiasco to a full, independent judicial inquiry and to ensure that proper probity checks are carried out to investigate possible links between Mr Wallace Cameron, Bruce Mathieson and Rowan Garden, which is the recommended tenderer at this stage.

Responses

Mr W. D. McGrATH (Minister for Police and Emergency Services) — The honourable member for Benambra raised the requirements necessary to meet the chemical-user accreditation, which has been around in agriculture for some time now. The honourable member is concerned about two substances that have been added to the schedule 7 poisons list. One of the substances, chloropicrin, is a key element in the fumigant used in the treatment of rabbit burrows, larvacide.
ADJOURNMENT

Thursday, 17 October 1996

From time to time the National Health and Medical Research Council assesses chemicals and either adds them to or deletes them from the list. Its recommendations go before the chemical standards unit of the registration authority which decides the labelling requirement of the chemicals in question. In this case the authority requires anybody who uses those particular chemicals to have undertaken the accreditation.

The accreditation has been available for some time, particularly at TAFE colleges, and some 1500 farmers are accredited to use certain chemicals on their properties. I understand the honourable member's concern that some farmers in his region are small users of chemicals and that the chemical in question may be the only one they use in their farming operations.

Any person who can convene a local Landcare group and who has the necessary accreditation can carry out the recording of when and how the chemical is used. That fulfils the obligation relating to the use of a scheduled poison under the national registration protocols. I will ensure that the Minister for Agriculture and Resources is aware of the issue.

The honourable member for Benambra asked for a review of the requirement for the need to comply with the recording of how and when a schedule 7 poison is used. I will ask the Minister for Agriculture and Resources to address the matter when he is back in his office next week.

The Leader of the Opposition raised a matter relating to Vetlabs. It is fair to say that Centaur took over the management of Vetlabs. Contrary to what the opposition has led the community to believe, Vetlabs were never sold; only the management of Vetlabs was offered for tender. When Centaur took over the management of Vetlabs, it had a two-year contract to provide certain services on behalf of the then Department of Agriculture and it carried those out to a satisfactory level.

After the two years, it was necessary for those services to go into the marketplace for tender to ascertain whether other companies were prepared to provide those services to the Department of Agriculture and Resources. The due process has been followed and approved by the Victorian Government Purchasing Board. It is interesting that the Leader of the Opposition referred to a company as the preferred tenderer. I will not enter into that debate, except to say that I know at this stage the Minister for Agriculture and Resources has not accepted the recommendation and that he has until the end of October before he has to make a decision on whether to accept the recommendation.

I am aware that the Minister for Agriculture and Resources is seeking to ensure that the farming community is well serviced by the Vetlabs that are stationed at Bendigo, Benalla, Bairnsdale and Hamilton. I come back to the salient point in relation to the Vetlab at Bendigo. The politicisation of that establishment in the region tried to harpoon the Centaur operation when it came to take over the management of the Vetlab at Bendigo, and that was very harmful to any business being developed and progressing in a proper and sensible way.

I would be less than courteous if I did not refer the matter to the Minister for Agriculture and Resources when he returns because I know he will not make a decision one way or the other until about the end of October, when the Centaur contract has run its full course.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Cranbourne raised the issue of the Salvation Army's program called The Diner which is operated in Dandenong. I was pleased to meet the participants and organisers of that program in a visit to Dandenong last April. It certainly has a reasonable record of providing assistance to young people, particularly those who are disadvantaged.

I am pleased to advise the honourable member for Cranbourne, who outlined in glowing terms the work of that program and lent his support to it, that in cooperation with our federal colleagues work has been done to ensure this program can continue. The federal Department of Employment, Education, Training and Youth Affairs has committed $45 000 under its labour market training program to provide for 15 homeless and disadvantaged young people for six months training in cooking and other job opportunities in the hospitality and catering industries.

In addition, the Salvation Army sought assistance from the state government to purchase equipment, uniforms and other protective essential clothing for that training program. Again I am pleased to advise the honourable member for Cranbourne — and the honourable member for Dandenong, although the honourable member for Cranbourne better understands the needs of young people — that the state government is providing an additional $10 000 for that equipment so the program can fully operate.
to help at least 15 young people who will be trained and, we hope, get jobs in the hospitality industry. I know the honourable member will take that message back to the Salvation Army and to Mr Laurie Harkin, a great advocate for the program.

The honourable member for Prahran raised the issue of youth suicide. Unfortunately, Australia has one of the highest rates of youth suicide among developed countries. Their suicide is tragic not only for the young people but for their families.

I could go into great detail but, as the honourable member said, it is a sensitive issue and we should be careful about not sensationalising such issues because often that can precipitate copycat action.

I am pleased to tell the honourable member that the government has committed $32 million over four years — that is, $8 million per year — for programs aimed specifically at providing services for young people at risk: the programs will be aimed at reducing the risk of youth suicide. They will provide backup support in child and adolescent mental health services, including improved treatment assessment services, outreach services, 24-hour crisis response services and new adolescent in-patient beds.

A particular initiative is the establishment of mental health promotion officers in each region to work with other health providers, schools and general practitioners. I hope we can then detect early those who may be at risk of suicide. I understand that more than 80 per cent of young people who take their own lives give clear signals in the week or two prior to taking that step. If the teachers, doctors and other key people in the community whom they see are alert, I am sure we will reduce the rate of youth suicide.

Another important step is that the government is introducing guidelines and protocols for hospital emergency departments to ensure that when anybody is admitted following an attempted suicide, or if there is any such suggestion, his or her situation will be followed up. Previously people were treated and often discharged without appropriate follow-up support. That will not happen in the future. Youth suicide is a positive issue: the government is taking positive action to deal with that issue.

The honourable member for Tullamarine raised for the attention of the Minister for Education his concerns about Sunbury Secondary College. I am pleased to say it is on the regional priority list for major maintenance. Unfortunately, it could not be funded in the last round of grants after taking into account the needs of other schools because of the significant maintenance backlog left by the former Labor government, which ignored the need for capital works in schools.

But the honourable member for Tullamarine, in his usual way, is a strong advocate for his area. I know the Sunbury Secondary College from personal experience. It is a well-respected school right throughout Victoria, and I am sure it will be given proper consideration by the Minister for Education.

The honourable member for Dandenong raised a matter with the Minister for Planning and Local Government concerning the City of Kingston and proposed rental requirements for lifesaving clubs in that area. I am advised that the honourable members for Mordialloc and Carrum are well ahead of the honourable member for Dandenong — as usual — and have been very active in dealing with what was put forward as a draft policy. They have been working with the City of Kingston and negotiations are proceeding well to ensure a fair and equitable outcome.

Honourable members interjecting.

Dr NAPTHINE — So the local members for Mordialloc and Carrum, as good local members, are doing their jobs — and doing it well.

The honourable member for Bendigo West raised a matter for the minister responsible for Workcover concerning a senior constable with a shoulder injury that requires surgery and his concerns about that. I will pass that on to the minister responsible for Workcover.

The honourable member for Bundoora raised a matter for the attention of the Minister for Conservation and Land Management with regard to Bemm River, in East Gippsland. The river was made famous initially by Jack Dyer on the World of Sport program, as he mentioned it regularly, and more recently by Rex Hunt as a great area of fishing. The member raised issues in relation to the lake, the river and the beach. I will pass the matter on to the minister. I am sure the minister would be concerned to ensure that there is proper access to those areas, because Bemm River is a good area for holidaying and recreational fishing, and I am sure he will seek to deal with that matter.
The honourable member for Werribee, in her repetitive mode, raised another matter for the Minister for Planning and Local Government.

Ms Gillett interjected.

Dr NAPTHINE — Well, I suppose persistent is one thing that can describe the honourable member for Werribee — lack of diversity, lack of imagination, and lack of different issues to raise may be others.

Honourable members interjecting.

Dr NAPTHINE — She raised a petition that has been forwarded to the minister’s office concerning an issue in her electorate. She raised the matter the other day; I understand the minister has got back to her, and I am sure the minister will respond appropriately.

I hope the honourable member for Werribee is at the youth forum on Monday night in Werribee, which I and representatives from many schools in that area will be attending. I trust she will be actively there.

Ms Gillett interjected.

Dr NAPTHINE — I will look forward to it. I would have thought if all the schools in Werribee were invited, she would have heard about it. But obviously she does not keep in touch with her schools!

Ms Gillett interjected.

Dr NAPTHINE — That was an interesting interjection. The honourable member for Werribee thinks that because she has graduated from school she does not need to go near schools ever again. I remind her as a local member of Parliament that schools are a very important part of her constituency. I am sure Trish Vejby will do a very good job looking after the schools in Werribee when she is elected at the next state election.

The honourable member for Pascoe Vale raised with the Minister for Roads and Ports the traffic lights at an intersection at Upwey and outlined some of the potential dangers regarding that situation. I am sure the Minister for Roads and Ports will treat the matter seriously and address it.

I remind her that in recent times $2500 has been allocated to each kindergarten to help them with playground equipment and facilities — a $3.6 million program. If the member had been in the house last week, or read Hansard, she would know that at exactly this time last week I was here announcing, in an answer to the honourable member for Glen Waverley, the fact that for 1997 the funding for preschools will be increased by 3 per cent across the board, and that preschools within long-day-care centres will have a 17 per cent increase in funding. That is a significant increase in funding — an additional $1.6 million for kindergartens — and, again, this funding increase is ahead of inflation.

The honourable member also raised the issue of whether kindergartens were being reviewed to determine whether they belong under education, community services or human services. In some states of Australia kindergartens come under education and in other states they are more in the human services line. It is incumbent upon any government to continue to look at programs and at how programs are delivered so the best outcome for the children can be obtained. Both the Minister for Education and I are looking at what is in the best interests of education. I assure the honourable member for Pascoe Vale and people in the community that no decision will be made without adequate consultation with the peak bodies and the community.

It is premature for the honourable member for Pascoe Vale to raise this issue well before there has been any adequate study of it, but I assure her that consultation will take place — and even if it is proposed to consider a change, there will be consultation.

The honourable member for Monbulk raised with the Minister for Roads and Ports the traffic lights at an intersection at Upwey and outlined some of the potential dangers regarding that situation. I am sure the Minister for Roads and Ports will treat the matter seriously and address it.

Motion agreed to.

House adjourned 6.16 p.m. until Tuesday, 29 October.
QUESTIONS ON NOTICE

Thursday, 10 October 1996

Conservation and Land Management: capital works
(Question No. 4)
Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:
In respect of each of the electorates of Dandenong, Cranbourne and Berwick, respectively since 3 October 1992 to date, what the details are of all capital works conducted, and new programs authorised, including — (a) project funded; (b) expenditure approved; (c) date funding approved; and (d) expected completion dates.

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is:
Decisions about capital expenditure are not based on electoral boundaries. If the honourable member requires information about specific capital works I will be happy to consider his request.

Conservation and Land Management: entertainment expenses
(Question No. 7)
Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:
In respect of each department, agency and authority within her administration since 3 October 1992 to date, what the details are of all entertainment expenses incurred, indicating — (a) total costs incurred by each section, including the minister’s office; and (b) itemised details of all expenditure in excess of $500, including — (i) date incurred; (ii) cost; (iii) number of guests; (iv) purpose, and (v) name of service provider.

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is:
The information to answer the honourable member’s question is not readily accessible. The only way to access the information on entertainment expenses incurred since 3 October 1992 to date would be to undertake a manual search of receipts which are held in departmental and agency archives. The time and resources required to do this would be excessive and, consistent with past practice, cannot be justified. However, the honourable member may wish to narrow his inquiry and I will reconsider his request.

Conservation and Land Management: stress-related leave
(Question No. 8)
Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:
In respect of each department, agency and authority within her administration since 3 October 1992 to date, respectively, what the details are of all stress-related leave, indicating in the case of each section — (a) the number of days taken; (b) the estimated cost; and (c) the total number of staff in the section.

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is:
Sick leave records do not provide the degree of detail required to determine which leave is stress related and which has some other cause. The only information available which relates to stress-related leave is that in respect of Workcover claims.
The figures for the Department of Natural Resources and Environment are:
With regard to the other agencies and authorities within the Conservation and Land Management portfolio, I am able to provide the following information:

One claim was submitted to the Royal Botanic Gardens but investigation revealed that the illness had not occurred during the course of employment with the Royal Botanic Gardens and the insurer rejected the claim in accordance with s82(2)(a) of the Accident Compensation Act 1985.

The Environment Protection Authority has advised that for the 1994-95 financial year 86 days were taken on stress-related leave at a total cost of $11,759; none in the 1992-93 or 1993-94 financial years.

The Land Titles Office has advised that for the period from 3 October 1992 to date a total of 580 days were taken on stress-related leave at a total cost of $68,693.

Melbourne Parks and Waterways has advised that for the period from 3 October 1992 to date a total of 307 days were taken on stress-related leave at a total cost of $40,684.

Note: The Department of Natural Resources and Environment has been substantially restructured since a reply was given to the house by the Honourable G. Coleman, MP, on 21 March 1995 in response to a similar question asked by the honourable member.

Women’s Affairs: staffing levels

(Question No. 12)

Mr PANDAZOPOULOS asked the Minister for Women’s Affairs:

(a) What is the number and cost of staff working in her office; (b) what is the number of staff working in each Public Relations Unit under her control; indicating — (i) the total operating budget; and (ii) the total promotional budget?

Mrs WADE (Minister for Women’s Affairs) — I am informed that the information available in response to the honourable member’s question is set out below:

The honourable member placed the same question on notice to me in relation to my portfolio responsibilities of Attorney-General and Fair Trading to which I responded in the previous Parliament (questions numbered 401 and 426). A copy of that answer is attached.

In general, the information to answer part (a) of the question is the same as that provided previously. However, given the passage of time the actual staffing cost in 1995-96 in my ministerial office was $281,711. This compares to the estimated cost of $280,971 provided in my previous answer. Also, the number of staff previously reported was 6, but it should be noted that on a full-time equivalent basis the number is 5.6. This does not include the ministerial driver who is employed by the Department of Justice.

In relation to part (b) of the question, there is no public relations unit within the Department of Justice, which includes the Office of Women’s Affairs, under the control of the minister. The only difference to the information previously provided to the honourable member is that a Corporate Communications Unit has recently been established within the department. It provides a strategic focus for internal communications, departmental publications and general public information for the department, including the Office of Women’s Affairs. However, it does not come under the control of the minister.

The 1996-97 tentative total budget for this unit is $330,000, representing salary and subsidiary expenses of $155,000 and operating expenses of $175,000. Display costs and related expenses are contained in the total budget and a promotional budget, as such, does not exist.

The Public Information Branch within the Office of Fair Trading and Business Affairs, referred to in my previous answer, does not provide any publicity services for the Office of Women’s Affairs.

(Attachment — Questions on Notice Nos 401 and 426)

Mr PANDAZOPOULOS asked the Attorney-General, and the Minister for Fair Trading:

(a) what is the number and cost of staff working in her office; (b) what is the number of staff working in each Public Relations Unit under her control; indicating — (i) the total operating budget; and (ii) the total promotional budget?

Mrs WADE (Attorney-General, and Minister for Fair Trading) — I am informed that the information available in response to the honourable member’s question is set out below.
QUESTIONS ON NOTICE
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(a) Six staff costing $280,971* incorporating superannuation, Workcover levy and payroll tax.
   *Estimate for 1995-96 financial year.

(b) There is no public relations unit within the Department of Justice under the control of the minister. There is, however, a Public Information Branch within the Office of Fair Trading and Business Affairs. This has a staff of nine and its functions are directed entirely to aspects of Office of Fair Trading service delivery and consumer affairs issues.

The total operating budget for this branch is $1,061,230. A promotional budget as such does not exist; however, a fund for special projects is set aside which does incorporate promotional expenditure. For 1994-95 the promotional expenditure was $165,000.

Industry, Science and Technology: advertising brochures

(Question No. 17)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In relation to the brochure Work and Family: Victoria’s Approach:
1. What was the total advertising and promotional cost?
2. What was the cost of printing and distribution of the five brochures and the quantity printed?
3. How many brochures were mailed in response to advertisements in the Herald Sun and the Age?

Mr GUDE (Minister for Education) — The answer supplied by the Minister for Industry, Science and Technology is:

1. Advertisements were placed in the Age and the Australian on 24 August 1995 and the Herald Sun on 26 August 1995. Advertisements were also placed in regional Victorian newspapers and 14 Victorian industry journals and newsletters. The total cost of advertising was $15,292.40.
2. The total printing costs, including design layout and printing film, amounted to $33,848.00. There were 25,000 sets of (five) brochures printed.
3. Of the total number of brochures distributed, approximately 8000 brochures have been distributed in response to telephone requests which emanated directly from the advertising program.

Small Business October

(Question No. 18)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In relation to the promotion of Small Business October:
1. What was the total cost of advertising and public relations for this promotion?
2. What were the production and printing costs of the leaflet titled Small Business October — The Biggest Small Business Event Ever Held In Australia, indicating the number of leaflets printed and the number distributed to date?
3. What the specific cost is to operate the hotline promoting Small Business October, indicating the number of staff working and their costs and the number of calls received.
4. What the cost is to date of Small Business October advertisements printed in the Herald Sun, the Age and in all suburban and country newspapers.

Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

In relation to the promotion of Small Business October 1995:
1. The total cost of advertising was $140,225; public relations for the promotion cost $135,280.
2. The production of the leaflet titled Small Business October — The Biggest Small Business Event Ever Held In Australia was absorbed into the total cost of promotional material for the event, including letterhead (20,000) and posters. Total cost was $20,179. 10,000 leaflets were produced.
3. The hotline supporting Small Business October was provided by SBV regular information line staff. Estimated cost of the hotline, support staff and on-costs was $27 170. This is an additional cost to that identified in (1) above. The number of calls into the hotline was not recorded separately from normal inquiries.

4. Small Business October advertisements printed in the Herald Sun and the Age cost $40 392. This amount is included in the calculation of total costs in (1) above. No costs were incurred with suburban newspapers.

5. The Small Business October Business Supplement (1 October 1995) printed in the Sunday Herald Sun cost $79 677. This amount is included in the calculation of total costs in (1) above.

Finance: plant safety regulations

(Question No. 19)

Mr PANDAZOPOULOS asked the Treasurer, for the Minister for Finance:

In relation to the Occupational Health and Safety Plant Safety Regulations campaign:

1. What the total cost was of the plant safety regulations advertisements printed in the Herald Sun, the Age, the Weekly Times and in the ethnic press?

2. What the cost was of all television advertising promoting the plant safety regulations?

3. What the specific cost was to operate the hotline promoting the plant safety regulations, indicating the number of staff working and their costs, and the number of calls received?

4. The cost of promotional information guides printed and distributed?

Mr STOCKDALE (Treasurer) — The answer supplied by the Minister for Finance is:

(1) Total Cost $126 997.00

(2) Total Cost $335 011.00

(3) Cost of Staff $4974.75
   Number of calls received 1818
   Total cost of hotline $15 944.72

(4) Total plant publications (to date) $233 345.00

Treasury: advertising

(Question No. 22)

Mr PANDAZOPOULOS asked the Treasurer:

In respect of each department, agency and authority within his administration, what the details are of all advertising campaigns since 3 October 1992 to date, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for 1992-93, 1993-94 and 1994-95 financial years.

Mr STOCKDALE (Treasurer) — The answer is:

Given the breadth of the member’s question and the amount of detail required to provide a full response, it is felt that the time and resources required to provide an answer cannot be justified in this instance.

For the total cost of advertising for the financial years from 3 October 1992 to 30 June 1994 I refer the member to the response provided in Hansard on 11 April 1995, page 881.

A list of the total expenditure for advertising for the financial years 1994-95 and 1995-96 has been provided.

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>1994-95</th>
<th>1995-96</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treasury/Finance</td>
<td>***588 362.00</td>
<td>***658 191.00</td>
</tr>
<tr>
<td>State Revenue Office</td>
<td>160 424.00</td>
<td>147 826.00</td>
</tr>
<tr>
<td>Transport Accident Commission</td>
<td>*14 767 000.00</td>
<td>*17 776 000.00</td>
</tr>
<tr>
<td>Treasury Corporation of Victoria</td>
<td>**575 045.00</td>
<td>**309 892.00</td>
</tr>
<tr>
<td>Rural Finance Corporation</td>
<td>55 773.00</td>
<td>210 220.00</td>
</tr>
</tbody>
</table>

*Note — As part of the TAC’s accident prevention and road safety initiatives to reduce fatalities and serious injuries on Victorian roads a number of advertising campaigns have been undertaken.
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**Note — TCV uses the government-appointed media agency Leeds Media and Communications for advertising which is largely undertaken to promote TCV’s retail product — Government Bonds of Victoria.

***Note — The amount expended includes recruitment advertising and advertising for tenders.

Agriculture and Resources: advertising
(Question No. 24)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, what the details are of all advertising campaigns since 3 October 1992 to date, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for 1992-93, 1993-94 and 1994-95 financial years.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer is:

The question is extremely broad and embraces advertising for a range of different purposes that are undertaken within the Agriculture and Resources portfolio. The time and resources required to provide the full and detailed information sought would impose a cost and burden on government that cannot be justified. If the member has specific concerns I invite him to raise them so they may be given due consideration.

I am able, however, to provide the following information with regard to a number of agencies and authorities within the Agriculture and Resources portfolio:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Date</th>
<th>Purpose</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>City West Water</td>
<td>Apr 1995-Jun 1995</td>
<td>Introducing City West Water campaign in local press</td>
<td>$6862</td>
</tr>
<tr>
<td>Melbourne Water¹</td>
<td>Oct 1995-Apr 1996</td>
<td>‘Care about the Bay’ Community Education Program</td>
<td>$294 500</td>
</tr>
<tr>
<td>Murray Valley Citrus Marketing Board</td>
<td>1992-93</td>
<td>Advertising budget for the financial year</td>
<td>$520 000</td>
</tr>
<tr>
<td>Murray Valley Citrus Marketing Board</td>
<td>1993-94</td>
<td>Advertising budget for the financial year</td>
<td>$580 000</td>
</tr>
<tr>
<td>Murray Valley</td>
<td>1994-95</td>
<td>Advertising budget for the financial year</td>
<td>$682 500</td>
</tr>
<tr>
<td>South East Water</td>
<td>1/1/95 - 26/6/96</td>
<td>National Water Week campaign</td>
<td>$20 000</td>
</tr>
<tr>
<td>Victorian Strawberry Industry Development Committee</td>
<td>1993-94</td>
<td>Radio campaign for strawberries as a snack food</td>
<td>$24 790</td>
</tr>
<tr>
<td>Yarra Valley Water</td>
<td>Jan to June 95</td>
<td>Television campaign for wider consumption of strawberries</td>
<td>$119 514</td>
</tr>
<tr>
<td>Yarra Valley Water</td>
<td>Jan to June 95</td>
<td>Water Service Guarantee</td>
<td>$32 000</td>
</tr>
<tr>
<td>Yarra Valley Water</td>
<td>Jan to June 95</td>
<td>Customer information</td>
<td>$10 500</td>
</tr>
<tr>
<td>Yarra Valley Water</td>
<td>Jan to June 95</td>
<td>Water conservation</td>
<td>$47 500</td>
</tr>
</tbody>
</table>

Notes:
The Melbourne Market Authority reported that expenditure on advertising campaigns (i.e. television, radio and print) has fluctuated and has not been a major component of its promotional budget. Total expenditure on educational material, posters, videos, exhibits, sponsorship and media to the wider public and to growers has been as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$324 559</td>
</tr>
<tr>
<td>1993-94</td>
<td>$338 480</td>
</tr>
<tr>
<td>1994-95</td>
<td>$394 161</td>
</tr>
</tbody>
</table>
From 3 October 1992 and prior to the disaggregation of the former Melbourne Water at 1 January 1995, there were four advertising campaigns including a 'Naturally Better' television campaign, a water conservation campaign, and community education campaigns on changes to customer billing and the introduction of the sewerage disposal charge. The total expenditure on advertising by the former Melbourne Water was: $2.2 million for 1992-93, $1.7 million for 1993-94 and $840,747 for 1994-95.

As from 1 July 1994, with the formation of Australian Milk Marketing Pty Ltd, no product-related advertising has been carried out by the Victorian Dairy Industry Authority.

Industry, Science and Technology: advertising

(Question No. 25)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, what the details are of all advertising campaigns since 3 October 1992 to date, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for 1992-93, 1993-94, 1994-95 financial years.

Mr GUDE (Minister for Education) — The answer supplied by the Minister for Industry, Science and Technology is:

The member’s question is extremely broad and embraces advertising for a range of different purposes that are undertaken within my portfolio. The cost and burden on government does not justify a detailed response to the question. The member is invited, however, to submit a more focused question.

Small business: advertising

(Question No. 26)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In respect of each department, agency and authority within her administration, what are the details of all advertising campaigns since 3 October 1992 to date, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in her ministerial portfolio for 1992-93, 1993-94 and 1994-95 financial years.

Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

The member’s question is broad and embraces advertising for a range of different purposes across the portfolio. Such purposes may include advertising for recruitment, public tenders or submissions and fulfilling statutory obligations. The time and resources required to fully reply to this historical question cannot be justified.

Tourism: annual reports

(Question No. 55)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources for the Minister for Tourism:

In respect of each department, agency and authority within her administration, what is the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

Australian Grand Prix Corporation (AGPC)

1992-93 - Nil (AGPC did not exist)
1993-94 - Nil (AGPC did not exist)
1994-95 - $4000

Tourism Victoria

1992-93 - $10,370
1993-94 - $34,527
1994-95 - $15,737
Agriculture and Resources: annual reports

(Question No. 57)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, what is the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr McNAMARA (Minister for Agriculture and Resources) — The answer is provided in the table below:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>$44 000</td>
<td>$46 190</td>
<td>N/A</td>
</tr>
<tr>
<td>Agriculture, Energy &amp; Minerals</td>
<td>N/A</td>
<td>N/A</td>
<td>$64 580</td>
</tr>
<tr>
<td>Australian Barley Board¹</td>
<td>$22 568</td>
<td>$23 240</td>
<td>$19 006</td>
</tr>
<tr>
<td>Daratech P/L</td>
<td>$16 797</td>
<td>$28 000</td>
<td>$38 392</td>
</tr>
<tr>
<td>Energy &amp; Minerals</td>
<td>$16 605</td>
<td>$17 750</td>
<td>N/A</td>
</tr>
<tr>
<td>Melbourne Market Authority</td>
<td>Figure not available</td>
<td>$32 542</td>
<td>$17 100</td>
</tr>
<tr>
<td>Melbourne Water²</td>
<td>$108 600</td>
<td>$74 900</td>
<td>$70 000</td>
</tr>
<tr>
<td>Murray Valley Citrus Marketing Board</td>
<td>$3950</td>
<td>$4038</td>
<td>$4480</td>
</tr>
<tr>
<td>Murray Valley Wine Grape Industry Development Committee</td>
<td>N/A</td>
<td>N/A</td>
<td>$7500</td>
</tr>
<tr>
<td>Victorian Dairy Industry Authority</td>
<td>$66 970</td>
<td>$62 774</td>
<td>$66 195</td>
</tr>
<tr>
<td>Victorian Dried Fruits Board</td>
<td>$6250</td>
<td>$3175</td>
<td>$2490</td>
</tr>
<tr>
<td>Victorian Meat Authority</td>
<td>N/A</td>
<td>$5162</td>
<td>$8878</td>
</tr>
<tr>
<td>Victorian Plantations Corporation</td>
<td>N/A</td>
<td>$27 642</td>
<td>$32 750</td>
</tr>
<tr>
<td>Victorian Strawberry Industry Development Committee</td>
<td>$674</td>
<td>$512</td>
<td>$523</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$286 114</strong></td>
<td><strong>$273 083</strong></td>
<td><strong>$301 354</strong></td>
</tr>
</tbody>
</table>

Notes:

¹ 'N/A' indicates either that the entity did not exist at the time or was not then required to produce an annual report.
² The former Melbourne Water was replaced on 1 January 1995 by City West Water Ltd, Yarra Valley Water Ltd and South East Water Ltd.

The Victorian Broiler Industry Negotiation Committee reported that the non-salary costs of annual reports did not exceed $100 in any one year and that salary costs would add an estimated $300 to $500 in each year.

The Tomato Industry Negotiating Committee advised that the total printing cost of each annual report for the committee is under $100 per year, plus the nominal half day for a department officer to collate the material.

The Wine Grape Industry Negotiating Committee advised that the total printing cost of each annual report for the committee is under $100 per year, plus the nominal half day for a department officer to collate the material.

The Northern Victorian Fresh Tomato Industry Development Committee reported that the cost of producing its annual report is negligible.

The Australian Food Industry Science Centre was only established on 1 July 1995.

Prior to 1995-96 the Veterinary Board of Victoria was not required to publish an annual report.

Prior to the recent process of amalgamation there were over one hundred small non-metropolitan water authorities. To attempt to provide information relating to the cost of each annual report of these bodies would involve a significant outlay of time and resources and, consistent with past practice, cannot be justified.
QUESTIONS ON NOTICE

Industry, Science and Technology: annual reports
(Question No. 58)

Mr PANDAZOPOULOS asked the Minister for Education for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr GUDE (Minister for Education) — The answer supplied by the Minister for Industry, Science and Technology is:

The following response relates to the Department of Business and Employment which was predecessor to the Department of State Development.

Department of Business and Employment
$15 003 $19 186 $46 663

Exhibition Trustees
$5 960 $1440 $3000 (est)

Employee Relations Commission
$829.40 $879 Not yet known

Melbourne Exhibition Centre Trust
NIL NIL $12.80

Discharged Servicemen’s Employment Board
7800 2663 9560 2590 13 690 2621

Note: Information relating to the Department of Business and Employment covers a range of ministerial portfolios and will be included in Minister Birrell’s response to Question 58.

Small Business: annual reports
(Question No. 61)

Mr PANDAZOPOULOS asked the Minister for Sport for the Minister for Small Business:

In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

In relation to each agency now under my administration, the costs of annual reports were as follows:

1992-93
Small Business Victoria 7800
Liquor Licensing Commission 2663
Small Business Victoria 9560
Liquor Licensing Commission 2590
Small Business Victoria 13 690
Liquor Licensing Commission 2621

Note: Information relating to the Department of Business and Employment covers a range of ministerial portfolios and will be included in Minister Birrell’s response to Question 58.
Conservation and Land Management: annual reports

(Question No. 72)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpine Resorts Commission</td>
<td>$10 950</td>
<td>$20 000</td>
<td>$7000^1</td>
</tr>
<tr>
<td>Former Department of Conservation and Natural Resources</td>
<td>$26 342</td>
<td>$42 937</td>
<td>$44 910</td>
</tr>
<tr>
<td>Environment Protection Authority</td>
<td>$24 346</td>
<td>$34 164</td>
<td>$39 695</td>
</tr>
<tr>
<td>Land Conservation Council</td>
<td>$1255</td>
<td>$1990</td>
<td>$1 550</td>
</tr>
<tr>
<td>Alpine Parks and Waterways</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Office of Geographic Data Co-ordination</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>$8367</td>
</tr>
<tr>
<td>Office of the Surveyor-General</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Office of the Valuer-General</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Royal Botanic Gardens</td>
<td>$13 840</td>
<td>$10 824</td>
<td>$15 830</td>
</tr>
<tr>
<td>Trust for Nature (Victoria)</td>
<td>Not available</td>
<td>$479</td>
<td>$414</td>
</tr>
<tr>
<td>Zoological Parks and Gardens Board</td>
<td>$20 020</td>
<td>$16 088</td>
<td>$19 730</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$96 753</strong></td>
<td><strong>$126 082</strong></td>
<td><strong>$137 496</strong></td>
</tr>
</tbody>
</table>

Notes:

^1The commission's financial year ends 31 October and the report for 1994-95 is not yet finalised. It is expected that the cost will not exceed $7000.

^2The Land Titles Office did not prepare a separate annual report for the period in question but contributed information to that produced by the Department of Justice.

^3Melbourne Parks and Waterways was established as a full statutory authority under the Water Industry Act 1994 and as such produced one annual report for 1994-95.

^4The Office of Geographic Data Coordination was a part of the Department of Finance in 1992-93 and 1993-94 and of the Department of Treasury and Finance in 1994-95 and has not produced an annual report in its own right.

^5The Office of the Surveyor-General did not produce a separate annual report for those years, but contributed information to that produced by the Department of the Treasury and Finance.

^6The Office of the Valuer-General advised that it has not produced a separate annual report for the period in question, but rather supplied a section within the annual report of the Department of the Treasury and Finance.

Housing: annual reports

(Question No. 74)

Mr PANDAZOPOULOS asked the Minister for Housing:

In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mrs HENDERSON (Minister for Housing) — The answer is:

From October 1992 to March 1996, the Office of Housing was part of the Department of Planning and Development, which also comprised the Offices of Planning and Heritage; Major Projects; Building; and Local Government.

Annual report costs for the Department of Planning and Development for the three financial years were —

- 1992-93: $32 003
- 1993-94: $37 380
- 1994-95: $47 540

The amounts given reflect the costs of printing and services provided by external providers. They do not include estimates of the costs of staff time involved in preparing the reports.
Tourism: advertising
(Question No. 82)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, what was the total advertising budget for 1992-93, 1993-94 and 1994-95?

