Thursday, 16 October 1997

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.05 a.m. and read the prayer.

PETITION

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

Veterinarians: standards

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 that the Veterinary Practice Bill 1997 has the potential to undermine the high ethical and professional standards required of veterinary care by removing the restrictions on who may practise in animal health and welfare.

Your petitioners therefore pray that:

Veterinary surgery or medicine be regulated to ensure that only qualified and registered veterinarians be allowed to practice.

The restrictions on who may own veterinary practices be maintained.

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

By Ms Gillett (705 signatures)

Laid on table.

Ordered that petition presented by honourable member for Werribee be considered next day on motion of Ms GILLETT (Werribee).

PAPERS

Laid on table by Clerk:

EcoRecyc1e Victoria — Report for the year 1996-97

Flora and Fauna Guarantee Act 1988 — Order in Council adding items to Schedule 2 — List of Taxa and Communities of Flora and Fauna which are threatened; and Revocation of an Order adding items to Schedule 2

Gas Transmission Corporation — Report for the year 1996-97

Interpretation of Legislation Act 1984 — Notice under section 32(3)(a) in relation to an Order varying State Environment Protection Policy (Waters of Victoria) (Government Gazette No. 39, 2 October 1997)

Planning and Environment Act 1987 — Amendment No. 105 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Public Sector Capital Works (Budget Information Paper No. 1) — Report for the year 1997-98

Quiet Life Limited — Report for the year 1996-97


BUSINESS OF THE HOUSE

Adjournment

Mr GUDE (Minister for Education) — I move:

That the house, at its rising, adjourn until Tuesday, 28 October.

Motion agreed to.

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

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

That pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendments nos 101, 103, 104 and 107 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Motion agreed to.

LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL

Government amendments circulated by Mr MACLELLAN (Minister for Planning and Local Government) pursuant to sessional orders.

Second reading

Debate resumed from 18 September; motion of Dr NAPTHINE (Minister for Youth and Community Services).

The SPEAKER — Order! Before calling the honourable member for Richmond, I advise the
house that the second and third readings of this bill need to be passed by an absolute majority of all members.

Mr DOLLIS (Richmond) — The opposition is unable in any way to support the bill because the government is treating not only local government but also the house with contempt by introducing amendments in the last minute before the debate. This is another indication of the way the government is prepared to railroad through changes it wishes to make.

The bill makes a number of changes to coastal boundaries, enrolments, the conduct of the polls and mayoral and councillor allowances but, more importantly, it changes the electoral structure of councils, particularly the City of Greater Geelong. I shall return to that aspect to show that the minister is not prepared to accept the democratic will of the people of Geelong.

Later in the debate the opposition will move a reasoned amendment which I hope the government will accept. The reasoned amendment will not only give us an opportunity to deal with some of the amendments in the bill but will also give confidence to municipal councils throughout the state to deal with such matters.

What is the minister attempting to do? The opposition has stated time and again that there is a contradiction in terms in that the minister is the planning minister as well as the local government minister, and that leaves local government with nowhere to turn. This is another example of the draconian measures the minister is prepared to take. He has total disregard for democracy, especially for the City of Greater Geelong. It is a concern not only of the people of Geelong but of those who are responsible for the changes that are taking place. An article in the Ballarat Courier of 19 September states:

... a group of businessmen has succeeded in a bid to overhaul the way councillors are chosen.

The faceless men of Geelong have already directed which way the minister should be moving in relation to the City of Greater Geelong. The minister amalgamated councils and thought he could get the type of arrangement, electorally speaking, that his people deserve. The will of the people is a strange thing: they are determined to make up their minds to elect their own representatives.

What happened? It is not good enough for the minister to have the 12 councillors who are elected to make decisions, because they are not his people. What does the minister do? He devises a new electoral method that will enable him to slash the number of members from 12 to 9. He is going to change the electoral boundaries to get a council of his choosing. Not only is he showing total disregard for the will of the people, but in the most hypocritical and undemocratic style he proposes to change the system in the case of the City of Greater Geelong.

Mr Maclellan interjected.

Mr DOLLIS — I will deal with that. The minister does not like the 12 people who have been elected. Every time he does not like something he will deal with it by introducing another amendment.

Mr Maclellan interjected.

Mr DOLLIS — Cut their throats! The guillotine is the weapon the government is using. What is happening in Geelong? The same newspaper article further reports that:

... the Geelong business leadership team met with local government minister Rob Macelllan in the middle of the year, seeking a change from the current ward-based system of elections.

Will the minister inform the house who the members of the Geelong business leadership team are if he does not want them to be referred to as the faceless men of Geelong? What the minister is saying, in effect, is, ‘If I don’t particularly like the decision-making process and if you think democracy is an unacceptable form of government in this state, I will introduce another bill and change it’. They say, ‘Terrific, Minister, but if you change it to nine councillors without making other changes we may end up getting nine people we don’t particularly like so we could be in trouble’.

What does the minister do? He alters the boundaries to ensure there is a gerrymander that would make Joh Bjelke-Petersen proud. The nine people will be his people and he will ensure that the electoral system enables him to elect the people that he and the faceless men of the Geelong business leadership team have chosen. If that is not an attack on democracy, I don’t have a clue what the minister is doing.
This bill deals with the electoral structure of councils. I do not know how government members will justify what the minister is doing by introducing a new system with new boundaries and elections, denying the democratic rights of the people and allowing the faceless men to dictate what should happen. This bill has to be one of the worst pieces of legislation that has been introduced in this place. The minister is not even blushing about his ability to interfere with democratic elections and decision-making, particularly in the City of Greater Geelong, by changing the system from 12 elected councillors to 9 for next year's election. That is the minister's decree.

What has happened in Geelong is an example of how the legislation is to be used. Isn’t that so, Minister? Therefore, Greater Geelong should serve as an example to all municipalities. They should understand that in the event that unacceptable councillors are elected — that is, councillors who do not agree with the government's policies and points of view — the legislation will be used to alter things. The changes to the electoral structure are part and parcel of the government’s local government agenda.

The bill also moves coastal boundaries from the high water to the low water mark, which some councils have wanted. How will the new, expanded boundaries be managed? I wonder where the money will come from, given that the minister’s restrictive financial measures have already brought local councils to their knees. Will the minister ensure that adequate finance is made available to municipalities to enable them to take care of all the issues involved? If the basic premise I referred to is not understood, it is impossible to comprehend that the financial stranglehold the government has over local councils makes it impossible for them to carry out their duties.

As if that were not bad enough, the way elections are conducted is to be changed. In some cases, the ability to democratically participate in elections by voting at the ballot box will no longer be available. Clause 12 amends section 41A of the act by allowing polls to be conducted by postal vote only. The minister understands the difficulties that exist with that type of voting system. He understands that postal voting is not the most appropriate way of conducting elections and that people should have the right to go out to cast a vote at the ballot box.

Why is the minister interfering in every aspect of local government democracy? The answer is that every time it finds a problem local council — that is, a council that exercises its democratic right to oppose government policy — the government changes the electoral system. Not only has it changed the boundaries and limited the money local government needs to operate effectively, it has also changed the voting system to make certain it gets the results it wants.

Mr Macelll an interjected.

Mr DOLLIS — The minister keeps saying, 'The council this, the council that, the council everything else!'. Why are you changing the number of councillors in the City of Greater Geelong from 12 to 9? Why are you changing the boundaries in a way that, to use your own words — —

The ACTING SPEAKER (Mr Richardson) — Order! I remind the honourable member for Richmond that he should address the Chair. When he uses the expression 'you' he is taken to be referring to the Chair. That is offensive to the Chair, and I ask him to keep that in mind.

Mr DOLLIS — Thank you, Mr Acting Speaker. God forbid that I would reflect negatively on the Chair.

The ACTING SPEAKER — Order! God has nothing to do with forbidding: the Chair forbids.

Mr DOLLIS — Indeed, but the Almighty will guide us in this debate. How did the minister make this decision? He met with the faceless people of Geelong — —

Mr Macelll an interjected.

Mr DOLLIS — No, it was not Gerry. It would have been appropriate — and democratic and unusual — for the minister to listen to somebody who had been elected and who might disagree with him. It was not Gerry, it was not Mary, and it was no-one in between. The faceless people of Geelong told the minister how they wanted the council to be controlled. Again, the minister should understand that this particular change will ensure he is recorded in the Guinness Book of Records as the minister who decimated local government and democracy in Victoria.

Mr Macelll an interjected.

Mr DOLLIS — The minister says he has restored local government. What he has not said is why he has brought in the bill. The minister is giving
LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL

ASSEMBLY Thursday, 16 October 1997

Mr Maclellan interjected.

Mr DOLLIS — The minister now says, ‘Splendidly independent councillors standing up for their constituents.’ Yes, minister, but only as long as they agree with you and the Premier. If they accept the views of His Majesty, King Jeffrey, they will be all right, but if they dare to disagree then legislation will be introduced. It is a disgrace! The legislation has no legitimacy. No-one can justify the totally unjustifiable, and so the opposition will move a reasoned amendment. I will be interested to see how the government responds to that.

The minister, with his usual flourish and theatrical manner, says he will listen, but he will use his numbers the way he used his numbers in Geelong. Minister, did you have a nice lunch when you discussed the concerns of the leaders of the business community in Geelong? I know they would have said, ‘Look, we have threatened the council with dismissal.’

Mr Maclellan — It was not a lunch and I did not have a meal.

Mr DOLLIS — The minister says he did not have a lunch — he just had a chitchat.

Mr Maclellan — I sat down with the chief executive officer of the council.

councils the signal that they will be punished unless they do as they are told — and that is the bill’s real intent. There is no way the government will convince the people of Victoria that it is doing anything other than interfering once more with their ability to democratically elect their representatives.

I do not disagree that the bill has a number of positive aspects. Some reforms needed to be made, but they should have been discussed and debated, and the decisions should have been made rationally. It is impossible for the minister to acknowledge that there are ways in which people can participate. God forbid, Mr Acting Speaker, if he is interrupted or anybody tells him what to do. God forbid if, in some way, shape or form, the minister is told he could be wrong or that he should not interfere. His whole life is based on interference — interference in local government and interference in the planning processes. At the end of the day we will be left with a huge mess because the minister is unable to listen and consult and because he is so power drunk and arrogant that it is impossible — —

Mr Maclellan — Me?

Mr DOLLIS — ‘Me?’, asks the minister.

Mr Maclellan — In disbelief.

Mr DOLLIS — In disbelief! This is known as the best theatre in the universe, but the minister is raising theatrical performance to a new level. He responds in disbelief to accusations of interfering. ‘Absolutely not!’ he says. ‘Just disagree with me and I will show you how the legislation will be used and how things will be done’.

Mrs Shardey interjected.

Mr DOLLIS — The honourable member for Caulfield has been in the house for three days but she has already decided what governing is about. The honourable member believes that whatever the government decrees is good for the people. Jeff’s men and women in this place, as well as the faceless men of Geelong, decide what they like and dislike and, therefore, what is good for the people.

The minister is so powerful that he does not listen. That is why the structure is being changed, why the number of councillors is being reduced, and why another attempt will be made to alter the result of the last elections. If the minister were convinced about and committed to the local government reforms he and the government have made, he would at least show some faith in the system. He has stipulated how the system ought to operate; but unfortunately for him — and fortunately for the state — the residents of Greater Geelong and other Victorian municipalities made up their own minds and elected independent-minded councillors who were prepared to stand up not only to the minister but to the government.

The minister has a remedy for dealing with people who elect councillors who are unacceptable to the Premier and to the Minister for Planning and Local Government. He says, ‘I will show you — I will take away your planning responsibilities by introducing legislation’ or ‘If you talk to me rudely or if the people elect councillors whom I do not like, I will introduce legislation to remedy the issue’ or ‘You do as I tell you or else!’ This is the way democracy works in this state — it is a mockery.

Mr Maclellan interjected.

Mr DOLLIS — The minister by interjection says that this is what democracy is all about.

Mr Maclellan interjected.

Mr DOLLIS — The minister now says, ‘Splendidly independent councillors standing up for their constituents.’ Yes, minister, but only as long as they agree with you and the Premier. If they accept the views of His Majesty, King Jeffrey, they will be all right, but if they dare to disagree then legislation will be introduced. It is a disgrace! The legislation has no legitimacy. No-one can justify the totally unjustifiable, and so the opposition will move a reasoned amendment. I will be interested to see how the government responds to that.

The minister, with his usual flourish and theatrical manner, says he will listen, but he will use his numbers the way he used his numbers in Geelong. Minister, did you have a nice lunch when you discussed the concerns of the leaders of the business community in Geelong? I know they would have said, ‘Look, we have threatened the council with dismissal.’

Mr Maclellan — It was not a lunch and I did not have a meal.

Mr DOLLIS — The minister says he did not have a lunch — he just had a chitchat.

Mr Maclellan — I sat down with the chief executive officer of the council.
Mr DOLLIS — The same chief executive officer of the council who told the minister that the numbers were 12 to 9 and spoke about new boundaries is now advising the council on how it should respond to the minister’s contempt for its ability to exercise its powers.

The local member for Geelong, the Minister for Housing, was reported in the local press as saying, ‘It is vital for Geelong to have a strong robust council’. I thought that was the outcome of the last council elections. After the minister introduced certain reforms, elections were held and a new council was elected. Then the minister threatened councillors with either dismissal or the removal of some of the council’s funding. Because that did not work he has introduced a measure that is a threat to local government throughout Victoria. The provisions in the bill will enable the minister to change the electoral boundaries of councils whenever anyone says something that is against the government’s interests.

Why is the minister doing this now? The answer is straightforward — local government elections will be held shortly and he wants a system in place that will stand up to some scrutiny, but will enable the minister to exercise unprecedented power if a council consists of ward representatives who will stand up for the interests of the council. The reality is that if a councillor stands for issues that affect his municipality but which differ from the government’s agenda, the Premier may decree that the minister use his sharp knife, which he applies frequently. Now the minister is cleverer than he was; he does not propose to dismiss councillors and appoint administrators. He will allow councillors to stay in office for three years, but he says, ‘Good luck to you — I will make certain the majority of councillors are not re-elected.’ He ensures that outcome by changing the system so that it is impossible for a council to exist as an independent local government entity.

Local government has been brought into disrepute not once or twice but many times because of the attitude of the minister and the government. Local government is being rendered ineffective. The amendments affecting the Geelong council are the first step and they are a warning to councils throughout Victoria that if they do the wrong thing what is happening to Geelong will happen to them.

Honourable members interjecting.

Mr DOLLIS — During my contribution I will refer to Darebin City Council. I will demonstrate that the minister has totally contradicted himself and used a report on the council that has no credibility; he has supported the system in a way that brings no credit on himself. He is doing again what he has done in the past, but now he does not use commissioners or appoint administrators; he uses legislation to change electoral boundaries.