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

AUSTRALIAN GRAND PRIX CORPORATION (AGPC)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cost</th>
<th>Campaign details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>Nil (AGPC did not exist)</td>
<td></td>
</tr>
<tr>
<td>1993-94</td>
<td>Nil (AGPC did not exist)</td>
<td></td>
</tr>
<tr>
<td>1994-95</td>
<td>$602,000</td>
<td></td>
</tr>
</tbody>
</table>

TOURISM VICTORIA

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$843,000</td>
</tr>
<tr>
<td>1993-94</td>
<td>$4,793,000</td>
</tr>
<tr>
<td>1994-95</td>
<td>$4,185,000</td>
</tr>
</tbody>
</table>

Tourism: advertising
(Question No. 83)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, whether she will provide details of advertising campaigns over $10,000 conducted from 3 October 1992 to date, indicating the purpose and cost of each campaign.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

Release of this detailed information would provide Victoria's competitors with commercially sensitive information, the release of which could jeopardise the essential work of the Australian Grand Prix Corporation and Tourism Victoria. In broad terms, the response is:

AUSTRALIAN GRAND PRIX CORPORATION (AGPC)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cost</th>
<th>Campaign details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>Nil (AGPC did not exist)</td>
<td></td>
</tr>
<tr>
<td>1993-94</td>
<td>Nil (AGPC did not exist)</td>
<td></td>
</tr>
<tr>
<td>1994-95</td>
<td>$602,000</td>
<td>Promotion for the grand prix</td>
</tr>
<tr>
<td>1995-96</td>
<td>$1,407,573</td>
<td>Promotion for the grand prix (to 30/4/96)</td>
</tr>
</tbody>
</table>

TOURISM VICTORIA

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cost</th>
<th>Campaign details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$843,000</td>
<td>Goldfields campaign</td>
</tr>
<tr>
<td>1993-94</td>
<td>$501,000</td>
<td>Ski campaign (production and media)</td>
</tr>
<tr>
<td></td>
<td>$4,292,000</td>
<td>'You'll love every piece of Victoria' campaign'</td>
</tr>
<tr>
<td>1994-95</td>
<td>$550,000</td>
<td>Ski campaign (production and media)</td>
</tr>
<tr>
<td></td>
<td>$3,635,000</td>
<td>'You'll love every piece of Victoria' campaign'</td>
</tr>
</tbody>
</table>
Tourism: consultancies
(Question No. 97)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating — (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

Summary details of consultancies as provided for by the annual reporting provisions of the Financial Management Act 1994 i.e.: details of those consultancies over $50 000 and a list of the number of consultancies under $50 000, are:

**AUSTRALIAN GRAND PRIX CORPORATION (AGPC)**

3 October 1992 to 30 October 1993:
Nil (AGPC did not exist)

1 June 1994 to 23 November 1995

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Purpose</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boris McLachlan Pty Ltd</td>
<td>Project management advice and services in relation to the capital works program</td>
<td>$183 250</td>
</tr>
<tr>
<td>CMPS&amp;F Pty Ltd</td>
<td>Capital works project monitor</td>
<td>$75 000</td>
</tr>
<tr>
<td>Control Risks</td>
<td>Risk assessment and risk management plan</td>
<td>$51 007</td>
</tr>
<tr>
<td>Pacific/Sedgwick Ltd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daryl Jackson</td>
<td>Architectural and engineering design services</td>
<td>$309 700</td>
</tr>
<tr>
<td>Douglas Partners Pty Ltd</td>
<td>Geotechnical engineering investigative services</td>
<td>$68 206</td>
</tr>
<tr>
<td>Kinhill Engineers Pty Ltd</td>
<td>Project management, design and specialist FI services for Albert Park</td>
<td>$3 939 719</td>
</tr>
</tbody>
</table>

27 consultancies under $50 000.

**TOURISM VICTORIA**

3 October 1992 to 30 October 1993:

This summary information can be found in Tourism Victoria’s 1992-93 and 1993-94 annual reports.

1 June 1994 to 23 November 1995

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Purpose</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract Consultants Pty Ltd</td>
<td>To undertake a planning and feasibility study for the Great Ocean Road</td>
<td>$50 000</td>
</tr>
</tbody>
</table>

28 consultancies under $50 000.

Agriculture and Resources: consultancies
(Question No. 98)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating — (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer is:

The information available is shown on the attached table.
‘Consultancy’ has been interpreted as referring to consultancies which by their nature are short term and job specific, i.e. the temporary engagement of an organisation or individual to provide services of a professional nature in respect of a particular project. The hiring of casual, contract or temporary staff to work under direction or supervision in a department, agency or authority is deemed to be not a consultancy, but a contract.

‘Cost’ has been interpreted as referring to the actual cost in cases where the consultancy has been completed or to the amount approved in cases where the consultancy is in progress.

‘Date’ has been interpreted as relating to those consultancies which fall entirely or partly within the periods 3 October 1992 to 30 October 1993 and 1 June 1994 to 23 November 1995.

Since the honourable member’s question relates to the period prior to the aggregation of the various departments, agencies and authorities which make up of the present portfolio of agriculture and resources, there are some differences in the way that the departments, agencies and authorities collected or maintained information on consultancies. Every effort has been made to provide the honourable member with the information he requires in as comprehensive and consistent a form as possible, but there is some variation in the dollar levels at which detailed information is available. Thus for some organisations information has proved to be readily available on all consultancies, even those of a minor nature, while for others (generally the larger organisations) the practice has been (in keeping with the requirements of annual reporting) to provide details on those consultancies exceeding a certain dollar amount.

Moreover, some agencies reported difficulties in providing detailed information of the most recent consultancies which were being collated as part of the annual reporting process to be completed in accordance with the requirements of the Financial Management Act 1994.

Only the information readily accessible from consultancy registers has been supplied. Time and resources are not available to provide comprehensive advice about recommendations made, action taken and tenders called for the consultancies which have been listed. Should the honourable member require further information on a particular consultancy, I will be happy to consider his request.

The items are numbered for ease of identification.

Amounts have been rounded off to the nearest dollar.

(Information referred to in answer (6 pages) has been supplied to the honourable member and a copy tabled in the parliamentary library)

Industry, Science and Technology: consultancies

(Question No. 101)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating - (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mr GUDE (Minister for Education) — The answer supplied by the Minister for Industry, Science and Technology is:

The member is referred to successive annual reports of the Department of Business and Employment and its agencies published since 3 October 1992 which provide information regarding external consultancies.

Small business: consultancies

(Question No. 104)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In respect of each department, agency and authority within her administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating — (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.
Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

I refer the member to the annual reports of the Department of Business and Employment, Small Business Victoria and the Liquor Licensing Commission for 1992-93, 1993-94 and 1994-95. Summary information regarding external consultants is included in these reports.

Conservation and Land Management: consultancies

(Question No. 117)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each department, agency and authority within her administration, for the periods 3 October 1992 to 30 October 1993 and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating — (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called?

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is:

The information available is shown on the attached table. In accordance with Office of Public Sector Management, Department of Premier and Cabinet guidelines a consultancy has been interpreted as referring to consultancies which by their nature are short term and job specific, i.e. the temporary engagement of an organisation or individual to provide services of a professional nature in respect of a particular project. The hiring of casual, contract or temporary staff to work under direction or supervision in a department, agency or authority is deemed to be not a consultancy, but a contract.

‘Cost’ has been interpreted as referring to the actual cost in cases where the consultancy has been completed, or to the amount approved in cases where the consultancy is in progress. Only consultancies over $2000 are listed.

‘Date’ has been interpreted as relating to those consultancies which fall entirely or partly within the periods 3 October 1992 to 30 October 1993 and 1 June 1994 to 23 November 1995.

Since the honourable member’s question relates to the period prior to the formation of the present portfolio of Conservation and Land Management, there are some differences in the way that the former departments, agencies and authorities collected or maintained information on consultancies. Every effort has been made to provide the honourable member with the information he requires in a comprehensive and consistent form.

I also draw to the honourable member’s attention the fact that information on consultancies undertaken on behalf of the entities which preceded and now constitute the present Department of Natural Resources and Environment has been published in the relevant annual reports for those years.

Only the information readily accessible from consultancy registers has been supplied. Time and resources are not available to provide comprehensive advice about recommendations made, action taken and tenders called for the consultancies which have been listed. Should the honourable member require further information on a particular consultancy, I will be happy to consider his request.

The items are numbered for ease of identification.

Amounts have been rounded off to the nearest dollar.

(Information referred to in answer (5 pages) has been supplied to the honourable member and a copy tabled in the parliamentary library)

Housing: consultancies

(Question No. 121)

Mr PANDAZOPOULOS asked the Minister for Housing:

In respect of each department, agency and authority within her administration, for the period 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating — (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mrs HENDERSON (Minister for Housing) — The answer is:

The annual reports of the Department of Planning and Development for the years 1992-93 and 1993-94 include details of consultants engaged during those years, including for the period 3 October 1992 to 30 October 1993.
The 1994-1995 annual report for the department reports on consultancies engaged in that year when the cost of engagement exceeded $50,000.

The following table covers consultancies engaged by the Office of Housing, and the Resources Division which serviced the whole Department of Planning and Development. It supplements information available in the annual reports and details:

- Consultancies costing less than $50,000 engaged since 1 July 1994;
- All consultancies engaged between 1 July and 23 November 1995.

It does not include the large number of technical consultancies engaged in relation to specific building and development projects undertaken by the Office of Housing.

If the honourable member seeks specific details in respect of a particular consultancy, I will be happy to provide it.

<table>
<thead>
<tr>
<th>CONSULTANT</th>
<th>PROJECT</th>
<th>COST $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lewis &amp; Coleman Services</td>
<td>Housing Assistance Planning Services to the inner urban region for 1994-95</td>
<td>32,250</td>
</tr>
<tr>
<td>Aldbourne Associates</td>
<td>Undertake a series of CHP consultations in Melbourne and rural Victoria and develop a Victorian Community Housing Plan</td>
<td>35,850</td>
</tr>
<tr>
<td>KPMG</td>
<td>Preliminary investigation of the data integrity of the department’s property and tenancy systems</td>
<td>16,500</td>
</tr>
<tr>
<td>Deloitte Touche Tohmatsu</td>
<td>Technical service review</td>
<td>31,279</td>
</tr>
<tr>
<td>AGB McNair</td>
<td>Conduct of pilot customer satisfaction focus group</td>
<td>2,870</td>
</tr>
<tr>
<td>BEF Consulting Pty Ltd</td>
<td>Design, develop and document the home finance division asset cash flow model</td>
<td>19,200</td>
</tr>
<tr>
<td>KPMG</td>
<td>Preparation of property services business plan</td>
<td>22,666</td>
</tr>
<tr>
<td>David Caple and Associates</td>
<td>CAD workstation review</td>
<td>500</td>
</tr>
<tr>
<td>National Security Education</td>
<td>Internal audit investigation</td>
<td>41,497</td>
</tr>
<tr>
<td>Price Waterhouse</td>
<td>Review FBT liability</td>
<td>4,500</td>
</tr>
<tr>
<td>Towers Perrin</td>
<td>Actuarial assessment of superannuation liability of Office of Housing</td>
<td>5,130</td>
</tr>
<tr>
<td>GBL Consulting</td>
<td>Separation of tenancy and property management functions (ongoing — cost indicates payments to November 1995)</td>
<td>9,752</td>
</tr>
<tr>
<td>Neville Barwick Associates</td>
<td>Research, develop and document a proposal for the future management of rental housing associations as part of the community housing sector</td>
<td>65,696</td>
</tr>
<tr>
<td>Systems Intellect</td>
<td>Review of the expenditure limits for acquisition of public housing (stage 1 component)</td>
<td>65,000</td>
</tr>
</tbody>
</table>

_Energy Victoria News_

(Question No. 127)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources

What the details are of all issues of _Energy Victoria News_ produced, indicating — (a) how many issues were produced; (b) the date of each issue; (c) details of distribution, including numbers and cost; (d) the number printed; (e) the cost of production; (f) who it was printed by; and (g) whether tenders were called.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer is:

(a) _Energy Victoria News_ was first published as _Solutions_ in August 1987 as the official newsletter of the then Victorian Solar Energy Council (VSEC). VSEC became the Renewable Energy Authority Victoria under the Renewable Energy Authority Act 1990 and adopted the trading name Energy Victoria. In January 1994 the newsletter adopted the name _Energy Victoria News_. It is produced on a quarterly basis and to date eight issues have been published. Under its old name _Solutions_ approximately 24 issues were produced.
(b) Issues are dated to correspond with the seasons on an annual basis. The first issue of *Energy Victoria News* appeared in summer 1994. This has been followed by one issue per season since.

(c) 2500 copies of *Energy Victoria News* are produced per issue. Of these 2360 copies are distributed in the categories below. The remaining copies are available to individuals and organisations who visit the Energy Information Centre. The cost of distribution on average is $1725 per issue. This price includes addressing and postage costs.

Current distribution by category and number:

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building industry — architects, designers, builders, engineers, real estate agents</td>
<td>679</td>
</tr>
<tr>
<td>Education — secondary schools, tertiary institutions</td>
<td>525</td>
</tr>
<tr>
<td>Energy sector — electricity, gas, Energy Information Centre</td>
<td>175</td>
</tr>
<tr>
<td>Federal government — contacts</td>
<td>19</td>
</tr>
<tr>
<td>General — interest groups/individuals</td>
<td>37</td>
</tr>
<tr>
<td>Industry — industry associations, energy consultants, product manufacturers/suppliers, renewables industry contacts</td>
<td>320</td>
</tr>
<tr>
<td>Local government — building/planning sections, conservation officers</td>
<td>294</td>
</tr>
<tr>
<td>Media — magazines, newspapers, radio, television</td>
<td>72</td>
</tr>
<tr>
<td>Other government</td>
<td>39</td>
</tr>
<tr>
<td>State government — contacts, Department of Energy and Minerals, heads of departments, Members of Parliament</td>
<td>192</td>
</tr>
<tr>
<td>Targeted groups</td>
<td>8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>2360</td>
</tr>
</tbody>
</table>

(d) The number of copies printed per issue is 2500; i.e. 10 000 per year.

(e) Production costs per issue are on average $5150. This includes design, typesetting, film and printing. Production costs for the year average $20 600.

(f) *Energy Victoria News* has been produced by Ideograph Design (81 Asling Street, Gardenvale, Victoria 3185) since January 1994. This company designs and typesets each issue and contracts out the printing to Patterson Press (Richmond, Victoria 3121). Under its prior name *Solutions*, the newsletter was designed and printed by Oberon Printing P/L (80 Adina Court, Tullamarine, Victoria 3043) during 1992 and 1993. Prior to the middle of 1992, *Solutions* was designed and printed by Lenoval Printing (125 Hawke Street, West Melbourne, Victoria 3003).

(g) Quotations are called for each year for the financial period 1 July — 30 June. Quotations are obtained from at least three companies and the production of *Energy Victoria News* is offered to the most competitive submission.

Small Business Victoria

(Question No. 130)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

What the details are of all issues of the newsletter *Small Business Victoria* produced, indicating — (a) how many issues were produced; (b) the date for each issue; (c) details of distribution, including numbers and cost; (d) the number printed; (e) the cost of production; (f) who it was printed by; and (g) whether tenders were called.

Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

(a) Over the period March 1993 to 30 June 1996 ten issues of the newsletter *Small Business Victoria* were produced.

(b) 1993 — March, May, July, September
    1994 — January, April, June, September
    1995 — February, September
    1996 — nil

(c) The newsletters were distributed via a mailout to government agencies, small business operators and industry associations (approximately 3000) and at events and seminars as a communications vehicle. The cost of the mailout was $2400 in 1993 and $2700 in each of 1994 and 1995.

(d) The average print run was approximately 6000.

(e) Total production cost of the ten issues was $66 840 over three years.

(f) The firm responsible for writing, editing, design, production, typesetting and printing was Hallmark Editions.

(g) In accordance with internal expenditure guidelines concerning expenditure of this magnitude public tenders were not called.
Tourism: grand prix advertising
(Question No. 136)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In relation to the Melbourne grand prix advertising campaigns — (i) what the details are to date of all campaigns over $10,000, indicating the purpose and cost of each campaign; (ii) what the total advertising budget is for the 1994-95 financial year.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

This detailed information would provide the Australian Grand Prix Corporation's competitors with commercially sensitive information, the release of which could jeopardise the essential work of the corporation.

However, in summary:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cost</th>
<th>Campaign details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994-95</td>
<td>$602,000</td>
<td>Promotion for the grand prix</td>
</tr>
<tr>
<td>1995-96 (to 30/4/96)</td>
<td>$1,407,573</td>
<td>Promotion for the grand prix</td>
</tr>
</tbody>
</table>

Agriculture and Resources: staffing levels
(Question No. 151)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, whether he will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer is provided in the table below:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Daratech P/L</td>
<td>83</td>
<td>88</td>
<td>72</td>
</tr>
<tr>
<td>Melbourne Market Authority</td>
<td>47</td>
<td>50</td>
<td>37</td>
</tr>
<tr>
<td>Veterinary Board of Victoria¹</td>
<td>1.27</td>
<td>1.27</td>
<td>1.54</td>
</tr>
<tr>
<td>Victorian Dairy Industry Authority</td>
<td>100</td>
<td>80</td>
<td>65</td>
</tr>
<tr>
<td>Victorian Dried Fruits Board²</td>
<td>3/24</td>
<td>2/23</td>
<td>2/37</td>
</tr>
<tr>
<td>Victorian Meat Authority³</td>
<td>N/A</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Victorian Plantations Corporation⁴</td>
<td>N/A</td>
<td>98</td>
<td>105</td>
</tr>
<tr>
<td>Melbourne Water⁵</td>
<td>3996</td>
<td>2742</td>
<td>962</td>
</tr>
<tr>
<td>South East Water Ltd</td>
<td>N/A</td>
<td>N/A</td>
<td>508</td>
</tr>
<tr>
<td>City West Water Ltd</td>
<td>N/A</td>
<td>N/A</td>
<td>322</td>
</tr>
<tr>
<td>Yarra Valley Water Ltd</td>
<td>N/A</td>
<td>N/A</td>
<td>483</td>
</tr>
<tr>
<td>Barwon Rural Water Authority (RWA)⁶</td>
<td>N/A</td>
<td>427</td>
<td>395</td>
</tr>
<tr>
<td>Central Gippsland RWA</td>
<td>N/A</td>
<td>233</td>
<td>210</td>
</tr>
<tr>
<td>Central Highlands RWA</td>
<td>N/A</td>
<td>223</td>
<td>214</td>
</tr>
<tr>
<td>Coliban RWA</td>
<td>N/A</td>
<td>188</td>
<td>176</td>
</tr>
<tr>
<td>East Gippsland RWA</td>
<td>N/A</td>
<td>67</td>
<td>64</td>
</tr>
<tr>
<td>Glenelg RWA</td>
<td>N/A</td>
<td>20</td>
<td>17</td>
</tr>
<tr>
<td>Goulburn Valley RWA</td>
<td>N/A</td>
<td>122</td>
<td>111</td>
</tr>
<tr>
<td>Grampians RWA</td>
<td>N/A</td>
<td>103</td>
<td>84</td>
</tr>
<tr>
<td>Kiewa Murray RWA</td>
<td>N/A</td>
<td>65</td>
<td>65</td>
</tr>
</tbody>
</table>
Small business: staffing levels

(Question No. 153)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

In relation to each agency now under my administration staffing levels were as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Department of Business and Employment</th>
<th>Small Business Victoria</th>
<th>Liquor Licensing Commission</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 June 1993</td>
<td>34.8</td>
<td>54.6</td>
<td>74.2</td>
<td>163.6</td>
</tr>
<tr>
<td>30 June 1994</td>
<td>31.9</td>
<td>50.2</td>
<td>72.2</td>
<td>154.3</td>
</tr>
<tr>
<td>30 June 1995</td>
<td>35.1</td>
<td>43.5</td>
<td>61.4</td>
<td>140.0</td>
</tr>
</tbody>
</table>

(*1) Staff, in full time equivalents, on payroll as at 30 June each year excluding statutory appointees.
Industry, Science and Technology: staffing levels
(Question No. 154)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, what are the details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95?

Mr GUDE (Minister for Education) — The answer supplied by the Minister for Industry, Science and Technology is:

The information being sought is readily available from successive annual reports of the following bodies:

- Department of Business and Employment
- Employee Relations Commission of Victoria
- The Exhibition Trustees
- Melbourne Exhibition Centre Trust

Youth and Community Services: staffing levels
(Question No. 157)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services, for the Minister for Health:

In respect of each department, agency and authority within his administration, whether he will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Dr NAPTHINE (Minister for Youth and Community Services) — The answer supplied by the Minister for Health is:

The staffing levels, expressed in equivalent full time (EFT) terms, include departmental employees and staff in public hospitals and other health agencies in receipt of grants from the then Department of Health and Community Services. Departmental staff provide services to all areas of the department and cannot be directly allocated to individual ministers.

A number of public hospitals provide a range of services eg, acute care, aged care, mental health. An accurate disaggregation of staff between these services is not accessible from the consolidated payroll reports available to the department.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Departmental Staff (EFT)</th>
<th>External Agency Staff (EFT)</th>
<th>Total Staff (EFT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1992</td>
<td>14 124</td>
<td>57 310</td>
<td>71 434</td>
</tr>
<tr>
<td>1992-3*</td>
<td>12 546</td>
<td>52 341</td>
<td>64 887</td>
</tr>
<tr>
<td>1993-4*</td>
<td>12 007</td>
<td>50 214</td>
<td>62 221</td>
</tr>
<tr>
<td>1994-5*</td>
<td>11 919</td>
<td>50 286</td>
<td>62 205</td>
</tr>
</tbody>
</table>

* as at June in each year

Notes:
The data for 1994-95 includes 1573 staff from Heidelberg Repatriation Hospital, which was transferred from the Commonwealth Department of Veterans' Affairs to state administration from January 1995.

External agency data includes 1500 EFT at 1 July 1992 employed by public hospitals under section 97 of the Mental Health Act. The number included at June 1995 is 1651.
Housing: staffing levels
(Question No. 163)

Mr PANDAZOPOULOS asked the Minister for Housing:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95?

Mrs HENDERSON (Minister for Housing) — The answer is:

For the financial years 1992-93, 1993-94 and 1994-95 the Office of Housing was part of the then Department of Planning and Development and staffing statistics were reported under that department.

Under the machinery of government changes in April 1996 the Office of Housing became part of the Department of Human Services. Staff transferred to the new department included central resources staff not previously included as part of the Office of Housing.

Therefore, the staff levels reported are based on the current definition of the Office of Housing and include an estimate for the central resources staff previously reported under the Department of Planning and Development.

Financial Year Staffing Levels (EFT)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1435</td>
<td>1298</td>
<td>1162</td>
</tr>
</tbody>
</table>

* as at June in each year

Aboriginal Affairs: staffing levels
(Question No. 164)

Mr PANDAZOPOULOS asked the Minister responsible for Aboriginal Affairs:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mrs HENDERSON (Minister responsible for Aboriginal Affairs) — The answer is:

The staffing levels, expressed in equivalent full time (EFT) terms, are for the Aboriginal Affairs Program in the then Department of Health and Community Services. These levels are also included in the reply to question 157.

Financial Year Staffing levels (EFT)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>37.27</td>
<td>36.54</td>
<td>36.27</td>
</tr>
</tbody>
</table>

* as at 30 June in each year

Conservation and Land Management: staffing levels
(Question No. 166)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is provided in the table below, with break-downs where available:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpine Resorts Commission¹</td>
<td>81</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>Environment Protection Authority</td>
<td>294</td>
<td>311</td>
<td>300</td>
</tr>
<tr>
<td>Land Conservation Council</td>
<td>14</td>
<td>12</td>
<td>11</td>
</tr>
</tbody>
</table>
QUESTIONS ON NOTICE

Thursday, 10 October 1996

<table>
<thead>
<tr>
<th>Land Titles Office</th>
<th>581</th>
<th>486</th>
<th>438</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Parks and Waterways</td>
<td>Not available</td>
<td>Not available</td>
<td>306</td>
</tr>
<tr>
<td>Former Department of Conservation and Natural Resources</td>
<td>3424</td>
<td>3107</td>
<td>2688</td>
</tr>
<tr>
<td>Office of Geographic Data Co-ordination</td>
<td>118</td>
<td>84</td>
<td>64</td>
</tr>
<tr>
<td>Office of the Surveyor-General</td>
<td>133</td>
<td>123</td>
<td>102</td>
</tr>
<tr>
<td>Office of the Valuer-General</td>
<td>103</td>
<td>104</td>
<td>58</td>
</tr>
<tr>
<td>Royal Botanic Gardens</td>
<td>103</td>
<td>99</td>
<td>119</td>
</tr>
<tr>
<td>Trust for Nature (Victoria)[10]</td>
<td>10.6</td>
<td>12.4</td>
<td>13.6</td>
</tr>
<tr>
<td>Zoological Parks and Gardens Board</td>
<td>248</td>
<td>251</td>
<td>261</td>
</tr>
</tbody>
</table>

Notes:

1 Alpine Resorts Commission figures given in the table relate to full-time and permanent staff. Seasonal staff totals for the commission were 89, 106, and 115 for the same periods.
2 Comprises 254 full-time, 3 part-time, 17 term and 32 casual employees.
3 The figures for the former Department of Conservation and Natural Resources reflect the total work force, including, for example, staff on leave without pay etc.
4 Comprises 93 full-time and 10 part-time employees.
5 Comprises 92 full-time and 12 part-time employees.
6 Comprises 49 full-time and 9 part-time employees.
7 Comprises 87 full-time, 12 temporary and 4 part-time employees.
8 Comprises 78 full-time, 17 temporary and 4 part-time employees.
9 Comprises 95 full-time, 10 temporary, 7 part-time and 7 casual employees.
10 Figures are full-time equivalent.

Tourism: staffing levels

(Question No. 174)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

AUSTRALIAN GRAND PRIX CORPORATION
1992-93: Nil (The AGPC did not exist)
1993-94: Nil (The AGPC did not exist)
1994-95: 23

TOURISM VICTORIA
1992-93: 95
1993-94: 103
1994-95: 110
Mr LONEY asked the Treasurer:

In regard to the government's position on the use of prepayment meters by electricity consumers, will he provide the house with details relating to the following?

1. Whether the government supports the use of prepayment meters for domestic electricity consumers; if so, what process will the government use to allow prepayment meters?
2. How will prepayment meter customers be able to access the competitive market after the year 2000?
3. How will prepayment meter households, eligible for concession, be able to access the Energy Relief Grants Scheme and the winter energy concession?
4. What concession will these consumers receive for prepaying their bill rather than paying after consumption as do all other electricity consumers?
5. Whether the government will ensure that consumers do not have to pay for their prepayment meters and that they will not be compulsory for customers who do not pay promptly.
6. What role will the Regulator-General play in this process?

Mr STOCKDALE (Treasurer) — The answer is:

1. The tariff order, gazetted on 30 June 1995, provides that a licensee proposing to implement a prepayment scheme in respect of the supply of electricity, which would include prepayment metering technology, must first obtain the prior written approval of the Regulator-General.
2. The Regulator-General will consult with the Customer Consultative Committee established by the Office of the Regulator-General, and other interested groups to ensure that relevant issues are addressed and procedures adopted in the introduction of debit or prepaid meter cards or other prepayment schemes.
6. The Regulator-General is responsible for coordinating the development, issuing and review of any standards or procedures, and regulation of the introduction of debit or prepaid meter cards or other prepayment schemes.

Mr LONEY asked the Treasurer:

In regard to the setting of tariff levels, will the Treasurer provide the house with details relating to the following?

1. What was the bad debt level of the pre-reform SECV?
2. How is bad debt to be factored into the tariff and charge setting process by the Regulator-General?
3. Whether the utilities have introduced an interest rate penalty in the new round of contestable customer contracts, to improve cash flow.
4. What proportion of the latest tranche of contestable customers do not have an appropriate meter to record their energy demand and consumption as well as the losses that they incur on the power quality which is paid by the franchised customers?
5. What is the relationship between bad debt and finalised accounts and how many finalised accounts of the electricity retailers contribute to utility bad debt?
6. What money, if any, has the Regulator-General spent on consultancies to allocate costs in deciding the levels of flow on cost to consumers?
7. What policy, if any, has the Regulator-General made on the imposition of security deposits on customers?
8. How will the Regulator-General determine equity in this situation?
9. Whether consumers are finding out about utility policy changes before or after they are implemented, if so, how?

Mr STOCKDALE (Treasurer) — The answer is:

The 1992-93 annual report of the SECV shows the following amounts in respect of bad debts which were written off to the profit and loss statement as expenses:
Consolidated
June
1993
Bad debts
$000
Class of Debtor
Electricity
Domestic
5249
Non-domestic
3840
9089
Other
552
9641
Bad debts recovered
1612
2. Until 31 December 2000, the tariff order gives direction in setting price determinations. Post 2000 the Regulator-General will determine appropriate policies for the treatment of various distribution expenses, such as bad debts, in the setting of prices.
3. Contract provisions agreed to between the distribution businesses and contestable customers is a matter of commercial negotiation between the parties.
4. The government is not aware of difficulties in supplying meters to contestable customers.
5. Statistics of this nature are not kept by government.
6. None
7. The statement of government policy, made under the Office of the Regulator-General Act 1994 and gazetted on 3 October 1994 requires each distribution company by way of licence condition to develop and publish its own security deposit policies, practices and procedures which will be at least equal to those of the former SECV. The Office of the Regulator-General monitors and reports on compliance by the distribution companies with the standards, policies, practices and procedures.
8. The distribution and retail licensees must give advance notice of changes in terms and conditions as part of their licence conditions.

Electricity: supply standards
(Question No. 180)

Mr LONEY asked the Treasurer:

In regard to quality of supply in the electricity industry, will the Treasurer provide to the house all details of work that the government has, is, or will commission to define, monitor and assess quality of supply?

Mr STOCKDALE (Treasurer) — The answer is:

Licences issued by the Office of the Regulator-General require the licensees to observe certain standards in relation to the quality of supply. The office monitors the licensees’ compliance with those standards.

Treasury: consultancies
(Question No. 182)

Mr LONEY asked the Treasurer:

Whether he will provide details of the outcome of the consultancy commissioned by the government to review the Energy Relief Grants Scheme and concessions, including details of the involvement of the welfare industry.

Mr STOCKDALE (Treasurer) — The answer is:

The study commissioned by Department of Human Services to review the administrative processes of the Energy Relief Grants Scheme and the instalment payments plans has not yet been concluded.

The welfare industry has been consulted through a reference group comprising:

- Victorian Council of Social Services (VCOSS)
- Consumer Advocacy and Financial Consumer Rights Council
- The Consumer Law Centre Victoria
Multimedia: staffing levels

(Question No. 149)

Mr PANDAZOPOULOS asked the Minister for Multimedia:
In respect of each department, agency and authority under his administration, whether he will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr STOCKDALE (Minister for Multimedia) — The answer is:
Multimedia Victoria was formed from elements of the Department of Premier and Cabinet, the then Department of Business and Employment and Arts Victoria (Film Victoria and the State Film Centre of Victoria) in 1996. Therefore, for the timeframes specified the answer is none.

Treasury: energy relief grants scheme

(Question No. 181)

Mr LONEY asked the Treasurer:
In regard to Energy Relief grants by the utilities, whether he will provide details of expenditure by government departments on energy relief grants for each year since 1990-91, indicating the split between service delivery costs and grants to consumers.

Mr STOCKDALE (Treasurer) — The answer is:
The following expenditure details on the energy relief grants scheme have been extracted from the relevant departmental annual reports for the years 1990-1991 to 1994-1995. The 1995-96 expenditure details have been provided by the Department of Human Services.

<table>
<thead>
<tr>
<th>Year</th>
<th>Department</th>
<th>Total (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990-91</td>
<td>Manufacturing and Industry Development</td>
<td>1.199</td>
</tr>
<tr>
<td>1991-92</td>
<td>Manufacturing and Industry Development</td>
<td>1.517</td>
</tr>
<tr>
<td>1992-93</td>
<td>Energy and Minerals</td>
<td>1.817</td>
</tr>
<tr>
<td>1993-94</td>
<td>Energy and Minerals (part year)</td>
<td>0.122</td>
</tr>
<tr>
<td></td>
<td>Health and Community Services (part year)</td>
<td>0.866</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.108</td>
</tr>
<tr>
<td>1994-95</td>
<td>Health and Community Services</td>
<td>0.850</td>
</tr>
<tr>
<td>1995-96</td>
<td>Human Services</td>
<td>1.481</td>
</tr>
</tbody>
</table>

1995-96 is the first year in which service delivery costs were funded as a discrete component following execution of contracts between the Department of Human Services and the electricity distribution companies. The distribution companies received a combined total of $52,591 for administration of the energy relief grants scheme.
Mr LONEY asked the Treasurer:

In regard to ensuring energy efficiency in Victoria, whether he will provide details on the following:

1. How is the government going to encourage energy efficiency when the distribution of system charges, the VP and transmission use of system charges are all flat rate charges?
2. How will reduction in consumption be achieved when for every extra unit of energy sold the suppliers of infrastructure gain most of the price in profit once their fixed costs are covered?
3. Why should a distribution company sell off-peak electricity when it can get far higher revenue for on peak energy sales because of the substantial variation between the on and off peak distribution use of system charges for consumers?
4. What effect is the failure to promote off peak electricity sales going to have on Victoria's ability to meet the greenhouse gas emission reduction targets?
5. Whether the Treasurer can explain how he expects there to be substantial competition in the electricity industry when most of the costs are tied in fixed charges to customers.
6. What percentage of the current round of contestable customers have accepted offers from retail licence-holders?
7. How many customers have signed contracts with retail licence holders who do not own a distribution company?

Mr STOCKDALE (Treasurer) — The answer is:

1. The predominant charge to consumers is directly related to the volume of energy actually used. Consumers have an incentive to conserve electricity as this will result in lower bills.
2. The electricity market has been restructured in order to provide incentives for sellers and buyers of electricity to negotiate outcomes which benefit both parties.
3. and 4. The distribution companies have a finite capacity and use higher distribution use of system pricing to encourage off peak sales and discourage peak sales. Cost reflective pricing is the beneficial outcome of the government's reform program. This promotes energy efficiency and reduces energy consumption with associated greenhouse emissions savings.
5. Competition occurs across the entire wholesale market which operates on an energy-bid basis. Competition is being progressively introduced in the retail market, where all customers will have choice of supplier by 2001.
6. and 7. Government does not have information on the specific contractual arrangements of the current round of contestable customers. However, between 40 and 50 per cent have changed from their host retailer (the distribution company that held their franchise) to another retail licence holder (this may be another distribution company or an independent retailer).
The SPEAKER (Hon. S. J. Plowman) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Tuesday, 29 October 1996

Child protection services

Mr THWAITES (Albert Park) — I refer the Minister for Youth and Community Services to the death of three-year-old Katy Bolger in Geelong. I ask: when was the minister made aware of Katy’s death, and how many other children who have been the subject of notifications to his department have died this year?

Dr NAPTHINE (Minister for Youth and Community Services) — Child protection is an important issue and one to which the government gives high priority. The government has a good child protection record. It is this government that introduced mandatory reporting; it is this government that provided an additional $19.3 million to support the mandatory reporting process. The government now provides more than $130 million a year for its protection and care program. It has increased the number of front-line child protection workers from 530 when the Labor Party left office to 778 who currently work in the service. Those workers perform their jobs under very difficult circumstances.

An honourable member interjected.

Dr NAPTHINE — I take up the interjection. They do an excellent job under very difficult circumstances. It is difficult to make humane decisions in situations where families are under stress. Child protection workers have to make difficult decisions about whether a child is safe within the family environment, whether the parents can provide ongoing safety for the child or whether the child needs to be removed for its own safety. Whenever a child is removed from its family environment it is detrimental to both the child and the family.

This government has also been responsible for introducing police protocols by which the police can work much better with the child protection services.

With respect to the specific question, I think it is premature and inappropriate to comment on the death of the child. I am very surprised that the honourable member — —

Mr Thwaites — On a point of order, Mr Speaker, under standing order 127 — —

Honourable members interjecting.

The SPEAKER — Order! I want to hear the point of order.

Mr Thwaites — Mr Speaker, under standing order 127, the minister is debating the question. The question was very simple. When was the minister made aware of the death of Katy Bolger, and how many other children, who were clients of the department or who were notified to the department, have died this year?

The SPEAKER — Order! A very short while ago the minister said, ‘With respect to the specific question’. He was developing an argument or responding to the specific question. He said, ‘I think it is premature and inappropriate’ to respond to the specific question. It is up to the minister to determine his attitude and whether or not it is premature. I would like him to have an opportunity to complete his answer.

Dr NAPTHINE — The point I was making was that, given his legal training, I am surprised the honourable member for Albert Park would mention the name of a child in these circumstances in this house. I think it is inappropriate.

Mr Speaker, as you would be aware, the cause of death has yet to be determined. Last week I called upon the coroner, in the public interest, to bring forward a coroner’s inquiry into this process. The coroner, I understand, is commencing the process on 1 November. I am more than happy to provide whatever information I can, and my department is more than happy to provide whatever information it can, to the coroner. That is the appropriate, independent mechanism to deal with this matter.

United Arab Emirates delegation

Mr DIXON (Dromana) — Will the Premier inform the house about the business delegation he led to the United Arab Emirates last week and the potential to increase trade and investment between the UAE and Victoria?
Mr KENNETI (Premier) - The trip originated as a result of the United Arab Emirates having introduced a direct airline service from Dubai, through Singapore, to Melbourne. That new direct link presented a wonderful opportunity for Victoria to see whether further commercial opportunities could be achieved not only in Dubai and the Emirates but also, through there, to the Middle East.

I had the honour of heading a delegation of 14 businessmen who represented three fundamental industry groups: agriculture — food, in the very real sense of the word; the construction industry; and education. For me, and, I think, the rest of the delegation, apart from those who were already trading with the Emirates and Dubai, it was a very worthwhile experience. As we know, there is a great deal of wealth in the Emirates, and the opportunity for us to expand our exports is very real indeed.

Victoria and Australia already provide most of the alumina for their aluminium smelter and a great deal of their wheat and sugar. On top of that we provide a number of vegetables and citrus fruits. The potential to increase that is almost unlimited, so long as we can produce quality product and supply regularly. There is also an opportunity for the ornamental horticultural industry. They have a tremendous appetite for cut flowers. As you know, Victoria is Australia's garden for ornamental horticulture. The opportunity for us to increase our exports is enormous.

It is also true that Victorians and Australians are involved in the construction industry; the industry employs a number of Australians who have specific expertise. A huge amount of construction is going on in the Emirates. The only place I have seen as much construction occurring is in China, but it is more focused in terms of where they want to be over a certain period.

I also mentioned education. We were fortunate to have representatives from RMIT, Box Hill TAFE and Monash University in the person of the Vice-Chancellor, Professor Mal Logan. I do not think anyone in Victoria or Australia should underestimate the value attached to exporting education not only to the Middle East but ultimately to Asia. We have tremendous opportunities before us. It is true that I am considering whether we should establish a representative office there.

I well remember in the dying days of the former Labor government the honourable member for Sunshine making claims that Victoria could export an additional $1 billion worth of food to Asia. That opportunity is still there. It is also there in respect of the Emirates and the Middle East. As I said, we are required to have the ability to identify product, grow it to a certain quality, and then, with the Emirates, we have the wonderful opportunity of delivering product straight to the airline and flying it into the Middle East. There is no staging ground.

We are looking very seriously at the possibility of establishing a Victorian representative office there. I consider it would be an investment not only for its immediate economic growth potential but, importantly, as an investment in the future. There is no doubt those markets are very akin and parallel to what we produce in Victoria.

I thank the business people who accompanied us on the trip. They worked very hard and achieved a great deal. The people of Victoria will continue to benefit from those sorts of missions, in particular where we reach out into new niche markets and establish a base for Victoria and, through it, for Australia.

Child protection services

Mr THWAITES (Albert Park) — I again address my question to the Minister for Youth and Community Services. I refer the minister to his previous answer and ask him: without addressing the cause of death, will he now advise the house when he, as minister responsible for child protection in this state, was made aware of the death of Katy Bolger, and how many other children who have been the subject of notifications to the department have died this year?

The SPEAKER — Order! The honourable member should know that the rules of question time do not permit the same question to be asked a second time. It is the same question. I call the next question.

Honourable members interjecting.

The SPEAKER — Order! It is very clear that it is the same question.

Mr Dollis — What do you have to do to get an answer, Mr Speaker?

The SPEAKER — Order! The Deputy Leader of the Opposition knows full well that if he wants to raise a matter he does not shout it at the Chair from his place.
Carers: strategy

Mr J. F. McGrath (Warnambool) — Will the Premier advise the house of the initiatives the government is undertaking to reach out and support carers in the Victorian community?

Mr Kennett (Premier) — The house may recall that prior to the last election, as part of our election campaign, we were the first government in Australia to announce a policy that was to provide a very large amount of money to assist those who look after parents, children or friends who are obviously in need of care. The amount of money totals $100 million. Apart from the programs that are being put in place, the programs, I hope, are giving recognition to carers wherever they may live in Victoria.

Again, it provides a lead throughout Australia that these people — the forgotten people as we referred to them then and as they are now — deserve special recognition. Invariably they make up the backbone of Victorian society, and they go largely unrecognised. They normally work 24 hours a day, seven days a week, to provide care, support and love to family members or friends who obviously, for one reason or another, need special care.

More importantly, those people often provide care simply because there is no other alternative; they have no choice. The Victorian community is very much indebted to them, as I am indebted to the Minister for Youth and Community Services, the Minister for Health and the honourable members for Warnambool and Malvern who, over the past six months, have put together the package that we announced on the weekend. Some $7.6 million of the $100 million has been dedicated each year to carers of people with specific mental illnesses; $6 million in the first year and $7 million in each of the subsequent three years to carers of the elderly; and $7.2 million in the first year and $9.2 million dollars in each of the subsequent three years for carers of people with disabilities.

I do not know whether members of the house and the community fully appreciate that approximately 350,000 Victorians care for others. There is no way the state could ever recompense them for the time and love they put into this voluntary work. Therefore, it is only appropriate that the government should be making funds available to assist those people. The package announced by my colleagues and me on Sunday sets a new standard not only in terms of money specifically available for carers but in recognising the work they do. We are even making special additions for co-location of those with HIV/AIDS to ensure they get better support structures around them when dealing with their illnesses. This was a major initiative for the government and the community.

I place on the record my disappointment that this grant of $100 million over four years for carers was thought by the Melbourne Age to be of so little importance that it was mentioned well at the back of the newspaper. That should not surprise anyone on this side of the house. When a newspaper continually calls for the government to act in the interests of the community and to put community issues above financial issues, it is surprising that when the government does so the Age takes that attitude. Once again it clearly indicates that the Age does not have a heart and is not relevant in Victorian society today, in the same way that our political opponents are not relevant and show no interest whatsoever in the carers.

Solicitor-General: pecuniary interests

Mr Brumby (Leader of the Opposition) — I refer the Attorney-General to the fact that the Solicitor-General, Mr Douglas Graham, held shares in BHP at the time he advised the Attorney-General not to prosecute BHP for contempt of court. At the time of Mr Graham’s appointment as Solicitor-General did he complete a pecuniary interest declaration form as required by the public service code of conduct and, if so, did he declare his substantial interest in BHP, and will the Attorney-General now table that declaration form in the house?

Mrs Wade (Attorney-General) — In asking this question the Leader of the Opposition demonstrates his lack of understanding of the position of the Solicitor-General. The Solicitor-General is not bound by the code of conduct.

Mr Brumby — It is here. Would you like me to read it out?

The Speaker — Order! The Leader of the Opposition will take his place. If he continues to carry on while the Chair is on his feet, the Chair will have to deal with him. I am sure he does not want that.

Mrs Wade — The code of conduct is prepared by the Public Service Commissioner under section 45 of the Public Sector Management Act and it binds...
those people who are covered by the act. Under section 5 of the Public Sector Management Act the Solicitor-General is specifically exempted from that act, as are judges, magistrates — —

Mr Brumby — It is all here!

The SPEAKER — Order! It is a serious question. I ask the Leader of the Opposition to pay the Attorney-General the courtesy of listening to the answer.

Mrs WADE — Mr Speaker, you may not have been able to hear the last part of my answer because of the noise the Leader of the Opposition is making. I repeat: under section 5 of the Public Sector Management Act certain people who hold statutory offices and for whom it would be inappropriate for the act to apply are exempted. They include judges, magistrates, the Solicitor-General and the Director of Public Prosecutions.

It is an important issue because it relates to the independence of those offices and the particular statutory duties they carry out. In fact, as I recall it, the honourable member for Footscray was particularly concerned to ensure that the DPP should not be covered by the Public Sector Management Act for precisely that reason. The honourable member obviously understands the issue, but unfortunately the Leader of the Opposition does not.

Notwithstanding the fact that the Solicitor-General is not bound by the code of conduct, he did complete a form of disclosure of pecuniary interests. That form was completed about the time of his appointment and it was in the — —

Mr Cole — That is good.

Mrs WADE — It was completed when he was appointed and at that stage the form used was that of the previous Labor government. It did not require the disclosure of BHP shares.

Schools: new technology

Mrs SHARDEY (Caulfield) — Will the Minister for Education inform the house of the latest developments in the provision of new technology in Victorian government schools?

Mr GUDE (Minister for Education) — The honourable member for Caulfield, unlike some on the other side of the house, has had a long history of and interest in education and is doing a superb job in the schools in her area.

I am pleased to inform the house that the Department of Education recently conducted a survey of all Victorian government schools to ascertain the number and the quality of computers in schools. I am in the happy position of providing some more good news for Victoria.

We currently have some 58 000 computers in our schools. When compared to the last survey taken in late 1994 and early 1995 one finds an increase in the computer numbers of some 14 000. That is a 30 per cent increase in that 18-month time frame. Our records indicate that some 10 544 computers have been purchased by schools in the past 12 months. That is a very good result and an indication of the clear commitment of the government, school communities and the teaching profession to the relevance and importance of this technology.

It means that the overall ratio of computers to students in our schools is 1 to 8.9 overall — 1 to 10.8 in primary schools and 1 to 7.4 in secondary schools. Although these results are fantastic news for our young people we must always strive to do better. I have set a target for the department of one computer for every five students to be achieved in the next three to four years. Although that may be an ambitious target we will do all we can to achieve it.

As members know, ratios are not the only measure. We must also consider the age or currency of our computers. I note that 45 per cent of our computers are three years old and 18 per cent are multimedia capable. That is good, but it is not good enough. We will strive to do more. As part of its election commitment the government pledged that $20 million would be set aside over four years to fund new technology in schools. I am happy to announce that the first $5 million of that will be made available to schools before the new school year. The money will be made available on a 1 to 3 basis, and we are confident that that will produce a very good result.

Honourable members interjecting.

Mr GUDE — It is interesting to hear the negative gibes from the other side. This could have been one opportunity for the opposition to work with the government and celebrate the good achievements in schools; but all members opposite want to do is whine and harp and whinge and moan. Their negative knocking — —
Honourable members interjecting.

Mr GUDE — It is no wonder you lot are irrelevant. You are irrelevant in the schools, you are irrelevant in the community and you are irrelevant in Parliament!

I am pleased to inform the house that the tenders for the Pentium multimedia computers are currently being evaluated. That will reduce the price for schools from the current level of $1800 to a low of $1200. I am also informed that, probably early in the new year, the $1000 barrier will be broken — and we will go well below that. That is more good news for students and schools in the state. I put on the record our appreciation of the computer industry, which is working closely with the government not just in the broader sense but specifically in bringing about the best education results for young Victorians.

Solicitor-General: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I refer the Attorney-General to her statement last week that she found out the Solicitor-General had shares in BHP only at the end of the week before. When was the Attorney-General advised of the Solicitor-General’s shareholding in BHP, and how was she advised?

Mrs WADE (Attorney-General) — As I recall, there was some publicity in the press following a question directed to me the week before last by the honourable member for Niddrie. After that question and my response was published on, I think, the Friday of the week before last, I had a telephone conversation with the Solicitor-General, when he informed me that he had BHP shares.

Veterinary research laboratories

Mr PATTERSON (South Barwon) — I refer the Minister for Agriculture and Resources to the contracting out of the state’s veterinary analytical services. Will the minister advise the house of the results of the recent tender and say how they will improve service delivery to Victoria’s vital export meat and dairy industries?

Mr McNAMARA (Minister for Agriculture and Resources) — I thank the honourable member for South Barwon for the question, which is very important. Members will be aware that a little over two years ago the government contracted out the provision of veterinary diagnostic services from the then Department of Agriculture to a company called Centaur, which was awarded a two-year contract. Centaur had done an excellent job during that period, but recently we reached the stage where that contract had to be put out to tender.

Although we hoped that Centaur would again bid competitively, which it did, we were delighted to see there were other competitors, including a company called VVPS (Victorian Veterinary Pathology Services), which put in a bid for the next three years that will save the department $2.25 million. That is a significant saving, and I have instructed the department to put all the savings from the contract into animal health, which has certainly been welcomed by the pastoral group of the Victorian Farmers Federation.

I want to ensure that we have an even spread of laboratories across Victoria. The service provided by Centaur means there are currently four laboratories across rural and regional Victoria. The VVPS contract will provide us with nine regional laboratories, a further five in the metropolitan area and two in areas bordering the state, Mount Gambier and Berri, which will also service Victorian farmers. It is an excellent service in that respect.

More importantly, there are other direct savings for rural communities. I refer to the Cattle Compensation Fund, which is administered by Victorian farmers and for which the government effectively acts as a mailbox. The fund determines both rates of compensation for and the levy to be charged against beef producers. They are in the situation where the costs of the tests, particularly two of the major tests — the bovine Johne’s test and the bovine leucosis test — could force an increase in the levy charged against producers. However, VVPS has agreed to apply the same charges to the Cattle Compensation Fund and, I might add, to every vet and every farmer in Victoria, so every farmer will receive the benefit.

As an example, farmers are currently paying $10 each for the bovine Johne’s test, whereas that will now be done for $3.85. Not only all the tests conducted by the department but every test conducted for every Victorian farm will be done at that rate. The immediate saving to the Cattle Compensation Fund will be just over $1.7 million for the bovine Johne’s test and $265 000 for the bovine leucosis test, a total saving over the period of approximately $2 million.

Finally, the government continues to maintain its commitment to animal health. There are 18 qualified
veterinary surgeons strategically placed around regional Victoria, supported by 35 animal health scientists. We will also ensure that post-mortem facilities and pathology tests will continue to be done as they are at the moment, in the old Department of Agriculture laboratories controlled by Centaur on a five-year contract. If Centaur does not continue with that operation the department will make the facilities available to others to conduct those tests on behalf of the rural community. The Victorian animal health service has taken another step forward in service delivery and in providing value for money not only for taxpayers but for every primary producer in the state.

Solicitor-General: pecuniary interests

Mr HULLS (Niddrie) — I refer the Attorney-General to the fact that on 20 December 1995 during the Ok Tedi case a second allegation of criminal contempt against BHP was referred to her and that no action was ever taken in relation to it. Was it the Attorney-General as a BHP shareholder or the Solicitor-General as a BHP shareholder who failed to act in that contempt matter, thereby advantaging BHP in the case?

Mrs WADE (Attorney-General) — I have to say that I do not recall the matter, but I will make inquiries and respond to the honourable member.

Swimming pool and spa safety

Mrs McGILL (Oakleigh) — My question without notice is directed to the Minister for Planning and Local Government — and it is a good and timely question given the delightful weather we are experiencing. Will the minister advise the house why the requirements for existing swimming pools and spas are different from those for new pools and spas, and will he say what assistance is available to pool owners to help them meet their requirements?

Mr MACLELLAN (Minister for Planning and Local Government) — The answer to the honourable member’s question, which is indeed a timely one, is that the Building Code of Australia provides rules for the installation of pools — which, of course, are contemporaneous with the installation of the pools. The requirements for the safe fencing or securing of pools that were installed before 8 April 1991 are very different from those applying to new pools.

The statistics of child drownings across Australia and in Victoria represent a tragedy which in many cases is avoidable. I believe members on both sides of the house would join me in urging community opinion to develop to the stage where we have as few drownings as possible. The most vulnerable group is that of children aged one to two years. The problem is not only the drowning of children but the fact that children may be seriously brain-damaged as a result of near-drowning.

The regulations will finally come into force on 1 July next year. Each year in the lead-up to 1 July we have an awareness campaign called Kidsafe to try to heighten awareness of the dangers of child drowning. The Kidsafe campaign has been extremely successful in building community awareness and, as a result, there have been fewer drownings, but to get full value out of the safe isolation of pools we must have community cooperation. We are dealing with something like 200 000 previously installed pools and spas. It is the sparkling water in the pool that is the danger.

Last week I announced the start of the campaign, which each year is undertaken to coincide with spring, which precedes the most dangerous period for young children. I shall be advising honourable members of the availability of brochures which will be provided to municipalities. However, I believe honourable members might appreciate having these brochures in their electorate offices, and the brochures will be published in English and other languages. I urge honourable members to spread the message about the need for pools to be made safe. They may also mention the legal requirement to do so, but I think we need a community-conscious response at the moment. I believe we can look forward to the cooperation of the media and of the vast bulk of the community in this campaign.

I also advise honourable members that where work has to be done on a pool to bring it up to the standard of the new requirements there is no need for an inspection to take place, but council officers will be available to assist with advice. Private building certifiers might be engaged to give advice to pool owners as to the suitability of the barriers that they intend to install.

New pools have to have fences around them. The difference between the regulations for new pools and those for pre-existing pools relates to the opportunity not only to have fencing placed around pools but also to have backyards, windows and doors of houses made safe with self-locking and childproof locks. I believe we have the appropriate measures in place and that Victoria is ahead of all the other states in regard to existing pools and spas.
Public sector: code of conduct

Mr BRUMBY (Leader of the Opposition) — I refer the Attorney-General to clauses 34 to 37 of the code of conduct for the Victorian public sector which was signed by the Premier in April 1995 and which requires 'a declaration of private interests from chief executive officers, their immediate deputies, heads of divisions, full-time Governor-in-Council appointees and ministerial advisers' and goes on to say that those people should stand aside in any decision-making process where a conflict of interest arises or is likely to arise.

When did the Attorney-General first become aware that a breach of that code, circulated and signed by the Premier in April 1995, exists, and why did she fail to take action to enforce the code circulated and signed by the Premier?

Mrs WADE (Attorney-General) — I think I have already explained this matter to the Leader of the Opposition through you, Mr Speaker. The code of conduct is made under the Public Sector Management Act. It cannot go beyond the Public Sector Management Act. That is the rule of statutory interpretation. I would suggest that the Leader of the Opposition might well enrol in some course of statutory interpretation.

Honourable members interjecting.

Mrs WADE — As I have already explained, section 5 of the act exempts certain people from the Public Sector Management Act. It exempts judges, magistrates, the Solicitor-General, the Director of Public Prosecutions and a number of other people. Those would have to be checked. The reason judges, magistrates and office-holders exercising statutory powers are exempted is that they are supposed to be absolutely free and independent of government direction and it would be totally inappropriate for them to be bound by that act or that code.

Mr Brumby interjected.

Mrs WADE — The Leader of the Opposition has jogged my memory as to the rest of his question. His question referred to certain Governor-in-Council appointees being required to make declarations of interest. Not all Governor-in-Council appointees are exempt from the Public Sector Management Act: only some are exempt. The others have to make declarations. As I have already said, the Solicitor-General is not required under the code to make a declaration.

Olympic Games: SOCOG

Mr JENKINS (Ballarat West) — Will the Minister for Sport advise the house of the purpose of the visit to Melbourne today by officials from the Sydney Organising Committee of the Olympic Games?

Mr REYNOLDS (Minister for Sport) — I thank the honourable member for Ballarat West for his question and his interest in the visit to Melbourne today by the Sydney Organising Committee of the Olympic Games (SOCOG). Immediately Sydney was announced as having won the bid for the 2000 games the Victorian Premier announced Victoria's intention to bid for a pool of soccer during those games, and when SOCOG called for expressions of interest early this year Victoria put forward a submission, as did five other cities — Canberra, Brisbane, Sydney itself, Adelaide and Wollongong.

Melbourne's bid is based upon the use of a new stadium that may well be built as a competition venue, and of Olympic Park and the Lakeside stadium in South Melbourne as training venues.

The evaluation team is currently in Melbourne, where it will receive a presentation on Victoria's submission and visit the Lakeside stadium at Albert Park, the Melbourne Sports and Aquatic Centre and Olympic Park. The committee visited Adelaide this morning.

Current advice from the organising committee in Sydney is that the football competition will be conducted in a format similar to that in Atlanta, with 16 men's teams at four different venues, one of which will be Sydney, and at least eight women's teams — possibly 10 or 12; it has not been decided yet — using two or three different venues. It is possible that some venues will gain a women's and a men's soccer pool. The gold medal round for men and women will be held in Sydney.

Mr Baker — Are you the nightwatchman, Tom?

Mr REYNOLDS — I'm batting on all right! Those cities that win the right to host events will hold test events in September 1999 under conditions identical to those to be experienced during the 2000 Olympics, including security procedures, the housing of teams and test events. The trialing of events will ensure that we do not make any mistakes and that the cities that gain the events are able to hold them.

Soccer is a big sport in Victoria, and the Premier is very interested in it. Victoria is the only state that
PETITION

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has four teams in the National Soccer League, including the Gippsland Falcons, the Collingwood Warriors, South Melbourne Lakers — —

Opposition Members — Time, time!

The SPEAKER — Order! A serious question has been asked by the honourable member for Ballarat West. The minister has been speaking for 3 minutes and 20 seconds. I ask honourable members to have the courtesy to let him finish his answer, even if they are not interested in it.

Mr REYNOLDS — The four Melbourne teams also include the brilliant Melbourne Knights, of which I am the no. 1 ticket holder and which are the champions of 1995 and 1996.

Melbourne has a great record of holding sporting events, including the grand prix, the Ford Australian Open, the spring racing carnival and AFL Grand Final week, all of which make Melbourne the sporting capital of Australia. We will continue to work to attract premier events to this state.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Drugs: decriminalisation

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth their concern at the move to the legalisation/decriminalisation of illegal drugs.

Your petitioners therefore pray that the government affirms its opposition to the concept of responsible use of psychoactive substances and the legalisation or decriminalisation of the use, possession, sale, trafficking or production of those substances including cannabis, heroin and cocaine, for anything other than strictly authorised medical or scientific purposes.

And your petitioners, as in duty bound, will ever pray.

By Mr Ryan (264 signatures)

Laid on table.
Anti-Discrimination Tribunal — Report for the year 1995-96

Austin and Repatriation Medical Centre (including Austin Hospital and Heidelberg Hospital (incorporating Heidelberg Repatriation Hospital)) — Report for the year 1994-95

Bairnsdale Regional Health Service — Report for the year 1995-96

Beechworth Hospital — Report for the year 1995-96

Benalla and District Memorial Hospital — Report for the year 1995-96

Birregurra and District Community Hospital — Report for the year 1995-96

Boort District Hospital — Report for the year 1995-96

Bright District Hospital and Health Services — Report for the year 1995-96

Casterton Memorial Hospital — Report for the year 1995-96

City of Melbourne Superannuation Fund — Financial Statements for the period ended 1 November 1995

City West Water Limited — Report for the year 1995-96 (two papers)

Cobram District Hospital — Report for the year 1995-96

Cohuna District Hospital and Cohuna Community Nursing Home — Report for the year 1995-96

Colac Community Health Services — Report for the year 1995-96

Coliban Region Water Authority — Report for the year 1995-96

Corangamite Regional Hospital Services — Report for the year 1995-96

Country Fire Authority — Report for the year 1995-96

Crimes Compensation Tribunal — Report for the year 1995-96

Crown Land (Reserves) Act 1978 — Section 17DA

Orders granting under —

Section 17B — licences in the City of Greater Geelong (six)

Section 17D — leases in the —

Township of Colac

Township of Ballarat East

City of Greater Geelong

City of Bayside

City of Port Phillip (five)

East Gippsland Region Water Authority — Report for the year 1995-96

East Grampians Health Service — Report for the year 1995-96

Emergency Services Superannuation Scheme — Report for the year 1995-96

Energy Victoria — Report for the year 1995-96

Environment Protection Authority — Report for the year 1995-96

Financial Management Act 1994 —

Report of the Acting Treasurer advising that he had received the 1995-96 Annual Report of the Electricity Services Victoria

Report of the Acting Treasurer advising that he had received the 1995-96 Annual Report of the Everton Dell Pty Ltd

Report of the Minister for Health advising that he had received the 1995-96 Annual Reports of the —

Maffra District Hospital

Omeo District Hospital

South Gippsland Hospital

First Mildura Irrigation Trust — Report for the year 1995-96

Gippsland Water — Report for the year 1995-96

Glenelg Region Water Authority — Report for the year 1995-96

Goulburn-Murray Rural Water Authority — Report for the year 1995-96

Goulburn Valley Region Water Authority — Report for the year 1995-96

Grace McKellar Centre — Report for the year 1995-96

Grampians Region Water Authority — Report for the year 1995-96
Greyhound Racing Control Board — Report for the year 1995-96

Hamilton Base Hospital — Report for the year 1995-96

Hazelwood Power Corporation — Report for the year 1995-96

Hesse Rural Health Service — Report for the year 1995-96

Heywood and District Memorial Hospital, Sydney Lynne Quayle Hostel for the Aged and Fitzroy Lodge Hostel — Report for the year 1995-96

Hospitals Superannuation Board — Report for the year 1995-96

Infertility (Medical Procedures) Act 1984 — Report for the year 1995-96 by the Secretary, Department of Human Services to the Minister for Health pursuant to s. 22(4)

Judicial Remuneration Tribunal — Report on the Salary and Allowances of Members of the Employee Relations Commission of Victoria, 2 August 1996

Kerang and District Hospital — Report for the year 1995-96

Kiewa Murray Region Water Authority — Report for the year 1995-96

Kilmore and District Hospital and Kilmore and District Nursing Home — Report for the year 1995-96

Legal Aid Act 1978 — Direction pursuant to section 12M

Lorne Community Hospital and Nursing Home — Report for the year 1995-96

Maldon Hospital and Community Care — Report for the year 1995-96

Manangatang and District Hospital — Report for the year 1995-96

Mansfield District Hospital and Bentley Nursing Home — Report for the year 1995-96

Maryborough District Health Service — Report for the year 1995-96

McIvor Health and Community Services — Report for the year 1995-96

Melbourne City Link Act 1995 — Order pursuant to section 8(4) decreasing the Project Area

Melbourne Parks and Waterways — Report for the year 1995-96 (two papers)

Melbourne Water Corporation — Report for the year 1995-96 (two papers)

Metropolitan Fire Brigades Board — Report for the year 1995-96

Mid-Goulburn Regional Water Board — Report for the year 1995-96

Mildura Base Hospital — Report for the year 1995-96 (two papers)

Mt Alexander Hospital — Report for the year 1995-96

Murray-Darling Basin Commission — Report for the year 1995-96

Myrtleford District War Memorial Hospital — Report for the year 1995-96 (two papers)

Nathalia District Hospital and Nursing Home — Report for the year 1995-96 (three papers)

Numurkah and District War Memorial Hospital — Report for the year 1995-96

Otway Health and Community Services — Report for the year 1995-96

Otway Region Water Authority — Report for the year 1995-96

Ouyen and District Hospital — Report for the year 1995-96

Ovens Region Water Authority — Report for the year 1995-96

Patriotic Funds Council — Report for the year 1995

Peninsula Health Care Network — Report for the year 1995-96 (three papers)

Penshurst and District Memorial Hospital — Report for the year 1995-96 (two papers)

Pharmacy Board — Report for the year 1995-96

Physiotherapists Registration Board — Report for the year 1995-96
Planning and Environment Act 1987 — Amendment No. 96 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

- Altona Planning Scheme — No. L106
- Bacchus Marsh Planning Scheme — No. L54
- Banyule Planning Scheme — Nos L3, RL175
- Berwick Planning Scheme — No. L114
- Boroondara Planning Scheme — No. RL175
- Brighton Planning Scheme — No. RL175
- Brimbank Planning Scheme — No. L27
- Campaspe Planning Scheme — No. L15
- Darebin Planning Scheme — No. L37
- Doncaster and Templestowe Planning Scheme — No. RL175
- Glen Eira Planning Scheme — No. RL175
- Greater Dandenong Planning Scheme — Nos L2, RL175
- Greater Geelong Planning Scheme — Nos L156, R167, R174
- Hastings Planning Scheme — No. L109
- Hume Planning Scheme — Nos L6, RL175
- Knox Planning Scheme — No. L115
- Macedon Ranges Planning Scheme — No. L12
- Maribyrnong Planning Scheme — No. L17
- Maroondah Planning Scheme — Nos L3, RL175
- Melbourne Planning Scheme — Nos L213, L232, RL175
- Milawa Planning Scheme — Nos L12, L14
- Mitchell Planning Scheme — No. L11
- Moira Planning Scheme — Nos L3 Part 1, L7 Part 1, L11, L12
- Moreland Planning Scheme — No. L10
- Sandringham Planning Scheme — No. L17
- Shepparton Shire Planning Scheme — No. L79
- Stonnington Planning Scheme — No. RL175
- Surf Coast Planning Scheme — No. R39
- Traralgon (Shire) Planning Scheme — No. L56
- Warmambool Planning Scheme — No. L21
- Whitehorse Planning Scheme — Nos L5, L6, L11, RL175
- Yarra Ranges Planning Scheme — Nos L13, L26
- Yea Planning Scheme — No. L11

Police Review Commission — Report for the year 1995-96

Port Fairy Hospital — Report for the year 1995-96

Portland and District Hospital — Report for the year 1995-96 (two papers)

Portland Coast Region Water Authority — Report for the year 1995-96

Premier and Cabinet Department — Report for the year 1995-96

Queen Elizabeth Centre — Report for the year 1995-96

Queen Elizabeth Centre, Ballarat — Report for the year 1995-96

Regulator-General — Report of the Office for the year 1995-96

Seymour District Memorial Hospital — Report for the year 1995-96

South East Water Limited — Report for the year 1995-96

South Gippsland Water Authority — Report for the year 1995-96

Southern Rural Water Authority — Report for the year 1995-96

South West Water Authority — Report for the year 1995-96

St Arnaud District Hospital — Report for the year 1995-96

Statutory Rules under the following Acts:

- Business Franchise (Tobacco) Act 1974 — S.R. No. 106
- Financial Institutions Duty Act 1982 — S.R. No. 105
- Physiotherapists Act 1978 — S.R. No. 107
- Road Safety Act 1986 — S.R. No. 104
Swan Hill District Hospital — Report for the year 1995-96
Tallangatta Hospital — Report for the year 1995-96
Terang and District Mortlake Health Service — Report for the year 1995-96
Timboon and District Hospital and Timboon and District Community Health Centre — Report for the year 1995-96
Urban Land Authority — Report for the year 1995-96
Vicfleet Pty Ltd — Report for the year 1995-96
Victorian Arts Centre Trust — Report for the year 1995-96
Victorian Financial Institutions Commission — Report for the year 1995-96
Victorian Government Purchasing Board — Report for the year 1995-96
Victorian Plantations Corporation — Report for the year 1995-96
Victorian Prison Industries Commission — Report for the year 1995-96
Warraambool and District Base Hospital — Report for the year 1995-96
Western Region Water Authority — Report for the year 1995-96
Westernport Region Water Authority — Report for the year 1995-96 (two papers)
Wimmera Mallee Rural Water Authority — Report for the year 1995-96
Wodonga District Hospital — Report for the year 1995-96
Wycheproof and District Health Service — Report for the year 1995-96
Yarrawonga District Hospital — Report for the year 1995-96

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 14 May 1996:


ROYAL ASSENT

Message read advising royal assent to:

22 October

- Appropriation (1996/97, No. 1) Bill
- Appropriation (Parliament 1996/97, No. 1) Bill
- Forestry Rights Bill
- Geelong Lands (Steampacket Place) Bill
- Transport (Rail Safety) Bill

29 October

- Bank of South Australia and Advance Bank Bill
- Local Government (Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

- Births, Deaths and Marriages Registration Bill
- Chiropractors Registration Bill
- Courts and Tribunals (General Amendment) Bill
- Education (Amendment) Bill
- Electricity Industry (Further Amendment) Bill
- Health Acts (Further Amendment) Bill
- Land (Revocation of Reservations) Bill
- Miscellaneous Acts (Further Omnibus Amendments) Bill
- North Melbourne Lands Bill
JOINT SITTING OF PARLIAMENT

Tuesday, 29 October 1996

Osteopaths Registration Bill
Port Services and Marine (Amendment) Bill
Small Business Victoria (Repeal) Bill

JOINT SITTING OF PARLIAMENT

Royal Melbourne Institute of Technology
La Trobe University

The SPEAKER — Order! I have received the following communication from the Minister for Tertiary Education and Training:

Section 7(2)(h) of the Royal Melbourne Institute of Technology Act 1992 and section 7(1)(d) of the La Trobe University Act 1964 provide for appointment to the respective councils by the Governor in Council of three persons ‘who are members of the Parliament of Victoria recommended for appointment by a joint sitting of the members of the Legislative Council and the Legislative Assembly conducted in accordance with the rules adopted for the purpose by the members present at the sitting’.