I deal with the contradiction in having a minister for planning who is also the minister for local government. Immense powers are concentrated in the hands of this minister. There are many contradictions in the minister’s use of powers, because if local government has difficulties with the minister for planning and its representatives appeal to the minister for local government, the minister can say that he will reform the council — and by ‘reform’ he means he will make certain that they are not re-elected.

Clause 3 amends the description of the coastal boundary of a municipal district to refer to the low-water mark on the sea coast. The opposition has some difficulties with the amendment because of the resource issue. The minister must explain how councils will deal with the added responsibility that he is giving them.

Clause 5 amends section 11 of the principal act to allow the first two non-resident owner-occupiers of a property to be automatically enrolled on the municipal roll. The proposed amendment raises the possibility of a potential increase in the number of non-residential voters on the roll because of the automatic enrolment provision. We must be particularly careful that decisions made in a municipality are not made by people who do not reside in the municipality, but are made by people who have chosen to live in the area. Decisions may be made that affect their daily existence.

The minister should be particularly careful that he does not become the first minister in the history of this country and just about any other country to introduce a system of local government in which a large component of the electoral roll consists of non-residents — people with a financial interest in the municipality but who may not live there. That is why the effect of clause 5 needs to be examined — and I hope the minister pays fairly close attention to that. Although the minister does few things that are not thought through well, inadvertently he may have allowed an increase in the number of non-residential voters on the roll.
The minister is pointing to the amendments. It is incredibly difficult to consider such amendments; indeed, it is an insult to introduce amendments to a member while he is attempting to reply to the second-reading speech. The member must attempt to work out what single-line amendments mean, for example:

Clause 2, line 15, after “than sections” insert “5(1), 6.”.

If the minister were serious about the consideration of amendments, he ought at least give the opposition the courtesy of a briefing explaining the amendments. I do not know what the minister has in mind in introducing the amendments, but it is impossible for the opposition to accept them and to understand why he has chosen this non-consultative method for dealing with the bill.

Mr Maclellan interjected.

Mr DOLLIS — The honourable member for Tullamarine is known for many things but his power of intellect is not one of them! He may have a loud voice and a big mouth, but the connection between the mouth and the brain is tenuous. I suggest that every now and then when the honourable member for Tullamarine is exercising his loud voice and big mouth he also attempts to make some connection between them and his brain. Then we might be able to comprehend what he is saying!

Before I was rudely interrupted, I said that the minister needs to examine closely clause 5 to ensure the amendment does not intentionally or unintentionally increase the number of non-residential voters on the local government electoral roll. By doing so, he will avoid creating the situation where electoral decisions affecting municipal government are made by non-residents who happen to own property in the area but do not live there.

Clause 12 amends the Local Government Act to allow polls to be conducted by postal ballot alone. The opposition has told the minister it has considerable difficulty with that clause because conducting polls by postal voting is problematic and undemocratic. If he persists with the amendment the minister will further weaken the democracy of local government and put another nail in the coffin of local government.

Clause 14 allows the minister to establish different allowances for councils in particular categories. I state for the record that the Victorian branch of the Labor Party believes that municipal council mayoral and councillor electoral allowances should not be determined by the recipients of such allowances but should be based on the recommendations of an independent remuneration tribunal, having regard to council and mayoral duties, workload and expenses incurred in the performance of duties specifically including the cost of child care.

The opposition has spent quite a bit of time with the City of Greater Geelong in considering clause 20. Before concluding my contribution to the debate I will come back to that point because it is the most draconian drafting of legislation I have seen, in the sense that it interferes once more with a result obtained by election.

The opposition has stated its position on clause 5 in so far as it amends existing section 13A so that in the City of Melbourne a corporation that owns rateable land in a ward may appoint only one person as its representative on the voters’ roll in that ward. That sensible provision is an indication that at least the minister has used his ability to reform areas that require reform. Clause 5 also amends existing section 13A so that in the City of Melbourne a corporation that owns rateable land in a ward may appoint two persons to be on the voters’ roll in that ward. Clause 5 also amends existing section 14 to clarify that a person may vote once only in a ward.

Clause 10 amends existing section 40A(7) to clarify that in the City of Melbourne an infringement notice can be served on a corporation whose representative fails to vote. It is about time corporations took some interest in — —

Mr Maclellan interjected.
Mr DOLLS - The minister misunderstands the compliment the opposition is paying him on some of the proposed reforms. We want to make certain that the huge majority of those who decide the outcome of an election are the people who live in that municipality. In that regard he ought to be certain whether intentionally or unintentionally his legislation will bring about an undesirable result, and if so he should ensure that the proposal is corrected. At the same time the opposition considers the proposed amendment to existing section 40A(7), which clarifies that an infringement notice can be served on a corporation, is appropriate.

Clause 14 clarifies that the mayor cannot receive both a mayoral and a councillor allowance. That will put to rest once and for all the controversy over mayoral allowances that has raged over the past few months. The proposed amendments to the legislation will improve it considerably. I will conclude as soon as the reasoned amendment is circulated. Until an amendment comes to the table, I will continue to talk, even if that takes until 4 o'clock this afternoon.

Mr Maclellan interjected.

Mr DOLLS - The minister's suggestion that I be allowed to resume to move the reasoned amendment is valid. I ask that, by leave, I be allowed to resume as soon as the reasoned amendment becomes available in order to allow other members to contribute to the debate.

The ACTING SPEAKER (Mr Richardson) — Order! In response to the honourable member, my initial reaction is that that would not be consistent with the usual procedures of the house.

Mr Maclellan interjected.

The ACTING SPEAKER — Order! I have not finished. I will seek advice from the Clerk. If the honourable member for Richmond wishes to continue his remarks as I am seeking that advice, that will be in order.

Mr DOLLS — As the minister quite correctly suggested, all parties concerned agree that they want the debate to be one in which the maximum number of members possible participate in a very harmonious manner, even to the point of at some stage enjoying the entertaining performance of the minister.

Given that the reasoned amendment is being redrafted it is logical to suggest that I be allowed to resume my position. Alternatively I would be more than happy to go until 4 o'clock this afternoon — there is ample material for me to do so — and the debate can be concluded with one of the longest speeches ever having gone on the record.

If that is to be the case and I am unable to do as I have suggested, I will call for a number of books and other material, which will then go on the record, and in one of the best performances ever, which the minister may even enjoy, a most ridiculous proposition will be carried through.

Returning to the bill, the fundamental point of the debate is what the minister is doing to the City of Greater Geelong. It is totally unacceptable and will force local government into a fight with the state government. The minister has power to dictate how many local government representatives are elected — in the case of Geelong it has been reduced from 12 to 9 — and what sort of ward structure is put in place. Every time there is a disagreement between the state government and a particular municipality an amendment goes through and the boundaries and the number of councillors are altered. That action changes the will of the people.

Can honourable members imagine a situation in this state in which every time the government disagreed with the opposition the government would alter only the seats that it thought the opposition might hold in order to artificially alter the rules? It could not happen. However, in the case of the City of Greater Geelong it appears that the previous selections were unacceptable to the minister and he is interfering in a way that will create incredible problems in the future. The minister is allowed to make an order to set internal boundaries and the number of councillors to be elected in a municipality, either for an individual ward or to create larger wards.

The ACTING SPEAKER — Order! This is an appropriate time for me to respond to the issue raised previously by the honourable member for Richmond. The Chair knows nothing about a reasoned amendment until such an amendment is proposed. That requires the provision of the amendment in written form for distribution to the house. To the Chair it seems improper to move a motion to allow the honourable member for Richmond to cease speaking temporarily, have another member speak for a period and then have the honourable member for Richmond resume his
That creates a precedent that would, I think, be unfortunate.

The honourable member for Richmond can either continue to exercise his right to address the house, and under the rules of the house can do so for an indefinite period, or he cannot move the reasoned amendment. The reasoned amendment could be moved by another member of the opposition at a later stage.

I note that papers have arrived, which I presume to be copies of the reasoned amendment. I invite the honourable member for Richmond to exercise some lateral thinking and some not inconsiderable footwork, bearing in mind that the terms of the reasoned amendment which has just been brought into the house might not be regarded as appropriate and acceptable and in accordance with the rules.

There now needs to be some creative work on the part of the opposition if it wishes to have the reasoned amendment proposed by the honourable member for Richmond. If that is not possible, I suggest that the honourable member for Richmond should not move the reasoned amendment but that it should be moved by one of his colleagues, who would speak at a subsequent time. I call on the honourable member for Richmond to continue, creatively.

Mr DOLLIS — I will very creatively conclude my remarks by moving the reasoned amendment. I thank you for your ruling, Mr Acting Speaker. For future reference both parties will have to do some work in making certain that circumstances such as those we are facing now are resolved amicably because we should not be put in a position of taking up unnecessary time in the house in order to satisfy some procedural form. If the minister’s suggestion had been adhered to we would have had the second speaker halfway through making his remarks.

I move:

That all the words after ‘That’ be omitted with the view of inserting in place thereof the words ‘that this house refuses to read the bill a second time until such time as (a) the rights of ratepayers and residents are protected and that democracy, transparency and accountability at all levels of local government administration by making a full statement to the house in relation to the conflicts of interest regarding the parliamentary secretary for local government’.

The opposition considers what the minister is proposing to be totally unreasonable. We consider his amendments in relation to the City of Greater Geelong to be an absolute and total disgrace and an absolute disregard for the democratic will of the people. The government deals with any dissent by either directly interfering, using legislation, appointing people or spying on people — or God knows what else. The amendment will bring about a new and unacceptable chapter in the history of the state, in which the democratic rights of Victorians will be considerably reduced.

The reasoned amendment is quite reasonable. Later, the honourable member for Niddrie, in his usual logical way, will explain the reasonableness of the opposition’s reasoned amendment. I thank the minister for some of his lateral thinking but I do not thank him for the bill. I warn him that this legislation will cost him and the government considerably in the months and years ahead.

Debate adjourned on motion of Mr TRAYNOR (Ballarat East).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Program

Mr GUBE (Minister for Education) — I move:

That the government business program resolution agreed to by this house on 14 October 1997 be amended by omitting ‘4.00 p.m.’ and inserting ‘5.00 p.m.’.

Motion agreed to.

LOCAL GOVERNMENT
(MISCELLANEOUS AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Dr NAPTHINE (Minister for Youth and Community Services); and Mr DOLLIS’s amendment:

That all the words after ‘That’ be omitted with the view of inserting in place thereof the words ‘that this house
refuses to read the bill a second time until such time as (a) the rights of ratepayers and residents are protected and that democracy, transparency and accountability in local government decision making is guaranteed after there has been direct consultation with all municipalities concerning changes to boundaries, electoral structure, entitlement to enrol, conduct of polls and mayoral and councillor allowances; and (b) the minister ensures the transparency and accountability at all levels of local government administration by making a full statement to the house in relation to the conflicts of interest regarding the parliamentary secretary for local government.’.

Mr LUPTON (Knox) — For the past 50 minutes I have listened to the contribution to the debate by the honourable member for Richmond. My conclusion at the end of that time is that he said nothing of any importance. He realises reforms have taken place but it failed because the trade union movement and the community were not happy with the Labour Party’s amalgamation proposal.

The Minister for Finance in the other place, who was then responsible for local government, was strong enough to introduce local government reforms into Victoria. Since then local government has improved; it has become more efficient and the amalgamated council services have resulted in benefits to ratepayers through lower municipal rates.

I noticed that in his criticism of local government reforms the bill, the honourable member for Richmond did not mention the illustrious City of Darebin — that wonderful democratic council which has abused every base of our constitution! That council was elected under the government’s reform process, but it then virtually threw everything out the window. The councillors at Darebin have been branded as crooks, with half of the Darebin councillors having been members or officials of the Labor Party.

The honourable member for Richmond is interested only in having a go at the reforms introduced at the City of Greater Geelong. He was critical of the fact that the people of Geelong asked the minister to reform the way in which Geelong is represented by its councillors. In other words, the people of Geelong said to the government, ‘Instead of 12 councillors, we would like 4 ward councillors and 5 councillors at large’.

The government has consulted and reached agreement with the Geelong community. Had the government consulted with the local ALP branch, the honourable member for Richmond would probably not have opposed the bill. The government does not talk only to political parties but to the people who matter — that is, the residents of Geelong and business people who are concerned about the wellbeing and future of that city.

The City of Melbourne is already operating under that type of council representation, but the honourable member for Richmond did not have a go at that council. The concept is not new. The reforms, requested by the people of Geelong, make sense. If the government does not listen to the people, who will it listen to?

The honourable member for Richmond commented on changes to coastal boundaries. The government is moving council boundaries from the high-water to the low-water marks on beaches. He was concerned about how councils will manage the vast additional land on beaches that will now become their responsibility. He talked about financial and manpower restraints.

The provision makes sense. If, for example, a person is walking his dog without a lead between the high-water and low-water marks on a beach, under the present legislation he cannot be penalised. As I said, the bill changes the boundaries from the high-water to the low-water marks so that that person walking the dog will be committing an offence on council land. The honourable member said additional costs will be incurred because of that change. That red herring was only part of the honourable member’s 50 minutes of diatribe.
The honourable member for Richmond made only passing reference to the postal voting provisions in the bill; his main emphasis was on Geelong. He also talked about mayoral and council allowances.

I am concerned about the level at which mayoral and council allowances have been set. I was a local government councillor for 20 years. Originally I received no payment, although when I retired from council an allowance of $3000 was made to cover my expenses.

The current allowance levels are excessive. The honourable member for Richmond said the allowances should include provision for child-care costs. I remind him that the allowance is paid so councillors can meet any out-of-pocket expenses. If you want to put your kids into a child-care facility while you attend a council function, that cost should come from your council allowance. Fair's fair!

Some mayors are receiving $80 000 plus a car and expect the councils to pay for faxes and mobile phones. That is nothing short of criminal! Those payments cannot be justified. The honourable member for Mildura has told me about the extremely high operating expenses for councillors in his electorate — but his electorate is the size of Tasmania!

The mayoral allowances being paid are excessive. I understand the mayor of the City of Knox receives a $50 000 allowance and a car; the council also pays for his faxes and mobile phone costs. It is an interesting package for a part-time job as the mayor has his own business. I was mayor of that city on three occasions. My allowance of $9000 did not cover my out-of-pocket expenses but I nominated for election to the mayoral role and I deemed it an honour to be the mayor. Mayors of local government councils should not become bankrupt because of their expenses, but they should not lead excessive lifestyles at the expense of their councils.

The bill proposes commonsense amendments. Although the opposition may have concerns about the Greater Geelong City Council, it is obvious the council made the request. Its representatives approached the minister and the government to get better representation. The matter has been discussed in consultation that has occurred. The people who spoke to the minister are responsible, and care about their community. They do not believe the existing system works appropriately, and the amendments in the bill will make the Greater Geelong council much more efficient. That is fair and reasonable. If government cannot listen to what the people say, we are in the wrong business.