Sections 14 and 15 of the La Trobe University Act, and sections 13 and 14 of the Royal Melbourne Institute of Technology Act, provide for the resignation of members of council and for the filling of consequent vacancies as casual vacancies for the balance of the term of the former members.

The following members have resigned from the respective councils with the balance of terms of office as indicated.

Royal Melbourne Institute of Technology
Ms Sherryl Garbutt (term expires 31 December 1998)

La Trobe University
Hon. Theo Theophanous, MLC (term expires 31 December 1999)

The terms of appointment to the respective positions is from the date of appointment until the date of expiry indicated above.

I seek your agreement to convene a joint sitting of members of the Legislative Assembly and the Legislative Council so that persons can be recommended to the Governor in Council for appointment to the respective councils under these provisions.

The SPEAKER — Order! I have received the following communication from the Minister for Health:

Under section 21(1)(f) of the Tobacco Act 1987, three members of the Victorian Health Promotion Foundation are members of the Legislative Council or the Legislative Assembly, elected by the Legislative Council and the Legislative Assembly jointly.

The term of office of one of these members, the Honourable Ronald Alexander Best, MLC, member for North Western Province, is due to expire on 19 October 1996.

I would be grateful if you could place this matter on the agenda for a joint sitting of both houses in the spring sitting of Parliament 1996.

I have forwarded a similar request to the President of the Legislative Council.

Mr GUDE (Minister for Education) — By leave, I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to choose members of the Parliament to be recommended for appointment to the La Trobe University council and the Royal Melbourne Institute of Technology council and to elect a member of Parliament to the Victorian Health Promotion Foundation, and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 30 October 1996, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Council acquainting them with resolution.

BUSINESS OF THE HOUSE

Program

Mr GUDE (Minister for Education) — I move:

That, pursuant to sessional order No. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 31 October 1996:

Children and Young Persons (Miscellaneous Amendments) Bill
North Melbourne Lands Bill
Education (Amendment) Bill
University Acts (Amendment) Bill
Small Business Victoria (Repeal) Bill
Port Services and Marine (Amendment) Bill
Farm Produce Wholesale (Amendment) Bill
Land (Revocation of Reservations) Bill
Courts and Tribunals (General Amendment) Bill
Crimes (Female Genital Mutilation) Bill

Mr BATCHELOR (Thomastown) — I oppose the motion. Now is the appropriate opportunity for the opposition to express its concern about legislation that is the subject of the government business program. The opposition will make a short contribution to the debate, but does not intend to call for a division. However, that is not to be interpreted as a signal that the opposition's concerns are not real.

The opposition is most concerned about the increasing preparedness of the government to introduce legislation to effect major changes in different acts through the vehicle of only one bill. The motion includes two such examples. This concern has been raised previously by the opposition, as it is concerned about the abuse of omnibus bills. However, today the government has refined that process. It is like a chameleon: it has changed shape and colour, and it proposes a legislative program that includes a number of bills that effect different and separate amendments to a number of acts.

I refer specifically to the first bill included in the motion — that is, the Children and Young Persons (Miscellaneous Amendments) Bill. I also refer to the Port Services and Marine (Amendment) Bill. Both are examples of a number of existing acts that are to be amended in each bill. That is not an appropriate method of handling such legislation.

If the government intends to continue to introduce specific legislation, each bill should refer only to specific issues; we should not be expected to deal with a grab bag of legislative initiatives that are not logically connected.

The amendments to the Children and Young Persons (Miscellaneous Amendments) Bill deal with provisions concerning children in care. As an addendum — an afterthought — I point out that the bill deals with the repeal of the Youth Affairs Act. The ludicrous situation is that in one amending bill the government is dealing on the one hand with important issues of the day concerning how children under state supervision are looked after, and on the other hand it is repealing another act. The opposition believes these issues should have been dealt with separately.

The same can be said for the sixth order of the day, the Port Services and Marine (Amendment) Bill. One part of the bill deals with changes to the administration of ports and channels and makes corrections to the legislation that arose from oversights through the previous privatisation; the other part seeks to amend the Marine Act, which talks about the provision of power skis on public waterways. Both are important issues, but the point the opposition makes is that they are separate and should come before the Parliament separately.

Next week will see the daddy of them all, the Miscellaneous Acts (Further Omnibus Amendments) Bill, which addresses 22 separate acts and 12 areas of portfolio responsibility. The opposition wants the government to address these issues, to take the government business program more seriously, and to bring together a business program that adequately deals with separate issues and allows sufficient time for debate.

Mr LONEY (Geelong North) — I support the comments of the honourable member for Thomastown about the government’s business program this week. As he said, the opposition does not intend to formally oppose the program set forward, but it has some growing concerns about it. This is a fairly full legislative week with 10 pieces of legislation to be dealt with. The week also has a joint sitting as part of the orders of the day; that takes away from the time available for debate on other matters.

When one starts to go through the bills and looks at how they are structured it seems more like 13 pieces of legislation than 10. This is becoming a hallmark of the present government.

I do not know whether the intention here is to try to obfuscate what is being done or whether the program is simply a product of lazy ministers who cannot handle two pieces of legislation at once. It is certainly not the way this Parliament should be operating. It seems that the principle the government has adopted is a form of production-line legislation — just ram it through!

In a previous week we saw the introduction of a piece of omnibus legislation containing some 26
totally unrelated aspects covering 12 portfolio areas — an amazing bill to bring before this place. In these bills we have the creeping of that disease into other areas of the legislative program so that on this week's government business program there are three items of legislation that deal with two unrelated aspects. The Children and Young Persons (Miscellaneous Amendments) Bill that is to come on immediately deals with two unrelated pieces of legislation: legislation dealing with young offenders and legislation dealing with doing away with the Office of Youth Affairs. It may well be that in considering legislation of this kind the opposition may have wished to take a different stance on either of those measures. Maybe the government's intention is to preclude a reasoned and reasonable look at legislation passing through Parliament.

The same thing occurs in the Education (Amendment) Bill, which once again deals with two unrelated pieces of legislation. One half of the bill is about the paying of fees by overseas students; the other is to do with totally unrelated matters about vocational education. The honourable member for Thomastown pointed out that the Port Services and Marine (Amendment) Bill also covers two totally unrelated aspects in that portfolio about the operation of channels and provisions for the regulation of power skis.

This is simply not the way to carry out the legislative program. It is time some consideration was given to the insidious practice that is creeping in here. Parts of legislation should be dealt with separately if they are not related. It is a standard and reasonable principle to adopt. Another option is to expand the time available to debate legislation so that there is no need to deal with it in this way. It is not as if Parliament is sitting for long periods; we could expand the legislative program by a few days so that these sorts of things do not occur.

The opposition objects to the way the government is now repeatedly bringing in bills that cover two or more non-related aspects. The opposition hopes that in future the government will address its legislative program in a more reasonable manner.

**The DEPUTY SPEAKER** — Order! The honourable member's time has expired.

Motion agreed to.
had been tabled in this house. I say that because the report contained numerous recommendations that would lead to fundamental improvements to the way in which this state handles children who come in contact with the court system.

Although it has been criticised in many regards by some, I believe the report will prove to be prophetic. Like Mr Justice Fogarty's report in 1993, in many instances I am sure the report will be implemented in the future. I am sure of that because the current senior magistrate at the Children's Court is a person who is very well regarded by all those who operate in the field. I am sure she will ensure that the recommendations made on a whole range of matters for improving the court will be implemented.

Before passing from the Children's Court, I shall refer in some detail to the comments made by Mr Justice Fogarty and subsequently by the Auditor-General. In his report in 1993 Mr Justice Fogarty states:

Because of the nature of the duties at the Children's Court it is sometimes difficult to obtain a sufficient number of magistrates prepared to nominate for assignment to the Children's Court. Consequently some take assignments reluctantly and do so on a base that is limited to two years.

The legislation before the house today contains provisions for the appointment of acting magistrates to the Children's Court. Unfortunately, the second-reading speech did not appear to provide any particular justification for the appointment of acting magistrates. Some concern has been expressed to me that acting magistrates may not have the level of experience or background, especially in child welfare matters, that is appropriate for magistrates of the Children's Court. The opposition would be most concerned if the government had followed the recommendations of Mr Justice Fogarty at that stage a separate court would have been established — a court with superior status, a court headed by a judge — and some of the problems the Auditor-General referred to may not have occurred.

That recommendation was made back in 1993. As I understand it, the then minister, the member for Bendigo East, endorsed that recommendation to have a separate court headed by a judge of County Court status. Unfortunately, subsequent to that, the minister seemed to do a backflip and the proposal did not go ahead. If the government had followed the recommendations of Mr Justice Fogarty at that stage a separate court would have been established — a court with superior status, a court headed by a judge — and some of the problems the Auditor-General referred to may not have occurred.

In the years following Mr Justice Fogarty's report, one of the problems the Children's Court faced was the attempted interference in the role of the then senior magistrate of the court, Mr Levine. The then chief magistrate, Mr Papas, was reported to have asked Mr Levine to resign as senior magistrate of the Children's Court. The Sunday Age of 21 August 1994 reported that Mr Levine had been told by Mr Papas that the Attorney-General, Mrs Wade, 'does not want him in the post.' Given the crocodile tears about judicial independence that flow from the Attorney-General, that statement is of great concern. The real problem it raises is the attempt to interfere with the independence of the judiciary and the attempt to interfere with the role of the senior magistrate at the Children's Court.

On 26 August 1994 the Victorian Attorney-General was reported to have 'diplomatically suggested that the senior magistrate at the Children's Court, Mr Greg Levine, had not been asked to resign but instead offered another court appointment'. That seems to be the euphemism that is being used by the Attorney-General. Clearly, if the head of the court is offered another appointment with another court, that conveys only one message: the government does not want Mr Levine as the head of the Children's Court. Mr Levine, like the current senior magistrate, Ms Coate, was extremely dedicated to the success of that court and to doing the best for the children who came before it.

The Auditor-General's report on the Children's Court, which the government sought to cover up and refused to table, made numerous comments on the operation of that court, many of which reflected the comments Mr Justice Fogarty made some years ago.
three years before. The Auditor-General’s report found, as Mr Justice Fogarty had found, that magistrates displayed a considerable reluctance in working at the court and that, of the 15 magistrates appointed to the court between 1990 and 1995, only two stayed for more than three years. The report found that burn-out associated with the position had occurred with past magistrates because of the terrible conditions that existed in the Children’s Court. The report found that very few magistrates had experience in child welfare matters and that specialist training of magistrates in child welfare and family functioning did not occur.

At the time the Auditor-General’s report was leaked severe criticisms were made of the Auditor-General’s role in commenting on the court. It is very important to note that the Auditor-General made it clear in his report that in no way was it intended as a reflection on the magistrates at the court. It was not a reflection on the magistrates or on the very considerable work they did trying to ensure the success of that court; rather, the report found that the magistrates were dedicated and committed to caring for children. The report is a reflection on the deficiencies in the system and the difficulties magistrates face at the Children’s Court in coping with the numerous problems there.

The best outcome would have been for the government to properly table the report, to put forward a plan to this Parliament and to the people about what it would do to fix those problems and to ensure that magistrates were not leaving the court early because of their disillusionment or because of the extreme difficulty in operating in that environment.

It would have been better if the government had set out a plan of action that satisfied court users, families, children, the Department of Human Services and the public that the government had a serious concern about the court.

The Auditor-General also found that there were real concerns about the status of the court. The report indicated there was universal agreement that the court had a low status. It pointed out that judges of County Court status have been appointed to children’s courts in Western Australia, South Australia, Queensland and New Zealand. The report said the appointment of a judge to head the court would provide greater authority to initiate urgent changes and enhance its status.

This report, just like the report of Mr Justice Fogarty in 1993, indicated that the Children’s Court should be headed up by a judge of County Court status. That may well be a person who is currently a magistrate, whether it is the current senior magistrate of that court or some other person. But the very status of having a County Court judge to head that court would raise the status of the court in the eyes of court users and the public. Both Mr Justice Fogarty and the Auditor-General said in their recommendations that that was very important.

The Auditor-General’s report also made some important findings on sexual abuse cases. The report noted that the department believed it was difficult to prove sexual abuse cases in the Melbourne Children’s Court and pointed to statistics from New South Wales that said 22 per cent of substantiated cases in 1993-94 relating to sexual abuse compared with only 11 per cent in Victoria. Some department workers said as a result sexual abuse cases were being withdrawn and the children may return to abusive situations.

The report also indicated that magistrates considered that the fault in sex abuse cases was the poor investigative skills of inexperienced protection workers coupled with a lack of expert witnesses, forensic evidence and inadequate records of interview. All those criticisms, which were apparently made by magistrates to the Auditor-General, are also reflected in the Auditor-General’s report on the role of the department which was tabled in Parliament. The same common themes run through both reports, just as they run through the earlier report of Mr Justice Fogarty — that is, department workers are under pressure, they are inexperienced, they do not have enough support, and that is why mistakes are made.

When the Auditor-General’s report was leaked, it was said that the comments about the sexual abuse cases were misstated and incorrect. But, from memory, I believe the same sorts of comments were made by Mr Justice Fogarty in his 1993 report. So I say to the government, rather than comment on the way this report was prepared or leaked, the more important issue is to look at the substance, the real problem in the case, which concerns the difficulties at the Children’s Court, including the difficulties in dealing with sexual abuse cases.

I now pass to the area of the legislation which relates to the transfer of young offenders. The bill makes amendments relating to the transfer of young persons between youth correctional facilities and
prison. The aim is to provide greater flexibility in the detention of young offenders. The need for this legislation was highlighted in the recent tragic murder case involving the taxi driver, Peter Coe. In that case a young person, aged 13 at the time of the offence and 14 at the time of conviction, was sentenced to a long period of imprisonment. As I understand it, that child is currently serving the sentence at the Melbourne Remand Centre.

Under the current legislation it would not have been possible to sentence that young person to a youth training centre because such sentences are limited to three years. However, this bill provides for the Adult Parole Board to transfer a child under 17 years from prison to a youth residential centre. My understanding is in this case that may well occur. I am sure we would all support that. The last thing we would want in this very tragic and difficult case is for the young person to come under further bad influences in prison. At least in a youth training environment there is a much greater opportunity for rehabilitation.

The bill also provides for the transfer by the Youth Residential Board of a person from a youth residential centre to a youth training centre. It provides that the Youth Parole Board may transfer a person sentenced to imprisonment from a youth training centre to a prison. So it provides two-way flexibility.

The minister's second-reading speech did not give any real indication about the grounds that might be used by such a board in carrying out those transfers. I have had expressed to me concern about a young person who is transferred from a youth training centre to prison. Because of the seriousness of that transfer consideration should be given to some form of legal representation of the young person before the Youth Parole Board. I am not fully aware of the procedures or conduct of the board, but given the serious nature of the transfer to prison of a young person who might be aged 15, 16 or 17 years, I ask the minister that before such a transfer is made the young person has some opportunity for independent legal advice and representation.

Another of the opposition's concerns relates to how often this legislation will be needed. Will our society have more and more young people sentenced to long-term imprisonment? The bill provides that a transfer from prison to a youth training centre will occur only if there are beds available. Due to the current way we are treating our young people and the way the child protection system is operating the opposition believes we may see more and more cases such as the tragic case involving the taxi driver, Peter Coe.

In that case the evidence was that the young person involved had been in the care of the state and that while being in its care had absconded from accommodation 27 times. The court took evidence from a number of sources and there were later reports that make it clear that the boy was not adequately supervised. The government has walked away from this and continually claimed that there is nothing wrong in this case as in other cases. But if that is to be the attitude the legislation will be used over and over again. Unfortunately, if young people do not get the support they need from the child protection system they are more likely to become involved in crime and the rest of society will suffer: the victims of those crimes and the children involved will all suffer.

In this case, the mother of the person who was killed was critical of the way the department had handled the case. An Age article of 27 July states:

Mrs Margaret Coe said outside the Supreme Court that the department, which ran accommodation units in which the boy and a 15-year-old co-accused had lived, was as responsible as they were for the death of her son, Peter, 41.

In response to her comments, the Premier is quoted in the Age of 29 July:

Mr Kennett did not think a link could be made between the murder of cabby Peter Coe and the supervision by the Victorian Department of Human Services ...

Within a day or so, as is usual for this government, it seeks to avoid responsibility. But the Supreme Court judge who conducted the trial disagreed with the Premier. He made it clear in his view the supervision that applied in this case was 'lamentably inadequate'. The prosecution advocate said in the months between July and November 1994 the 13-year-old was reported missing some 13 times. An article in the Herald Sun of 10 August states:

A manager in the Department of Human Services told the Supreme Court there were children in state care who walked out of their units as often as Mr Coe's killer had done.

Justice Cummins said he was concerned at ... evidence he left the unit when he wanted, and went where he wanted.
He said the community had an interest in whether the system of state care of children worked.

Clearly it did not in this case. Mr Justice Cummins said that the child welfare system that allowed the boy to wander the streets armed with a knife was 'lamentably inadequate'. He made further comments when he handed down this long sentence of imprisonment. He called on the Department of Human Services to start a facility short of full security that could deal with truancy by children in its care. He said it was essential in the interests of both children and the community that the department formulate and implement an effective intermediate procedure so that such truancy is promptly dealt with and contained. Mr Justice Cummins told the boy that a particularly troubling aspect of the case was that he had been under the care of the state at all relevant times and that care failed him.

Without removing blame, which obviously must be sheeted home partly at the child involved and partly at a number of other players in this tragedy, clearly the government has to take some responsibility. That was certainly the view of the Supreme Court judge who heard the trial. Unfortunately, the government, as always, has continued to ignore warnings and statements and claim that everything is proceeding satisfactorily.

In the same case a leading forensic psychologist, Mr Tim Watson-Munro, assessed the child. An article in the *Age* of 14 August states:

> Victoria's child-welfare system was in chaos and on the brink of collapse ...

Mr Tim Watson-Munro said the community would be horrified to know the extent of truancy and crime being committed by children in state care.

He called for a royal commission into the department of youth and community services ...

Of greater concern is that their truancy is covered up by the department ... they acknowledge it's a problem but they tried to ride with the punches.

He said that if this had occurred in a more litigious society, such as the United States, it would be facing billion-dollar lawsuits.

Violent incidents such as Mr Coe's murder were emerging as a potentially disastrous problem for the department and the wider Victorian community.

Mr Tim Watson-Munro is a well-respected psychologist. He has had a great deal of experience and has advised government departments, including, as I understand it, the Victoria Police Force. It is of great concern that he is making those sorts of comments. I should have thought the government would respond to those comments and take them seriously.

Later on in the case, the Reverend Ray Cleary, the chief executive of the Melbourne City Mission, the organisation that housed the 14-year-old, was reported as saying that the department had been told several times that the boy needed more secure accommodation because he was a constant absconder. The Reverend Cleary was reported as stating:

> There was a need for more extensive support because he was a constant absconder ...

> We have been arguing with the government for more funding for a long time now. We need more money, more resources, highly trained staff that are more highly paid.

The person involved in providing the accommodation made it clear that his organisation had advised the government of the particular problems in that case, but it appears that that advice fell on deaf ears.

One of the reasons why this occurred and why we will have more cases like it in future is that, instead of responding positively to criticism, the government simply ignores it or attacks the critics and takes no remedial action. As I have already said, shortly after Mrs Coe made her statement raising her concerns about the department, the Premier denied there was any responsibility on the department's part. After Justice Cummins made his decision, the Premier did not respond positively. He did not give any analysis of the case or say what the government would do to remedy the situation. Instead, he simply attacked the judge:

> He doesn't provide any solution. He sits up there. He's paid to interpret and administer the law.

An Opposition Member — Shoot the messenger!

Mr THWAITES — As the honourable member says, it is a case of shooting the messenger. But it also illustrates an arrogant approach to a Supreme Court judge who had heard evidence over many days, a judge who is well respected and who has at
least as much experience and knowledge of these matters as the Premier. Rather than taking on board the criticisms, the Premier simply attacked the judge. He is reported as also saying:

If he [Justice Cummins] thinks he can do a better job in terms of policy, then either he should provide a solution or in fact he should recognise that we can't afford, no-one can afford, 24-hour child care.

This is not about 24-hour child care; it is about adequate levels of supervision, adequate support programs and adequate facilities for young people at risk. This government slashed the funding for residential care, cutting $7.4 million from placement and support services at the same time as it introduced mandatory reporting. Everyone in the field is saying that that has made it impossible for him or her to operate. The agencies are saying it, and the protection workers are saying it. The only people who seem to be ignoring those comments are the government, the Premier, and whoever the minister is at the time. Instead of continuing to attack the critics, the government should take on board their criticisms, admit that it has made mistakes and start remedying the situation. Unless it does so, we will have to use legislation such as this even more so in future.

What did the Attorney-General, that great defender of the independence of the judiciary when it came to the tabling of the Auditor-General's report on the Children's Court, say about Justice Cummins' comments? She said, 'Of course, judges don't always have all the information on particular issues'. In a snide way she simply dismissed the comments of Justice Cummins. This is the same Attorney-General who a short time prior to that criticised the Auditor-General's report on the Children's Court and slammed the opposition for releasing the report, supposedly because it interfered with the independence of the judiciary. The Attorney-General was prepared to make a snide attack on the judge who made those serious criticisms, which was very unfortunate. All I can say is that at least the minister at the table had the good sense not to comment.

At least the minister and his advisers were doing the right thing inasmuch as they were not simply shooting the messenger. Unfortunately the minister has not come forward with a plan of action to fix the problems that not only the judge referred to but that the psychologist Tim Watson-Munro, the organisation that was handling the accommodation and all the people in the field also referred to. All these people are crying out for action. Unless we get action we are going to have more tragedies like this in the future.

In this case there was a minor side issue that was also referred to by the press — that is, that the young person involved formed a relationship with a girl that he met through the system and that as a result of that relationship a child was born. The girl’s mother is most concerned about the way in which the department handled the case. She wrote a letter setting out many of her concerns, including the fact that this girl was supposedly placed in the care of the department. Following that placement a deterioration in the girl's behaviour and attitude took place which has resulted in her being unable to return home. Since being in care she has done it all: shoplifting, petty theft, wilful damage, verbal abuse, et cetera. The girl’s mother went on in her letter to say:

There is no system in place by the department to deal with this behaviour and it doesn't take the kids very long to work out that effectively they can do whatever they choose without consequence ... Certainly the workers at the respective residential units do their best but unfortunately their hands are tied. The workers cannot touch them without the fear of being reported for physical abuse and they cannot forbid them to go out as that will cause emotional trauma to the kids. So a situation arises where these kids have no respect for any form of authority and have the freedom to go from one little crime to a major crime of armed robbery and murder.

In no way does the opposition criticise the individual workers involved in those units. Most of those people are working in extremely stressful situations. They are working with children who are very difficult: that has been acknowledged. There is not going to be an overnight solution, just as there was no perfect situation when the previous Labor government was in power.

However, given the amount of comment and criticism that has been made by senior people such as judges of the Supreme Court and Mr Justice Fogarty surely the government ought now to start admitting that there are problems and take action to fix them. Every time one of these cases is raised the government simply says that there is nothing wrong and that anyone who raises the problem is irresponsible or is attacking the workers, or whatever else. Instead of stopping and thinking, 'Yes, we might have made a mistake', the government continues down this path where no action is taken and no admission is made. That is
one of the reasons our child protection system is in such a state today.

Another related matter is the cutback in funds for placement and support. A number of agencies have indicated to me that, although in general they support the move to home-based care, there are some young people with particular difficulties for whom home-based care does not work. Those young people need some level of supervision and we need a detailed plan to help them. They are simply not getting that assistance.

In his report to Parliament the Auditor-General found situations where young kids who had not been involved in any particular criminal behaviour or who had problems with the police were being housed with other young people who had that level of behaviour. Of course, that is a bad influence and leads to criminal behaviour.

Dr Napthine interjected.

Mr THWAITES — The minister says that is why they are put in home-based care and not in group homes. No, Minister, there is another option. There is an option where we have some facilities available with the full range of supervision and a support program. Children who do not have contact with the police are not put in those programs. The minister says that the department does not do that. I take what he says at face value but, unfortunately, the Auditor-General disagrees. The Auditor-General said that this was occurring. Perhaps the minister might go back and check. The fact that the number of beds available across the system has been reduced means that the situation is very tight. As a result of that we have more of these situations where young people are placed with other young people in a very unsatisfactory way. The minister says the department does not do that. I take what he says at face value but, unfortunately, the Auditor-General disagrees. The Auditor-General said that this was occurring. Perhaps the minister might go back and check.

The fact that the number of beds available across the system has been reduced means that the situation is very tight. As a result of that we have more of these situations where young people are placed with other young people in a very unsatisfactory way. The minister says it is not true, and next he will be saying that the government did not make these cuts. The fact is that the government did make these cuts in placement and support programs. The government cut the number of beds, and that led to facilities being closed down. Organisation after organisation — —

Dr Napthine — The Auditor-General thought it was the right move. Have a look at the report.

Mr THWAITES — Organisation after organisation that is involved in this field has referred to the cuts in placement and support programs and the cuts in availability of places. That is why the Auditor-General said that kids have been placed in motels and caravan parks. The minister says that the Auditor-General supports — —

Dr Napthine — He endorsed the reform.

Mr THWAITES — The opposition supports the move to home-based care. What the opposition does not support is the overall slashing of funding to this area at the time of the introduction of mandatory reporting which led to all these problems that the government now faces. For this minister now to say that the Auditor-General endorses these moves indicates that he must have been reading some other report. I ask the minister to go back and look at the comments of the Auditor-General when he referred to situations where kids who should be in proper care were placed in motels and caravan parks because there were not enough facilities available.

The move to home-based care and deinstitutionalisation is supported by the experts, the government and the opposition, but what we and the experts do not support is the way in which the government has mismanaged that move. The way this minister and the previous ministers have mismanaged the move to home-based care has led to a situation where children, instead of getting some sort of certainty about where they are going to be, are moved from place to place.

The minister has the results of a research project sitting somewhere in his department. That research would reveal that a huge percentage of kids are moved six or seven times. Within one two-week period 25 per cent of the kids were moved two or more times. That is because there are not enough facilities, not enough beds and not enough resources in the system.

Our objection is not to deinstitutionalisation or a move to home-based care; our objection is to a mismanagement of that move. That is what this government has done. This government has mismanaged it; in the same way it mismanaged the introduction of mandatory reporting. The minister sits here now and says that everything is working and that the Auditor-General supports what the government is doing. This greatly concerns us because obviously the government goes through the Auditor-General’s reports, rips out all the pages that are critical, throws them away and just leaves the few supporting pages.

Some of the things that are happening in the department are good. For example, the opposition
supports the excellent Families First program, as does the Auditor-General. But the government should not rip up and throw out the pages that contain criticism and pretend that everything is working when it is not. For once the government should admit that it is wrong. It should admit that it has made a mess of child protection and that when mandatory reporting was introduced more resources were needed instead of fewer.

Unless the government changes tack, admits that more resources are needed and that problems exist, and fixes those problems, the legislation will have to be used over and over again. More kids will not receive the support they need, more kids who are sentenced to long terms of imprisonment will be chopped and changed and moved around the custodial system, and more people will become victims of crime because the government is not prepared to make child protection a priority.

Mr PATERSON (South Barwon) — I support the bill, which supplements the existing transfer-of-custody provisions of the Children and Young Persons Act to enable a young person sentenced to imprisonment to be transferred to and detained in a youth residential centre. It also enables the subsequent transfer of such a person from a youth residential centre to a youth training centre as well as the transfer of that person back to prison, where appropriate, to enable him or her to serve the remainder of his or her sentence. A transferee cannot be released on parole prior to the expiry of any non-parole period.

The bill also provides that if the Children’s Court orders the return to court of a young person who has been remanded — that is, refused bail — that person is to be in the legal custody of the police officer or other officer who brings him or her from the remand centre to the court. The bill also repeals the Youth Affairs Act and makes amendments consequential on the repeal of that act.

The amendments relating to the Children’s Court, which have been arrived at in consultation with the court and the Victoria Police Force, are sensible. The now infamous taxidriver murder case, which the honourable member for Albert Park referred to, is only one example of the cases that have led to the need for these amendments. The bill also provides for the appointment of acting magistrates in the Children’s Court, which is consistent with the provisions that apply in the Magistrates Court. The amendments relating to the Children’s Court Clinic reflect the fact that the clinic is now the responsibility of the Justice department. The clinic will also supply reports to the Children’s Court.

Other amendments will enable the Chief Magistrate and the Senior Children’s Court Magistrate to make rules prescribing forms for the family division of the Children’s Court. The bill also repeals the Youth Affairs Act, but that does not signal any variation in the government’s commitment to youth. In fact, this government’s commitment to youth has exceeded that of any previous government. The Youth Affairs Act is no longer needed to deliver services to youth.

The government’s record in youth affairs stands up well to scrutiny. The regional youth committees, which have been established over the past three years, have replaced the youth policy development council as an effective consultative mechanism. The committees are effective because they represent the needs and interests of regional and local communities. If the committee that covers my electorate is any indication, they are working well indeed. For instance, in the Geelong region business people now meet regularly, discussing youth issues and interacting with youth officers. That has never happened before, and it is only one of the many benefits provided by the regional youth committees.

The Geelong regional committee, which is ably led by Frank Costa, a significant businessman in the region, has brought resources to the area. It has given members of the Geelong community a fresh insight into the problems that young people are experiencing, allowing them to become involved and to contribute. That is one of the great benefits of the regional youth committee structure.

The membership of the committees represents the private and non-government sectors as well as federal, state and local governments. Those partnerships with regional youth committees are currently being strengthened following a review of the committees’ structure and operation. The government is now consulting directly with young Victorians, examples of which include the Victorian Youth Parliament, the Freeza drug-and-alcohol-free entertainment program and the Victorian Young Farmers Finance Council. That covers a range of young Victorians, but they are only a selection of the groups that are being consulted.

The government has also convened a young Victorians round table that will meet regularly with the Premier, cabinet ministers and senior public servants to discuss major issues facing young people. That underscores the government’s
preparedness to address the issues facing our youth in innovative and fresh ways. The Youth and Family Services Division of the Department of Human Services will continue to provide services to young people, ensuring the improved coordination of services and more effective service delivery outcomes. The peak youth body, the Youth Affairs Council of Victoria, will continue to receive funding and provide community-based advice to government on youth issues. The government’s commitment to young people who are statutory clients will be maintained through the Children and Young Persons Act.

Since 1992, the ministers and backbenchers of the Kennett government, led by the Premier, have been keen to improve services in a wide range of areas affecting our youth. Family impact statements have been introduced for all agencies which provide youth services to strengthen family-centred youth service provision; support for families of young people has been strengthened through the introduction of a new family reconciliation program; and parent education programs have been introduced. We have also introduced new case planning guidelines for state-funded youth organisations to improve the integration and coordination of services to young people — and of course, we have established the regional youth committees. These significant statewide and regional initiatives and activities have benefited not only the Melbourne metropolitan area but also all of Victoria.

The Youth Affairs Council of Victoria, known as Yacvic, will continue to be funded as the youth sector peak body to disseminate information, improve service practices and standards among youth organisations, and provide support to youth clubs.

Statewide organisations that have received government approval for service delivery projects include: Ethnic Youth Issues Network, for the promotion of specific youth services; TRY Youth and Community Services, for a network of youth clubs; the Victorian Council of Churches, for the prevention of youth crime; the Victorian Council of the YMCA, for recreation, cultural services and Youth Parliament; Victorian Young Farmers, for services for rural young people; YWCA of Victoria, for services for young women; the Push, for the promotion of entertainment opportunities for young Victorians; and the Youth Affairs Council of Victoria, for case management support. Many other initiatives throughout Victoria have benefited our youth, but that list underscores the government’s commitment to young people.

The government has delivered a range of regional projects, including relief support to young offenders through the Brosnan Centre Youth Services; pastoral care, through the Council for Christian Education in Schools; integrated youth services through the Goulburn Valley Youth Access and Development Program; and regional coordination through the Barwon Adolescent Taskforce (Batforce). That organisation covers my electorate as well as other electorates in the wider Geelong region. It includes Bellarine, central Geelong, North Geelong, and west through the electorate of Polwarth.

Mr Spry — It does a great job, too.

Mr PATERSON — It certainly does a great job and, through Roger Hastrich, provides administrative support to the regional youth committee led by Frank Costa. Local members of Parliament meet with Batforce on a regular basis. We have found that the network, which works as an umbrella group, can be particularly helpful. You can generally take it as read that if Batforce is pushing for something, it has the support of the wider youth network groups, and that can be helpful in taking regional positions on funding decisions. The Community Action for Youth, which provides regional coordination, can be added to the range of regional projects. Also providing regional coordination is the East Gippsland Access Project; and Victorian Country Youth Services supplies services for our rural youth. All those excellent services are maintained by the government. It is important to understand that, because it puts the repeal of the Youth Affairs Act into perspective. I reiterate that the act is being repealed because it is no longer required for the delivery of youth services.

I refer to comments made by the honourable member for Albert Park in his relatively feeble attempt to lampoon the Premier’s asking those members of the community who were commenting on various matters affecting the Department of Human Services to be constructive. I do not think there was anything wrong with the Premier’s request. Many members of the community are commenting on the bill. The honourable member quoted a particular judge whose comments were those of a person experienced in the court system. It is not unreasonable to ask people making comments such as those to also put forward constructive arguments. That would help the government and the community.
I do not believe the government has a closed mind on any issue; sensible and practical suggestions are always welcome. There are talented people in the community, but the Premier also made the point that sometimes it is unclear whether their comments on issues such as these have been somewhat clipped by the time they make it into the newspapers or onto television or radio. The Premier’s simple point was that maybe they say more than is reported. When commenting on matters such as youth services it is easy to attack and be destructive; however, on the other side of the ledger it is important for one to be constructive.

I also recognise that the honourable member for Albert Park said no overnight solutions were available to deal with some of the difficult situations faced by the department. His comment was significant, because he is correct. The government will continue to improve its performance in child protection — and that is what being in government is all about. You do not introduce changes and then say, ‘We will not change anything ever again’. You hope that along the way you learn that where improvements can be made, they are made. I was pleased the honourable member for Albert Park recognised that there are no overnight solutions, saying the same applied when the Labor Party was in government during the 1980s and early 1990s. But then he let himself down and talked about funds being slashed. The opposition should recognise that the government’s introduction of mandatory reporting was accompanied by a significant increase in funding for child care.

I am pleased to support the bill, which will improve the situation in those areas referred to. I have much pleasure in commending it to the house.

Ms KOSKY (Altona) — I particularly refer to the repeal of the Youth Affairs Act, which the government has attempted to hide. As other members have said, it is unfortunate and inappropriate that the repeal of that act has been slipped into the Children and Young Persons (Miscellaneous Amendments) Bill. In one short sentence on the last page of his second-reading speech, the minister says:

The major power under the Youth Affairs Act relates to the funding of organisations that provide youth services.

It then mentions the Youth Policy Development Council (YPDC). Although the act has funded community organisations, enabling them to provide youth services, its major focus has been on the Youth Policy Development Council. The honourable member for South Barwon said that the council will be superseded by the regional youth committees, but I disagree.

Regional youth committees have been established across regional and metropolitan Victoria to advise on the needs of young people in their local communities. It is important that the government clearly restates the role of the YPDC as outlined in the Youth Affairs Act.

The YPDC allowed for the development of statewide strategic policies for young people — and I emphasise statewide and strategic. The council also allowed for the integration and implementation of these policies across government departments, so it did not just make recommendations about the Office of Youth Affairs — now the Youth and Family Services Division — it gave advice to government about policies that were affecting young people across government departments.

The council also had the capacity and the ability to undertake public research. It had 16 to 20 members and paid sitting fees for them every time they attended and deliberated on different issues.

Under the previous government the council had a full-time executive officer and administrative assistant. This government did not bother to fill any of these positions. No wonder it did not work. Under the previous government, the council also had a budget to consult to enable it to perform research and publish the results of its research. It was a transparent process in terms of the recommendations it made and the advice it gave to government — another reason, I imagine, for this government to want to get rid of it. The government does not like advice, and it does not like it to be transparent to the public or to young people because it would not like them to notice that it does not take their advice seriously.

The YPDC was responsible for a range of major initiatives that the government undertook previously. *Youth for Health* was a major report that the YPDC produced under the previous government — not under this government. The council conducted a detailed consultative process with young people, health professionals and a wide range of people interested in the issue and made recommendations to the government, particularly to the Minister for Health at the time, and major changes resulted.
The honourable member for South Barwon said that the government is quite prepared to accept advice. That report resulted in major changes to the way that health delivery was provided for young people across this state. It took notice of what young people were saying about their health needs and acted on those needs. The honourable member for South Barwon also mentioned the Ethnic Youth Issues Network. That network came about as a result of consultations and recommendations from the YPDC, which is still being funded, I am pleased to say, under this government. Rural youth issues were raised in great detail by the YPDC and resulted in substantial programs for rural youth being arranged, which I am sure the government would not disagree with.

I turn to look at the regional youth committees and what they do across Victoria. The committees’ current brief, as it was explained to me — although I could not get a piece of paper actually detailing the brief from the Department of Human Services — is to provide advice to the minister and to perform regional strategic planning. As I said, there is no clear brief, as far as I can see. Each committee has a half-time executive officer and there are no sitting fees. Compare this with the hospital network boards which this government seems to take so seriously. Their members receive sitting fees. They get paid for their time, but young people and others who work with them when they provide advice to the government do not receive sitting fees. They are expected to work in a voluntary capacity.

The resourcing by the department is minor. There is no capacity to enable the committees to do detailed research or to provide publications.

**Dr Napthine** — We want to actually do work, not research.

**Ms KOSKY** — Usually when advice is given or action is taken it is based on sound research rather than on pulling an idea out of the air, but maybe this minister operates on the latter basis. Maybe that is how he decided to repeal the Youth Affairs Act — it was an idea he pulled out of the air rather than an idea based on sound research and on results.

**Dr Napthine** — So you’d keep it?

**Ms KOSKY** — Absolutely, we would keep it. The regional youth committees do not just provide advice, they provide advice to the minister through the department.
Who are the regional action plans for? Are they for the minister? Are they for the department? Are they for the local region? What requirement is there for the government to act on those regional plans, to take that advice seriously? There is no clear mandate, no legislative framework that ensures that the government will take that advice seriously and act on it. There is no transparency in the advice that the regional youth committees provide, but why would we expect that when the government does not have transparency in any of its other processes?

I refer in detail to the funding rounds issue, which has caused great concern among many regional youth committees and the youth sector. The regional youth committees have a role in providing advice on how grants will be distributed in their communities. The role is somewhat ambiguous and differs from region to region, according to whom the regional youth committee last listened or spoke. The committees go through the submissions first and then provide advice to the department, which then provides advice to the minister. It is unclear to the youth sector whether the department’s advice resembles the regional youth committees’ advice.

The last funding round raised some serious concerns. The regional youth committees received all the submissions from each region and provided recommendations on the priorities. However, there was a significant difference between the funding decisions by the minister and the regional youth committees’ recommendations. I refer to a report by Yacvic, the Youth Affairs Council of Victoria. It was so concerned about the funding round that it undertook some analysis and research, which this government seems so concerned about, into what happened. Its paper, headed ‘OYA funding fracas’, states:

Decisions in relation to the recent Office of Youth Affairs funding round were announced last week. Yacvic’s phones have been running hot from workers and agencies ringing in to inform us of their concerns in relation to some of those decisions. Whilst any funding round has its winners and losers, it seems that the latest one has drawn more criticism than normally occurs. Yacvic will be undertaking an analysis of the outcomes of the grants decisions.

The peak body for youth organisations had serious concerns about how the funds were distributed at the end of the day. The Ballarat Regional Youth Committee expressed great concern about the minister’s decision on funding in its region and the fact that he did not act on many of its recommendations. Of the 10 regional submissions the committee prioritised as deserving funding, only 3 received funding from the minister. And they were not the first 3 priorities; they were priorities 2, 4 and 7. A project that was not recommended by the regional youth committee was recommended for funding. There was no adequate explanation for that. I hate to think they may have been pet projects of the minister or of particular interest to certain members in that region. This is clear evidence that in the funding rounds the regional youth committees’ advice was not taken seriously.

When I approached the department to get information about the recommendations of the regional youth committees and the final decisions of the minister I was initially told that I could have that information. Surprise, surprise! I did not get the information from the department. I later received a letter from the minister that said they had provided me with all the information they had available. That is interesting for transparency, isn’t it?

It is clear that the government does not take regional youth committees seriously, and it is clear that the reason the government wants to abolish the Youth Policy Development Council is that it does not want transparency in the advice that comes from the youth sector or from young people. It certainly does not want more advice; it would rather base its decisions on the very limited advice it has in its offices.

The Youth Policy Development Council provided a statewide perspective of young people. It provided frank and fearless advice about the impact of government policies on young people. That advice was not always welcomed by previous governments, but it was given. Previous governments consulted widely. This government does not want frank and fearless advice; it does not want the youth population to be spoken to or consulted about what it may like. This government just wants to have a bit of tinsel around the edges. It does not take young people seriously. It certainly does not want to make sure that whatever programs it has will be successful, because it does not want to speak to young people about how it can make those programs successful.

In the opposition’s view the repeal of the act is a major step backwards for Victoria’s youth and for the rest of the community. It means the programs this government provides will not be based on sound and detailed research. As was mentioned by interjection earlier, this government is not too keen
on research; it would rather make quick decisions on the run. The repeal of the Youth Affairs Act is indicative of this government’s attitude to young people in total.

I would like to mention another action by this government which demonstrates that it does not take young people seriously. The closure of the Office of Youth Affairs is a very clear example of this government not being serious about young people. It has closed off that direct reporting relationship between the Office of Youth Affairs and the minister. It has been subsumed into the Department of Human Services. Surprise, surprise! It is now called the Youth and Family Services Division. I would have thought the minister responsible for youth in this state would understand that youth needs are often different from family needs and that young people need responses that are different from the responses that apply when considering the whole family. That is not to say the whole family should not be considered. However, in relation to homelessness and youth suicide, young people’s perspectives would be quite different from the families’ perspectives. Therefore, the actions taken would be different. It is not in the interests of young people for the Office of Youth Affairs to be subsumed within the Youth and Family Services Division. The family will have a primary focus and young people’s concerns, which are often different, will be subsumed within that response. Family will come first and young people will come later.

This is no different from the government’s federal counterpart. With the changes to Austudy and unemployment benefits, there is a clear move towards the reliance of young people on the family. If the family cannot look after them, the government is not very interested. It is an outrageous decision to close the Office of Youth Affairs and set up the Youth and Family Services Division within the Department of Human Services. It is outrageous for young people and for the Victorian community.

This government pretends to be interested in young people. The recent debacle in consulting the youth population about the drug debate is clear evidence of that. Young people were played with and toyed with just before the election. Their hopes were lifted and they thought there would be some real drug reform in this state. At the end of the day, what did the government do? It absolutely wimped out and took no notice of young people’s concerns.

We still have young people with major concerns about drug abuse. This government has not addressed those concerns. It would rather make quick decisions on research; it would rather make quick decisions on programs for young people.

The member for South Barwon mentioned the Freeza program and the Youth Parliament as innovative and fresh ways for the government to get advice from young people. The Youth Parliament has been around for some time. It was established by the previous Labor government. It is a terrific program. It is a practical way in which young people can give advice to government. The Youth Parliament does not represent all young people. It comprises a limited group of young people who gain a lot from that program.

Freeza is a very close replica of the Push program, which again was established under the previous Labor government. I understand the government was not too keen about the Push program and decided to establish a similar program. The reality is that this government has very little interest in young people. The Youth and Family Services Division, formerly the Office of Youth Affairs, will report to a director of youth and family services before it reports to the Director of Human Services and before it can get access to the minister.

The real issues for young people are being addressed by neither the regional youth committees structure nor the division, which basically has a responsibility for the administration of grants. Youth unemployment, which is a major issue for young people, is not being seriously addressed by this government or the minister. ABS statistics for September 1996 reveal that 30.2 per cent of those in the 15 to 19-year-old age group were looking for full-time work. That is an outrageous figure. In Queensland it was 26.8 per cent; New South Wales, 23.7 per cent; and the national average, 28.1 per cent. So again Victoria is leading the way with young people: it has an unemployment rate higher than the other states I have mentioned and the national average. Yet the government prides itself on what it is doing for young people. The issue of youth suicide — another extremely important issue for young people — will receive $8 million from the government in the budget.

Dr Naphthine interjected.

Ms Kosky — Over quite a few years. The Treasurer’s speech refers to $8 million. That amount will be available for the youth suicide prevention strategy. When I spoke with different groups in the
youth sector they had no idea about what is happening with that money or strategy. The federal government has moved some way towards what it wants to do in developing a strategy. But, as the honourable member for Albert Park said, the government has little idea about what it wants to do. Although the money has been provided in the budget there is very little action at this stage.

I shall now refer to some articles on youth suicide. The minister would be well aware that youth suicide is a major issue for young men in the 20 to 24-year-old age group. There has been an increase in youth suicide in that group from 8.3 out of every 100 000 in 1956 to 34 in every 100 000 in 1994. It is an unbelievably dramatic increase in youth suicide for that male age group. Suicide has a major impact on the family and friends of suicide victims. The reasons cited for suicide in the young male population include unemployment, feelings of worthlessness, dissatisfaction with life, alcohol, drug and financial problems and homelessness.

I suppose many of those factors cause no surprise, but the fact that this government has not moved immediately to implement a strategy once that money was available in the budget is inexcusable. Like the youth sector, I look forward to getting details on the youth prevention strategy.

In conclusion, the Youth Policy Development Council had the capacity to do much-needed work on unemployment and its impact on young people, youth health and youth suicide prevention. It formulated policy advice based on young people's views and those who work with young people. They are the ones who know best what should happen with young people in Victoria so that the strategies and programs are well targeted and successful.

The advice of the Youth Policy Development Council was transparent and open for comment. The advice the government was getting from the council was very clear, and it was very clear on whether the government was taking action on the advice received from young people across Victoria.

The Youth Policy Development Council was properly resourced to consult, to research and to provide proper and correct advice to government. The former Labor government listened to the Youth Policy Development Council. I suppose that is the very reason this government wants to get rid of it; it does not like listening to advice with which it does not agree. That was amply demonstrated by the honourable member for Albert Park. The Youth Policy Development Council will obviously be buried just like the Office of Youth Affairs has been buried.

The government will overload local regional youth committees with a whole lot of work for which they are inadequately resourced and then neglect their advice. That was clearly evident in the previous funding round. This government is taking a detrimental step in repealing the Youth Affairs Act because the Youth Policy Development Council could have sat well alongside the regional youth committees structure. It is extremely unfortunate that this government does not like to accept well-researched advice from youth sector organisations and young people.

Mr COLE (Melbourne) — The bill covers many issues. We could say there will never be a more opportune time for us to discuss a children and young persons' bill, given the tragic circumstances of recent weeks, the consideration of which we should not in any way pre-empt or discuss, other than to say they are tragic. If we look at them in a broader policy sense, the issues affecting children and young people are crucial to our community for a range of reasons, not the least of which, as the honourable member for Altona has so eloquently pointed out, are the great changes that have taken place in our society, to which I will refer in more detail later.

When we look at the changes to society and to the education system, we must also look at the long-term unemployed situation. Despite the hyperbole of the government, which claims that things are getting better, the numbers of long-term unemployed remain constant — and there is not much hope for them in the future. Our society must be ever mindful of that fact. In dealing with legislation such as this we must address those crucial, seminal issues — and that is certainly the case today.

Child protection is fundamental to our society, and that manifests itself in many different ways. It may involve industrial legislation to protect people from exploitation in the workplace, a la Charles Dickens, or it may just involve services to ensure that children are not hurt or in any way treated badly within the family. The introduction of mandatory reporting by this government was somewhat ironic, because it was opposed to the measure when it first came to office. After the Valerio case the government decided to introduce mandatory reporting — even though it maintained that was not the reason.
Mandatory reporting has brought with it many problems, not the least of which appears to be the strain it has placed on available resources. Based on my conversations with people around the traps, it appears mandatory reporting has put an enormous strain on the resources available not for the important cases but for the marginal cases. We are suffering because the CSV does not have the resources it needs to handle all the cases that are given to it and the problems that are put before it. I do not know whether mandatory reporting per se has caused the resource problem, but it certainly ain't helped!

I would be interested to hear about the real effects of mandatory reporting. What has been the effect on resources? How many people who have been reported have needed to be? How many have been reported because professionals thought they had to be? How much has it impinged on cases of real need? I put those questions to the minister with all due respect. I am not trying to score points, because we all know mandatory reporting is a difficult issue. The degree of difficulty was evidenced by what occurred when a similar bill was introduced while Labor was in government and Peter Spyker was the responsible minister. We did not want mandatory reporting but the then opposition did. However, when we went into opposition the coalition government initially did not want mandatory reporting and we did.

This is one of those issues on which one should listen to both sides. It is certainly not unusual for a party to change its mind on something once it has gone into opposition, but these positions were taken only 12 months apart. The difficulty is that, no matter which way one looks at mandatory reporting, one can argue for each side — and end up disagreeing. I am concerned that mandatory reporting — —

Dr Naphthine — On a point of order, Mr Acting Speaker, I refer to relevance. As much as I respect the honourable member for Melbourne and his interest in these issues — and the speech he is making is quite interesting — I put it to you that his speech is not relevant to the bill. Opposition members said during the debate on the government business program that they were concerned about not having enough time to adequately debate the bills on the government's agenda. It is incumbent on us as members of Parliament and on the Chair to ensure that speeches are relevant to the legislation before the house. The bill is fairly narrow. The lead speaker for the opposition, the honourable member for Albert Park, gave a broad-ranging speech. I did not take any points of order during his speech because I feel lead speakers can take a broader approach than following speakers. Even the second speaker in the debate, the honourable member for Altona, was allowed to range broadly because she has a different although related shadow portfolio.

However, the bill is narrow. It deals with amendments to the Children and Young Persons Act that affect the appointment of acting magistrates, some technical operations of the Children's Court, the transfer of young people from adult prisons and youth training facilities, and the repeal of the Youth Affairs Act. I suggest this is not an opportunity to canvass generally concerning the child protection system and mandatory reporting. Indeed, under general business, notices of motion, the first item for debate tomorrow is a motion to be moved by the honourable member for Albert Park on the general issue of child protection, so there will be an opportunity to debate the general issues. I therefore suggest that debate on the bill should be confined, given the freedom the lead speakers enjoyed. I say this with no disrespect to the honourable member for Melbourne. But, as I say, his speech will be relevant tomorrow — but not today.

Mr COLE — On the point of order, I accept that some elements in my contribution may have led me to stray from the bill. However, clause 18 specifically inserts new section 280A, which provides in part:

(1) The Chief Magistrate and the Children's Court Senior Magistrate may jointly make rules for or with respect to the prescription of forms for the purposes of the Family Division of the court.

(2) A rule under subsection (1) must not be inconsistent with a provision ...

These provisions are fairly broad. If I choose to speak about something to do with the Magistrates Court it is relevant, because the Magistrates Court will now have to organise that. The fact is that since we introduced — —

Dr Naphthine interjected.

Mr COLE — No, it is not. I was trying to be kind; but frankly, since mandatory reporting was introduced the Children's Court has been inoperable, so the forms provided in clause 18 have become crucial. The bill also provides for the transfer of children, and, under mandatory reporting, we will have more children in gaol.
The ACTING SPEAKER (Mr Jasper) — Order! I do not uphold the point of order. However, although there is usually a broad-ranging debate at the second-reading stage, I accept some of the comments made by the minister. I remind the honourable member that the bill raises specific issues, and I take it that the references he is making are specific.

Dr Napthine interjected.

Mr COLE — It is all right for the minister to make a joke and say that 5 minutes is not a passing reference to mandatory reporting when kids are dying. The minister is welcome to buy into the debate; if he wants to have a go I will accommodate him. However, the best thing he can do is to be quiet. Five minutes in a debate that is supposed to go for a couple of hours is not a long time.

The ACTING SPEAKER (Mr Jasper) — Order! I remind the house that I have dealt with the point of order and it has not been upheld. I will be interested to listen to a further contribution from the honourable member for Melbourne.

Mr COLE — I shall conclude by saying that the issues surrounding mandatory reporting must be addressed by the government if the bill is to be effective. The bill and the principal act must be seen in their totality. One cannot say that the debate must be confined to the narrow terms of forms or transferring children from prisons or whatever. These things must be looked at overall, and that is the important issue I am raising.

The honourable member for Altona rightly raised the issue of youth suicide — and there was no objection raised to that. I think it is extraordinary that we should be getting rid of the Youth Affairs Council; it is a scurrilous and disgusting act by the government. That is as broad as I can possibly make it; I shall leave the rest for later. The minister ought to be aware that we have major problems with mandatory reporting which must be addressed. Both sides have different positions on the same problems, but the issue must be reviewed urgently.

As to the operations of the Children’s Court, all we on this side of the house can say is, 'We told you so'. We have been through one difficult saga after another with the Children’s Court under this government and, in particular, the Attorney-General. The problems have been so bad that one of the government’s first acts was to get rid of the Children’s Court Clinic. One of the best psychiatric units in the country was scrapped. The government got rid of it; they were all sent west!

The effect of that on the Children’s Court was devastating. At one stage the person in charge of the Children’s Court did not have any typing facilities to type up his decisions and they had to be written by hand. That was very slow and the effect was to ensure that very urgent, difficult and important cases — where, I might say, people’s lives were being challenged or were under threat — were not able to be handled by the magistrate because he did not have the time and the resources to do so. That was an unequivocal proposition that was put forward by the government.

The upshot of it was — as was pointed out by the shadow Minister for Health and Community Services, the member for Albert Park — that the Attorney-General sent her messenger boy, the then Chief Magistrate Nick Papas, down to the Children’s Court to ask Mr Levine to go west or to leave the Children’s Court. Mr Levine had been there for four or five years and it was indisputable that he was doing a very good job. The job that he was doing, however, was a job on the Attorney-General because he wrote to her a couple of times — by hand, because they did not have typewriters or a secretarial service — and said, 'Look, we need help. We need assistance. We have some major cases going on here which relate to all sorts of things including statutory crimes which young people may commit and child maltreatment cases.' There was no response. The only response was for the Chief Magistrate to go down and ask the senior magistrate to resign because he, like many other people, had become a critic of the government. The government wanted somebody down there who would try to cut the corners and do it differently.

The senior magistrate was very concerned about the follow-up of cases. I must say that, while this act is long overdue, the fact that we are now introducing acting magistrates to resolve some of the overflow in the courts and are introducing a new system of hearing cases by acting magistrates is perhaps something that we should applaud. I do applaud that move, but I wish that the government had listened to Mr Levine some three years ago.

We heard the Attorney-General speak about the independence of the judiciary. We know that she sacked judges. After sacking judges, the DPP and Moira Rayner, she comes along and challenges Greg Levine’s right to sit as the senior magistrate. It was not because Mr Levine was doing a bad job but
because he challenged the lack of resources and went in to bat very strongly for the children's psychiatric clinic. Of course, Mr Levine had also been seen to challenge the then Community Services Victoria over the Children of God case. At the end of the day the case against the Children of God was thrown out and CSV was seen to be in the wrong. It was found that CSV should not have carried out certain actions.

**Dr Napthine** — It happened under your government.

**Mr COLE** — That is interesting. The minister said that it happened under the Labor government. The action was thought to be right at the time. The Labor government did not interfere in operational matters.

**Dr Napthine** interjected.

**Mr COLE** — Let me finish. The action was carried out and it was proved to be wrong. Even when the matter got out of hand and the CSV knew it should not have gone any further and that the case should have been dropped, the then director, Dr Paterson, continued with the case. Even when there was mediation to try to solve the matter Dr Paterson continued and pushed the matter and would not concede that the action was wrong. In the process he attacked Mr Levine.

Be that as it may, that was the belief at CSV. Mr Levine stood his ground and the decision went against the department. I do not believe the department ever forgave him for that. That is not to say that the minister at the time interfered with that process. The minister was a Labor minister.

I simply say this: Mr Levine did his job as he saw fit. I believe we can pass all sorts of judgments upon CSV's approach to the Children of God case. Perhaps resources went to the wrong place. It was a no-win situation, as we are discovering in this area.

The very concerns that we raise today and will continue to raise start with the Attorney-General's approach to the Children's Court. The government was not prepared to put in the resources to enable the cases to be heard quickly enough. The only answer that the government was able to come up with was that the court was in a building that was leased by the Labor government. The government omitted to say that prior to our getting into government it was occupying a temporary building down in Batman Avenue for all those years and the previous conservative government did absolutely nothing about it.

I hope the issues dealing with the Children's Court and the changes that are to be brought about today are successful. I hope they are successful in expediting the important cases that must be heard in the Children's Court, whether they be in the family division or — I hate to say it — in the criminal division. They have not been heard expeditiously as yet. There have been all sorts of problems in the past 18 months that were unheard of when we were in government. Suddenly this government gets in and in its attempts to restrict finance to everything it hits the last area that should be affected, namely the area of children.

In the process of introducing restrictions the government did not remove the psychiatric clinic at the Children's Court. Thank God that has been retained and is operating effectively. We now have the introduction of acting magistrates. I hope that cases will be heard more expeditiously now that extra resources have at long last been placed at the court. Might I say that the extra resources are probably due in large part to the introduction of mandatory reporting. We do not need mandatory reporting in its current form.

The minister says that this matter is not relevant to the bill. I would be very surprised if the increase in the number of magistrates is not in response to mandatory reporting. I will be quite happy if it is not. I still believe we have to investigate why we need extra resources down at the kids' court. I am very concerned that we would be putting more kids through the Children's Court. When I was working in the legal service at Flemington we had a saying that the longer we can keep them out of the system the better it is because once they are in they do not get out.

If we are increasing the resources — and we may have to — let us have a good analysis of how many kids are now going through the Children's Court. Is the number increasing because of mandatory reporting? Is the number increasing because the police are seeking to take more kids to court? Is the number increasing because there is a cultural change and the shift is so great that there are more kids committing offences and we are putting more kids through the Children's Court? Whatever the reason, it should be investigated and reviewed. We do not want kids getting into the system because, as I said, once they are in the system they will never get out.
It is fortunate that the bottleneck in the processing of child maltreatment cases is being sorted out. That will mean cases will be dealt with expeditiously and children will no longer have to be kept in foster homes for longer than they need to be, because one day in a foster home is too long. It will also mean that no longer will cases not be dealt with because child protection workers who do not want to go through the system fail to make the applications they should, which results in children dying or being bashed. I have seen that happen many times. The minister should be concerned with these important issues, but they seem more the task of the Attorney-General — and that really makes me worry!

The government's focus on youth has been shown to be lacking. As the shadow minister for youth affairs has said, perhaps the Premier is right in believing that speaking on Gold FM about how he gets his haircut by sticking his head down the toilet bowl wins young people over. But I say it ain't done anything for our youth! Australia has the highest youth suicide rate in the world, youth unemployment levels are unacceptably high, the school retention rate has fallen and young people do not have much hope for the future. The government has to wake up to itself and forget about pandering to the people who own the casino and to the gambling mentality in this state. It needs to give up the idea that you have to pursue excellence every 5 minutes because if you do not you cannot compete and you are not in. Even the Minister for Education, who is supposed to be pursuing excellence, sometimes tries to amend what he says.

I am concerned about the abolition of the Youth Affairs Council. The government wants to get rid of peak bodies that introduce accountability into youth affairs matters. I am sure the honourable member for Sunshine and others see all the time the despair among our young people, which is at unacceptable levels — which is so dangerous. The one issue people want to talk about all the time is the lack of hope among young people who do not know what the options are anymore. All we can do is urge them to keep their options well and truly open.

Youth suicide is but one sad example of the problems in our community. Some 75 per cent of people who have committed suicide have suffered severe forms of depression — and we would say there is a correlation between the two. All the government has done is put money into it, yet nobody knows where the money has gone. I have not seen it! I have not seen any programs to infiltrate schools or organisations such as the Boy Scouts by introducing depression awareness campaigns or attacking the complex problem of youth suicide. That has not happened, yet supposedly money has been provided. At a time when youth suicide is to the fore, the best the government can come up with is the Premier telling us that our youth have never had it so good. He points to the motorbike race down at Phillip Island or says, 'Look, my kids smoked marijuana, too, once' and so on, creating the expectation that the government can deliver. Ultimately, people will see that the government is completely out of touch with youth. It has no idea what their needs and aspirations, to use the hackneyed term of the Premier, really are.

I hope the minister will consider the points I have raised about mandatory reporting. I also hope that in increasing the resources for the Children's Court we can address the complex and vexed problem of child maltreatment. I applaud the amendments that will result in children being transferred to other institutions, because it is important to keep them out of prison at all costs.

Mr LONEY (Geelong North) — I will focus my remarks on a part of the bill that is receiving little attention — that is, the part that repeals the Youth Affairs Act. During the debate on the motion to adopt the government business program I said there are two matters in the bill which bear no relation to one another and which should be dealt with separately. Parliament should be able to consider those two matters separately because they involve different issues and different attitudes should be brought to bear on each.

In his second-reading speech the minister spoke about the major power under the Youth Affairs Act relating to the funding of organisations that provide youth services. Indeed, that is the way things developed in recent times. The Office of Youth Affairs became an organisation that assessed and responded to funding applications. I put it to the minister that that is not what should have occurred. There are other ways of dealing with what is considered to be a problem, but the government seems to have developed only one way of carrying out that function, claiming that the Youth Affairs Act is no longer needed. That is what I want to speak about and take issue with.

It is germane to the debate to examine the 1986 act, the purposes of which were:
CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Tuesday, 29 October 1996

... to establish a separate legislative framework for youth affairs and to continue the Youth Policy Development Council in existence.

Its purposes were not just to maintain the Youth Policy Development Council but also to establish a separate legislative framework for youth affairs — and that stated purpose is important. It is about the attitude of governments and Parliament to young people and to the establishment of a separate legislative framework for them. It is about showing young people that we see them and their interests as legitimate in a legislative sense. It is about showing them we are prepared to recognise that they have needs which are specific to their group and which should be considered as a distinctive aspect of government, even though many of the people we are talking about do not have the right to vote.

Indeed, that in itself introduces argument among young people about the need for the voting age to be lowered so they can get some political power. When passed, the Youth Affairs Act had that as its important purpose: to establish a separate legislative framework for youth affairs.

The Youth Affairs Act referred to a number of objects: they are well worth examining, particularly because the act will be repealed. Section 4 — Objects — states, in part:

The objects of this act are to facilitate the openness and responsiveness of the social, economic, cultural and political structures of Victoria to young people, and to encourage the equitable distribution of resources and opportunities between young people of different backgrounds and gender ...

It then particularises some of those objects. Section 4(a) and (b) states:

(a) to ensure a more equitable distribution of resources to and between young people, and to establish equity as the prime consideration for the allocation of government resources and the development of government policies and programs concerning young people; and

(b) to promote recognition and development of the social rights of young people and to promote equal opportunity and affirmative action in government policies and programs concerning young people.

I will not comment on all the eight stated objects, but the one in section 4(d) is:

To encourage and facilitate the effective involvement of young people in decision making in relation to the social, economic, cultural and political life of the community and the participation of young people in the attainment of the objects of this act.

Clearly, when one examines its purposes and objects the Youth Affairs Act was not just about setting up a structure to allow for funding; it was aimed at trying to do a number of things.

Firstly, it aimed to give a sense of belonging to young people in our community and to involve them in decision-making that is done on their behalf. Secondly, it was about telling young people that they have a place — that, ‘Here we are; we are prepared to act in a legislative manner that recognises your needs and your being in our community’.

Thirdly, it was about empowering young people to a limited extent; it said, ‘You have some rights in Victoria in the way we go about things on your behalf’. If nothing else, the purposes and objects of the act were an important attitudinal statement by the government.

I do not suggest that the repealing of the act means the minister is virtually saying that none of those objects is still important. But its repealing, and the fact that it will not be replaced with some sort of statement, means the government is allowing such legislative objects and purposes to be subsumed into another department which has another function: the new department has a focus on a broader area rather than on the specific issue of youth affairs. Therefore we are sending a signal to young people that they have been downgraded as a priority. That is the wrong message to send to young people, particularly in this day and age.

Many young people in the community have never needed legislative action on their behalf as much as they do today; they have never needed to know that they belong to our community as much as they do today. This matter is all about the message you send to young people: it is not about the act but the signal sent. We must be careful in sending any message or signal.

I do not have a significant dispute with the minister’s statement in the second-reading speech that the act’s purpose involved the scrutiny of funding applications and the allocation of grants. Developments that have led to the repealing of the act are unfortunate; it has not met the purposes for which it was established.
Should we be doing something about those developments in other ways? Should we make the act serve its proper purposes? Should amendments be made to ensure the proper operation of the legislation? The problem about the track down which this bill has headed is that fundamentally the government has said, 'We can take the functions and subsume them into a larger being. It does not matter; the funding will still be handed out'. That is true, but the commitment contained in the purposes of the 1986 act — to have a separate legislative framework for young people — will be missing. We should consider a course different from that now being adopted by the government.

In the past few years a number of things have occurred, including the winding up of numerous Victorian advocacy and information services for young people, as a result of partial or total defunding; funding has been reallocated to other priorities. It should be remembered that for a long time those advocacy and information services have been important to our young people; they should be available to young people as impartial, non-judgmental services. The young should be able to obtain accurate information and advice in a non-judgmental manner. It is unfortunate that a number of the services throughout the state have been closed down. But that is what has occurred in recent times. One of the questions that should be asked if we are to look at repealing the Youth Affairs Act is how we go about restoring an impartial, non-judgmental advocacy and information service for young people.

Youth affairs should not be confined to one government department. It deserves a whole-of-government approach because — and I am sure the minister will concur with what I am about to say — there are a few aspects of government activity relating to young people that can be pigeonholed into one specific portfolio responsibility. The range could be across the portfolios of community services, health, education and justice. There is hardly an aspect of government activity that does not in some way impinge upon young people.

One of the failings of our approach towards young people is that we have not come to terms with a whole-of-government approach. In saying that I do not want to be taken as nitpicking this government, because it is a failing that applies to governments everywhere. I am aware of no state in Australia that has yet taken the lead on this issue.

The commonwealth government is in a similar situation in spite of having had numerous reports that require or recommend a different approach. The most recent Morris report, Aspects of Youth Homelessness, referred to the need for coordination of services across a whole range of government departments that cannot be treated in isolation. You cannot take a one-department approach to issues of youth affairs. If we are going to attempt to deal with the major issues that concern young Victorians we need to consider them carefully.

In saying that we need to adopt a whole-of-government approach to youth affairs I am not having a go at this government. To my knowledge no government in Australia has yet come to terms with the issue.

Mr Bracks interjected.

Mr LONEY — The honourable member for Williamstown suggests that this government may be a bit worse, and I would never disagree with the honourable member for Williamstown!

If we are going to follow the whole-of-government approach we must also take the lead agency approach and think again about what is the function of an office of youth affairs. Is its function simply to hand out funding grants of a few thousand dollars here and there across all sorts of organisations, or should it have a much wider perspective and concern for what it is doing for young people? I suggest it should adopt an advocating function within government for young people. I take that further and say that the most important role that a minister for youth affairs can have is advocating for young people in government and at the cabinet table rather than just talking about funding.

The Minister for Youth and Community Services is the senior advocate in Victoria on behalf of young people. This is not just about putting a signature on a cheque and having a happy photo taken somewhere: it is a much wider role.

Dr Naphthine — You didn't come to the Eastern Beach project?

Mr LONEY — I do not think I was invited! As the minister has raised the issue of Eastern Beach in Geelong, I point out that some time ago I had the pleasure of unveiling a plaque in recognition of the role that young people played in the restoration of Eastern Beach.
Dr Napthine - They did a great job.