In this case the government has listened to what the Geelong people have been saying and it is now proposing amendments that will reflect the wishes of those people. Yet all we have had from the honourable member for Richmond is 50 minutes of criticism. I do not believe that is appropriate. The amendments in the bill are reasonable and fair. Although it does not propose any changes to mayoral or council allowances, it provides for an independent analysis of those allowances, and that is reasonable, too.

The honourable member for Mildura indicated clearly that because of the vast distances involved in servicing his municipality, the Mildura council has different requirements from, say, the Knox municipality, which I represent. Therefore we cannot lump them all in together. Commonsense must prevail. In the past some municipal councils have abused their privileges and rights and have grabbed the maximum council allowances and given mayors inflated allowances. That is not appropriate.

The bill is straightforward. The reasoned amendment moved by the honourable member for Richmond proposes that this house should refuse to read the bill a second time until:

... (b) the minister ensures the transparency and accountability at all levels of local government administration by making a full statement to the house in relation to the conflicts of interest regarding the parliamentary secretary for local government.

What on earth does that have to do with the price of fish? What does it have to do with the bill? The amendment is just a cheap, scaremongering gutter tactic of the opposition. The bill is straightforward and clearly defined. The second-reading speech sets out the amendments in categories, but the opposition tries to drag in muck like this reasoned amendment. There is no way any honourable member could vote for it; it is lucky it was ruled in order.

The straightforward and commonsense legislation introduced by the minister reflects the interests of the people of Geelong and, I believe, also the interests of the people of Victoria.

Mr HULLS (Niddrie) — I certainly support the reasoned amendment moved by the honourable member for Richmond. Having served on a
municipal council, although in another state, I am fully aware — as I am sure are most members of the house and the minister — of the importance of transparency in local government. I am certainly aware of the important role local government plays in the democratic process.

The honourable member has moved the reasoned amendment because, being a former councillor himself, he is also concerned about the protection of the rights of ratepayers and residents. He is keen to ensure we have appropriately run local government and that there is transparency in dealings between the ministry and local councils. I know the minister would be keen to ensure that occurred. In fact, I heard him saying in a radio interview this morning that he has a role to play in local councils. He has a very important role — he has probably more power than any other planning minister in this state has had. I will be interested to see whether he uses the considerable power he has in relation to the Niddrie quarry in my electorate. That is obviously a burning local issue. I hope he will do the right thing by the residents and the local council by adhering to their proposal.

The second-reading speech makes it clear that significant changes have been made to the structure and operation of local government since 1992. The bill introduces a number of changes to the Local Government Act that will ensure councils remain accountable to their communities and increase their operational efficiency. That is why the honourable member for Richmond moved the reasoned amendment. He wants local councils to be accountable to ratepayers and residents. He wants their democratic rights to be protected, and he wants dealings with local councils to be transparent. But, as the reasoned amendment indicates, that cannot be done until paragraph (b) is adhered to, which requires the minister to ensure:

... the transparency and accountability at all levels of local government administration by making a full statement to the house in relation to the conflicts of interest regarding the parliamentary secretary for local government.

Until that occurs a cloud hangs over the administration of the local government portfolio in this state. I do not direct any venom toward the minister — so long as he does the right thing by the Niddrie quarry!

I should think the last thing the Minister for Planning and Local Government would want is a cloud hanging over his administration of the local government portfolio, particularly in his last days as a member of Parliament. I presume he does not intend to run at the next election, and I am sure he would want to go out with the respect that such a long parliamentary career deserves. The honourable member for Richmond is facilitating that; he is enabling the minister to go out with the respect that his long parliamentary career deserves by ensuring that before the bill is considered and passed by the house democracy in this state will be protected and transparency and accountability ensured by the minister making a full statement to the house about conflicts of interest regarding the parliamentary secretary.

The reasons that it is important that we do not have conflicts of interest between members of Parliament and local authorities are set out clearly in the Constitution Act. If members of Parliament, particularly parliamentary secretaries, get themselves involved in dealings with local councils where they have the potential to increase their wealth as a result of those dealings, there is an obvious conflict. Very serious allegations have been made about the parliamentary secretary’s conflicts of interest in relation to his dealings with local councils, and they have not been adequately addressed. The reasoned amendment enables the minister to address those matters in the house urgently.

Section 55 of the Constitution Act deals with situations in which the seat of a member of Parliament would become vacant. They include:

If any member of the Council or the Assembly —

(a) either directly or indirectly becomes concerned or interested in any bargain or contract entered into by or on behalf of Her Majesty in right of the State of Victoria ...

(d) except where otherwise expressly provided or permitted by any act or enactment, accepts any office or place of profit under the Crown, or in any character or capacity for or in expectation of any fee gain or reward performs any duty or transacts any business whatsoever for or on behalf of the Crown.

Section 56 refers to certain contracts in section 55:

(1) Any reference in the last two preceding sections to any bargain or contract entered into by or on behalf of Her Majesty in right of the state of Victoria shall subject to subsection (2) be deemed to include a reference to...
(b) (without affecting the generality of the last preceding paragraph) any contract entered into by any public statutory body.

That is the nub of the conflict of interest argument. If it is found that a member of Parliament has entered into a contract with a public statutory authority and has been paid for any work he or she has done, that member's seat becomes vacant. That is how serious the matter is.

Time and again allegations have been made that the Parliamentary Secretary for Planning and Local Government has continued to deal with local councils. That is why we have moved the reasoned amendment. If he has dealt with local councils and they are found to be public statutory bodies, he has breached section 55 of the constitution and his seat ought to become vacant.

Section 3 of the Local Government Act, which the minister at the table, the Minister for Housing, may or may not have read, defines a public body as:

... any government department or municipal council or body established for a public purpose by an act of the Parliament of Victoria, any other state or territory of the commonwealth, or the commonwealth;

So the act itself makes it clear that a local council is a public body. We would also argue — we have legal advice to confirm it — that local councils are public statutory bodies. That being the case, if any member of Parliament directly deals with a council, his or her seat should immediately become vacant.

The Premier was well aware of that when he had a motion moved on his behalf to excuse his behaviour pursuant to section 61A of the Constitution Act. Clearly, if as a member of Parliament you deal with local councils, you are breaking the law and your seat should become vacant. Until the Minister for Planning and Local Government makes a full statement about the activities of his parliamentary secretary, a cloud will hang over local government in this state.

The parliamentary secretary said it would be wrong of him to contract with local councils if they were public statutory authorities. Despite the legal advice received by the opposition, the parliamentary secretary also said he had received advice from at least nine solicitors and a number of eminent barristers stating that local councils are not public statutory authorities. When the pressure is applied and the parliamentary secretary is asked to table the legal advice, he goes missing — just as he did yesterday when the media were looking for him for a comment on his conflict of interest. At one stage he was seen cowering in the parliamentary kitchen. The reasoned amendment is important, and I hope the minister at the table accepts it. The amendment will ensure transparency and democracy in local government.

Members of Parliament have enormous power when it comes to local councils. That can be seen in the bill, which makes major structural changes by altering municipal boundaries and the remuneration councillors receive, and things of that nature. Because of their enormous potential to influence local councils the Constitution Act says members of Parliament cannot deal with or enter into contractual arrangements with them. If that were not so, a parliamentary secretary or any other member of Parliament could go to a local council and say, 'Unless you give me particular work, I will support a bill that will abolish you'. That shows the power members of Parliament have over local councils — and it is why the constitution says what it says.

Unfortunately a large number of conflicts of interest arise in the parliamentary secretary's dealings with local councils. That is why the reasoned amendment asks the minister — it is good to see he has come back into the house — to make a full statement on those conflicts of interest. An examination of the work the parliamentary secretary has done with local councils over the years shows that he is a recidivist. Way back in April 1993, he was dealing as a member of Parliament with the Williamstown City Council. In June 1993, he was dealing with the Kilmore Shire Council — not as a member of Parliament but as someone with a retail consultancy who was being paid by local councils for his advice. Clearly, the parliamentary secretary has been dealing inappropriately with local councils.

In June 1993 he dealt with the Kilmore Main Street Committee as a retail consultant. In July 1993, a cheque was made out for some $200 to the Atkinson Group, a company of which the parliamentary secretary is a director, for his advice to the City of Ringwood Main Street launch. Clearly, he again dealt with a local council.

In July 1993 he was sacked by the Williamstown Council because the council thought his work was not of an appropriate standard. On or about 25 July 1994 he was paid some $300 for a presentation he gave to the City of Caulfield, which is now part of the City of Glen Eira. On 8 September 1994 he was paid sums of money by the City of Oakleigh for the
launch of its Main Street program. In January 1995 he received consultancy fees of $180 from the City of Wyndham for his advice on the Werribee retail centre revitalisation project.

Mr Macellarn interjected.

Mr HULLS — The minister nods his head and basically says, 'So what, it is only a small amount'. It is about the principle, Minister. You are a man of principle: I have heard you say it, so it must be true. That is why I hope that when you speak on the bill you will accept the reasoned amendment moved by the honourable member for Richmond. An amount of $180 may be small to you, Minister; but it is about the principle involved.

On 27 March 1995 a cheque for $5000 was paid to the Atkinson group from the City of Maroondah for the consultancy work done for the former Ringwood City Council. On 2 June 1995 Mr Atkinson wrote to the Banyule City Council to provide an expression of interest for the commissioning of business plans for a shopping centre. He made it clear in that letter that his fees were calculated on the basis of $130 an hour or $700 a day. So as recently as June 1995 he was touting for work. Obviously he was saying to the electorate and to Victorians generally that he was not being paid enough as a member of Parliament and had to top up his salary by moonlighting.

He is a recidivist — he has done it on many occasions. On 28 November 1995 he was involved in a presentation to a City of Port Philip business breakfast, and there is an invoice dated 7 December 1995 for $300; on 18 March 1996 he did work for the Shire of Moira; and there is an invoice for an Elwood Village workshop from the Port Philip Council for some $300 — and so it goes on.

I am making the point that the Minister for Planning and Local Government, who is at the table, must give a full explanation on these conflicts of interest, which the opposition says clearly breach the Constitution Act. That being the case, the government ought become vacant. Unfortunately when the matter was taken to court Mr Atkinson said that he did not have power to hear the matter.

I note that yesterday in the other place Mr Atkinson basically said that he was found to be innocent of any wrongdoing. The fact is that the matter has not been heard. Mr Justice Vincent made it clear that the only way the matter could be heard and finalised was for it to be referred by the Legislative Council to an independent court, the Court of Disputed Returns.

When Mr Justice Vincent made those comments, the Premier — I do not know about the minister at the table — said that he had great respect for the judge and would look very closely at the judgment. He gave every indication that he would ensure that the comments of Mr Justice Vincent were adhered to.

Yesterday in the other place Mr Atkinson and the government had the chance to finalise these matters once and for all by referring them to the independent Court of Disputed Returns, but it shirked the issue. Because the government refused the opposition's motion to refer these blatant conflicts of interest to the Court of Disputed Returns a cloud still hangs over Mr Atkinson.

Parliament can remove that cloud today once and for all and return some dignity to local government. Parliament can ensure that that cloud over Mr Atkinson is removed by the government's supporting of the opposition's reasoned amendment and the minister's making of a full and frank statement to the house about the blatant conflicts in which Mr Atkinson has been involved.

To his credit Mr Atkinson attempted to explain the conflicts in the other place some time ago. He spoke on 9 April 1997, when the allegations were put to him. In essence he said, 'I have stopped doing work now I am the parliamentary secretary for local government because I realise there would be a conflict. I don’t do it any more.' However, when he was told that information was available which confirmed that he had been advising a number of councils, he said, 'I have stopped doing work for them in that I have stopped getting paid by them.' Certainly I get invited to these places to give them advice because of my expertise in retail consultancy, and I don’t get paid, so it is all okay.' In essence he was saying, 'If I continue to get paid I am a goner, I will have to vacate my seat because there is an obvious conflict of interest, but because I don’t get paid it is all okay.'

In the other place on 9 April Mr Atkinson specifically referred to the fact that for some 15 years he had been giving presentations to councils and said that he presented them with a tape. He admitted that he had been paid but said he stopped getting paid once he became a parliamentary secretary, because otherwise he would have been in big trouble. In his defence in the other place he actually said to the President of the Legislative Council — and I will quote from Hansard:
Mr President would probably be interested in this: I also went to Hamilton on Monday night this week.

The council’s guest speaker pulled out at the last minute and the people concerned rang me up apologetically last week saying, ‘We know you have a fairly torrid time down there but could you give us a hand? Our guest speaker has pulled out and we would like you to come to talk to some traders at a presentation of the business awards’. I said yes and went, again at no charge.

The people there were delighted to see me. They were certainly pleased to have the sort of information I provided to them. It was consistent with what is on this tape. I am quite happy to give honourable members copies of the tape so they can listen to it.

Mr Atkinson used that Hamilton example as a defence of any conflict of interest. He said, ‘I went up to Hamilton as a result of my private retail consultancy with the presentation that I have been presenting in that capacity for some 15 years, but I didn’t get paid for it, so there is nothing wrong.’ In other words, he was saying, ‘If I was paid it would be inappropriate because I was doing it in a private capacity, but because I wasn’t paid there was nothing wrong.’

However, Mr Atkinson forgot to tell Victorians, the Legislative Council and his electorate that he used taxpayers’ funds to get there. He chartered a flight to get to Hamilton at a cost to the Victorian taxpayer of some $600. Mr Atkinson misled the Legislative Council when he said he did not charge the people in Hamilton because the people of Hamilton are Victorian taxpayers and they were charged $600 for the charter flight. It was a grossly inappropriate use of public funds.

The minister can clear up this matter. If he supports this reasoned amendment he can tell the house and Victorians whether or not he approves of such an inappropriate use of public funds. It can be cleared up once and for all. Mr Atkinson cannot have it both ways. On the one hand he cannot say, ‘I would be guilty if I had charged the people of Hamilton, but I went up there and gave my usual private retail consultancy address, as I have been doing for years. I did nothing wrong because I didn’t charge them’, and on the other hand turn around and say, as he no doubt used the Acting Premier to do yesterday, ‘I forgot to tell the house this, but I was actually on parliamentary business.’ He did not tell the house that in April because he was not on parliamentary business.

It is not as though the speaker who pulled out was some other member of Parliament who had been engaged to talk about policies and strategies. The guest speaker who pulled out was a fellow called Alan Scott from Scott’s Transport in Mount Gambier. The organisers wanted someone with some sort of expertise in consultancy in the retail area, such as the transport business. Mr Scott had to pull out so they rang up the parliamentary secretary, but not as the parliamentary secretary. They rang him because they had heard around the traps that he had expertise in the retail area as a retail consultant. They wanted him to come up, and perhaps also felt sorry for him because he had had a hard time.