Mr LONEY - They certainly did do a great job. I was asked to do that unveiling because the young people who had done all the work were not invited to the official launch of the project. Young people should receive due recognition for their contributions in this state and across Australia.

Advocating for young people is an important role. If the government is doing away with the Youth Affairs Act and not replacing it with anything — and therefore not publicly committing its direction on youth affairs to people by way of a substantial statement or a piece of legislation — it has to think about the other moves it makes in the government framework and how they affect people's perceptions.

With no disrespect intended to the minister I state that the last place I would put responsibility for youth affairs is with the community services portfolio. I say that because I believe there is a virtual — and I hesitate to use the term at the moment — conflict of interest between the role of community services and the way it sees its direction and what I believe a youth affairs portfolio and an office of youth affairs should be doing. They are not areas that have an overlap.

On many issues in the community services portfolio that may involve families and young people the interests of young people as a group may well be different from those of what is seen as the family as a group. There is the potential to have conflicting interests between the two. How you go about resolving that if it sits within that department is difficult to decide. I suggest it is not the most appropriate place for youth affairs. If we really want to tell young people out there that we are concerned about their interests and that we are going to make a strong statement that in government their needs are being met and we are really taking notice of them, the matter should probably be put with the Department of Premier and Cabinet. The government could by that make a statement to the young that it is serious about trying to address some of the issues that are so close to them.

Those issues range across just about every portfolio area of government. Essentially, I am talking about attitude and identity, which are very important issues for young people, who, more than the older generation, search for their identity. They need a sense of identity. If we needed proof that we are failing to convey that we care about them and that their identity is important to us surely it is to be seen in the appalling rates of youth suicide that we suffer as a state and as a nation. It is something about which we cannot be proud. It is something we should be doing more about. We could be pursuing the issue under the objectives of the Youth Affairs Act; the issue is certainly germane to that act.

As we all know, the incidence of youth suicide in this country is among the highest in the world. I recently saw figures showing that every 40 hours in Australia a young person commits suicide; in Victoria the figure is 2 a week. It is simply appalling, and it is an issue we need to address. It is just one of the issues concerning young people that I believe needs a direct and specific focus.

In picking up that issue — the minister may mention it in closing — I acknowledge that this government has put some extra money into combating youth suicide. Regardless of that, we still have a long way to go in dealing with this issue.

A whole range of issues needs to be addressed. One of the areas we should probably examine is the action taken in Western Australia where significant moves have been made to tackle them. An office of youth affairs should act as a lead agent and as an advocate for young people. It could well be taking a front role by developing strategies across government — it is very much a whole-of-government issue — and it is starting to come to grips with the problem. The problem is not totally about money and increasing funding; it is about the way we react in a strategic sense, how we coordinate activities and where services are provided. There is a whole range of issues.

Although the focus of most comments is, and necessarily so in some ways, on the first half of this bill — the provisions relating to young offenders — we are told that the second half is a technical amendment about which we should not be too concerned because it is just repealing an act, and the functions will go somewhere else. That is a very important issue for young people. We can declare ourselves to be serious about the issues that affect young people. It represents a missed opportunity by this government.

Many people on this side of the house — I would think most — would have said to the minister, 'If you want to do something with the Youth Affairs Act set it up as an example; reframe it in a way that better reflects what our attitude to young people should be and what we should be saying to young people in 1996 rather than 1986'. Members on this side would
have been delighted to have the opportunity to do so. If the minister had said, 'We are going to revamp the act to take the lead. We will show that we are serious and that we can do things on behalf of young people in a total way', we would have been delighted and would have given our support. That has not been done. The government is simply repealing the act. The reasons for doing so leave me wondering how serious the government is about addressing the issues of concern to young people in this state.

Mr BRACKS (Williamstown) — I support the contributions of the honourable members for Geelong North and Altona who oppose the part of the bill slipped in to repeal the Youth Affairs Act of 1986. I suspect that the minister does not realise he is about to do himself in as the minister responsible for youth affairs. Youth affairs has always been a separate portfolio. The minister is usually minister for X as well as minister for youth affairs. If one were seeking to do something for youth affairs one would not let the Youth Affairs Act simply disappear. One would not effectively neuter the Office of Youth Affairs by departmentalising it and putting it under Human Services as a line responsibility, as a branch. That is what is happening. It is no longer an office; the office has gone. The separate status of an office, with a director and access to the permanent head and often to the minister, has gone. As anybody who has been in government knows, an office has much more importance than a line-managed branch. The minister has allowed that to happen. I think it is now called — I checked this today — the youth services branch. The Office of Youth Affairs has gone and we have a youth services branch. Do you know what is in that branch? The youth homeless policy office has been ripped out of the former Office of Youth Affairs. The Youth and Family Services Division has taken that territory; it always wanted that territory. It also has adolescence services, juvenile justice and youth training centres — effectively, all the punitive statutory responsibility of the old department.

What does that tell young people? All the issues about participation, getting jobs and getting training and all those across-portfolio issues are now part of a branch that deals with those who offend against the system. That is what the minister has effectively done.

The Youth Parliament, which was a function of the former Office of Youth Affairs, will now be organised by departmental officers in line management in the youth services branch who report to Yehudi Blacher, the director of the Youth and Family Services Division.

Mr Baker interjected.

Mr BRACKS — I say to the member for Sunshine that he has done a good job. He has effectively neutered the minister. He has done a great job. He said to the minister, 'You go aside; you will not have an Office of Youth Affairs any more. I will departmentalise it. I will manage the youth training centres. I will manage those in protective custody. I will manage adolescents who need protective services from the department, and I will also manage those messy issues in youth affairs such as entertainment, participation, training and all those things that do not neatly fit into portfolios. Leave it to me, Minister, I will fix that up. I will make sure it does not break out or cause you a problem'. What he did not tell the minister and what the minister fell for hook, line and sinker, was that he, the minister, does not now focus on youth affairs issues any longer. That is effectively what has happened.

I did not think the current minister would fall for that. I suggest as a word of friendly advice that he revisit the matter at some stage. The development of the Youth Affairs Act has a long history. Although the Youth Policy Development Council was set up by the former Labor government in 1986, its genesis was with a minister in the Thompson government, Brian Dixon. That minister initiated many of the employment, youth and recreation initiatives of the former Hamer and Thompson Liberal governments.

The former minister saw the value of establishing a separate act, office and advisory structure for the Youth Policy Development Council, which gave direct advice and had access to the minister.

I suspect this bill is just the start. Most honourable members know how government works. Over the next couple of years bit by bit the cross-portfolio function of the Office of Youth Affairs will be whittled away. It will be departmentalised. The Department of Human Services will grab bits. It has already grabbed the homelessness policy. I understand the department was attracted to some of the funding bases, small as they were, that it could take from the former Office of Youth Affairs so they could be included in its department. That is how departments work: they are territorial.
The former Department of Health and Community Services was annoyed that there was a separate Office of Youth Affairs that had a role in youth homelessness for which it set policy. The department simply wanted to assist people in moving into supported accommodation. That is a good role. But there was another group, nigging away, saying, 'It is not just about housing; we know that is important but it is about dealing with the issues of training, support, getting jobs for young people, ensuring they have incomes and can support themselves; it is not just about a welfare issue involving housing'.

The regime the minister has allowed to develop — perhaps it just developed and he was informed about it later — is the effective takeover of Youth Affairs by welfare and health services. The issue has been grappled with at some length by successive state governments over a period. Where do you put youth affairs? There are different models around the country on this issue. Do you put youth affairs in employment, in training-type areas or in education because many of the issues young people deal with following their schooling concern jobs and training? Perhaps that is a possibility. Do you put it in the Premier's department so that staff report to the Premier? Do you separate it and allow staff to report to their own minister? All those questions are relevant and important, but not many of the smart ministers would fall for the old trick of putting it in the largest state department, the one that has little relationship to the issues dealt with by the youth affairs portfolio. Youth affairs is a mainstream rather than a welfare issue. There are welfare issues around youth. It is a very important safety net issue for young people and should be dealt with, but young people do not want to necessarily — —

Dr Napthine interjected.

Mr BRACKS — It is more than that.

Dr Napthine — You do not understand.

Mr BRACKS — I do understand. Conceptually I want you to understand what has happened and why the youth affairs function has been neutered. You do not have an understanding of this particular issue.

Dr Napthine interjected.

Mr BRACKS — Look at the history and at which part was in the youth affairs portfolio when I managed the youth guarantee function. The youth affairs portfolio had its own separate reporting arrangement to the department and the minister and the governments of those days were not afraid of criticism. They were not afraid to front organisations that criticised and had their own focus.

Dr Napthine interjected.

Mr BRACKS — I am glad the minister is interjecting because I, too, would be concerned if I had the Office of Youth Affairs taken from under me by bureaucrats. That is effectively what has happened. Governments must have regimes that allow for criticism. They must allow public spokesmen in the youth affairs area to criticise. Ministers must be robust enough to take criticism on board, maintain support for their programs and move on from there. However, transferring youth affairs to the Youth and Family Services Division of the Department of Human Services does not do that.

When considering the mainstream issues of youth affairs you would have to say that jobs are one of the major concerns of young people. The transition from education and training into jobs and how that works — either smoothly or not so smoothly — is important. We must consider who is left unemployed and how we can assist by reskilling. Jobs, training, education and retraining are key issues.

Transport is also a big issue for young people. How do people gain access to entertainment or jobs if they live in the outer suburbs? What are the access points on the public transport system? Participation and involvement are also key issues for a youth affairs portfolio. How can young people become involved in making decisions that affect their own circumstances and futures? How can they be part of the process?

Another important issue involves young people who are falling through the system — those who are homeless, those who do not have jobs, and those who need support from the state. Welfare is an extremely important issue. However, if your starting point is last — that is what this bill effectively does with the restructure of the Department of Human Services and the Office of Youth Affairs — if your starting point is those who fall through the system and those who do not get access to jobs or training, you are missing a big part of the function of the Office of Youth Affairs.

As the honourable member for Geelong North said, one of the key responsibilities of the minister and previously of the Office of Youth Affairs was to
ensure that those cross-portfolio issues have prominence and can be heard in government. It is important therefore that those key issues have the necessary structure behind them to ensure it happens.

I turn to the last annual report of the former Department of Health and Community Services and the section in which the Office of Youth Affairs now finds itself. I shall refer to the functions in that area. The annual report states that the areas involving the Office of Youth Affairs related to the functions of adolescent service redevelopment, which provides support for adolescents who need assistance and support from the system; protective accommodation, which ensures that young people and adolescents have accommodation when they are in danger or can be harmed by other members of the community; services to homeless people, including commonwealth-state supported accommodation assistance and supporting youth homelessness; juvenile justice, which is effectively the youth training centres, the Langi Kal Kal — —

Dr Napthine — When did that close?

Mr BRACKS — Previously it was Langi Kal Kal. I refer to Malmsbury and other training centres. That function used to be there. The youth services branch, where the former Office of Youth Affairs is to be located, will essentially be dealing with the youth training centres, focussing on crime prevention and diversion, community-based service orders and custodial services. Although no-one on this side of the house or, I am sure, on the government side, questions the importance of those services for young people, the opposition questions the appropriateness of having a separate agency of government, the former Office of Youth Affairs, associated with those line management functions.

I turn to clause 19 which effectively repeals the Youth Affairs Act. That will also ensure that the Youth Policy Development Council, which has existed since 1986, will no longer give statutory advice to the minister. Let us concede, hypothetically, that we could departmentalise the former Office of Youth Affairs and have it act as a branch rather than as an office. I should have thought that, at least, the minister should have access to separate advice from the Youth Policy Development Council on issues that should be dealt with by his department. Essentially, the role of the council is to give alternative advice to the minister, not just that which he receives from the department on particular issues.

I should have thought that would be very important, particularly in these circumstances, given what is happening with the Office of Youth Affairs. I should have thought there would be even more reason for the minister to retain an organisation like the Youth Policy Development Council. I understand that there are always tensions surrounding those sorts of organisations. I well remember the anguish those organisations can cause, because often they criticise governments and publicly pursue difficult issues that governments are trying to deal with on a long-term basis. Just because the advice you are given by an organisation such as the Youth Policy Development Council is difficult to accept, it does not mean you should abolish the organisation and rely instead on advice from informal sources such as community networks, welfare agencies and youth groups. You need to institutionalise these arrangements — and that was always the purpose of the council. I should have thought that, with the repeal of the Youth Affairs Act and abolition of the Youth Policy Development Council, there would be even more reason to ensure the minister had access to robust, independent advice.

As I have said, there is bipartisan support on issues to do with young people having access to grants and other support from the state. There is no question about that, and the honourable member for Geelong North made the same point. We do not support the method by which the government is pursuing these arrangements and the method by which the minister has allowed them to occur. I would be interested to hear the minister explain the process by which the reorganisation of the Office of Youth Affairs has occurred — for example, whether it has been with his total support and under his direction or whether the arrangements were made separately and confirmed by him later on. I would expect that the abolition of the Youth Policy Development Council would have required a government decision — certainly a ministerial decision if not a cabinet decision. I would also expect that the government has pursued the change for some time.

In summary, although there is a good deal of agreement, the opposition would have preferred the government to have clearly set out in the second-reading speech its rationale for pursuing the neutering of the Office of Youth Affairs and the changes to adolescent, youth and family services, which have always been under the Department of
Health and Community Services or the Department of Human Services, separate from its rationale for abolishing the Youth Policy Development Council.

Other parts of the bill have been adequately addressed by other members of this side. I hope the minister takes on board some of those comments, because they have not been made by way of criticism. They have been made constructively to try to ensure that we have a continued focus on youth affairs, separate from that which at times the bureaucracy serves up to us. We want the government to continue to have access to independent advice to ensure that young people in Victoria have some hope of having their views heard.

Ms Garbutt (Bundoora) — I express my disappointment at the limitations of the bill and express concern that it fails to address the problems underlying the system. The government has not taken the opportunity to examine some of the fundamental problems that are glaringly obvious to people throughout the state. The Children and Young Persons Act is a fundamental piece of legislation because it underpins three major systems. The child protection system offers state protection to our most vulnerable children. The act also underpins our family support system, which should adequately support all families that experience difficulty, and our juvenile justice system, which should be a last resort when the others have failed. Those difficulties are really a measure of society’s failures.

There are major problems in the Children’s Court. They have been raised time and again by many people, and articles on them have been spread across the pages of our major daily newspapers, both the Herald Sun and the Age. The problems are not hidden; they are problems the minister should know about. They were raised very clearly by Mr Justice Fogarty in his 1993 report to the previous minister. A whole chapter of that report dealt with the Children’s Court and outlined serious problems. They were dismissed at the time, of course, but more recently, just this year, the Auditor-General detailed those problems again. If we lined up Mr Justice Fogarty’s report against the Auditor-General’s, we would find the same problems being commented on.

As if that were not enough, the problems have been identified by people who have come at the issue from differing perspectives, one from an auditor’s financial perspective, and the other from the judicial perspective of a Family Court judge who deals with human problems. The Senior Children’s Court Magistrate, Mr Greg Levine, raised similar issues, highlighting them in the media. He was very brave to do that given the record of this government, and he paid a price.

We had these same matters raised by barristers, legal aid workers and welfare agencies, all of whom had highlighted the issues. I want to refer to the Auditor-General’s report and outline some of the comments he made. He found that magistrates displayed considerable reluctance towards working at the Children’s Court. People commented time and again that it is not a high status job. There are not large numbers of applications for the job. Of the 15 magistrates appointed to the court between 1990 and 1995 only two stayed for more than three years. They were reluctant to accept the job and they moved on pretty quickly. Former magistrates have suffered burnout under these conditions.

I am particularly concerned that the bill fails to address the fact that the Auditor-General found that very few magistrates have had experience in child welfare matters. As it stands the bill contradicts that finding. Specialist training of magistrates in child welfare and family functioning does not occur. They come to the position rather reluctantly, they do not stay long, they receive very little training in the meantime and they do not understand the issues with which they are dealing.

The work pressures on the magistrates prevented them giving written reasons for their directions, as required by law. In fact, for many weeks the magistrates did not even have a typist. They had to handwrite their reasons, photocopy them and pass them on. The government would not even provide another typist when the previous typist left.

With regard to the status of the court, the Auditor-General found that everybody acknowledges it has a low status. He commented that judges have headed children’s courts in other states and in New Zealand. In fact that had been recommended in the Carney report in 1983 and was also a recommendation by Mr Justice Fogarty. It was said that the appointment of a judge to head the court would improve its status, make the job much more appealing to other people to take up and encourage them to undertake the appropriate training.

It is of particular concern that there are delays in hearings of the court. While the delays are occurring children are left in reception care — it may be foster care or residential care — and their future is
undecided. That has an impact on the children. Those are a few of the findings made by the Auditor-General a few months ago.

We now have before us a bill that makes some amendments to the Children and Young Persons Act with regard to the Children’s Court but does not pick up any of these fundamental issues. One would think it was just falling into a vacuum. Perhaps that is appropriate; perhaps there is a vacuum on the other side of the chamber.

The minister had an opportunity to pick up those issues but he has not done so. Do we have a substantial bill addressing all of these problems and making a real attack on these underlying problems in the Children’s Court and fixing them up? No! We have a minimal response.

If we look through the government’s responses to all these criticisms over all these years what do we see? The government attacked Mr Justice Fogarty, called him all sorts of names, belittled him and said he did not know what he was talking about. Unfortunately for the government, Justice Fogarty has lots of supporters, including the Auditor-General, saying the same things as he said.

Senior magistrate Greg Levine paid the price: he was asked to move on. He was made an offer he could not refuse. He is now no longer the senior magistrate. That was a very public and open process. It was an absolutely appalling move by the government. Other welfare agencies, barristers and legal aid people who have been connected with the Children’s Court have just been ignored. What did the government try to do in regard to the Auditor-General? That was a cover-up because the government wanted to hide it. That is consistent with the approach of this government. The government has been arrogant in its approach to child protection and Children’s Court issues. The government assumes that it knows all the answers and that everybody else is wrong, and it will not listen to advice. The government will admit no mistakes — not one.

In this bill I would have expected a substantial response from the government but, consistent with its approach, we have heard no response to these problems. The government is still insisting that it knows best and that it has never made a mistake in this area, and children and families are paying the price.

I turn to some other changes in the bill regarding youth residential centres and youth training centres. Once again we see a minimal response by the government to specific problems that go to the very heart of the child protection system. These problems have simply ended up in the juvenile justice system. The changes are in response to the case of the 13-year-old boy who is known only as S. This boy was found guilty of the murder of a taxi driver. When he was sentenced it was found that the principal act was inadequate to cover the case. This boy’s story is an appalling one and reveals a history of problems that have arisen from decisions of this government.

The argument is that this is happening around Australia and these are problems that society has thrown up and nobody can deal adequately with them. That is wrong. The decisions of this government have caused these problems. I want to go through this case a little because it reveals how the child protection and family support systems should act to cut off the need for a juvenile justice system. We are not going to get to that situation but the juvenile justice system is the hard end of the child protection system. The youth training centres and the youth residential centres are the hard end of the juvenile justice system. Our main emphasis should not be on these residential services, which are gaols for young people; it should be directed to keeping them out of trouble, supporting them, and assisting them to overcome problems. Putting young people into youth residential services is a direct path to Pentridge. That does not do anybody any good and it is not something that our society would support.

The government has failed in this area because it has failed to support this young person who has now tragically ended up in the adult prison system until we change the act. In looking at the case of S I want to refer to the remarks of the presiding judge, Justice Philip Cummins. He talked about the child welfare system and he said that it was ‘lamentably inadequate’. He told the boy:

A particularly troubling aspect of this case is that you have been under the care of the state at all relevant times and that care failed you. You wandered the streets at night with impunity. You were absent without permission on numerous occasions — 26 times in two years. Such behaviour cries out of risk. It was not heeded. The system of care must be such that such sounds are heard.
He is identifying there the fact that children should not be locked up but instead should be assisted. If a child behaves like that it means he has serious problems that need to be addressed.

When I looked at what his mother said about him I found it very sad indeed. She said:

Before he went into the units I had no problems with him. He had no priors for anything. He had been the man of the house since he was a six-year-old boy.

She said he was good at school and liked sports and was 'a real smart kid'. He was in a residential unit not because he had done anything wrong but because his mother could not care for him. She said:

It was not a criminal order he went on in — it was for care because I could not cope.

The child had lost his father. His mother could not cope so the child protection system put him into a unit and did not care for him. He became part of the system and the system let him down. Many people in the welfare field talk about system abuse and this case is a classic.

Three years ago the government introduced mandatory reporting at the same time as it cut $7.5 million from the welfare agencies that support families in trouble, assist children with their problems and run residential units. That resulted in two things: money was saved from closing down residential units and children were pushed out into foster care. Enormous strain was put on the foster care system, and it could not cope. Many foster families could not deal with difficult children, so those children were sent back into the system. It was chock-a-block and inappropriate placements were made. Brothers and sisters were separated and sent to opposite ends of the state. Children were removed from the only stabilising influences in their lives — their schools, their kindergartens or the people they knew in their local areas. Placements broke down and children were sent on merry-go-rounds of foster care families and residential units.

As residential units close down — I lost count at 50 — far fewer places are available. Instead of being kept together older teenage children, younger children, large families or older street-wise children with drug problems or prior convictions, all sorts of different children with different problems and needs are being mixed in the same units.

Social workers have told me that older, street-wise and tough teenage boys with drug convictions are being put into the same units as vulnerable intellectually disabled children and even toddlers and four-year-olds who have been taken out of their homes because their mothers cannot cope — and they are all influencing each other. This is exactly what happened to S, who is now in prison. He was put into a unit not for anything he had done but because his mother could not cope.

Dr Napthine interjected.

Ms GARBUIT — Would you prefer him to be tossed out into the street? You could not care less!

In the units he met another friend, a boy called F, and the two became inseparable friends — and it was those two who murdered the taxidriver. A newspaper article says they were a volatile combination, and I am reading a report in the Herald Sun, a newspaper the government reads.

Mr Cameron — It writes it!

Ms GARBUIT — It did not write this one. The article goes on to say:

S and F were a volatile combination. The killing has fiercely divided those who knew the pair over who was the bad influence on the other.

They regularly skipped school together. Whose idea it was to do so and commit some of the crimes they committed — such as armed robberies, arson and minor drug dealing — is anybody’s guess.

The other person they meet in the unit is called B. She is now the mother of S’s baby and was his other constant companion in the unit. That is what happens in units when children are all pushed together. That is what happens when the government closes 50 units to save $7.5 million. Those children were in units, not in home-based care — and that was the result.

It is not as though all this was unexpected. The government was told about problems such as these when it first proposed cutting $7.5 million from the placement and protection support agencies. People told it exactly what would happen. South-West Community Care, which is close to the minister’s electorate, predicted that it would not be able to provide support once its funds were cut. In Geelong agencies protested; Father Peter Norden protested and predicted what would happen. Welfare agencies
across the state said that if mandatory reporting was introduced at the same time as services were cut, notifications would rise and disasters would occur — and that is what has happened.

It has been a total tragedy for these three children, one of whom is now in gaol — and you cannot get much worse than that. The government should have known this would happen, yet it has abrogated its responsibilities to these teenagers. It has refused to listen. Four years ago Justice Fogarty devoted a chapter in his report to teenagers. He first used the words that I now pick up, that the government had abrogated its responsibilities to teenagers. He listed the problems that would arise if $7.5 million were cut at the same time as notifications were climbing and predicted that there would be a disaster — and it has been a disaster.

What about the bill! We have looked for some recognition of the problems which everyone else has identified and which report after report has listed in sad detail. But there is nothing that addresses those problems, except the minimal response of changing the rules for youth training centres and youth residential centres so that the poor 13-year-old who has committed murder can be transferred back and forth.

What a pathetic response! There are major problems in the community, and they are having tragic effects on families. Teenagers are sitting in gaol, yet all the minister can come up with is a pathetic, sad document that makes no changes at all and does nothing to solve the fundamental problems. It is appalling! Why don’t you tackle the real issues, Minister? You have tossed away this opportunity, and you have tossed away the lives of Victorian teenagers at the same time.

Sitting suspended 6.28 p.m. until 8.03 p.m.

Ms GILLET (Werribee) — I am pleased to contribute to the debate. In researching the bill with specific reference to its impact on the constituents of Werribee, I found it odd to discover that it combined the changes to the Children’s Court arrangements with the changes relating to juvenile justice. They appear to amount to the adoption of a broad range of punitive measures for our young people. The bill, a bizarre juxtaposition of punitive measures on the one hand and the repeal of the Youth Affairs Act on the other, emphasises a number of elements of the government’s strategy for our young people. I am alarmed that the minister believes it appropriate to combine arrangements for a broader range of punitive measures for our young people with the repeal of an act that specifically gave them a representative voice.

When one looks at the bill, one has to examine what will replace the Youth Affairs Act. That act provided for the establishment and resourcing of a Youth Policy Development Council (YPDC), which had a number of roles, including the development of statewide strategic policies for young people, the integration and implementation of those policies across government departments, the provision of advice to the government on the impact of the broader strains of government policies for young people, and the undertaking and publication of research into issues concerning young people, a fundamental part of its role.

During its life the YPDC had between 16 and 20 members, all of whom were appointed by the minister to obtain an appropriate balance of ages, social and ethnic backgrounds, genders and disabilities. Members held office for up to three years and received sitting fees. The importance, status and role of the council was clearly understood. The bill replaces the YPDC with something else — that is, regional youth committees. Those committees will be made up of members of the local community appointed directly by the minister. There is no obligation on the minister to ensure the appointment of a broad cross-section of people; each will have only a half-time executive officer, and the members will receive no sitting fees.

The regional youth committees will provide advice to the minister on local youth policy issues, and they will make recommendations regarding the funding of local programs. However — there are a couple of important ‘howevers’ — the committees will not have the capacity to develop statewide strategic policies for the young. They will have no capacity to provide advice on government policy as it affects our youth; and most importantly, there are no resources to enable the councils to undertake research and publish their findings.

An examination of the reasons for replacing the more substantial YPDC with the committees demonstrates in deed and in word the government’s lack of any real commitment to taking on board and implementing advice. The government seems to be more concerned with establishing odd groups which it can keep under control and for which it can actually set agendas, with the aim of receiving confirmation of the good work the groups will allegedly be doing.
There seems to be some fear on the part of the government of setting up independent, broadly based, articulate and resourced groups because those groups may come up with findings, raise issues or press for matters that do not fall within the government's agenda. It can be fairly readily demonstrated over a number of portfolio areas that this is definitely not encouraged. The government will not establish organisations that tell it things it does not want to hear.

It is of enormous concern that our young people are treated with such contempt. That a substantial policy development committee was to be replaced by much less substantial consultative groups would be enough to cause concern, if that were all the legislation provided.

I raise a matter that I became aware of directly by virtue of the minister's advice. On our last day of sitting I raised a matter on the adjournment debate. The Minister for Youth and Community Services said he hoped he would see me soon at a function to be held in Werribee. The function was a youth forum. I had not been invited so instead of becoming dejected and feeling abused, unloved, not catered for and not wanted, I did what any good local member would do and made a few phone calls to find out if I could be of any use to the people who were organising this much-needed forum. My inquiries provided me with information that the forum was being conducted by my local Liberal Party branch. The instruction had come directly from the local Liberal Party branch that under no circumstances was the local member to be told where the forum was, let alone invited to attend.

After I confronted several brick walls I imposed upon the minister to tell me where the forum was to be held, and he kindly did so. But discretion being the better part of valour, on this occasion I decided that if, as demonstrated by the attitude of my local branch, Liberal Party members thought that youth issues and youth forums were somehow party political matters and not of concern to a broad political community of which we are all members, I would leave them to it, offer them my best wishes and continuing support and indicate that I would be more than pleased to pursue any matters that were raised at the forum in this place, as is the job of any good local member.

I do not expect I will get a response to that correspondence. It is with sadness and regret that I say that matters of such importance to our young people are treated by the government as matters for party political point-scoring. It is to its shame that the government has embarked upon this approach. However, we on this side of the house do not let little brick walls get in our way. A number of forums will be held in Werribee and the minister will be cordially invited to attend. I will always tell him where they are to be held so that he can arrive promptly and do a good job for us.

Dr Napthine — They did do very well.

Ms GILLETT — A number of the kids at the swimming club where I train — at some ungodly hour of the morning! — asked me where I was. I told them I had been informed by the minister that the forum was to be held but that an invitation had not been extended to me. I also advised them that it was a Liberal Party function. Some of the parents did not understand that, but they understand it clearly now.

Some matters are above and beyond party politics, such those that involve our young people and their futures. Our young people do not occupy a place on this planet for others to make political mileage out of. They will inherit the future that we attempt to create for them. We are merely the custodians of their world. As they become older and active in their last years of school young people are entitled to have views, have them encouraged and have them voiced in this place.

It is with some regret that I report that the government does not regard it as appropriate to allow that to happen frankly and freely. Unfortunately, unless young people are content with the window-dressing of participation and not having a substantial forum where they can express their views, they will have to go and live somewhere else because in Victoria at the moment that is all they are allowed to do. It is not enough by a long shot.

It causes me some concern that for some time the Werribee community has been forced to live with headlines in the local papers such as 'Ugly Werribee' and to look at issues of violence in the community that relate to our young people. When those headlines were produced they caused great concern. Young people were seen to be running amok; there was an increase in violence and people responded with fear. As a community it took some time before we could sit down to think and work out quietly what we were dealing with given the apparent violent behaviour of our young people — what sociologists tell me is antecedence. In other words, there are reasons why we are seeing some of these issues manifest now.
The other half of the bill does not present the well-articulated view given by the honourable member for Bundoora — in other words, the government does not have a view about what causes the problems. It has blown its chance of addressing the real reasons why children become vulnerable and are thrown into crisis. How does the government deal with children in crisis? It bungs them away somewhere. It does not look back and ask, 'What were the circumstances that led to this child being in crisis?'. It simply says, 'They are in crisis and this is the easiest quick fix we can find'. Well, it is not good enough!

In Werribee the opposition looked at the factors that cause young people to be in this vulnerable position and found that, for example, supporting families could solve many of the problems. It has been thinking long and hard about many of the issues. Single-parent families in Werribee are numerous. Many single parents are mothers and they need enormous and broad-ranging support if they are to do their jobs as heads of single-parent families well.

I was pleased when a news release was faxed through to my office this week from the office of the Minister for Youth and Community Services. It said loud and clear, 'State funding expands family services in City of Wyndham'. It said that $250,000 of state government funding would boost family support programs and significantly expand services for families in Melbourne's rapidly growing suburbs, including the City of Wyndham. That $250,000 does not go a long way when there are such great needs, but upon examination I found that we were not getting $250,000. We were sharing our $250,000 with a number of other high-growth areas. The sum total of support to Werribee families to help them deal with issues before they become criminal justice problems is $58,000.

According to the press release, state government projections show that the City of Wyndham is expected to have a 21.5 per cent increase in the 5 to 19 age group by 2001; it will have 18,000 to 21,000 young people by the year 2001. In an area this government identifies as being in most need, the best support it offers families to solve problems before they occur is $58,000 for unspecified programs.

As my colleague the honourable member for Bundoora said, this government has blown its chances of addressing the real problems that concern our young people. This government has also blown its chances of addressing the antecedents and the causes of the problems so that fewer children become vulnerable and fewer children are in need of the services of the Child Protection Act.

Ms Campbell (Pascoe Vale) — Some key people are missing from the debate tonight. Four people should be sitting in this house but they are not. They should be listening to what the opposition and the community of Victoria have to say about the Children and Young Persons Act.

The Premier should be sitting alongside the Minister for Youth and Community Services. The Premier attaches greater value to achieving an AAA rating for Victoria than he does to child protection. We as a community and the children in state care are suffering dramatically as a result of that blind crawl to an AAA rating.

The Treasurer should also be sitting here. He attaches greater value to a total budget sector surplus of $473.9 million and a current account surplus of $1324.7 million than he does to child protection. The community is being fed a line that this state is in dramatic need of more and more budget cuts. The fact is that this state's budget is in surplus and the child welfare system is in total disarray. The Treasurer should hang his head in shame and accept a degree of responsibility for what is happening in this state.

The former Minister for Community Services, who oversaw the melt-down of the child protection system at the time of a huge increase in the number of reported cases, should also be sitting here. In the past three years notification of abuse has increased from about 20,000 to 30,000 cases.

The fourth person who should be sitting here is Dr John Paterson. He should be sitting in the gallery, hanging his head in shame. He advocated reshaping human services along the lines of a production method; he stated that it was no different from that used in manufacturing. He referred to a number of systems to tackle child abuse. The third system he compared with a supermarket. He said:

... we can make this idea more concrete if we consider this as a supermarket. The customer walks around with a trolley and picks from the shelves those 50 of the 14,000 separate product lines on offer that best fill their household needs, within their family budget. The supermarket that does not offer the right mix of the 14,000 lines and at the right overall price will be bypassed for the one that does. A whole, huge industry
is shaped and reshaped continuously by the binary yes-no purchase decisions of its customers.

There is a huge problem with that mentality, and unfortunately the problem has been manifested in Victoria. The problem with the supermarket or manufacturing approach to child protection is that so many people who need it do not have the money to go to the supermarket or the Department of Human Services to purchase the product they require. If they do not have the money perhaps the state should pay. No, we are told the state will not pay; the state wants an AAA rating. If the quality of the product is so stretched that it becomes diluted or severely compromised, that product is useless; why purchase it?

The tragedy in Victoria at the moment is that there is no product on the shelf. There is not enough by way of child protection services in this state to meet the need. The tragedy for Victorian children and for the whole of Victoria is that we have a case that requires this legislation. It has been clearly outlined by previous speakers, so I will not repeat it. I refer people to Hansard, particularly to the contribution of the member for Bundoolo. That is the tragedy for Victorian children and for Victoria. Adolescents in state care may well need to use this legislation again.

I refer members to the Auditor-General’s report Protecting Victoria’s children: The role of the Department of Human Services. If observers feared the worst and feared that more cases could come to public attention and to ours politicians, their fears are spelt out clearly at paragraph 6.67 of the Auditor-General’s report:

... audit considers that more effort needs to be applied to determining the impact of cost-cutting measures on the quality of placement and support services, because if this component is not given first priority, ultimately the community will bear the social costs in later years in terms of the adverse effects on children in care.