Mr Atkinson misled the Legislative Council by not advising it that he actually used the money. He has misled Victorians; then he has used the poor old Deputy Premier, who yesterday had to come into this house to try to mount some feeble defence for him. When the government realised the parliamentary secretary was an absolute goner it had to come up with a half-baked defence. The government dragged out the Deputy Premier. He came into the house and said, ‘Even though the parliamentary secretary didn’t say this in April of this year, guess what? I am now saying he was up there on parliamentary business’. What a lot of rot! That is why it is absolutely essential that the minister gets to his feet and makes a full statement about the blatant conflicts of interest that the parliamentary secretary has been involved in.

The Premier has set appropriate standards under the Westminster system about the misleading of Parliament. When I say he has set the standards, I mean he has actually rabbited out the standards — whether he adheres to them is another matter! On 22 May this year, in a radio interview conducted by 3AW’s Neil Mitchell, the Premier said this about standards under the Westminster system:

The Westminster system — and get it right — the Westminster system says if you deliberately mislead the Parliament, then you immediately surrender your job. Right?

It might be under certain circumstances if you inadvertently mislead — you’re under pressure and you have to give a, what do you call it, a personal explanation. But in this case, you have and others — the opposition in particular — are saying she — referring to the Minister for Conservation and Land Management —
misled the Parliament. There is no evidence she misled the Parliament.

But the Premier made it clear that if one deliberately misleads the Parliament one has no choice but to resign. That is what has occurred with the parliamentary secretary — and by the Premier's own standards enunciated on that 3AW radio interview he has no choice but to get rid of the parliamentary secretary. He has used the public purse to the tune of $600 in his own private consultancy for a charter flight to Hamilton. Even more disgraceful — or at least as disgraceful — is the fact that the honourable member has then turned around and trotted out the Deputy Premier to defend him by saying, after the event, that it was official government business. It was not official government business in April of this year. Suddenly the government has to cover its tracks. The Minister for Planning and Local Government must make a full statement now.

Mr FINN (Tullamarine) — I have been looking forward to this debate for some time because a number of important issues in the bill need to be debated. Those issues I had expected and anticipated would be considered today, but then along came the King of Sleaze, the man who if he were in the United States would have his own TV chat show. I can see it now: Oprah Hulls, or Ricki Hulls perhaps! This King of the Muck-rakers has been described as David White in a wig. The honourable member for Niddrie should remember what happens to those sorts of people: those who live by the sword die by the sword, and an increasing number of people in this Parliament, and indeed in this community, cannot wait for that to happen!

We have had enough of the honourable member for Niddrie's tactics. There are important issues affecting local government to discuss, and the contribution — if it can be called that — of the honourable member for Niddrie is an insult to every local government instrumentality, every councillor, every council officer and every council worker in the state.

Mr McArthur interjected.

Mr FINN — As the honourable member for Monbulk so correctly points out, it is a massive slap in the face to every single ratepayer in this state. The issues in question concern mayoral and councillor allowances, alternative electoral structures for councils, various electoral provisions, polling by postal voting and other important issues; yet the honourable member for Niddrie has the gall to come into this place and not even mention one of them in passing. All he wants to do is to vent his spleen. He said before he has no venom; but as my good friend the honourable member for Dromana said: how can you possibly have a snake without venom? That is what the honourable member for Niddrie is.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member is transgressing standing orders relating to aspersions being cast on other members.

Mr FINN — I take heed of your ruling, Mr Acting Speaker. I am sure you can understand my annoyance and the annoyance of my constituents and those in the general community who already hold politicians in very low esteem. It does not help when characters like the honourable member for Niddrie come into the house and rake through the mud as he does so regularly. It does not matter if there is any truth to any of the allegations; he will make them anyway — innocent, guilty, it doesn't matter! Throw mud, it will stick. That is his policy; that is the way he operates. Tell a lie often enough and people will believe it. That is the way the honourable member for Niddrie operates.

Members of Parliament should be wary of the sorts of tactics that have been displayed in the house this morning. Unfortunately, the performance by the honourable member for Niddrie has added to two pretty dismal weeks from the opposition where its members have wasted time at every opportunity. Last night I did a calculation that showed the opposition has wasted almost a full normal working day with sheer trivia, debating points that do not exist and wasting the time of the Parliament. The honourable member for Niddrie has just added another half hour to that with the venom and the vitriol that we have come to expect from him.

If the honourable member wants to see some of the things that need to be rectified in local government he need look no further than his friends in Darebin who were removed just a short time ago for some of their misdeeds. These are the sorts of issues the bill is trying to remedy. We are talking about real and important issues that matter to the ratepayers of Victoria. The honourable member just turns his back on them. He does not want to know about real issues because the bottom line is that the opposition in this state has not got a clue where it has been and where it is; and it certainly has absolutely no idea where it is going! The opposition has no policies and no relevance to the people of Victoria so it falls back to
its old stand-by of throwing mud. Throwing mud can be a wonderful pastime but it certainly does not pass for proper parliamentary debate on important legislation such as this bill.

It is important for the people of Victoria that this legislation is passed and passed quickly. For that reason and for the fact that a number of my colleagues wish to make important contributions to the debate I will briefly touch on some issues that the honourable member for Niddrie so appallingly ignored. Over time there has been growing community concern about mayoral and councillor allowances. Some mayors, it has been said, have siphoned off a section of their mayoral allowance into the coffers of certain political parties.

I do not know if that is the sort of thing that the ratepayers of any municipality in this state would be very happy about. Certainly as a resident of the city of Hume I would be less than impressed if the mayor of that city was siphoning off ratepayers’ money into the coffers of any political party. I know Cr Carl Lewis is an honourable man of outstanding ability, and I am sure he would never involve himself in anything like that, but we have seen that happen. Obviously such things lead to the concerns that have made this bill necessary: it will ensure that no mayor can accept a councillor’s allowance on top of his or her mayoral allowance, which is an important principle to include in the legislation.

The Melbourne City Council’s voting system has been a very successful one, and details of it are available to all Victorian municipalities that wish to receive it. There is nothing wrong with copying successes in other municipalities, and certainly the City of Melbourne has shown that its system has been successful. I understand there is a strong chance that the Greater City of Geelong may be adopting the system very shortly, and I am sure the magnificent city of Geelong — it doesn’t have much of a footy team but is a great city nonetheless — will benefit enormously from adopting the City of Melbourne system. Geelong is the second largest city in Victoria and clearly should be involved in any proposals that will lead to greater success.

I conclude my remarks at this point purely to allow my colleagues, particularly those from Geelong, to have their say, because obviously they have a strong interest in what is happening in that area. However, I appeal to members of the opposition to consider the real issues — to have a look at the things that actually matter, the things that people are worried about — and put positive suggestions forward. For once in their lives, could they be just a tiny bit positive? It would be a major contribution to Parliament, perhaps even to Victoria. I commend the bill to the house.

Mr SAVAGE (Mildura) — I find it incomprehensible that the government has once again found it necessary to interfere with the process of local government — specifically, section 74 of the Local Government Act, which relates to mayoral and council allowances. Without a doubt this government has the worst track record of any in the history of Victoria when it comes to interfering with local government.

We heard the false promises the coalition made prior to gaining office in 1992 when it indicated that it would not under any circumstances force any local government amalgamations. We have seen significant changes of direction by the government along the way, and I have even heard some devotees of amalgamation and restructure say that the government had a mandate to do it. There was certainly a legislative mandate, but hardly a moral one.

The issue of council and mayoral allowances was the subject of intensive inquiry by the Local Government Board under the very able chairpersonship of Leonie Burke, now the honourable member for Prahran. What has been the catalyst for a review of the current allowances? The Local Government Act allows councillors to determine the most suitable level of remuneration that suits the local municipality in question. How many complaints has the government or the minister received about overpaid allowances to councillors or mayors? If the level is unnecessarily high the community will certainly give advice to councillors and, unlike commissioners, councillors can be dismissed at a poll — as can parliamentarians.

The mayor of the Yarriambiack shire, in my electorate, receives a $30,000 annual allowance and the councillors receive about $9000. Because of the economic environment they reduced their allowances by 10 per cent, which is a reflection of the responsible attitude of most councillors in Victoria. Is the reason for the change the fact that the government wishes to discourage mayors from working full time because they may interfere with the CEOs of their councils?

I would like to address some issues relating to the majority of my electorate, which is covered by the Mildura Rural City Council, but I will refrain from
doing so because the council is the subject of an inquiry by the municipal inspector.

Obviously some deluded individuals on the government side imagine that the duties of mayors are universal throughout Victoria. The master plan for restructure has produced the Mildura Rural City Council, which covers an area larger than some European countries and larger than Tasmania and has a population level of probably one person per square kilometre. The area is only marginally smaller than that of my electorate, which is the third largest in Victoria — I understand that the Wimmera is the largest, at 66,000 square kilometres. Does the Minister for Planning and Local Government realise that a journey to Murrayville for either the mayor of Mildura or a councillor to attend a civic event will involve a 5-hour drive of some 450 kilometres?

The Yarriambiack Shire Council — an area equally significant in size — has a councillor who lives in Speed and travels to Warracknabeal, necessitating a 200-kilometre return journey. The councillor has a young family, so needs to make baby-sitting arrangements regularly. Such matters are overlooked when considering the amount of time councillors devote to the needs of their communities. The demands of time that are placed on civic leaders are enormous, and council service can be a full-time occupation.

I believe our communities want full democracy and elected representatives who have some control over the destinies of the communities. They are tired of the continual interference of government. We have seen the results of the alternative of local democracy, which in many cases was an abject failure. It is ironic that honourable members are today debating the removal of some of the self-determined levels of remuneration for mayors and councillors when no such reluctance was shown by the government in appointing commissioners at great expense to Victorian communities. Some salary packages for commissioners were as high as $100,000 per annum and included credit cards, luxury cars, free air travel, free accommodation and free mobile telephones. Against their wishes, communities had to pay for those commissioners to work in their areas.

When I was a councillor prior to being sacked by this government I received an allowance of $3000 per annum, which was certainly an inadequate recompense for the job that was required to be done. The primary reason for people serving on councils is that they are committed to the community. It is appropriate for councillors to approve their own remuneration and for the government to allow them to get on with the job. Councillors have the courage to make such decisions.

We should take notice of this analogy: when it comes to parliamentary pay increases, we parliamentarians are gutless wimps because we hide behind the pay levels of senior Canberra public servants. Instead of publicly attempting to justify increases in pay, we skulk in the darkness and get increases automatically.

I vigorously oppose the amendment to the Local Government Act which will take away the right of councillors to determine their levels of remuneration. Local government should be enshrined in the state and federal constitutions. If the proposed amendments go ahead a number of talented people will be precluded from taking on the roles of councillors and mayors. For example, the deputy mayor in the electorate I represent would have lost tens of thousands of dollars this year while filling in for the mayor as a community job.

Mr SPRY (Bellarine) — I shall speak in favour of the bill and reject absolutely the opposition’s reasoned amendment. The honourable member for Nichdrrie has already been given a deserved serve by the honourable member for Tullamarine. I regard the reasoned amendment as basically an opportunistic exercise in muck-raking, which has become one of the characteristics of the opposition, as a consequence of its frustration and failure to make any impression whatsoever on the positive moves the government continues to make.

I intend to comment in depth on a couple of issues. I shall speak principally about the amendment to section 220 of the principal act to be inserted by clause 20 of the bill, which concerns the restructure of local government councils. I also want to dwell on the coastal boundaries.

The reorganisation of local government brought about by the government has had a dramatic effect on the efficiency of local government and its ability to concentrate on the delivery of its core services to ratepayers. A press release from the former Minister for Local Government in January 1996 contained a commentary on what it called the ‘first fruits of reform’. It said that in 1995, prior to the return to elected councillors, local government had achieved rate reduction totalling about $250 million across the state. Overall council debt was reduced by $78 million and the process of compulsory competitive tendering was flowing smoothly, and
introducing elements of competition that were so important to achieving a reduction in the cost of services to ratepayers. In addition, because of the savings that had been made, it was estimated that almost $60 million of capital spending was generated, which was able to be applied to new services, facilities and capital works.

At the same time the press release commented on what was expected of elected councillors when they took the place of the commissioners, who had been acting up to that date. It is worth noting that by this time Geelong was a forerunner of local government reform. Elected representatives had been in place in the City of Greater Geelong for almost 12 months. I notice in the press release that the former local government minister, the Honourable Roger Hallam, said:

A number of the municipalities will return to elected councils this year and it is crucial they rise above the old ways of parochialism and petty politics that hampered local government in the past.

One of the most important objectives that was expected of the reform of local government was to enable councils to behave in a regional way, to have a regional focus, to attract business into their areas and generally to stimulate activity that would eventually provide jobs to the areas.

In view of those comments it was interesting to listen to the contribution of the honourable member for Richmond and to reflect on who in Geelong he had been speaking to when he attacked the reorganisation that has been mooted for Geelong. One can only assume it was a narrow band of people — people who reflected an equally narrow attitude to reform in Geelong. It is fair to say that for some time in the Geelong region there has been dissatisfaction with the performance of the council and a general perception that the council has been concentrating far too much on parochial issues and infighting rather than getting a grasp of the big picture for the benefit of the whole region. We had not seen Geelong performing in a way that other effective councils have been able to perform. I shall not highlight which of those councils I am referring to, but I believe honourable members would be aware of the areas in regional Victoria that have managed to achieve a little better than we have in Geelong.

For those reasons there is the perception it was time to reorganise the structure of the council to get a more regional focus. In doing so it has been suggested that the wards be done away with to a great extent and perhaps there be introduced a system of five councillors at large to represent the whole area with only four ward councillors. If that process were adopted the job of the ward councillors would be significant and their time constraints would be tested to the full.

The concept of having councillors who represent the entire area is one that will have a profound effect on the way the Geelong region advances into the future. For the honourable member for Richmond to come into the chamber and suggest that he knows what is best for Geelong is a complete presumption, and I reject completely the comments he made. He is out of touch with the people of Geelong.

I will give the house evidence of how out of touch the honourable member for Richmond is by referring to an editorial in the Geelong Advertiser of 19 September, just after this concept was first mooted. I do not always agree with the editorial in the Geelong Advertiser but from time to time it reflects the feeling of the people, and in my view this was certainly one of those times! It states:

It is a shame the council itself would not bite the electoral reform bullet when this matter was placed before it recently. Three weeks ago in these columns, the Geelong Advertiser said the only avenue that appeared left for change before the next election was state intervention. Local government minister Rob Macellon did not seem to be interested in change at that stage ...

In the longer-term interests of Geelong perhaps he should rethink his position.

A week later when the announcement was made in Geelong there was some certainty about what it might involve, and the editorial of the Geelong Advertiser again featured local government reform. It referred to the need for a regional focus and for the council to act as a regional body in order to attract the sort of investment that obviously all councillors should be aiming at. It states:

What Geelong needs, and we have said it before, is leadership and vision. We must elect and appoint leaders with a vision for Geelong's future, leaders who will share their vision and guide it to reality. The state government, by changing the council election structure, has given us a second chance to put in place the dynamic and innovative council we need to seize the opportunities to do just that. The initiatives embodied
I turn to the subject of coastal boundaries, which was mentioned by the honourable member for Knox. Because this matter concerned me during the summer period of last year, I wrote to the minister voicing my concern that the high-water boundary did not give council by-laws officers the opportunity to perform their duties in respect of beaches at low tide.