Paragraph 6.89 states:

The audit included an assessment of the impact on service quality of the inability of the placement and support system, particularly during 1994 and 1995, to find placements which were appropriate to the needs of children. Audit found that the system’s lack of capacity led to a number of significant consequences including —

I will quote two of the dot points —

Children entering reception care for the first time being placed in medium or long-term facility-based care with children of different age groups or children exhibiting severe emotional and behavioural problems ...

The second dot point I refer to contains welfare terminology; he called it contamination:

'contamination' of children (particularly adolescents), an industry term which refers to children, being adversely influenced by other children with whom they are placed who may have been in the system a long time with histories of challenging behaviour.

With that note of warning, it is with trepidation that we pass this bill, knowing the likelihood of other children needing those services. This bill says absolutely nothing about improving care, family enhancement programs or family support. If this government were serious those matters would also be considered by the Parliament. Upon what should state care be based? That is a question I believe we as a Parliament should be addressing.

An excellent starting point is the United Nations Declaration of the Rights of the Child. I know that at least one member of the government is aware of the United Nations declaration because the Attorney-General referred to it in her second-reading speech on the Crimes (Female Genital Mutilation) Bill. The Attorney-General managed to find it, so perhaps she can pass on her copy to the minister.

When I spoke during the debate on the Children’s Services Bill I referred to the United Nations Declaration of the Rights of the Child. I said that as a state we have to consider that convention and use it as a key benchmark for how we address children’s services. I have two questions for the Minister for Youth and Community Services. Firstly, are the rights of children under the care of this state meeting the UN declaration requirements? Secondly, does the child in state care obtain care which is at least benchmarked against the UN declaration? That would be a wonderful starting point for the community and for the minister to take some degree of responsibility. I argue that the answer to both those questions is no.

In his speech to the Foster Care Association of Victoria last Sunday Mr Justice Fogarty referred to the UN declaration and said:

... they are entitled to the same rights as other children in Australia ... they are entitled to love and respect and
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care as the most important members of our community and as our most fundamental resource. But in addition to that, their particular circumstances oblige us as members of a caring community to provide them with additional protection and additional rights.

The failure by us to do that demeans us as a caring community and continues the pain and tragedy of their lives, condemning them to the likelihood of a life at the bottom of the ladder.

How can those UN rights be met with the funding cuts that have been imposed on the Department of Human Services? In 1993 the government cut 10 per cent from all its departmental budgets and child protection was cut by $7 million. Those amounts were found by the closure of residential care units, which meant that 132 children no longer received residential care. I again quote Mr Justice Fogarty:

The figure of 132 children was not selected because the state believed that there were in fact exactly that number of children who would benefit by this change. It was largely dollar-based — that is, by working back in order to save the particular amount in question ...

It must be recognised that different children have different placement needs and no one type of care is suitable for all children. We have seen many adolescent children placed in foster care in circumstances where that has been inappropriate.

Unfortunately, since being elected a member of Parliament I have some personal experience of that. I found instances of children being inappropriately placed in residential units. Believe it or not, I was advised of the problem by people attending a Neighbourhood Watch meeting. That is another issue for the minister to address because although the circumstances surrounding residential units are supposed to be confidential, that is not the case.

In respect of the inappropriate placement of children, I have been advised that the residential unit had a mix of children ranging from the very young to extremely badly behaved, dysfunctional children. There has been a mix of physical disability, intellectual disability and mixed sexes in age ranges that should not be combined.

I telephoned the regional director's office on 20 September. The issue was so hot it could not be handled at the regional level and I was referred to the minister's office. I wrote to his office and have spoken a number of times to an adviser. It is now 29 October and I still have not had a response. The concerns are still before the community and the minister needs to address the matter.

I shall advise the house of the circumstances at the residential unit. The windows of the house are not barred — and rightly so — but a number of children are climbing out of the windows and absconding. The minister has a responsibility to ensure those children have adequate care. The state has a duty of care, but the minister and government members have a responsibility to maintain that care. The children who abscond are at personal risk and the community is also at risk.

The secure units, where children who display inappropriate and dangerous behaviour have time limits imposed on them, are very difficult to get into. The Minister for Youth and Community Services and his workers must exercise a duty of care.

Honourable members interjecting.

Ms CAMPBELL — There are no prizes for joking about this issue. When that duty of care is broken the children in those units are at risk and so is the community. It is a well-known recipe for disaster if you mix severely maladjusted children with the most vulnerable — those who are intellectually or physically disabled. The likelihood of severe abuse is high. Why am I unable to get a response from the department about this residential unit?

The Department of Human Services should not be prepared to put adolescents into intellectual disability units. These facilities should be opened not closed. The funnelling effect of closing places for 132 children has meant a concentration of hard-core cases in the existing residential units with insufficient staff to deal with them. It is important to highlight the selective morality of the government. It is all very well to have the scapegoats of the department — that is, the child protection workers — being fined for speaking out on practice issues while the government has a totally different set of expectations of the Solicitor-General.

I will conclude with a reference to the bible of the Kennett government, the Herald Sun. A letter to the editor in last Monday's edition states:

Who is allowing these children to slip through the system? How many more children will we cry for, but only once they are dead?

This is society's problem and we must take a stand and say, 'No more'. Life is a gift, so precious and short.
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must not allow these children's cries to go unheard anymore.

A more authoritative quote from the Herald Sun as it applies to this government is contained in the editorial of Saturday, 26 October, which states:

Premier Jeff Kennett must give the job of fixing the system to a determined minister who understands the depth of community concern.

The Premier must also provide the dollars that are required to fix the system.

Dr NAPTHINE (Minister for Youth and Community Services) — I acknowledge those members who have contributed to the debate, including the honourable members for Albert Park, South Barwon, Altona, Melbourne and Geelong North. The honourable member for Williamstown referred to his background in youth affairs, giving us the benefit of his wisdom. After failing as the Labor Party candidate for Ballarat North at two elections, he was looking for a job, so his mates in youth affairs took care of him for some time. Other contributors to the debate included the honourable members for Bundoola, Werribee and Pascoe Vale. The honourable member for Pascoe Vale raised a number of issues but repeated some of what was said earlier.

She referred to the Foster Care Association conference on Saturday, but I failed to see her at the meeting mixing with foster carers. I also failed to see her when the foster carers were expressing their strong support for this government. Although it was an Australian conference, the foster carers of Victoria expressed support for the government because it has provided an extra $4.2 million for foster care, a 38 per cent increase. That money has been provided in recognition of their excellent work as volunteers and to help the state further expand its out-of-home placement services. That is one of the issues that was raised in the debate, and I want to correct a couple of things that were obviously said in error. There is a certain degree of confusion on the other side of the house.

I make it clear that the government has provided additional money — more money, not less — for child protection services. It amounts to some $19.3 million, so any suggestion of budget cuts in children's protection services is wrong. Concern was raised about the out-of-home placement services. I refer honourable members opposite to the Auditor-General's report. In his summation on home placements the Auditor-General endorses the department and the government's redevelopment of the service.

Mr Thwaites interjected.

Dr NAPTHINE — He absolutely endorses the policy — and the honourable member for Albert Park agrees that he does so. As honourable members opposite said, the Auditor-General says that it is often inappropriate to place young people in group homes and residential units where they mix with people who are apt to exacerbate their behaviour and lead them into further trouble and that further out-of-home placements is the appropriate way to go. The direction which is being taken by this government, and which was being taken by the previous minister, involves the redeveloping of services, earning the admiration of states across Australia. Instead of decreasing, as the opposition would have us believe, our out-of-home placements are increasing. There are now more out-of-home placements available for young people, be they children or adolescents — and those placements are more appropriate. Let's dispel some of those myths. However, I am sure they will get another run tomorrow, because the opposition lives on myth rather than reality.

This bill is in three parts. The first improves the operation of the Children's Court by providing for the appointment of acting magistrates and allowing the Chief Magistrate and the Senior Children's Court Magistrate to make rules and prescribe forms to assist the operation of the court. I am pleased to say that the senior magistrate, Jennifer Coote, is doing an excellent job managing the Children's Court. Allowing her the freedom to further improve the operation of the Children's Court will be to our advantage.

The honourable member for Albert Park raised concerns about the quality of the people who will be appointed as acting magistrates. I understand the Attorney-General has suggested that the Chief Magistrate will appoint people who have previous experience as magistrates, people who may have retired and who may be able to return to the bench. That is entirely consistent with the amendments to the Bills to be made to the Courts and Tribunals (General Amendment) Bill, which will enable acting magistrates to be assigned to the industrial division of the court, as well as to the Coroner's Court and the Crimes Compensation Tribunal. It was considered more appropriate to include the
The second significant change concerns the correction of a mistake in the original children and young persons’ legislation. The mistake occurred because of an oversight by the former Labor government, and it is now incumbent on us to correct that Labor Party mistake. It will allow a young person who has been convicted of an offence greater freedom of movement, enabling that person to be transferred to a facility appropriate to his or her needs. If a 15-year-old is convicted of an offence that attracts a sentence of 6, 8 or 10 years — in other words, a long sentence that is appropriate under the Children and Young Persons Act — it would be wrong to place him or her in an adult prison. It would be detrimental to that person’s development and probably detrimental to many other aspects of his or her life. It is more appropriate for that person to be incarcerated in an appropriate youth facility. Under the act that the Labor Party left us with, the 15-year-old could be transferred to a youth facility which better suited his or her needs; but unfortunately, when that person turned 18, 19 or 20 he or she could not be transferred to the adult prison system to serve the rest of the sentence. We were thus left in a dilemma.

This provision will allow us to transfer a young offender to an appropriate youth facility where he or she can get services and mix with people more appropriate to his or her age group. That person will be able to get access to TAFE training and other services that may help him or her not only understand the severity of the offence he or she has committed against society but also gain an education and an opportunity for rehabilitation.

A young offender will be moved only under the guidance and at the direction of the appropriate authorities. In the case of a young person who has been sentenced to an adult prison but who needs to go to a youth training centre, the transfer will be done only with the approval and under the auspices of the Adult Parole Board headed by Justice Vincent, who is well known and respected by members on both sides of the house. I am sure he will act in the best interests of young people in the community. The Youth Parole Board will be responsible for assessing whether young people are mature enough to be returned to an adult prison environment. I understand Judge Cullity is the head of the Youth Parole Board. Again, he is a respected figure in legal circles and in the community and he will act appropriately.

The member for Albert Park asked what sorts of grounds will be used to transfer young offenders to an adult facility, particularly young persons who reach the age of 18, 19 or 20. The government takes no individual credit because of the bipartisan approach on the issue, which has been very productive, but I am pleased to say that Victoria has a very good juvenile justice system. More than 1000 young people come to the attention of the juvenile justice system each year in one form or another, and of those only about 100 are incarcerated. Every effort is made to keep those people in the community, to rehabilitate them and to help them stop themselves falling into lives of crime. I am also advised that our youth training centre at Malmsbury caters for young people aged between 17 and 21, which is unique to Victoria. In most other jurisdictions people over 18 years of age are in adult prisons. In Victoria, magistrates can determine that it is appropriate for young adults to be placed in and receive assistance from youth training facilities.

We have the situation where a young person transferred to a youth training facility under this legislation may at the age of 18, 19 or 20 — or even as old as 21 — need to be transferred back to an adult prison system. The grounds for that transfer are matters for the Youth Parole Board, but I would suggest to the honourable member for Albert Park that they could include an assessment of the maturity of the young person, of his ability to cope in the adult prison system, and of whether his behaviour at a youth facility is inappropriate. If the latter is the case it would be more likely that the person would be transferred to an adult prison system.

While speaking briefly about the juvenile justice system I must give great credit to the honourable member for Bendigo East in his previous role as minister. He led a revolution in improving facilities for young offenders. This is never a popular thing in terms of vote catching and is never popular in the community, but if we tell young people that we want to give them the chance to rehabilitate themselves, if we say, ‘Your life is important and we want to work with you to make something of your life rather than lead a life of crime’, it is important that we provide them with adequate facilities.

Ms Gillett interjected.

Dr NAPTHINE — I said this was a bipartisan approach. The situation is that the Malmsbury facility — —
Ms Gillett interjected.

Dr NAPTHINE — The honourable member for Werribee was not listening, because I was talking about juvenile justice facilities. The Malmsbury facility is being redeveloped at a cost of $12.5 million. The Melbourne and Parkville juvenile justice systems will be renovated significantly. There will be substantial capital improvements to those facilities, which will provide security to the community. The young people in the facilities will be made well aware of their offences against society and the significance of the offences, but we will also tell them that there is an opportunity for them to rehabilitate themselves in their own interests and in the interests of the community.

The third part of this legislation concerns the abolition of the redundant and outmoded Youth Affairs Act. The opposition believes the retention of the former Youth Development Policy Committee, which was an outmoded and inappropriate body providing advice to the government on young people, is the way to go because that is all that legislation was about. We have replaced that committee with myriad advisory systems and services for young people. The regional youth committees will operate right across Victoria. The Youth Affairs Council of Victoria — —

Honourable members interjecting.

Dr NAPTHINE — I am sure my regional youth committees will be pleased to know that the honourable member for Footscray thinks all the people involved in regional youth committees are members of Liberal Party branches. It is an absolute farce for the honourable member to make that sort of comment. It is a disgrace. He ought to apologise to the people who are devoting their time to helping young people in the community. The other youth groups that were involved were the young farmers movement, the YMCA, youth workers directly and youth groups right around Victoria. The Premier has recently announced his youth round-table program, which will also give us direct access to the ideas and issues of youth.

The other significant benefit to the youth of Victoria is the integration of youth services into the Department of Human Services will enable us to deal with young people at the most difficult end of the spectrum — those who are homeless, those at risk, and those in real need. At the other end of the spectrum we will be able to provide programs for general youth services through the Freeza program and other positive initiatives to help young people appreciate the opportunities that they have. We will provide entertainment for young people and help them to realise that they will be the leaders of the future. We will give them every encouragement and opportunity to develop themselves to their full potential.

I commend the bill to the house. It covers three very important areas and I urge the house to ensure the bill's passage.

The SPEAKER — Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

NORTH MELBOURNE LANDS BILL

Second reading

Debated resumed from 10 October; motion of Mrs TEHAN (Minister for Conservation and Land Management).

Ms GARBU TT (Bundoora) — The opposition does not oppose this straightforward bill, which revokes the reservation of 1.6 hectares of land located between Arden, Laurens and Queensberry streets and Munster Terrace in North Melbourne.
The land was permanently reserved last century under two acts, the Hotham Vesting Act 1886 and the Hotham (North Melbourne) Leases Act 1888. This bill lifts those reservations and repeals the Hotham (North Melbourne) Leases Act 1888.

The land was used as a depot by the former North Melbourne city electricity supplies department. Since the privatisation and break-up of the former SEC those assets have been passed on to Citipower and the land is still being used as a depot to store equipment. There is also an electrical substation on part of the land and the plan, following the passage of the bill, is to sell that land.

The sale arises from the misguided selling off of public assets, in particular the former SEC, the unfortunate consequences of which we have been seeing and, indeed, living with ever since. There have been steep rises in electricity prices, with an accompanying increase in the incidence of electrical disconnections, particularly for households that cannot pay their bills. There have also been increases in the number of blackouts. It is a lose, lose, lose situation, particularly for people who have discovered that the new owners of their electricity companies are living overseas.

The sell-off of public assets is causing hardship across the state, but the people of North Melbourne are seeing it at the local level. For example, Schintler Reserve, a public asset, is being sold from underneath the Argentinian social club, which uses it extensively for soccer games, various recreation activities and as a community centre. The local community is suffering from the government’s large-scale sale of public assets.

Given that the land was used originally by the municipal electricity supply company and, therefore, owned by the residents of the area, I ask the minister whether some of the proceeds of the land sale can go back to the people who built the service in the first place — the people who owned the electricity supply service. They should have received some money from the sale of the land to Citipower. Therefore, shouldn’t some of the money from this consequential sale go back to the community? Arguably, all of it should go back to the community, particularly given that clubs such as the Argentinian social club are now finding their facilities are being sold out from underneath them without any reference or consultation.

The second issue relates to the use of the site for more than 100 years for industrial purposes. People have suggested to me that there is probably asbestos in the substation, and that will need to be investigated and handled carefully. I do not know the condition of the substation, but because it is very old it is reasonable to guess that asbestos could be present.

Another matter to be investigated is whether the site is contaminated. It has been used for industrial purposes for more than 100 years. In the past not much was known about the dangers associated with the retention of harmful substances on industrial sites. What tests have been undertaken to ensure the site is free of contamination that might interfere with future use?

I hope the minister will provide some answers to my questions. Although the opposition does not oppose the bill, it opposes the reason it has come before us — that is, the sale of an electricity authority that should have remained in public ownership. That issue has been debated time and again and now we are tidying up some of the loose ends.

Mr COLE (Melbourne) — Although I support the sale of the land, the privatisation and loss of the municipal electricity supply marked a sad day for the City of Melbourne. I put the minister on notice to be extremely careful before selling any of the reserves, even if it is the sale of only some form of encumbrance. Ownership of such land is an important method of control over use, particularly in inner city areas.

As the honourable member for Bundoora said, Schintler Reserve is being sold from under the feet of the Argentinian social club. The land should be retained for sporting purposes because there are not many recreation areas in the inner city. Even AFL clubs have extreme difficulty finding areas on which to train. It is a shame that this area is to be sold off for purposes other than sporting purposes. I have grave concerns about the privatisation of Crown land.

The other issue concerns the Crown lease on land occupied by the Carlton Football Club. If we get rid of those leases and controls over Crown land we will have difficulty in controlling how the football club and other sporting clubs operate. I would hate this bill to be seen as a precedent that the government is giving away Crown land or land containing government reserves.

I know the Lauren Street area well. Parliament and the government must be extremely careful about
relinquishing any controls over Crown land. I am not saying it should not be done in certain circumstances, but we must be careful that the controls over Crown land are in the best interests of the state. The retention of Crown land by the state overcomes a multitude of sins and planning problems.

It is a shame that Schintler Reserve is to be sold from under the Argentina Soccer Club; it should be able to negotiate a price acceptable to everyone and not simply go for the top dollar. It is a shame the land is to be sold. I am disappointed that Citipower had to be accommodated through a privatisation of the electricity authorities. A significant amount of money will be lost by the City of Melbourne and that makes it a sad day for the council. It would have been sensible for the council to have retained the Citipower shares, but it is now looking to invest in what I can only call a stupid investment plan — namely, the purchase of Melbourne Airport.

It is sensible that the land should be sold. My electorate contains many parcels of Crown land and, as I said before, I would not want Parliament or the government to relinquish control over various sections of Crown land.

Mrs TEHAN (Minister for Conservation and Land Management) — I thank the honourable members who have contributed to the debate, mainly on the basis that they do not oppose this small but important bill. It provides for the revocation of permanent reservations over a 1.6-hectare site in North Melbourne. The land was permanently reserved in 1886 under the Hotham Vesting Act 1886 and the Hotham (North Melbourne) Leases Act 1888.

It is opportune to tell honourable members that the Department of Natural Resources and Environment has been the custodian of the reservations and has controlled the use of that land for more than 100 years. It is because of that significant and ongoing duty of care that the officers of my department, under its various names and in different areas during those more than 100 years, are often taken for granted by the public. I place on record the good work that that section of the department — now called the Crown Land and Assets Division — has done for many years.

The honourable member for Bundoora asked how the land would be sold. It will be sold in one part to Citipower to enable it to continue to use the substation there. The other part will be regarded as surplus to government needs and will be sold on the normal basis of a land sale.

The honourable member asked whether the proceeds of the sale would be returned to the community. Any money from the sale of land, surplus or for specific purposes, goes into consolidated revenue. That is of great value to the community because the government is addressing some of the debt problems the honourable member for Bundoora and the party of which she is a member created in the 10 years they were in government. That appalling debt, built up over 10 years, had to be addressed by the government. Although the proceeds of the sale of the land will be minimal, nonetheless that is indicative of the attitude of the government towards reducing debt and therefore reducing the debt servicing costs that were crippling the Victorian economy until 1992. The land sale will now be able to result in immediate and obvious benefits to the community.* Unequivocally there will be a substantial community benefit as a result of this legislation and the subsequent sale of the parcels of land once the legislation is enacted and the reservations are revoked.

I thank opposition members for not opposing the bill. Despite the history of the subject land, the time has come for it to be put into different ownership. I commend the custodians of the land and those responsible for its legal implications — that is, the public servants who run the Crown Land and Assets Division of my department. I thank the legal section of my department which has prepared the bill and the officers who have brought it to this stage, including one who is in the advisers box at this hour of the night to hold my hand just in case. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

EDUCATION (AMENDMENT) BILL

Second reading

Debate resumed from 10 October; motion of Mr GUDE (Minister for Education).
Mr MILDENHALL (Footscray)—The opposition does not oppose this bill, the intent of which is sound: to widen the range of people eligible to enrol in state schools; to allow visitors on short-term visas to join those on student visas and to enrol in state schools; and, probably most importantly and significantly, to facilitate the workplace arrangements under the vocational education schemes that have enjoyed widespread bipartisan and community support in the past few years.

It is typical of this government that something that could have been dealt with in a straightforward, consultative and supportive way has resulted in a bill with significant shortcomings. The legislation is something of a curate's egg: in my contribution I will attempt to identify those differing parts and to make some polite suggestions to the minister about how he could rectify some of its defects. Obviously the defects resulted from haste in the preparation of the bill.

The bill is inconsistent in that it has two totally separate components that are not linked either logically or in any other way. The comments made by members of the opposition about the way the government is cobbling its legislation together and the way these measures ought to be debated in a separate form also apply to this legislation. Two entirely different matters have just been lumped together. I am surprised that another component from the messy Miscellaneous Acts (Further Omnibus Amendments) Bill was not included in this legislation. It would have made quite a disparate trifecta.

The intent of the legislation is sound and is entirely consistent with arrangements now in place in other states. They relate to non-government schools that provide for overseas students holding visitor visas to be eligible for enrolment in state schools. Another measure included in the bill is that an application fee be charged for overseas students, which is an entirely appropriate move.

What is more controversial is the way the overseas fee-paying scheme is being implemented by the government and the opportunity that has been lost by its not using this legislative opportunity to rectify some of the more glaring defects.

Concern has been raised in consultation with principals and members of school communities about the operation of the overseas fee-paying students. The whole concept has enjoyed bipartisan debate and support. The scheme was set up for government schools in the 1993 amendments to the Education Act 1958. Typically, as has been the historical practice in this place, after being in opposition the government executed similar legislation to that put up by the previous government. When the former government introduced the legislation the then opposition said it was a bad idea; it was no good; it was not worked out properly and was badly thought out. However, when the coalition won government it put up an identical piece of legislation and that was okay. I guess it is part of the hypocrisy, the double standards and the inconsistencies we have come to expect in the legislative program and the level of integrity of the coalition parties.

Mr Gude interjected.

Mr MILDENHALL—It is absolutely dead accurate, as the rest of my contribution will be. It is interesting that when the legislation was debated in Parliament back in 1990 there was some community concern about the issue. One contributor to the debate about whether the overseas fee-paying students scheme ought to be proceeded with was one very frustrated principal from a secondary college in Prahran, Mr Russell Harrison. He wrote to the Age complaining about the lack of an adequate legislative framework to allow the bill to proceed. This was interesting, given the legislation that followed and the amendments that we are dealing with tonight.

Mr Harrison criticised the then government for the inadequate legislative framework and the dead hand of bureaucracy that prevented a school like his from properly participating. On reading this letter I was stunned by the irony that here is a school the government is now trying to kill by closing it. The government has decided that there is no place for government secondary school education in that part of Melbourne. The government has decided that schools that have a good social justice and pastoral care focus have no place in that part of Melbourne.

I wonder what will happen to Mr Russell Harrison now. I wonder what would happen to him if he wrote a letter to the Age saying, 'I disagree with what the government is doing'. I wonder how long he would last before being transferred to Ouyen West or becoming the target of a VDP. I am sure he would not last a minute. It caused me to reflect on the state of public debate on education in Victoria when principals I talk to invariably say, 'Please don't quote me. Please don't tell anybody I have spoken to you because I have been warned before and it has
been made very clear to me that I ought not get involved in any public debates or reveal any information to you, even though it might be available to other members of the public. Please don’t let it be passed around that I have even spoken to the opposition’.

It is certainly ironic. The legislation the former government attempted to pass and implement had a target of 500 students. At present there are about 155 fee-paying students enrolled in government schools and there is a target number of around 200 for the start of next year. The unit that is responsible for that situation believes it is reasonable to set its sights at that level.

In 1994-95 in New South Wales schools about 437 fee-paying students are enrolled, so around 400 to 500 more would seem to be the reasonable expectation of government schools in the marketplace, although I noticed that non-government schools quote a figure somewhat in excess of that number.

In announcing the government’s big push in this area the minister said in June this year that there will be 10 000 students in this program by 2000. In April he said that schools facing closure ought to avoid closure by boosting their numbers with fee-paying students. This was quite an interesting remark. It is typical of this minister to be enthusiastic about the sorts of schemes he dreams up, to be a little bit over the top in his enthusiasm and absolutely way out of this world in his grip on reality.

The legislation will widen the scope of eligible students and visitors, which is no doubt part of the marketing program, so this point is central to the debate. Nevertheless I wonder how the marketing program will operate for these extra people whose entry into Australia and signing up will be facilitated by the legislation and how they will be approached.

I tried to contact the departmental unit responsible for this. The head of the unit was overseas, no doubt doing some astute marketing in one of our neighbouring Asian catchment areas where all the customers are located. I wonder how the marketing will go. I suggest it will be something like this: ’We are absolutely committed to high-quality education in Victoria. Come to Victoria. Commitment; priority; no worries. Education is no. 1 in our town. Come down and have a look’.

Given the sorts of people who have been elected to the federal Parliament many of our Asian neighbours are having cause to rethink Australia’s attitude to immigration. They will say, ’There is a great sense of priority in the Victorian education system. It has gone from an expenditure of 15 per cent above the state average to 12 per cent below. You are driving the education system to the bottom of the barrel. It has the largest fall in retention rates in Australia’. They will be told, ’We have a wide variety of wonderful schools for you to choose from. There are 300 fewer since we got into government. What is more, there will be another 100 fewer by Christmas. We will close one in five schools in the state; that is how committed we are to education. You can throw 18 per cent of the teachers out. All that pastoral care, reading recovery and extra help with language you people need will be provided by 9000 fewer teachers’.

I wonder how this government can keep a straight face. I wonder how officials can go to these countries and pretend the government gives education priority. Astute neighbours of this country will say, ’You care nothing about education. You are closing your schools; you are sacking your teachers. You care nothing for health and education. You have the lowest per capita expenditure on education in Australia’. What sort of a commitment is that? What sort of marketing is that?

How can the minister make public statements about having 10 000 students by the year 2000? What an absolute joke! Thank God he is proven to be so wrong and will be so wrong when the figures come out. Having an extra 10 000 students in government schools would grossly distort, destabilise and interfere with the VCE assessment system, the TER calculations and entry into tertiary education. I am sure that by the time this government has finished its latest round of carnage and slaughter of government schools there will not be enough spaces left for those 10 000 students. What an absolute joke!

It is a bit like the statement that one in four students will have computers. That was suddenly changed in the Parliament today to one in five. The minister says the first thing that comes into his head. Straight off the top of his head he gives all sorts of undertakings and commitments, but later he has to come back and try to downplay and moderate the extraordinary public statements he makes.

One of the main concerns school communities have is whether overseas fee-paying students will displace local students in government schools. I
have a copy of the agreement that schools have to sign. The memorandum of understanding contains a quite reasonable clause which provides that the placement of an overseas student must not deny a local student access to schooling, access to a particular subject or prove detrimental to local students' education. This is obviously a key concern to many in the community. I am aware that some schools with a high demand for places have been approached by the department to participate and have refused because of that clause. They cannot logically see how they can do it.

There are some extraordinary practices taking place in the department at the moment. The department is approaching schools with long waiting lists and very high demand for places. They might take in 150 students each year but have waiting lists of 300. The government is saying, 'We would like you to be involved in the overseas fee-paying students program.' If 150 local students cannot get in because there are not enough places, how can overseas fee-paying students secure places without displacing local students? How can that be the case?

Mr Lim — Money, money, money!

Mr MILDENHALL — As my colleague the member for Clayton so rightly says, there is a bit of money to keep the schools interested. Why would the department approach the elite government schools and say, 'We would like you to be involved. Although you have no spaces available, we would still like you to put aside the interests of Victorian residents and take these overseas fee-paying students.'?

Will the unit approach some of the excellent secondary colleges in my electorate which have some capacity and which the government has included in its latest list for carnage? There are excellent schools with wonderful multicultural settings and great pastoral care and personal support programs — the Maribyrnong Secondary College and the Footscray Yarraville Secondary College. They are great schools that, unfortunately, are earmarked by this government for closure. The government will rue the day that happens because other government services will have to pick up some of the pieces. How can that work? We have elite schools with long lists of people wanting to get in and the government says, 'But we want you to take overseas fee-paying students'.

The answer to the conundrum is the widely differing interpretations of the word 'local'. When you ask the department, the official word is that schools cannot take an overseas fee-paying student if any Victorian student wants to get in. That is the interpretation of 'local' according to the departmental person to whom I spoke. If somebody from my electorate is eligible to go to, say, Melbourne High, they ought not be displaced by an overseas fee-paying student.

If one talks to the principals and the people on the ground, the interpretation they are given to understand is that 'local' applies only to students who reside in the immediate catchment of the school and for whom the school is the closest government school.

I shall take the case of a student from Broadmeadows who wanted to attend Footscray City Secondary College or Maribyrnong Secondary College and apply the departmental guidelines for overseas fee-paying students. If you ask the department it would say the student from Broadmeadows would get the opportunity and must not be displaced by an overseas fee-paying student. But if you ask the principals of those schools they will say they have been told 'local student' applies only to those living next to the schools so they can take the overseas fee-paying student.

So we have a problem. One possibility is that the minister's second-reading speech is wrong and he has misled any readers of Hansard. It states:

... existing departmental policy allows enrolment of overseas students in state schools only where the school has places not required by Victorian students.

Not 'locals', not the ones in the neighbourhood, in the houses next to the school — Victorian students. That is pretty wide.

Mr Gude — Is there something wrong with that?

Mr MILDENHALL — No, they ought to get access. The policy is good. But is it being implemented? Is your department saying to principals, 'No, you are required to give preference only to those who live —'

Mr Spry — What is the policy?

Mr Gude — Can they read the policy?

Mr MILDENHALL — I have plenty of time. I will again explain the policy for those members of the government who are sitting here trying in vain to understand the issue. I would like to see how this
could be rationalised. It is an extraordinary situation. The minister's policies are being significantly breached on the ground. His department is approaching excellent schools with long waiting lists, into which a large number of Victorian students would leap and be given preference according to the policy, saying, 'You can take overseas fee-paying students. Get involved in the program, take a few, forget the policy and slide them in. There is $5000 for you'.

We have a significant problem. I ask the minister to clarify the position in his concluding remarks. Is the second-reading speech right or is the department's policy being significantly breached? What schools have been approached by the department to get involved in the program? How many schools have long waiting lists? It is one thing to have a policy; it is another to implement it!

I guess the minister has told the overseas placement unit, 'I've put my foot in it again. I said we'll have 10,000 students by the year 2000. We are up to 155; we are only 9845 short. You have to reach the target over the next few years, otherwise we are in it again. We have been dropped right in it again. It is now your problem. Get me out of this; help me out'. So the overseas placement unit has gone out, forgotten the policy and signed up anybody it could.

Other schools have found and grappled with other significant problems with the scheme. Despite the enthusiasm of school administrators for the $5000 to come their way if they subscribe to the scheme, some schools have debated the issue at the school council level and opted not to participate. These questions have not been adequately debated in public. Scant recognition was given to them when the legislation was introduced.

It is typical of this government. The measure was introduced at a time when the rights of Victorians were being trampled all over again — the Northland clause was introduced into Parliament, schools facing closure had no recourse to the courts and there were also the Schools of the Future proposals. So the measure slipped through without debate. The issue should have been spelt out by the government.

Should government schools be enrolling students for profit? Although it fits this government's ideology, many schools have difficulty with the proposition. They do not believe it is consistent with their policy, which is for the public good, the public interest and to serve people, not to be set up as little businesses in the law-of-the-jungle Schools of the Future scenario established by this government.

What about the pastoral and welfare roles? It is all very well for the department to say to the school, 'This is your responsibility now. You are the substitute parent. You can look after these kids, their accommodation, and the pastoral and welfare role and so on'. What about the potential clash of cultures and values?

These issues have not been adequately dealt with by the government. The government just lays it all on the schools. It thinks $5000 is enough to get them in and the details will be sorted out later. More attention should be paid to the detail than the government has been willing to provide so far. I am interested to see whether the department streamlines and sorts out some of the operating difficulties or whether it will blithely struggle towards some minute percentage of its 10,000 student target, with all the credibility accompanying the minister's grandiose announcements of targets.

The second major component of the bill is its vocational education aspects, which put in place the framework for the proper conduct of vocational education in this state. As I said, although these policies enjoy bipartisan support, it is a shame the government did not quite get it right. Again it has gone for enabling legislation and the trust-us clauses that say, 'We will sort it all out. We will have no regard for community standards, benchmarks or reference points. We will do what we like. We will make ministerial orders. The safeguards for the community are anything we would like to make when orders are made'. It is typical that no consultation took place with the appropriate people to gauge whether the arrangements would work.

Of course VECCI and the Workcover authority are the only groups you need to talk to in industry! The government does not talk to people on the shop floor, to union representatives, groups of students or school councils, which are actually running these programs. Instead, the government just talks to its mates down at VECCI, which is how it sets these things up. It is obvious from the way the legislation is drafted, and from the bits that are missing, that there will be some operational difficulties. Clause 7 inserts new section 64LD:

(1) The Minister may make orders about work placements of pupils or any class of pupils with employers for training.
Without limiting the generality of sub-section (1) an Order may provide for —

(a) the circumstances in which and the requirements which must be satisfied before work placement arrangements can be entered into;

(b) the maximum number of work placement hours or days ...