I am talking not only about stray animals on a beach, but about litter and a number of other matters that are of concern to people who live near the beach. A particular by-laws officer brought this matter to my attention and asked whether something could be done. I am delighted there has been an amendment to the principal act to change the boundary because it will give councils jurisdiction over that piece of territory.

In conclusion, because I wish to give other honourable members a chance to speak, particularly the honourable member for South Barwon, whom I am sure has a contribution to make and will cover some of the gaps I have not covered, I commend the bill to the house and reject the ridiculous and biased so-called reasoned amendment.

Ms KOSKY (Altona) — I am pleased that the honourable member for Bellarine thought it was important to allow other honourable members, such as me, to have time to contribute to the debate. I oppose the bill and support the reasoned amendment. I shall refer to a number of clauses about which I am concerned and which relate to my electorate.

Clause 3 refers to a change to coastal boundaries and provides that a coastal boundary will now be measured from the low-water mark instead of the high-water mark. The minister said in the second-reading speech that this measure was requested by a number of councils, but he did not name those councils.

Who will pay for the additional responsibility that is now being placed on councils? My electorate has a coastal boundary and that means the City of Hobsons Bay will have the responsibility of looking after more land than it did in the past. The second-reading speech refers to dealing with nuisances, such as dogs and litter, between the high and low-water marks. That is not a problem, but it should be recognised that the government cannot continue to shift costs on to councils without providing them with the necessary finances to deal with the added responsibilities. The government is expert at cost shifting and directing councils in what they should do for their ratepayers.

It is also stated in the second-reading speech that the minister must speak with the relevant councils to address the issue. I encourage him to do so in my electorate so that the local council can determine how the land can be best looked after and from where the resources will come to do the job properly.

Clause 12 refers to voting at polls and indicates that it may be by postal vote only. The Labor Party is concerned about the move because it is not democratic and will weaken local government democracy even further. Under such a system people will receive ballot papers through the mail. My electorate has a large number of non-English-speaking residents who may have difficulty understanding such material and may be unable to get assistance.

Under the educational regime in this state many literacy problems have not been addressed. People should be made aware that the poll will be conducted so that when the material arrives in the post they will know it is something on which they must obtain advice and is not some public relations material from the government. These days letterboxes are full of the government's promotional advertising material and people in my electorate are smart enough to know that that material does not have to be read and should be put straight in the bin.

This is not only about getting assistance with the reading of such material but is also a matter of people understanding that it is a ballot with which they may require assistance. If they are not aware that a poll is to be held they may not vote and subsequently might be fined. If people know they have to go to a polling booth and can receive assistance there in filling out the ballot paper they will understand what is going on. The opposition is concerned about the gradual move toward postal voting. The government's federal counterparts are also keen on voluntary voting, which is the next step.

Clause 14 clarifies that a mayor cannot receive both a mayoral allowance and a council allowance. Concern has been expressed by my constituents about the level of the current mayoral allowance and the fact that mayors can also receive the council allowance. Currently a mayor working full time or part time in normal employment can still receive the
full amount of the mayoral allowance. That is considered by a number of my constituents to be double dipping. Although double dipping is allowed under the legislation it is my personal belief and the view of the opposition that it should not be allowed.

The legislation makes it clear that the mayoral allowance should relate to the amount of work that is being performed. A full-time mayor should receive the allowance, but if a mayor is still holding down another paid job the mayoral allowance should be paid on a pro rata basis.

Mrs Peulich interjected.

Ms KOSKY — I am sure the honourable member for Bentleigh will have an opportunity to speak at a later stage. She obviously thinks it is all right for a mayor to receive the full allowance, particularly in an electorate such as hers. However, in my electorate there are many low-income people who have suffered substantially as a result of the rate cap imposed on councils by the government.

My constituents have had their services cut and there are now many user-pays requirements. All the government has done is shift costs. Rates may have decreased but charges have increased. We now have regressive payments that do not relate to the ability of people to pay.

A large number of people are unemployed in my electorate. Rates may have been cut, but the unemployed are still required to pay for services. The rate cut has not been significant for people whose houses are not worth a lot of money, but it has been significant for those living in $700 000 houses in Brighton or parts of Bentleigh. In Laverton, which is part of my electorate, unemployed people are now being asked to pay for many of the services they get on a user-pays basis. The local mayor is getting two full-time pay packets at the same time as they cannot get one job. There are issues of equity that the legislation needs to address.

The Victorian branch of the ALP believes municipal councillor and mayoral allowances should not be determined by the recipients but on the recommendation of an independent remuneration tribunal that has regard to the duties of councillor and mayors and the workload and expense incurred in the performance of those duties, including the cost of child care.

Clause 20 allows the minister to make an order to set internal boundaries and to stipulate the number of councillors that are to be elected either in individual wards or at large, or both. The government did not get its way in Greater Geelong. It wanted more business people on the council, but the residents decided not to vote for them. Because the government could not get its mates up, it is imposing a different electoral model on the Greater Geelong council. What's new? The government is constantly imposing legislative changes on local government. It is almost a day-to-day activity.

The system the government has imposed means that Greater Geelong will be represented by four ward councillors and five councillors at large — that is, councillors who will cover the entire municipality. The legislation was prepared without telling the City of Greater Geelong. It is, of course, an attempt to get the government's mates elected — that is, members of the business community, whose campaigns will be bankrolled by business. Running election campaigns is expensive, and the money needs to come from somewhere. Contributions from its mates may assist the Liberal Party in the process.

Honourable members interjecting.

Ms KOSKY — There is obviously some truth in what I am saying because it has upset a few government members! I refer to an article in the Ballarat Courier of 19 September on what is happening in Geelong:

In a move which could change local council elections in Victoria, a group of businessmen has succeeded in a bid to overhaul the way Geelong councillors are chosen.

It is clear that the change has been brought about by a group of Geelong businessmen whose representatives were not elected to the council. Because they did not get their way they approached the minister and the government. If some people cannot get what they want through the democratic process, they go through the back door — and the government listens to them. The article continues:

Under legislation introduced into Parliament on Wednesday, some Geelong councillors would represent wards and others would represent the municipality as a whole when elections are held next year.

A coalition of Geelong business leaders, the Geelong Business Leadership Team, met with local government minister Rob Maclellan in the middle of the year,
seeking a change from the current ward-based system of elections.

We know that in this state changes are made not through the democratic process but through the back door. The people of Greater Geelong have voted for the councillors they want, but that is not good enough for the government, which has decided to impose its will on the Greater Geelong council through non-democratic means. It will not work this time, just as it did not work last time, but government members will have to see that for themselves. Maybe then they will look at other changes to try to subvert the course of democracy in Geelong. Another article in the Ballarat Courier of 23 September states:

The state government's attempt to introduce changes to the set up of local councils has caused serious concern for Ballarat mayor James Coghlan.

The Local Government (Miscellaneous Amendments) Bill 1997 will give planning and local government minister Rob Maclellan unprecedented power to decide if a council should consist of ward representatives or councillors who stand for the municipality as a whole.

The bill, which is almost certain to be made law —

they know how Parliament works —

was introduced to Parliament last week and already it has been used to overhaul local elections in the city of Geelong next year.

The electorate knows how the government operates. People go in through the back door: they go through their mates, not through the democratic process. Even if the electors decide to roll you, if you want your business mates to control the council, all you need to do is go through the back door. The minister is very amenable to people who approach him that way.

Rate capping has posed major difficulties for local municipalities and has led to a loss of services. As well, people are concerned because they are now having to pay for services they previously obtained through their municipalities. It means that service delivery across the state is becoming inequitable. Those who can pay get the services they need, and those who cannot, miss out. That is the basis of the government's philosophy.

Mr PATERSON (South Barwon) — It is a pleasure to contribute to the debate. It was refreshing to hear the honourable member for Altona refer to the bill. However, I do not think the honourable member for Niddrie has read it — and if he has, he does not understand it.

The bill makes significant changes to local government, and when it becomes law I am sure it will be welcomed by all Victorians. Of particular interest is the provision that will be introduced in time for the next municipal elections in the City of Greater Geelong. The honourable member for Richmond, who led the debate for the opposition, reaffirmed how out of touch the Labor Party is with the people of Geelong. I am not sure when the honourable member for Richmond was last in Geelong, but he obviously did not speak to anyone while he was there. His outrageous attack on the revered and respected Geelong Business Leadership Team — he described them as the faceless men of Geelong — indicates his total ignorance of what is happening in Geelong. He ought to be ashamed of himself for attacking in Parliament in such a gutless way a group that contributes a great deal to life in Geelong.

Mr Dollis interjected.

Mr PATERSON — Why doesn't the honourable member for Richmond go down to Geelong and attack them in the same way? If he did he would get a different reaction, because the Geelong Business Leadership Team has made a significant contribution to life in the city. It is led by a man of stature, Mr Geoff Nielsen, who has made a significant contribution to Geelong over many decades.

Mr Dollis — On a point of order, Mr Acting Speaker, my colleague the honourable member for Niddrie suggests that the honourable member for South Barwon ought to get out of the gutter and continue his remarks on the bill.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! There is no point of order. If the honourable member persists in raising such frivolous points of order action will be taken by the Chair.

Mr PATERSON — It should be noted that immediately after the honourable member for Richmond raised his point of order he sat down giggling. It was a pathetic effort. Visitors to Geelong are well aware of the major contribution made by the Geelong Business Leadership Team, described by the honourable member for Richmond as the
faceless men — they are not all men, and his remarks were gutless!

It is suggested that the changes being introduced that will affect the Geelong council elections to be held in March do not have the support of the people of Geelong and, by inference, the councillors of the City of Greater Geelong. It might be enlightening for the opposition and for those monitoring events in the house to hear what the councillors have to say on the issue. The Geelong Advertiser of 19 September reports the responses of councillors to the proposed amendments. Cr Dorothy McWhinney states:

I have no problem with the state government’s decision.

That is a reasonable endorsement of the proposed legislation. Cr Michael Crutchfield from Kardinia ward states:

I have sympathy with the government’s intent to improve the quality of leadership in Geelong.

Cr Crutchfield does not seem to have any problems with what we are doing. Councillor Kevin Edwards from Buckley ward states:

I will not be opposing the change ...

He understands the changes will be positive for the people of Geelong. Cr Ian Stacey from Austin ward, who makes a significant contribution to council politics in Geelong, states:

... I don’t mind the challenge. I accept new challenges.

Cr Dennis Blake states:

I welcome the change.

That is a significant sign of support for what the Kennett government is doing in Geelong. Cr Keith Broadbent states:

In late 1995, I suggested that council review the election process including the number of councillors, the ward structure and the election process.

This did not occur. Therefore I have no problem with the reduced number of councillors.

Cr Ian Howard from Cheetham ward states:

I don’t have a problem with the changes — we live in a democratic society — and this is democracy.

The opposition is running a scare campaign and could be accused of misleading the house. It is an example of the irrelevance of the Labor Party in Victoria and particularly in Geelong. When I contested the seat of South Barwon in 1992 Geelong was represented by five elected local Labor Party members of Parliament, although one became an independent. At the 1992 election the Labor Party representation was significantly reduced from five members to two. In the 1996 state election the people of Geelong turfed out another Labor Party member of Parliament and now Geelong has only one Labor Party representative. The people of Geelong have shown what they think of the Labor Party — they have five coalition members and only one Labor Party member of Parliament. The people of Geelong understand that the coalition government provides great leadership, not just for Geelong, but for Victoria.

It is not surprising that there is only one Labor Party member in Geelong. As I travel around I meet people from varying backgrounds and they tell me that they accept the good sense of having a system that allows them to elect municipal councillors who can take a global approach to some of the important issues facing Geelong.

Clause 3 amends the description of coastal boundaries of a municipal district. The honourable member for Richmond said that he was unhappy with the proposed amendment because of the amount of resources available to councils. I am not sure to what the honourable member was referring, but it clearly underscores the honourable member’s lack of understanding of the provision. Councils initiated the amendment because of the perceived problem with council boundaries.

Section 3(3A) of the principal act provides that if the boundary of a municipal district is described by reference to the sea coast that boundary is to be taken to be the line for the time being of the high-water mark. A number of councils told the government that they were not able to deal with the various nuisances on their beaches, such as dogs and litter, particularly over the summer months. It is a significant problem in the Surf Coast Shire on the beaches of Torquay and Jan Juc because councils do not have jurisdiction over beaches below the high-water mark. Moving the coastal boundary to the low-water mark will extend the boundaries of councils and allow them to enforce the local by-laws on the beaches down to the low-water mark.
The government has conducted extensive consultation with the affected councils. There is little support for moving the boundaries 200 metres out to sea, which is a proposal from one council, but there is general support for moving the boundary to the low-water mark. Far from the proposed amendment being a problem for councils, it is an issue councils have raised with the government and various constituents have raised with me as a problem requiring fixing, and that is what the bill does.

Another provision involves the contentious issue of councillor and mayoral allowances. Just the other night the Geelong council discussed the level of councillors remuneration and various options were put before council. Option A was that councillors be paid up to $45 000 a year. Obviously that is a significant increase on the $12 000 that councillors are paid currently. Under option A the mayor would be paid up to $100 000, with 15 per cent of that salary being paid subject to meeting agreed performance standards.

As the house may be aware, elections are coming up in Geelong in March. I am not sure the councillors have chosen precisely the right time to be discussing $45 000 salaries! Nevertheless, I am sure they will be able to run the debate in their communities as they see fit. It is interesting to note that some councils have opposed that level of remuneration. Certainly that option was put before the council. However, as I said, I do not think it is the right time to be talking about huge increases in councillor salaries.

I echo the comments of the honourable member for Bellarine. I do not always agree with the opinions expressed in the Geelong Advertiser, but this morning's editorial was well balanced. Various questions were posed for the council. The editorial asks:

For example, have councillors come to terms with their role on the amalgamated council? Are they providing municipal vision and leadership, setting policies and directions for the future? Or are they being traditional councillors …

The inference seems to be that a renewed focus on the bigger picture should be pursued by the Greater Geelong City Council. The editorial continues:

It seems that COGG [City of Greater Geelong] councils have been loath to pass such responsibilities to their officers. Again, this is time consuming and detracts from what their role should be. If it is the case, however, our councillors are creating unnecessary work for themselves, work which rightly should be carried out by officers.

The editorial comments on the role of officers in the light of councillors' consideration of options before council on the potential for increasing their remuneration. The newspaper simply calls on them to review the way they operate on a day-to-day basis as a council, rather than to review their salaries. It is a pleasure to support the bill and I commend it to the house.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I speak in the debate and support the opposition's reasoned amendment. In following the honourable member for South Barwon, I would like to point out several issues. The honourable member failed to mention certain facts about the City of Greater Geelong — for example, that it is the largest municipality in Victoria and it has the lowest paid mayor. I direct attention to the hypocrisy of the Liberal Party and particularly the minister in dealing with local government.