(c) the hours of the day ...

(d) the maximum number of pupils ...

(e) the circumstances in which a work placement arrangement can be varied, suspended or cancelled;

(f) the minimum rate of payment ...

(g) any other terms and conditions for work placement arrangements including work placement arrangements referred to in section 64LC(3) with employers in other States or Territories.

The new section could lend itself to exploitation. There ought to be safeguards and some reference to standards. One is an Australian-agreed standard, enacted in Queensland and widely acknowledged as valid across the country, that the maximum number of hours for unpaid placements for vocational education should be 240. Given the length of the second-reading speech, one would have thought it would not have been too much trouble to acknowledge that basic standard. It is important, because our young people could be subjected to exploitation.

If it was too much trouble for the parliamentary draftsperson to include in the bill, the minister might at least have slipped in a reference to it in his second-reading speech. Instead, under this enabling legislation the minister will make orders on any matters he thinks appropriate. What is there to prevent exploitation or the loss of employment? Work placement students might be used as a cheap form of labour. The safeguards the minister will no doubt try to draw to our attention are on page 7 of the second-reading speech, as follows:

Safeguards have been provided to ensure that work placement arrangements have no impact on part-time employment or the exploitation of students ...

These wonderful, robust, tight safeguards include:

... that any work placement is part of an accredited course of study;

They all have to be part of accredited courses of study; otherwise they are not considered work placements. That is not a safeguard; it is just a precondition that does nothing to protect anyone. The other safeguard says that the minister is able to regulate work placement arrangements. He can make orders, but those orders can provide for either extremely wide loopholes or the insertion of safeguards. The minister ought to make his intentions clear. In summing up the debate I ask him to indicate the sorts of safeguards and standards he has in mind.

The final safeguard referred to is that the principal of a school will be obliged to ensure, prior to placing a pupil in a work placement arrangement, that it is appropriate to the needs of the pupil and the requirements of the accredited course of study — so the onus is back on the principal again. The regulations will not help us and the orders will not help us; the principals are the ones on whom the squeeze will be put.

Another unsatisfactory part of the legislation concerns the ability of a principal or head teacher to enter into an arrangement to place a student in another state or territory. The strands of authority and accountability we are talking about are long, because the second-reading speech says:

The bill provides the principal or head teacher of the school with a discretion, within guidelines to be prescribed in a ministerial order —

one of those unknown ministerial orders —

to make an arrangement with a non-Victorian employer in another state or territory where that state or territory is not declared by order of the Governor in Council, to be a reciprocating state or territory.

So it is up to the principal to enter into an arrangement with a business in another state not covered by any order of the Governor in Council. The speech continues:

Pupils undertaking such an arrangement would not be covered by Victorian Workcover provisions and would be expected to organise their own insurance.

That is a fairly long strand of accountability. It is an interesting role to give a principal of a Victorian school — namely, to be responsible for the Workcover insurance of a Victorian student in an interstate work setting.
An honourable member interjected.

Mr MILDENHALL — I have been asked by interjection to identify the clause, which I believe is clause 10. However, one would have thought it would be sufficient for the minister’s purposes to have his speech quoted back to him. Perhaps, like the overseas fee-paying components, his second-reading speech does not have the authority we would expect it to have in this instance. I would have thought that would be a difficult proposition, but it is typical of the minister to say, ‘We will put it all on the principals. They can sort out these things and can negotiate them around the country’.

As I said at the outset, although the intent of the bill is sound it contains some significant difficulties that the minister ought to address in his concluding remarks. There are problems with either the integrity of the second-reading speech or departmental policy. Either the speech lacks authority or the policy is being honoured more in the breach. The regulatory framework for the vocational education section also has some significant weaknesses. I ask the minister to address those shortcomings to ensure that the bill, the intent of which we all support, can be successfully implemented rather than creating liabilities for the students of this state.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The time for the adjournment of the house under sessional orders has now arrived.

Bendigo Health Care Group

Mr CAMERON (Bendigo West) — I bring to the attention of the minister representing the Minister for Health a matter concerning the issue of job security at the Bendigo Health Care Group. Job security is essential, as honourable members will be aware, for the smooth running of an organisation, especially when undertakings of job security have already been given. Representatives of workers at the group have expressed their concern about job security to me.

The gardeners at the Bendigo Health Care Group do a sterling job. There are three gardeners who cover the hospital, the Anne Caudle Centre, the Golden Oaks village, the Golden Oaks nursing home and the Eaglehawk day hospital. Ten years ago there were many more gardeners but now they are at the bare minimum. Indeed, they have been congratulated by former hospital boards on being able to do such a good job with such a small team.

On 18 October an executive director of the hospital asked the gardeners for full details of the work they do and gave an assurance that the hospital did not want to do them out of a job, but things have obviously changed in that short period of time. I am informed that last Thursday, 24 October, the workers were told that they had no guarantee of jobs. Indeed, the gardeners fear that their jobs will be privatised despite the assurance given to them on 18 October.

Naturally, this is causing anxiety in other areas of the hospital. For example, workers in the engineering department received promises earlier this year that there would be no more job cuts, but now they are also feeling insecure. This insecurity is spreading among all the hospital workers, who believe privatisation may start in earnest. The minister will be aware that further insecurity in the Bendigo hospital system is not desirable. I ask the minister to assure the house that talk of privatisation of any jobs is unfounded, and to assure the workers that their present employment with the hospital is secure.

Kingston: property valuations

Mr LEIGH (Mordialloc) — I desire to bring a matter to the attention of the Minister for Planning and Local Government. The minister will be aware that council amalgamations have brought about a number of changes, particularly in respect of the number of property assets that councils have that they may no longer need. In recent times in the City of Kingston a number of properties have received the Valuer-General’s valuations and the land monitoring unit has also been involved. Prices are being set at what it is believed these premises are worth.

Perhaps I could give the minister two examples to illustrate my concern. Firstly, there is land on Farm Road which has the potential for some urban development and some open space. In my view some of this land is too narrow to be anything other than open space. The framework is structured so that the City of Kingston is required effectively to pay residential prices for some land. The land monitoring unit people are saying the value is effectively residential prices minus 30 per cent. It is a difficult position for the city.
There is also the classic example of the menagerie that was built on the corner of South Road and Nepean Highway. I am sure the minister will be aware of the building I am referring to: it was built by the former elected council of the City of Moorabbin and consists of three different styles of architecture. All the councillors involved in the planning of that building ought to be condemned for the sort of building they built.

The Valuer-General has valued the building. I am aware of what the value is but I do not think it is appropriate that I mention it. However, may I say that there is no way on earth that the Valuer-General’s price is going to be met. As a result, the city is having difficulty with the sale. No-one is interested in buying the building. The value of a building is only what someone will pay for it. In my estimation, very few large corporations — or anybody else, for that matter — will want to buy that building.

Unfortunately, I think there probably will be a dynamite job on the building so the land can be used for some other purpose. It is a disgrace that the elected councillors — many of them Labor Party figures — got away with doing that. This development will ultimately affect the City of Kingston’s budget. I ask the minister how we can set about establishing a framework so that the council can sell the building at a price that somebody will pay for it and not at the price currently set by the Valuer-General which no-one will pay.

Petroleum resource rental tax

Mr BRACKS (Williamstown) — I draw to the attention of the Treasurer a matter that concerns the state government’s potential liability to pay the petroleum resource rental tax in relation to gas. I seek from the Treasurer an assurance that the government is doing everything possible to minimise Victoria’s potential liability to pay this commonwealth-imposed tax.

At page 159 of his recent report on the financial operations of the state the Auditor-General indicated that the Department of Treasury and Finance has estimated a maximum total petroleum resource rental tax exposure in nominal terms at around $3 billion. This is a big-ticket item. I am sure the government and the opposition would seek to ensure that the state pays the minimum possible amount of the $3 billion exposure.

The Auditor-General goes on to say that if Esso and BHP are successful in passing on the petroleum resource rental tax cost the exposure of $3 billion will be met by the Victorian taxpayers. The Auditor-General states that the only way that Victorian taxpayers can pay less of that exposure to $3 billion is for Esso and BHP to pay more. It is a simple equation: Esso and BHP pay more and the state pays less. The Auditor-General reports that these matters are incomplete and are subject to litigation.

I ask the Treasurer to ensure that there is no possible circumstance in which the advice he is receiving has a potential conflict of interest. I refer to advice given by the Solicitor-General, a person who personally has up to $900 000 in shares in one of the parties, namely BHP. I ask the Treasurer to assure the Victorian taxpayers that the Solicitor-General will step aside from giving any advice on these matters.

Mr Macelllan — On a point of order, Mr Speaker, and without wishing to further delay the honourable member, I think you should advise the honourable member that he may raise only one matter and not a whole succession of matters on the adjournment debate.

Mr BRACKS — I ask the Treasurer to assure the house that the advice which is given is not legal advice coming from the Solicitor-General, given his interest in the matter.

Mr Macelllan — A point of order. Mr Speaker.

Mr BRACKS — I ask the Treasurer to ensure that the Victorian taxpayers can pay less of that exposure to $3 billion is for Esso and BHP to pay more. It is a simple equation: Esso and BHP pay more and the state pays less. The Auditor-General reports that these matters are incomplete and are subject to litigation.

Mr Macelllan — On a point of order, Mr Speaker, and without wishing to further delay the honourable member, I think you should advise the honourable member that he may raise only one matter and not a whole succession of matters on the adjournment debate.

The SPEAKER — Order! I think this is relevant to the matter that the member is raising.

Mr BRACKS — I ask the Treasurer to assure the house that the advice which is given is not legal advice coming from the Solicitor-General, given his interest in the matter.

The SPEAKER — Order! I advise the house that the advice which is given is not legal advice coming from the Solicitor-General, given his interest in the matter.

Mr A. F. PLOWMAN (Benambra) — I ask the Minister for Planning and Local Government to draw to the attention of the Minister for Finance in another place the freehold title of all land vested in the Victorian Plantations Corporation. In the north-west of Victoria that amounts to 17 000 hectares, while across the rest of the state that figure could be multiplied by three or four. Problems arise when the surveying of freehold titles...
is conducted by the Surveyor-General and the title plans do not take into consideration existing road alignments or roadside stops. There is a fair amount of evidence to suggest that in many cases not enough space is left to allow for the realignment of existing road pavements. It has been suggested that it would be less costly to have the Surveyor-General examine the situation at this stage, ensuring the titles take account of existing and proposed road alignments, than to freehold the lot and go through the process later on.

The two shires in question are those of Alpine and Towong. I ask the minister to make the plans available to those shires prior to their being approved by the Surveyor-General and the titles office so that they can advise the office of their existing and proposed road alignment requirements as well as any other infrastructure requirements.

**Serrated tussock**

Mr LONEY (Geelong North) — I draw to the attention of the Minister for Conservation and Land Management the growth of serrated tussock on farmlands in the Geelong North area, particularly around Little River. The growth of serrated tussock is a particular problem for graziers because it has a remarkable effect on grazing lands. In fact, of all the weeds in Australia serrated tussock is the biggest cause of reductions in carrying capacity, which results in great losses in available farming land. The area I refer to has been listed by the serrated tussock task force as one of major infestation. I ask the minister to examine a number of issues relating to the spread of serrated tussock in northern Geelong. Firstly, the Corio Landcare group has raised with me the government subsidies it received some years ago, which paid for spraying to eradicate the weed. Two years ago a facilitator was employed by the department to inspect properties and advise on its removal. This year an enforcer was employed for the next three years, but he will not visit northern Geelong at all in the next 12 months. The Corio Landcare group would like that matter addressed. Secondly, although farmers are particularly diligent in trying to remove serrated tussock, no action is taken to remove the weed from railway reservations or Crown land which abuts farming properties. As the seeds of serrated tussock are carried on the spring winds, the failure to act on the problem on government land is causing farmers more grief.

Those farmers would like the government to consider the possibility of a section 32 declaration under the Real Estate Act so that checks can be made on properties affected by this noxious weed. There have been cases of farms being sold and the buyers being unaware that thousands of dollars of treatment is required to prevent serrated tussock rendering the farmland useless.

The SPEAKER — Order! The honourable member's time has expired.

**Telstra: pay TV cables**

Mr LUPTON (Knox) — I draw to the attention of the Minister for Local Government and Planning the laying of Telstra cables in the City of Knox. Telstra workers are going down residential streets spraying various symbols on footpaths in white paint. The symbols mark the spots where digging commences for the laying of pay TV cables. The markings on the footpath stay for a considerable time before the Telstra workers dig up the nature strips to install the various cables.

When they dig the pits they remove clods from nature strips, which no doubt residents have taken a great deal of time and effort to nurture and mow. After the workers have buried the cables they chuck in the clods, throw clay over them and then, lo and behold, throw sand and seed over the top of the buried clods. Although the workers do all of that neatly, mountains of soil and seeds are left on top for the residents to water and nurture again. After Telstra had finished with my nature strip I was able to retrieve a whole barrelful of top soil, which was handy for my garden!

The real problem is the spraying of white paint all over the footpaths, which I describe as formalised graffiti and which can remain there for some considerable time. If Telstra wants to mark the footpaths in residential areas it should go back to using chalk, which is easily removed and which does not remain for 6 to 12 months.

**Maribymong River**

Mrs MADDIGAN (Essendon) — I draw to the attention of the Minister for Agriculture and Resources a number of concerns about the Maribymong River. Under previous arrangements with Melbourne Water the Maribymong Advisory Committee, which was made up of a number of representatives from local councils, residents groups, users of the river and the state
government — namely Melbourne Parks and Waterways and the EPA — worked well to identify problems along the river including its use, the linear path and environmental and weed problems. That was abandoned after the changes to administrative arrangements involving Melbourne Water, and there is now growing concern no mechanism exists to alert the minister and the appropriate department to problems arising in and on the river.

There is a great potential to develop the area for tourism. Only last week, during the release of a tourism strategy by the Minister for Small Business at Highpoint West, the Maribyrnong River was referred to as an important feature of the tourism strategy for the west. Perhaps an advisory body is needed even more than it was some years ago.

Will the minister investigate the possibility of re-establishing the committee? Representatives from councils and the state government are important to the development of the areas along the river. Groups that should be involved include not only the Department of Infrastructure but also Friends of Maribyrnong Park, Friends of Riverside Park and rowing and canoeing clubs, and people such as Peter Somerville.

It is essential that the committee continues to provide feedback to the government and allow appropriate decisions to be made so that the river levels are kept high.

In the past 15 years much work has been done upgrading the Maribyrnong River; it is now a valuable community resource. It would be a shame if the good work done over the years is lost because the advisory committee no longer exists. I ask the minister to investigate the matter.

Yarra Ranges: Upwey office

Mr McARTHUR (Monbulk) — The matter I direct to the attention of the Minister for Planning and Local Government concerns a decision by the Shire of Yarra Ranges to sell what is known as the Upwey district office of the shire, formerly known before the local government reform program as the shire offices and depot of the Shire of Sherbrooke.

The recent announcement of the decision to sell has caused a considerable amount of community debate in the Dandenongs area. The decision stems from advertisements placed by the Shire of Yarra Ranges in late 1995 seeking expressions of interest from parties wishing to purchase the shire offices and depot.

Since then discussions have been held throughout the hills area about whether the offices should be sold or, if not, to what use they could be put. A number of public meetings have been held to discuss the issue. Letters to the editor have appeared in the local newspapers, which have also carried a number of reports about the issue.

One of the major questions arising from the public debate was whether the council has the authority to sell the former shire offices. I ask the minister to advise me — and residents of the Dandenongs — whether the shire has that authority under the Local Government Act. Has it the ability to sell shire assets? If so, what is the procedure?

Considerable community concern has been expressed at recent public meetings. Several hundred people voiced their concerns and questioned the legitimacy of the shire’s decision. I ask the minister to examine the way in which the shire has approached its decision to sell the former shire offices. Is the shire acting within its authority or has it exceeded its authority? My constituents are keen to hear the minister’s advice; the issue has been hot for some months.

Wyndham: family services

Ms GILLETI (Werribee) — I direct a matter to the attention of the Minister for Youth and Community Services. Last week I received at my electorate office a press release from the office of the Minister for Youth and Community Services headed ‘State funding expands family services in City of Wyndham’. It contained a number of statements by the minister, the contents of which nobody would deny. They include:

Family support services in expanding areas like the City of Wyndham play a key role in helping families develop, maintain and strengthen their independence and well-being.

While all families with children face challenges, those in growth areas may face the added stress of isolation, financial pressures or uncertain employment prospects.

Those concerns are certainly familiar to my constituents in Werribee. In the press release the minister said he was prepared to fund programs that:
... will play a vital role in reducing potential family breakdown and the need for intrusive or intervention services such as protective services.

Given the condition of those services that would be most welcome. The minister further said:

Funding will be allocated to services for families with parenting difficulties, including those who are at risk, have particular needs relating to low income, non-English-speaking background, teenage parenthood, post natal depression or a disability.

The unfortunate aspect of the press release was its lack of detail about how the funding would be distributed, how much funding would be available to the City of Wyndham and what programs would be funded.

I ask the minister to explain the statement so that I may fully explain its contents to my constituents and local organisations. How does he intend to distribute the totally inadequate $58 000, which will be our share of the $250 000, to the agencies providing those important services to families? Will he specifically detail the agencies that will receive the funding? Which programs will receive the crumbs from the gambling tables of the casino?

Melbourne Airport: visitor reception

Mr THOMPSON (Sandringham) — I direct a matter to the attention of the Minister Assisting the Premier on Multicultural Affairs. Victoria has been noted as the multicultural capital of the world. My concern is the way people from overseas countries are addressed by officials at Melbourne Airport and in other environs around Victoria.

A constituent of mine regularly travels overseas: Ernie Merrick is an international sporting coach and a resident of Beaumaris. On returning to Melbourne recently he was subject to the normal customs inspections by airport officials — there may be an overlap between state and federal jurisdictions — as a result of which he was forced to put pen to paper. I refer to several of his comments:

I personally did not have trouble passing through immigration, but almost every non-caucasian was questioned for a considerable amount of time and were spoken to in a derogatory fashion. In fact several officials seemed quite rude and abrupt ... Their attitude bordered on racism. One female official in particular delayed every non-western person and treated them in a very poor manner.

He further comments that the officials at Melbourne Airport are the first contact for many overseas visitors. He considered it to be a very important issue which should be addressed.

Many members of this place come from other countries and have made important contributions to the economic development of Victoria. One need look only at the men who built the Snowy Mountains hydro-electric scheme which will shortly celebrate an important anniversary. There is also Tab Fried, a constituent who arrived from Hungary with only his suitcase in his hand and his skill as a fitter and turner. He now produces equipment that is exported to the United States of America.

The specific issue I raise with the minister concerns the treatment of visitors to Victoria. I wish to ensure their reception is of the highest standard. To paraphrase the words of Martin Luther King, I wish to ensure that people are judged by their character rather than the colour of their skin.

City Link: pollution monitoring

Mr CARLI (Coburg) — I direct to the attention of the Minister for Conservation and Land Management the lack of pollution monitoring stations near the construction site of City Link, particularly near the Tullamarine Freeway.

According to EPA publication no. 515, monitoring stations would be established near the Westgate Freeway to measure the effects of the City Link construction.

Previous EPA publications have contained criticism by the authority about the lack of monitoring stations, particularly roadside monitoring stations, in Melbourne. EPA publication no. 421 states:

Most stations do not consistently meet the minimum requirements of ... 75 per cent data availability. The resulting gaps in data collection makes statistical and scientific analysis difficult and less convincing.

There appears to be patchy information about scientific analysis and the EPA material — —

The SPEAKER — Order! The honourable member's time has expired. Before calling ministerial responses I point out that when the honourable member for Williamstown raised the issue of petroleum resources rent tax the minister at the table, the Minister for Planning and Local
Government, raised a point of order on the ground that the honourable member was raising two issues.

The Chair ruled that the second part of the issue was relevant to the first and therefore ruled against the point of order. On reflection, the Chair believes it ruled incorrectly on that occasion. The honourable member raised a matter for the Treasurer, seeking that the Treasurer virtually do all that he could as a minister to reduce the amount that the state might pay in petroleum resources rent tax, which was the nub of the matter being raised. He then raised a second matter in relation to the Solicitor-General. Even though it may have been relevant to the whole question, in terms of the rules of the adjournment debate it should be judged as a second matter and therefore is not acceptable as members may raise only one issue.

Mr Bracks — On a point of order. To clarify the issue, the matter I raised was about minimising the state’s liability to pay the resources rent tax. I was using the Solicitor-General’s advice, because he already had BHP shares and therefore had a vested interest, to illustrate how that may not be occurring. I was illustrating my previous question and it was therefore relevant to my previous question.

The SPEAKER — Order! The Chair has ruled on this matter.

Responses

Mr KENNETT (Premier) — I respond to the matter raised by the honourable member for Sandringham about the observations of a constituent regarding attitudes to passengers arriving at Melbourne Airport. I am not aware of that experience. I have passed through Customs a number of times and will be passing through again in two weeks time because there is not much opposition here to keep us in this state, and we can do a lot more by representing the state overseas.

I will take that matter on board and take it up with the Federal Airports Corporation (FAC) to make sure that if in fact people are treated differently at the airport it will not be the case in the future.

I think I can speak on behalf of my colleague the Treasurer on the matter raised by the honourable member for Williamstown, the resources rent tax. The honourable member for Williamstown raised the issue of having the state try to minimise the exposure of the government to this issue. Mr Speaker, you would know, as I know and as the Treasurer knows, that we have been burning the midnight oil to resolve the issue because of our collective desire on this side of the house to get on with gas reform throughout the country. The thing that is stopping Victoria getting on with that reform is the lack of resolution of the resources rent tax.

It is publicly recognised that when it comes to public moneys the government guards very carefully its responsibility for the expenditure of that money on anything it does. I can assure the honourable member for Williamstown that there have been serious negotiations undertaken by you, Mr Speaker, in your previous role, the Treasurer and me, and we are, I hope, coming towards the end of some very protracted negotiations.

Two of the reasons the government is entering into these negotiations in an effort to conclude them are rent resource and an attempt to delay what could be ongoing litigation which, unless the three parties involved come to an agreement, could take 10 or maybe 20 years. By that stage we could consume so much of the public’s money in legal fees as to make the whole exercise futile.

I assure the honourable member that the government wants to resolve the matter equitably and with a minimal exposure of the Victorian community. I hope we can do that this side of Christmas: I do not specify which Christmas, but I hope it will be 1996. I assure the member that the government will not pay $1 more than it has to in order to get the matter satisfactorily resolved for the entire Victorian community.

Mrs TEHAN (Minister for Conservation and Land Management) — The member for Geelong North raised with me a matter concerning serrated tussock in the western part of the state. That matter has been raised on a number of occasions by the honourable member for Bellarine, who has an active interest in this area. When I was with him last month on a day visit to his electorate the question of weed control and serrated tussock was brought to my attention.

This government more than any other in many years has made weed eradication a priority in its focus on land protection for agricultural productivity and for the protection of the environment.

As honourable members would know, the government has established an all-party parliamentary committee on natural resources, the Environment and Natural Resources Committee.
The member for Bellarine is a member of that committee. The committee has been given the specific reference to look at weed control in this state. I look forward to seeing the outcome of that important reference.

The committee will look at the longer term impact of weeds and the possibility of genetic or biological controls. Last month I attended and opened the Australian weeds conference at Melbourne University, which was attended by scientists from all over Australia. The honourable member for Bellarine was there.

The government has also put $12 million into a program specifically for pest-plant control. That money will be spent over the next four years, predominantly on the catchment and land protection area but also on looking immediately at the shorter term and immediate need for weed eradication, and serrated tussock is one of the key weeds.

One of the more important recent effects of the government's involvement in control of weeds, especially serrated tussock, has been a freeing up of the use of glyphosphate — or, to use the everyday word, Roundup — which has proven to be very effective when sprayed at certain times in stopping seeds setting in serrated tussock. I quote from an article on page 2 of the Geelong Advertiser of 9 October — which I am sure the honourable member for Geelong North will have read — when Simon Matthews said:

The fight against the spread of serrated tussock across regional farming land has taken a turn for the better. Experimental spray topping being conducted locally by the Department of Natural Resources and Environment has found up to 99 per cent of seed heads can be prevented from forming. A special permit allowing the department to make off-label recommendations for the use of the glyphosphate has been granted.

That was because of the direct intervention of the secretary of the Department of Natural Resources and Environment, Mike Taylor, who was again down there looking at serrated tussock and, having heard that the glyphosphate could have an impact, immediately came to Melbourne and was able to make use of the off-label recommendations more widely than before. The article goes on to say:

Farmers take that on themselves knowing it has only been trialled and that generally the department will not make off-label recommendations, but because of the huge serrated tussock problem allowances have been made.

The government is cognisant of the difficulties caused by the impact of serrated tussock and other weeds on the farming community and the environment. The government is committed to overcoming the problem and commends the efforts of shires like the Shire of Melton, which is working on a farm rebate arrangement that will be used when an agreement has been entered into for a successful result, or even for effort in terms of weed eradication and proper land management.

It is a very good proposal and one I know the Minister for Planning and Local Government is watching with great interest. I certainly hope that other municipalities where we have these problems —

Mr Loney — The Geelong council, perhaps?

Mrs TEHAN — The Geelong council, I am pleased to hear, is looking at that. I commend, encourage and ask the local member to speak with his local councillors because that incentive and that opportunity is the only way in which we can direct widespread focus and concerted action on weeds.

The honourable member for Geelong North referred to section 32 and the possibility of including a component indicating the weed status on the land under sale. That has been raised with me before and is worth pursuing. I will certainly examine whether that could be another measure to address the problem of serrated tussock. I assure the honourable member, just as I assured the honourable member for Bellarine on a number of occasions, that the government recognises the problem of serrated tussock and other weeds and has made that a high priority with a range of actions. Some of them, which I have spelt out to the house, are being taken to control noxious weeds including serrated tussock.

The honourable member for Coburg referred to EPA monitoring stations on the Tullamarine Freeway. Because of the time constraint, it was fairly difficult to understand precisely what he meant. If he gives me a note raising the details he did not have the opportunity of mentioning, I will be only too happy to take it up with the EPA.

Mr STOCKDALE (Treasurer) — The honourable member for Benambra raised a matter for the Minister for Finance concerning the conversion of the land-holdings of the Victorian Plantations
Corporation to freehold. In principle, the government believes accountability for the management of plantations will be enhanced if freehold is vested in the Victorian Plantations Corporation. The Minister for Finance and I share responsibility for those incidents of corporatisation. The department is working on those matters.

I understand the concerns the honourable member has expressed. Inevitably, corporatisation involves some conflicts of interest between land-holders who have an interest in the land the Victorian Plantations Corporation has been using. I am not sure of the precise details of the matters raised by the honourable member, but I will ensure that they are raised with the Minister for Finance and will endeavour to get an expeditious answer to the shires concerned.

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member for Bendigo West raised a matter for the attention of the Minister for Health. It concerned the job security of four gardeners on the engineering department staff of the Bendigo Health Care Group. He said he understood no guarantee had been given that the positions of gardeners and engineers who might service the various institutions associated with the Bendigo Health Care Group might not be privatised. The honourable member is aware that the efficiencies, savings and enrichment of job opportunities that follow from the contracting of jobs rather than the direct employment of people leads the government to believe there can be great advantages in the contracting of jobs in circumstances such as he described.

The honourable member would be aware that many local government jobs are being tendered and in many cases an in-house team is successful in renovating its industrial relations and work practices to secure a contract that gives it a measure of job security during the term of the contract.

At a time when health issues are receiving quite a lot of public attention and some media criticism, it is interesting to hear that the honourable member’s priorities are for the gardeners and the members of the engineering staff. I am not sure whether the honourable member for Albert Park would share his priorities. I am quite certain that the Minister for Health would regard gardening as a desirable but non-core function of the health portfolio.

However, the honourable member for Bendigo West obviously sees it differently. It might be a measure of the success of the Minister for Health in organising appropriate health services for the Bendigo community that the prime issue in the health area in Bendigo is the jobs of gardeners. If that is the case and if that is what the honourable member is signalling to the Parliament, I am sure I will have much pleasure in passing that on to the Minister for Health for his attention. The honourable member for Mordialloc raised with me the question of council properties — —

Ms Gillett interjected.

Mr MACLELLAN — Has the honourable member for Werribee got another problem? If she takes her hand away from her mouth when she interjects, I might be able to hear. If she wants to put her hand over her mouth, I wish she would do it more successfully.

The SPEAKER — Order! Regardless of whether the honourable member for Werribee has her hand over her mouth, I ask the minister to ignore the interjection.

Mr MACLELLAN — I direct your attention to the rather common orthodontic problem the honourable member for Werribee seems to have. I do not know whether she is worried that her teeth are going to shoot out. She should take her hand away from her mouth and speak out clearly because it is very difficult to hear her when she interjects with her hand over her mouth. I find it quite difficult.

The SPEAKER — Order! Let us stop this cat fight across the table between the minister and the member. I call the minister, on the subject matter.

Mr MACLELLAN — I will get around to her later, because she raised a matter on the adjournment. I shall respond to the matter raised by the honourable member for Mordialloc who was concerned that properties valued by the Valuer-General might not be able to be sold at the Valuer-General’s valuation. In relation to municipal councils, I express some sense of regret at this stage that the Land Monitor does not monitor and report to me upon sales of municipal properties as he does on sales of properties owned by the government or government departments. It may well be that the honourable member is pointing out that there could be a need to make sure when municipal councils dispose of significant properties, they do so subject to the Land Monitor’s scrutiny.
Where properties cannot be sold at the Valuer-General's valuation and where the Land Monitor applies, which is in areas other than municipal council areas, it is possible for me, as minister responsible for the Land Monitor, to give an exemption to allow a sale at less than the Valuer-General's valuation. From memory, in the three years I have been responsible for the Land Monitor, I have approved one case. It was an exceptional case. The Valuer-General's valuation is meant to be the market price — that is, the price that would be paid by a willing purchaser to a willing seller. There are occasions when the Valuer-General might get it wrong and it might be necessary to seek a further valuation to get confirmation or an adjustment in relation to the matter.

However, I shall have the matter examined. The minister responsible for the Valuer-General is the Minister for Conservation and Land Management. I have responsibility, as the Minister for Planning and Local Government, in regard to the Land Monitor. As minister, I will certainly take that matter on board and see whether I can get some advice.

The honourable member for Knox referred to Telstra's propensity to make paint marks in anticipation of underground cabling, the possible disturbance of what used to be called nature strips and the fortuitous circumstances under which he obtained a quantity of topsoil. I will gently raise the matter with the federal Minister for Communications. I am sure it will provide a wonderful counterpoint to much of the correspondence he has recently received in relation to the aerial cables that have been installed in some suburbs.

On this occasion, to counterbalance the massive correspondence the federal minister has been receiving on aerial cabling, it will be a matter of some interest for him to receive the honourable member's views on the work of Telstra on underground cabling. I will ask the federal minister to draw to the attention of Telstra prior to its being privatised the possibility of its being more customer-oriented in the work it does and more thoughtful in the way it marks out the intention to undertake work in that way.

The honourable member for Essendon raised a matter with the Minister for Agriculture and Resources which I shall draw to his attention. She may well be right. It may be that the Maribyrnong River has not yet been included in the Melbourne Parks and Waterways responsibilities of the Minister for Conservation and Land Management. However, if she wishes to have an advisory committee established or re-established I suggest she take up the matter with the Minister for Conservation and Land Management and seek the establishment of an advisory committee for the whole or part of the river.

I imagine the only reason the Minister for Agriculture and Resources would be responsible is if that part of the river had not been included in the Melbourne Parks and Waterways area. Last week the City of Maribyrnong was kind enough to take me up the river on a boat, which it will do for anyone who is interested. I direct to the attention of the honourable member, the house and the Melbourne City Council that on the Melbourne municipality's side of the river I noticed a number of offensive racist graffiti signs on various structures. I know the Maribyrnong City Council is trying its best to clean up its side of the river, and although there was some general graffiti there was nothing of the racist variety that was on the Melbourne City Council side. I realise the river is the boundary of the Melbourne municipality and perhaps is the backyard for the industrial area, but there is a clear need for attention to be paid to certain matters.

In taking the issue up with the Minister for Conservation and Land Management the honourable member might raise the broad issue of the way the river and the land are managed and also the way the river presents itself to the public, especially in view of forthcoming racing events which will draw large numbers of people to the area. If the graffiti could be removed prior to those events taking place we would all be a lot happier and prouder of the way the river presents itself. Travelling along the Maribyrnong River is a great experience and I am sure it is one the honourable member for Essendon also enjoys.

The honourable member for Monbulk referred to the sale of the Upwey district office and depot of the Yarra Ranges Shire Council and asked me to advise him whether the council had authority to sell. The council has certainly gone through all the appropriate steps to advertise its intention to sell properties and to receive submissions about its intentions to sell, and has determined it will sell various allotments of the property which extends from Glenfern Road to the creek. The question of whether the contracts are appropriate will be a matter that I will be taking up with the council, but I am advised the actual decision is clearly appropriately documented and appropriate resolutions of council have been made about the
intention to sell the properties. The outstanding matter is whether it is appropriate to sell and at what price. I believe the intention-to-sell process has been clearly followed in terms of the procedure as prescribed under the act.

The honourable member for Werribee referred the Minister for Youth and Community Services to a press release he issued. I was struggling to understand whether she was merely reading out the minister’s press release during the adjournment debate. From her presentation I was at a loss to know what she actually wanted the Minister for Youth and Community Services to do. Then I discovered late in her presentation two questions: firstly, how much was to be distributed; and, secondly, how much would be distributed in the City of Wyndham?

Since it appeared the honourable member was reading a press release which invited applications from organisations for funding the minister said would now be available for — —

Ms Gillett interjected.

The SPEAKER — Order! If the honourable member claims to have been misrepresented there is a means available to deal with the matter, but not by interjection across the table.

Mr MACLELLAN — I apologise to you, Mr Speaker, to the house and to the honourable member for Werribee. I thought she asked a couple of questions. I was obviously mistaken. She was merely reading the minister’s press release. I will therefore take the appropriate action and refer the press release to the Minister for Youth and Community Services and ask him to respond.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.56 p.m.