It is with great pleasure that I report to Parliament on the City of Banyule, a fine council within my electorate. It has had enormous difficulty in dealing with the government. Put plainly and simply, one example of the Liberal Party's hypocrisy is its attitude to the mayoral allowance. The bill refers to the setting of mayoral and other allowances. I find it extremely ironic that no-one could query the allowances of the government-appointed commissioners. The three commissioners of the City of Banyule could be paid up to $200 000 — that was seen as a fair and reasonable amount. Seven councillors and the mayor together are paid just over $130 000, which is a considerably lower sum, but now there is concern about allowances.

It is exceptionally ironic that the government is critical of elected local government officials — they can never do a thing right, according to the government — yet the government does not care who it appoints. I ask honourable members to consider whether it is more important that people have the opportunity to elect local government representatives and get fair and proper representation or that commissioners be appointed. Clearly the Victorian public wants elected councillors, and it now has them.

I am also concerned at the machinations of the government in its management of and constant threat to local government. The City of Darebin is located next to the City of Banyule. What happened
to the council of the City of Darebin is recorded in
the proceedings of the house. All members of local
government are constantly threatened that unless
they toe the line and do what the government says
the same thing will happen to them.

It is ironic that the City of Banyule is located next to
the City of Darebin. Mr Forwood, an upper house
member for Templestowe Province, which includes
the City of Banyule, is fluent in his comments on
threats to local government and he says that he
wants the council of the City of Banyule to behave
itself. As an example of that, I will quote some
source documents.

In the electorate of Ivanhoe and the City of Banyule
the biggest employer is the Austin and Repatriation
Medical Centre. After the truth was flushed out by
the Deputy Leader of the Opposition, the
government recently made an announcement about
the future of the Austin hospital. There was silence
until the Deputy Leader of the Opposition found
and released documents revealing that the Austin
hospital may well be privatised.

The hospital being the largest employer in the City
of Banyule, the Banyule City Council was concerned,
as any city council in a similar position would be. It
was especially concerned that the Minister for
Health could not guarantee the 3500 jobs of people
working in the hospital under a privatised structure.
What would any fair and reasonable council do but
ask questions?

When I was a councillor in the former City of
Heidelberg the council often had disagreements
with the then Labor state government. The council
often moved motions asking for clarification and so
on. We never got the heated response that local
governments are now getting. The government’s
attitude is, ‘How dare they raise any questions
regarding the government!’ After the press reports
on the probable future of the Austin hospital, the
council resolved:

That the matter of the privatisation of Austin and
Repatriation Medical Centre be treated as a matter of
urgent business.

That motion was moved and carried by council. The
council then resolved the following:

1. That council express its concern at reports that the
Austin and Repatriation Medical Centre could be
privatised.

2. Council seek an urgent meeting with Mr Michael
Standford, Chief Executive Officer of the North
Eastern Health Network.

The resolutions express no criticism of the
government; they simply express a concern. The
government, through Mr Forwood, an upper house
member for Templestowe Province, went on a
tangent, saying, ‘How dare local government
question the state government!’ In this week’s
edition of the local newspaper, the Heidelberger, the
honourable member for Templestowe Province is
reported as follows:

But the member for Templestowe Province, Bill
Forwood, said the councillors had misused their
position on the council to run an ALP agenda.

The resolutions do not mention the ALP or the
government! They express a legitimate concern
about the future of a major employer in the City of
Banyule. But Mr Forwood is reported as stating:

It is an outrageous abuse of council process and shows
a complete lack of judgment and understanding of the
roles and responsibilities of councils and councillors.

That shows Mr Forwood’s lack of understanding of
the electorate. The majority of people in the
electorate of Ivanhoe in general and the City of
Banyule in particular would be very concerned
about the future of the Austin hospital. But Mr Forwood, the honourable member for
Templestowe Province, does not care about that. He
says, ‘How dare someone question the actions of the
government! How dare local government question
the government!’

The bill reinforces that intimidation. The
government constantly threatens local government,
and the provisions on mayoral allowances and other
aspects of the bill are ways of controlling local
government. It has been reported to me that
frequently Mr Forwood contacts councillors and
advises them that it might not be wise to do certain
things because the minister may move in to dismiss
them. He constantly says to them, ‘Remember
Darebin’. It is not appropriate for members of state
Parliament of either political persuasion to
constantly threaten councils and their elected
officials. I commend the local council for its action in
passing a unanimous resolution expressing concern
about the Austin and Repatriation Medical Centre.

The mayoral allowance in the City of Banyule is
$60 000. The mayor has given up his position and his
company to become a full-time mayor. The city takes
in the electorate of Ivanhoe, a fair portion of the Eltham electorate and a very large section of the Bundooora electorate — the equivalent of almost two and a half seats in the house — yet the mayor is paid only $60 000.

The government has queried the amount of the Banyule mayoral allowance. Honourable members are paid $80 000 to represent an area approximately one-third the size of the City of Banyule so I do not see it as being unreasonable that a mayor should receive an allowance of $60 000, or as provided in the act, up to $100 000. If you compare the mayoral allowance to the amount we receive as members of Parliament, and then multiply our salary by two and a half, you get a lot more than $100 000.

An honourable member interjected.

Mr LANGDON — Our salaries have been cleverly linked into that arrangement. Members of Parliament are very quiet about how they get their salaries. I am more than pleased to tell the public about the basis of our salaries and compare them with what is received by federal members, who get a lot more in the way of resources. By comparison we are in a pitiful position.

The minister constantly wants to control and sets out to control local government. As an example of that, it has been reported to me that at one of the first meetings councils had with the minister, a councillor who was not from the City of Banyule raised the subject of rate capping — I am aware it has since been removed — and asked how in the circumstances his council could be expected to manage its house effectively. The minister’s reply was basically that council should not be top heavy with bureaucrats, that it should look at its staffing arrangements, and so on. The minister forgot to tell the conference of councillors that he had also placed controls on elected councillors interfering with the staffing arrangements of councils.

The minister either misunderstands his own portfolio — he has been around long enough not to do that — or has tried to baffle the newly elected councillors. Clearly councillors are forbidden to control staffing arrangements. We know what happened at Darebin when the CEO suggested certain arrangements and the council accepted his advice — all hell broke loose. We do not want a repeat of that, especially with upper house members constantly threatening their local government councillors on arrangements.

One of the greatest hypocrisies of the Liberal Party is its running of councils, and that is added to by the bill. It wants councils to be elected as a whole. In 1994 when the government changed local government boundaries, dismissed councillors and put in commissioners a lot of the concern expressed to me by independent councillors was that the government would force out Independents. The effect of the bill in providing that candidates can run collectively for an entire council will be to make it very difficult for any genuine Independent to run who does not have a resource base. Whoever was elected — it may even be a Labor Party member — no doubt would be criticised. It is bringing politics into councils and demonstrates the hypocrisy of the government.

When I was a councillor I was deemed unfit to be mayor because I was a member of the Labor Party. People said, ‘We cannot have a member of the Labor Party as the mayor of the City of Heidelberg.’ However, they elected Michelle Penson as mayor. I have a lot of time for Michelle; she was a very fine councillor and became a very fine mayor.

Unfortunately Michelle was also a member of the Liberal Party. The Liberals like to say that does not matter because the Liberal Party does not interfere with councils. However, it was all right when Michelle won preselection for the Liberal Party in the federal seat of Jagajaga, because one could be a Liberal member and still stand for council. It was not considered political for an endorsed Liberal candidate to run for council, yet Labor Party members were criticised for doing the same thing.

The government is hypocritical on the issue of politics in councils. The bill will force genuine Independents not to run for council. When ALP members run for council election they are criticised whether they are endorsed, supported, unendorsed or just being themselves. The government cannot have it both ways — it cannot have larger councils, larger wards and constant boundary changes and still expect Independents to run. In the case I cited a Liberal candidate was elected as mayor. She may have been a good mayor, but unfortunately she failed in her bid to win Jagajaga, which is now held for her by Jenny Macklin.

Honourable members interjecting.

Mr LANGDON — Honourable members are criticising me across the chamber. I am more than pleased to stand here. I was a councillor and when I
was elected as the member for Ivanhoe. I defeated another former councillor, the Honourable Vin Heffernan. Mr Heffernan was a councillor for 18 years and went on to become a minister. The government likes to constantly tell the opposition that it is out of touch, but I can tell the government that its former Minister for Small Business and Minister for Youth Affairs was totally out of touch with his electorate. One of the concerns in the area is that local government has been butchered.

The areas that experienced the biggest swings to me were in the government’s heartland — Eaglemont, East Ivanhoe — where there was a 10 per cent swing against the government, and that was before the concerns about the Auditor-General, FOI and Workcover came to the fore. People’s concern was about a lack of democracy in the government, and it showed in the polls.

I am pleased to represent the seat of Ivanhoe and the City of Banyule. I commend the reasoned amendment to the house, and I commend honourable members who spoke on it.

Debate adjourned on motion of Mr E. R. SMITH (Glen Waverley).

Debate adjourned until later this day.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Will the minister reject those recommendations, which would make the cost of adoption prohibitive for ordinary families and mean that only millionaires would be able to afford to adopt children?

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for her question and her interest in adoption. As the house will be aware, it is a sensitive and emotional issue. Adoption involves three main parties: the relinquishing parents; the person up for adoption — usually a child; and the adoptive parents.

Parliament can congratulate itself because in 1984 it passed landmark adoption legislation on a tripartite basis. The legislation covers adoption services are run by non-government agencies or, in other countries, by agencies approved by the countries with which we have intercountry arrangements. The adoption services are up for review, as the honourable member said, and far be it from me to anticipate the outcome of that review. When we on this side of the house conduct reviews we do so to listen to people’s views on the issues. I would welcome a submission from the honourable member for Pascoe Vale giving her party’s views on the discussion paper and the review process. If she does so, I will consider those views at the appropriate time.

Premier: Hong Kong visit

Mr McLELLAN (Frankston East) — Will the Premier inform the house of the outcome for Victoria of his recent trip to Hong Kong?

Mr KENNETT (Premier) — Our participation in the World Economic Forum, which is coming to Melbourne in 2000, will be important to us not only because of the quality of the debate but also because of the speakers who will come from around the world. It will be particularly important to our relationships with the Asian countries to our north.

I met some of the leaders of the region, including, importantly, Donald Tsang, the financial secretary of the special administrative zone of Hong Kong, with which we are entering into a relationship in the area of multimedia. Shortly, we will be making announcements about further developments and about where Victoria is heading in that area. Mr Tsang will be sending down the new head of his
multimedia and information technology department, along with a group of people from the private sector. I expect that visit to take place in November. Shortly after that, I expect the Treasurer to lead a mission to Hong Kong.

Mr Bracks interjected.

Mr KENNETT — This is important for Victoria, regardless of the inane interjections from the other side. If we are able to secure partnerships with Hong Kong in the area of multimedia, there is no doubt that we will be able to increase our opportunities and go beyond the old colony into China itself, as has been pointed out to us by the chief executive, Mr Tung, and his financial secretary, Donald Tsang.

I should also say that the likelihood of our doing more work with Singapore in the area of information technology has been greatly enhanced after our discussions with its Prime Minister, Goh Chok Tung. We look forward to working closely with Singapore and Hong Kong in developing opportunities in this exciting area, where Victoria is increasingly earning an international reputation as a leader in software development. That is particularly the case in education and in health; and it is about to become obvious in many other areas of government services. More will be said on that later.

Finally, I make the point that if not only Victoria but Australia are to be relevant and to grow into the 21st century, it is important that we forge alliances with countries to our north which are aware of and excited by what we are doing and prepared to form partnerships with us. The benefits of that will be felt by this community for a long time to come.

Parliamentary Secretary for Planning and Local Government

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Conservation and Land Management to the $900 000 Environment Protection Agency urban villages project approved in November 1994 by the then Minister for Conservation and to the contract which was let to Fisher Stewart Pty Ltd. Given that it is a government contract that stipulates that the Environment Protection Agency must approve, in writing, the use of subcontractors, will the minister provide to the house before 5.00 p.m. today — —

An honourable member interjected.

Mr BRUMBY — It is in the department's files. Will the minister provide before 5.00 p.m. today the written consent to engage the member for Koonung Province in the other place, Mr Bruce Atkinson, as the retail consultant to this government project?

Mrs TEHAN (Minister for Conservation and Land Management) — I will take the question on notice and report back to the house in due course.

Information technology: government initiatives

Mr FINN (Tullamarine) — Will the Minister for Multimedia advise the house of the action the government is taking to lift the skills of all Victorians to ensure we take full advantage of the strong worldwide growth in information technology industries?

Mr STOCKDALE (Treasurer) — I thank the honourable member for his question. Because of his background in the media, he has an involvement and an interest in the subject. I am sure all members of the house will agree that, whatever our political views, we have to recognise the importance of the information revolution as a key determinant of the future prosperity of all Australians.

The opportunities for Australia were recently highlighted by no less a figure than Dr Kenichi Ohmae, the internationally respected management consultant and founder of McKinsey's in Tokyo, who said Australia can be the brains trust of our part of the world and that our greatest advantage is our highly skilled and educated work force.

As well as lifting the quality of education in Victoria, the government is implementing a wide range of programs designed to introduce Victorians to the technology by promoting it to the community at large. For example, public libraries are being given Internet connections, which are freely available to local communities. Already, 37 of the 43 public libraries have been connected to the Internet, and we expect that by the end of this year the other six public libraries will be connected. Also, by the end of this year the vast majority of Victorian schools will have Internet connections.

The government is also finalising the contract between the government and AAPT for the installation of VicOne, a broadband network that will link more than 3000 government places of business, enabling them to communicate with each other on an interactive basis from any one point to
any other. We are also awaiting the launch of the maxikiosk multimedia system, under which broadband interactive kiosks will be made available throughout the community to allow people to carry out transactions with government.

However, today I want to highlight a very exciting initiative the government is taking under the banner of Skills.net, which will provide funding for community organisations right across the state for a program to introduce technology to Victorians who would be information poor without it. The program, which will cost $5 million over three years, is designed to give introductory training in the use of the Internet to people in work or lifestyle situations right across the state. The criteria are targeted at training people who have restricted access to information.

We have already concluded agreements with five sponsoring organisations for grants of $100 000 each. The most interesting of those is probably in Footscray where Fujitsu, in partnership with the government, is implementing a program to introduced computer skills into the Vietnamese community. There is a particular emphasis on giving long-term unemployed people the skills they need to re-enter the work force in the rapidly expanding sectors relating to information technology and the on-line economy. In conjunction with local government, universities and community organisations, we have also implemented similar programs in Geelong, Warrnambool, Ballarat and Wangaratta.

It is anticipated that the program will eventually involve more than 100 community venues. As I said, five major projects have already received funding of $100 000, and another group of more specifically targeted programs will each receive $10 000. We have already received 157 submissions. It is anticipated that the 40 000 who participate will not only directly benefit themselves but also pass on the skills they learn to other family members, their schools groups, their work groups and their other community organisations. An accelerator effect will flow through the community as increasing numbers of people come into contact with the Internet through the activities of the people who join the training programs.

This important initiative is part of making sure that those who are most disadvantaged by the structural changes in the Victorian economy have open to them opportunities to gain jobs in these high growth areas and that they benefit, in all aspects of their lives, from modern technology. It is an important initiative that is a key part of keeping Victoria on the move.

Water industry: reform package

Ms GARBUTT (Bundoora) — I refer the Minister for Agriculture and Resources to the Premier’s announcement last week that the water reforms would benefit 85 per cent of Melbourne property owners and that all tenants will be paying more as a result of the changes. Given that 25 per cent of all Melbourne private dwellings are rented, the tenants of which will all be paying more for their water, will he now admit that his figure of 85 per cent is grossly misleading and completely dishonest and is being used only to try to sell this great con?

Mr McNAMARA (Minister for Agriculture and Resources) — As with most issues that take more than a primary school education to understand, the opposition seems to have great difficulty understanding the details of the reforms. One issue the opposition has forgotten about is that all pensioners will be better off under the new incentives that are in place. Across the board, 85 per cent of people will be paying the same as or less than they are now paying. That is a huge improvement.

I reinforce the fact that the $1.3 billion that is being put back into the industry will not only improve the infrastructure for water services but also ensure that, across the board, the water authorities will collect, on average, 18 per cent less in revenue and that 85 per cent of people will receive the benefit of the changes.

Agriculture: exports

Mr J. F. McGrath (Warrnambool) — As part of the exciting Golden Age of Agriculture, will the Minister for Agriculture and Resources advise the house what further steps have been taken in Victoria to boost food exports?

Mr McNAMARA (Minister for Agriculture and Resources) — When the coalition took over government in 1992 the level of rural exports in Victoria was a little under $2 billion. In our period in office we have doubled that export figure to $4 billion, and the target of expanding that to $6 billion by the year 2001 is something I am certain the government will achieve.

The big growth in the level of exports has been achieved not only by greater on-farm productivity
but also by a huge investment in the food processing industry, particularly in rural and regional Victoria. We know that $1.7 billion has been invested in new manufacturing plants right across regional Victoria, and that has led for the first time, certainly in recent memory, to a faster jobs growth rate in percentage terms in country Victoria than in the metropolitan area.

The government's initiative in agriculture and food, under which we have put some $22 million into the research and extension project, is certainly providing some huge benefits. I announce today that we are extending that program for a further four years.

Mr Gude — More good news.

Mr McNAMARA — More good news. The government will be putting $10 million a year into the project to take expenditure on the total agriculture and food research and extension program to some $62 million. We are undertaking programs in the research area that will return huge benefits to the state as a whole. One project alone on which we are spending some $600 000 will return to the agricultural community benefits of something like $35 million a year. The government believes that the agriculture and food industries have a very exciting future.

Next week I will be at Hamilton, Portland, Warrnambool, Ballarat and Colac and will talk to a wide range of members of the agricultural community. We will have with us agricultural experts and a broad cross-section of farmers and will be unveiling details of research projects. However, we will be doing a lot more than that. It is one thing to spend a lot of money on research programs; it is another to ensure that we get that information out to farmers so that they can apply it and ensure that they move to greater profitability. We will be working to ensure that we improve the communication basis — —

Mr Bracks — Mr Speaker, on a point of order, I thought the question was similar to a question asked yesterday, so I checked Hansard. Yesterday the second question asked of the minister at the table concerned the benefits to Victoria of the government's assistance for food and agriculture, which is exactly the same question as has been asked today. I ask you to rule it out of order. It is wasting the time of this house to have the same question on two separate days.

The SPEAKER — Order! It is not the same question. Today's question, if I remember rightly, asked what efforts are being made to boost exports in Victoria. I do not uphold the point of order.

Mr McNAMARA — We will tackle that communication program in two ways. Next week I will announce a new 1800 telephone service for farmers who want to diversify their operations. I will also release a new directory that summarises the programs on offer for farmers, the services offered by the various departmental institutes and research stations and the contact details of those offices throughout the state.

I will also launch Agriculture Victoria's new flagship publication *Golden Age of Agriculture* — more good news. The VFF and other farm organisations are at one with government in getting farmers to raise their levels of professionalism and, hence, their levels of profit. There is no room in the changing area of world agriculture for the Hanrahans that we see in some parts of Australia.

The SPEAKER — Order! The minister has now been speaking for just over 5 minutes. If he wishes to continue he should make a ministerial statement; otherwise he should complete the answer.

Mr McNAMARA — Farmers in this state face a very exciting future, and the government wants to share that not just with farmers but with every person in Victoria. Over the next few months we will have meetings in country towns right across Victoria. The message we want to get out is that Victoria is very much on the move and that rural Victoria is leading that move.

**National Electricity Market Management Company**

Mr LONEY (Geelong North) — Will the Treasurer confirm that he has cost Victoria at least another 60 jobs by completely bungling Victoria's bid for the National Electricity Market Management Company Ltd (Nemmco), despite Victoria being considered the most suitable location for this company to set up?

Mr STOCKDALE (Treasurer) — The national market is continuing to improve. I am not aware of any decision on the location of the control centre. The honourable member for Geelong North is mistaken in that not all of the functions of the current control system are being transferred to Nemmco in any case, and depending on the
outcome of the decisions of the national company the government will need to review the staffing level required at the Victorian Power Exchange.

**Guardianship and Administration Board**

Mr A. F. PLOWMAN (Benambra) — Will the Attorney-General advise the house of recent improvements in government protection for disabled people who may be vulnerable to exploitation, abuse or neglect?

Mrs WADE (Attorney-General) — I thank the honourable member for Benambra for his question, which gives me an opportunity to describe to the house some of the excellent work that is being done by the Guardianship and Administration Board, and especially by the chairman of that board, Mr Lance Pilgrim.

Honourable members who were members of this house in 1986 will recall that the Guardianship and Administration Board Act was passed with bipartisan support. Section 85 of that act specified that when it was established the board should look at the affairs of all protected people in the state to determine whether a guardianship or administration order should be issued under the new act to protect the lifestyles or financial affairs of those people.

The house considered that to be particularly important because it protected people who were patients under the Mental Health Act, intellectually disabled people or people who were otherwise unable to look after their own affairs and whose affairs were in the hands of the State Trustee. When Mr Pilgrim was appointed in October 1994 I was rather disturbed to learn that there were then still 1400 protected people back in 1986 and who had not had their cases reviewed by the guardianship board. In fact only about 440 or 50 cases had been reviewed up to that stage.

Over the past two years the board has reviewed 1000 cases, which compares to a total of only 241 cases that were reviewed between 1992 and 1995. The chairman, Mr Pilgrim, has carried out most of those reviews himself. He of course heard cases throughout metropolitan Melbourne, but also travelled extensively throughout country Victoria and visited the people concerned wherever they lived, including in institutions, nursing homes and special accommodation houses.

I am pleased to advise the house that every person who was a protected person in 1986 has had his or her affairs reviewed. In addition, orders made by the board are required to be reviewed within three years after they are made. Again the board had fallen significantly behind with this and, after extensive efforts last year when a record number of cases were reviewed, the board is now up to date with those matters.

Some 26.5 per cent of all hearings have been carried out in country Victoria, which is extremely important given the types of people who are the subject of those hearings. It is a real example of the law being taken to people. I am sure all members of the house join with me in congratulating the members of the board. State trust officers have had to go through all their records via computer search and manually to ensure the identification of every protected person. I would particularly like to congratulate the chairman of the board, Mr Lance Pilgrim.

**Youth: unemployment**

Ms KOSKY (Altona) — I refer the Minister for Youth and Community Services to this week’s long-term unemployment figures which show that Victoria had a 20 per cent increase in long-term unemployed young people in the last month alone — the highest rate since March 1995. Can the minister outline what alternatives he has to Labor’s jobs youth employment package which would generate 40 000 places for long-term unemployed youth?

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for her first question on youth issues. Members of the house will recall that in 1992 when the coalition was elected to government the unemployment rate in Victoria was more than 12 per cent. The unemployment rate is now 9 per cent; it has dropped significantly under the administration and management of this government. As the Premier advised the house recently, Victoria again led Australia in new job creations. The number of people employed in Victoria today is at record high levels.

Opposition members interjecting.

The SPEAKER — Order! This is an opposition question. I ask opposition members to have the courtesy to listen to the answer. If they continue
with a barrage of interjections I will simply call the
next question.

Dr NAPHTHINE — Youth unemployment is of
care to all Victorians and the government takes
the matter seriously. The government wants to
implement a comprehensive package to ensure job
opportunities.

Maternal and child health: survey

Ms BURKE (Prahran) — Will the Minister for
Youth and Community Services inform the house on
the level of current research on community attitudes
to maternal and child health services in Victoria?

Dr NAPHTHINE (Minister for Youth and
Community Services) — I thank the honourable
member for her question and her ongoing interest in
maternal and child health services. As the
honourable member is aware, given her background
in local government, the maternal and child health
program is operated jointly between state and local
government for the benefit of parents, particularly of
children under the age of six.

A recent survey conducted by the Roy Morgan
Research Centre has found that more than 90 per
cent of parents were either satisfied or very satisfied
with maternal and child health services in this state.
Parents indicated a high level of satisfaction with
those services, particularly the monitoring of a
child’s physical development, support and
reassurance about its health, counselling and advice
and parenting skills. The survey found that 98 per
cent of people who were surveyed were aware of
maternal and child health services.

A special survey was conducted as a subset of the
main survey to look at people who were aware of
the services but did not use them. The main reason
given by parents who were aware of maternal and
child welfare services but who did not use them was
that they felt confident in their parenting and that
they did not feel that the services would meet their
additional needs. Most of those were parents of
more than one child and the survey conducted
related to the younger children.

The government wants to ensure that maternal and
child health services are freely available to parents.
Last financial year the government announced
initiatives to boost maternal and child health
funding by $1.4 million to ensure that funding is
now $16.45 million. I advise the house that there
have been no reductions in budget allocations for
maternal and child health since the election of the
coalition government, contrary to the interjections
and assertions of the opposition.

The additional funding that was announced was
specifically targeted to community groups that were
not accessing maternal and child health services as
well as we might have expected, particularly people
from non-English-speaking backgrounds; and
within that subset of new arrivals, people from
Aboriginal or Koori backgrounds and parents in
more isolated rural areas. Some $1.4 million of
targeted initiatives are now in place and are
addressing those particular issues.

The survey also identified that with very young
children under the age of 18 months there was a
very high use of maternal and child health services,
but for children over two years there was a
significant decrease in the use of those services.
Through our expertise at the Royal Children’s
Hospital we have identified that there are particular
benefits for parents and children between two and
five years attending maternal and child health
services where the early detection of developmental
delay can assist in remedies being quickly put in
place. Further programs will be initiated to
encourage the parents of children aged between
18 months and four to five years of age to use
maternal and child health services in addition to
their traditional use at a very young age.

In conclusion, the recent survey shows high levels of
consumer satisfaction with maternal and child
health services. Members on this side of the house,
the government and the Department of Human
Services are pleased to be able to continue to work
with local government to supply this high quality
and much respected service in the community.

URBAN LAND CORPORATION BILL

Second reading

Debate resumed from 18 September; motion of
Mr HONEYWOOD (Minister for Tertiary
Education and Training).

Mr DOLLIS (Richmond) — The proposed
corporatisation of the Urban Land Authority (ULA)
substantially alters some of its key functions and
waters down others. The opposition is unable to
support the bill. Therefore, I move as an amendment:

That all the words after ‘that’ be omitted with the view
of inserting in place thereof the words ‘this house
refuses to read this bill a second time until members of Parliament and the public have had adequate time to consider whether — (a) the charter of the corporation needs to be guaranteed by legislation; (b) the power of the corporation should be independent of the minister; (c) the corporation should play a role in the marketplace to ensure that housing prices are maintained at affordable levels; and (d) the dividends of the corporation should be reinvested in the corporation instead of being channelled into the consolidated fund.

This bill gives substantial powers to the Treasurer and to the Minister for Planning and Local Government, who is responsible for the legislation. However, it fails to ensure that such power can be adequately scrutinised or checked. We are talking about decimating the one body this government has to ensure that prices in the marketplace remain affordable.

The majority of Victorian people will make one major investment in their lifetimes — to purchase their private homes. The instrument that the government has at its disposal, the one body that has been able to at least make certain that prices are not overinflated, has designed and provided affordable public housing and made certain that livability is at the top of the government’s agenda. What will happen to that body — the one body Victoria has to ensure the provision of affordable housing? The government is proposing to corporatise it and make certain it cannot carry out the functions it was established to carry out.

With the aid of previous reports, I will visit the specific prescriptions of what the Urban Land Authority does and what the Urban Land Corporation (ULC) will do in the future. It is no secret that this government always had on its agenda the abolition of the authority. It survived only because the government could not find the mechanism to remove it from the marketplace without leaving itself in a vulnerable position.

The government is now presenting a bill that enables it to take a quantum leap and smooths the way for either the eventual shutting down or privatisation of the unique ULC — the former ULA. The ULA has played a fundamental role in this state. Its 1988 report says:

The authority aims to provide sufficient, good quality serviced allotments to mitigate against price rises resulting from short supply. Major emphasis is placed on the Werribee, Keilor/Melton and Berwick corridors, and in the longer term, the Plenty corridor which must satisfy long-term demands. Special attention is given to the needs of first home buyers.

Special attention is needed; the government has not been interested in nor has it cared about the needs of first-home buyers. The Minister for Planning and Local Government knows very well that it was through his efforts that the Urban Land Authority was not shut down early in 1992; he knew that, incredibly, it was on the agenda as one of the bodies to be given the knife. Now, five years later, what does he do? He falls into the trap he would not allow himself to fall into previously of allowing this bill to come before the house — a bill that will alter the structure of the new corporation and limit the functions mentioned in the 1988 report which I repeat for the minister’s benefit — to give special attention to the needs of first-home buyers and to mitigate against price rises resulting from short supply.

This is a classic example of a public body striving to deliver something good and decent to Victorians and a government that is hell-bent on destroying the last mechanism that enables it to be a player out there.

To his credit, up until today — because he is walking away from his commitment to that body today — the minister has stood up to the economic rationalists of the Treasury and those in his government who did not want the ULA to exist as a body that could do precisely what I have outlined. However, now the government is introducing a bill that will corporatise, eventually privatise and finally close the organisation down.

The decision makes a very important play in the marketplace because it will ensure that the first-home buyers, the very people — a huge majority of people — who will make the one big investment in their lives to buy a family home, are now left without a protective mechanism to ensure that prices remain stable. The old system provided for intervention when selfish developers moved in to exploit the market. Because of its ability to buy, package and sell blocks of land at affordable prices while still making a profit, the authority was able to stabilise the market.

What is the minister doing? He is making certain that the first step is taken, and the next one will be either to sell the authority or close it down because the market, or whoever else it may be, cannot afford competition that keeps prices down and does not
The honourable member interjected.

Mr DOLLIS — The shame is that the minister allows this bill to come before the house. I should have thought that after the formidable arguments the minister has had with his colleagues about the Urban Land Authority he would endeavour — at least during this term of office — to protect the organisation and ensure that it continued to exist as a major player in the marketplace.

In the ULA’s 1980 report on operations it says that one of the authority’s main objectives was to assist people of modest incomes to become home owners by providing home sites at the lowest economical prices. Can the minister assure the house — —

Mr Maclellan interjected.

Mr DOLLIS — It is the 1980 report.

Mr Maclellan interjected.

Mr DOLLIS — You were in government, Minister!

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Richmond will address the Chair.

Mr DOLLIS — Between 1987 and 1989 the property market experienced boom conditions and there was considerable speculative trading in undeveloped zoned land and a marked increase in allotment prices. Under those conditions the ability of first-home buyers to purchase land and house packages declined dramatically.

Mr Maclellan interjected.

Mr DOLLIS — The minister is tempting me to mention the unmentionable! In ULA’s 1980 report on operations it says that one of the authority’s main objectives was to assist people with modest incomes to buy home sites at the lowest economic prices.

The minister, by interjection, asked me who the minister was at the time? I can advise honourable members that the current Premier was then the housing minister! The body for which the then minister was responsible provided this analysis and support in 1980; however, this bill is a total contradiction of his earlier view. The Minister for Planning and Local Government must experience considerable inner laughter when he deals with the Premier who, apparently no longer supports the stand he proudly took when he was housing and immigration minister — a period that he describes as the best years of his life — before Labor took office in 1982.

This is a fundamental point in proving that the government is not interested in the history and development of the ULA as a unique body, not only in this country but around the world. The minister knows that a number of other governments and officials around the world have been told that Victoria is able to intervene as a market player to ensure that people on modest incomes can own their own homes.

Mr Maclellan interjected.

Mr DOLLIS — I say to the great socialist planning minister: he has managed for five years to withstand the contradictory aims of the Premier!

The ULA was concerned to address those sorts of issues in conjunction with the development of the housing industry. It took effective action to restore housing affordability. Unless the government is able to provide the opportunity of housing affordability it is withdrawing from the responsibility that the now Premier was so pleased to shoulder as housing minister in 1980. He went around very proudly — —

Mr Maclellan interjected.

Mr DOLLIS — I take up the interjection of the minister, who is saying that affordability is now the best it has been for a long time. I have no disagreement with that, but I ask the minister what will happen when the market changes, interest rates increase and the sharks begin to rip off the very people the now Premier was trying to protect as housing minister in 1980. What mechanism will be at the disposal of the minister to enable him to intervene and protect the very people he should be protecting? That has been the role of the ULA. The answer is: there is none.

We must ask why the minister and the government have introduced this legislation and why the minister is contradicting what the now Premier said in 1980 as housing minister.

The legislation basically corporatises the ULA and sets it up for privatisation or closure. Even if that does not occur and the new corporation is allowed
to operate, the very things that occurred in 1980 and what the minister has been able to do during the past five years will no longer be available to him. The power will no longer exist because the Treasurer has a new role! The minister will be unable to direct or to receive advice from the ULA to ensure there is price equilibrium across Victoria.

In many ways it is a dark day. The state has led the way in the reform of house prices and the one mechanism that enabled the government to intervene is about to disappear. God forbid that the very people the then housing minister was trying to protect in 1980 are being ignored by him now he is Premier. He is not interested in or willing to protect them.

The home building industry has received a much needed boost as a result of the activities of the ULA. The ULA has recognised the vital importance of keeping the price of land within the reach of the average family. Land and housing became affordable because the state decided to intervene in the marketplace to protect and provide for those who would not otherwise have been able to purchase their own homes. The great socialist of 1980, the then housing minister, the Honourable Jeffrey Kennett, opposed the very principle that he now supports as Premier! He would do anything to get his photograph out there. He espoused a principle that this government is now destroying with this bill. Contradictions are beginning to appear and they will be obvious for anyone who wishes to see them.

The reality is that the average family had an ability through the ULA to buy land on which to build a house as a result of the interventionist powers of the ULA. However, the new corporation will not have this ability. This is a nonsensical and illogical move. It defies logic except to say that the government is so ideologically driven and so blind to the needs of its community that it is unable to see what is in the interests of the people it governs.

I do not have to refer back to the 1980s when the Premier was espousing the very principles we are attempting to protect today. If there is hypocrisy, the blame for it lies at the door of the Premier. If he believed those things he should at least take part in the debate to explain why they were good in 1980 and why they are not so good today. The Premier is the most powerful person in the government, yet it is he who drives this agenda. It is a dark day, because many families and people who can least afford housing or land will no longer have the ULA there to assist them. The ULA was attempting not only to help single people or those with no children find a wide range of affordable housing in inner Melbourne; it was ensuring that inner Melbourne was enjoyed by everybody. In the 1993 report the ULA stated that although:

... it shared the new government's emphasis on creating a level playing field and respecting market outcomes, such considerations must always be weighed against the community interest. It stated that the policy of encouraging infrastructure agencies to be more businesslike and achieve higher levels of cost recovery is sound principle, but in practice it has led to a sharp escalation in charges for basic services. It is impossible for the development industry to absorb these increased charges, and inevitable that they will be passed on to consumers. If infrastructure agencies expect developers like the authority to return their costs, developers are entitled to expect those costs to be as low as possible; full recovery must be linked to improved efficiency and accountability.

The ULA is beginning to alter slowly under this government, but at least the Minister for Planning and Local Government managed for five years to keep the dogs at bay because they were barking. The vandals were trying to break down the gates, because the ULA has always been a target. It was the minister's ability to maintain that body that allowed it to play a vital role. Currently house and land prices are low. The ULA is not there to ensure that only during the good times can the market take care of those who can ill afford land and housing; it is there to ensure that affordability of land and housing is at the top of any government's agenda. The bill cannot and should not be allowed to proceed. The government must consider the reasoned amendment.

What has happened? Very little has been done for ordinary people. The market prices go up and down. What the developers like is a government mechanism to ensure there is movement when the market cannot provide it. The minister knows that the building industry relies heavily on the work the ULA has provided during times when there has been no activity in the marketplace. He knows that the building industry would have been in difficulty in this state if it were not for the ULA providing that much-needed work. He also knows that the former Labor government cared about jobs.

Mr Maclellan interjected.
Mr DOLLIS — The Labor government was concerned to ensure that people had employment, that affordability was high on the agenda and that land prices were as low as humanly possible. Labor cared about whether the average family could afford to buy land and build a house.

It appears that in 1980 when the Premier was a minister he believed those things, but in 1997 it is a different picture. The minister knows the intervention by the Treasurer that will take place. The minister will render the ULA almost useless. It is impossible for him to argue against these points. It appears that the dries in the cabinet room and the illogical thinking that exists have taken over. I say again, the ULA report in 1980 states:

One of the authority's main objectives is to assist people with modest incomes to become home owners by providing home sites at the lowest economical prices.

In 1997 that has gone out the window. In 1993 and up to this point the minister has tried to keep the dogs from his gates, but now they are barking — trying to get in and destroy the only body at his disposal that enables him and the government to be players in the marketplace. The dogs have managed to break through. The only interest is destruction. The marketplace should not be allowed to operate on its own. It is impossible to regulate and generate employment unless there is a mechanism in place.

The minister must decide whether he is interested in the wellbeing and future of Victoria and Victorians and in the average family that is struggling with high prices.

Mr Maclellan — Affordability is better now than it has ever been.

Mr DOLLIS — I will not disagree that the market is providing good opportunities, but what will happen when affordability is not available? Who will play the role of providing that affordability? What will happen when the market becomes slack and there is a requirement for building activity? The new corporation will not do what the ULA has done. To see that, the minister has only to read the legislation, which is not his legislation. If it were, it would contradict everything he has said over the past five years. It is not legislation he would draft, but he has had no choice.

The government is displaying an immense amount of hypocrisy by introducing this bill. The Premier has had such an incredible change in attitude since he was housing minister that we are now faced with a situation that will be disastrous for the people of Victoria, the average family and first-home buyers.

The opposition is opposing the corporatisation of the ULA on not only ideological but also practical grounds. The examples I have used in this debate clearly show that the government is contradicting itself and its own policy. We are in an ever-changing economic climate where the money markets are changing, but if the bill is passed the ULA will not be available to the people who want that affordability.

The final point I make is this: the minister knows that in the new global economic structure we are not only a small player but in some ways a very insignificant one. However, we are significant players when it comes to issues that affect the lives of Victorians. The government has a responsibility to protect those who are unable to protect themselves against the effects of market forces. It should strengthen the mechanisms that allow it to intervene at the appropriate time to make certain that the profiteers of the market do not get away with murder. However, those mechanisms are withering and dying off one after the other. That is happening not for the betterment of Victorians but because the government is illogical and ideologically driven. That is the issue.

I ask the minister to give logical answers to the points I have raised. Of course, if he does he will have to contradict the position he has adopted for the past five years. More importantly, he will have to contradict the position adopted by Mr Kennett as Minister of Housing from 1980 to 1982 and as Premier in 1997.

The conclusion one comes to is that protecting average, middle-income families by making land and housing affordable is not very high on the government's agenda. Worse than that — I know the minister does not like anybody else interfering in his portfolio — for the first time the Treasurer has put his claws in, which will affect the minister's ability to use the ULA as an effective player in the marketplace. The minister cannot deny that, and it is impossible for him to explain it. That is why this is a sad step. The end result — —

Mr Maclellan — Clause 13.

Mr DOLLIS — Clause 13 does not answer any of my points. This is a sad day for the state because the
government is taking out of the game a most effective player, one that has developed under different governments across party lines. The ULA has become an international example of how you can provide affordable housing.

I ask the minister to reconsider — but I daresay his considerations will be fairly similar to mine! However, the considerations of the dries in the Treasury will be entirely different from the minister’s, and at the end of the day the state is ruled by the interests of a narrow, ideologically based group that drives economic policy without any consideration of the consequences.

The minister is shaking his head. If that conclusion is incorrect, there is an illogicality in the proposition before the house — and illogical he is not and never has been. Either the propositions he is putting are illogical, or he is being driven by those who have no concern for average Victorian families.

Mr BRACKS (Williamstown) — I will comment on the bill and the reasoned amendment moved by the honourable member for Richmond, which seeks to enshrine some of the things about the Urban Land Authority that have been taken for granted. In looking at the legislation, the key phrase that comes to mind is ‘If it ain’t broke, don’t fix it’.

The ULA works pretty well. I have had experience of the work of the authority in my electorate. As the minister knows, the authority developed the Williamstown rifle range for mixed housing, including low-income housing, with a cap on the cost of the house-and-land packages. As the honourable member for Richmond said, the authority can have a significant and beneficial impact on the market.

More importantly, the Urban Land Authority gives governments the ability to do things they could do in the marketplace. For example, it allows a government with the foresight to realise that certain land will be needed for future residential purposes to intervene and get a better outcome than the market would provide at that time.

Why are the minister and the government seeking to corporatise the Urban Land Authority? The opposition does not necessarily oppose corporatisation, because it has supported the corporatising of bodies that were previously directly managed by the government. However, we oppose corporatising the Urban Land Authority, because it will diminish the authority’s purpose.

I am glad the Treasurer is in the chamber because he is mentioned in the bill. Clause 6 explicitly lays out the functions of the Urban Land Corporation, which are not dissimilar to the functions of the Urban Land Authority. It describes the functions as developing residential land in Victoria; developing other land in Victoria where this is incidental to residential development; providing consultancy services for the development of land; and carrying out other functions conferred on the corporation by the legislation. All that is to be carried out on a commercial basis.

That does not need to be said again because the Urban Land Authority has the same functions. The true change is revealed in clause 13 under the heading ‘Non-commercial functions’, which the Minister for Planning and Local Government talked about. It shows exactly what the bill is about. It gives the Treasurer and the Minister for Planning and Local Government the discretion to do what they want with the Urban Land Corporation. Clause 13 says:

Despite section 6(2) —

despite the functions of the Urban Land Corporation —

the Treasurer, after consultation with the minister —

not ‘agreement’ —

may direct the board of ULC —

(a) to perform certain functions that the Treasurer considers to be in the public interest but that may cause ULC to suffer financial detriment.

The Treasurer has done well, because he now has a power he did not have before. Clause 13(1) gives him the discretion to raid the finances of the Urban Land Corporation and to extract a dividend without consultation — and he can do what the government criticised the previous Labor government for doing.

The Treasurer and other government ministers were critical of the then Labor government for setting up an infrastructure fund under the Urban Land Authority, which councils and other groups could bid for, saying it was outside the authority’s charter. The Treasurer can do what he likes: that is what the clause is about. Clause 13(1) states that the Treasurer may direct the board of the ULC:
Honourable members should make no mistake about it — the provision will allow the Treasurer to control a slush fund that will enable him to usurp the functions and powers set out in clause 6. The Treasurer will have the power to do what he wants outside the charter of residential housing. The honourable member for Richmond has moved a reasoned amendment because the opposition wants to put some sense back into the original charter of the organisation. The reasoned amendment will have the effect of preventing clause 13 coming into force because the charter will be reinforced.

The Treasurer should explain to the Victorian public what he wants to do with the corporation. Why does the Treasurer want such powers and discretion over the corporation? The measure is an example of the operations of centralised government at its worst — everyone knows that this is a two-person government made up of the Premier and the Treasurer, and that no-one else matters. As I said earlier, the authority worked well under the former Labor government and under this government, so why change it? The reasons are set out in clause 13: the Treasurer wants to get his hands on some money for projects that otherwise would not be undertaken, or could be challenged. It demonstrates the hypocrisy of the government in criticising the former Labor government for establishing the infrastructure fund because it was outside the charter of the Urban Land Authority. It is unbelievable!

The annual report of the Urban Land Authority that was tabled in this place just yesterday will probably be the last annual report that will be audited by the Auditor-General — but the Treasurer may correct me on that. The proposed Urban Land Corporation will no doubt appoint private auditors to audit its books. Schedule 1 allows for the appointment of the board of directors by the Governor in Council, which really means the Treasurer. Clause 1 of schedule 1 states:

(1) There shall be a board of directors of ULC consisting of not less than 4, and not more than 7, directors appointed in accordance with this schedule.

There is no suggestion of any representation from the Master Builders Association or other organisations that have an interest in the measure. The appointment of the board of directors will be solely at the discretion of the Treasurer and the Minister for Planning and Local Government. This is a grab for power.

Honourable members should note also that the new corporatised organisation will be less accountable to
Parliament because of commercial-in-confidence issues. The reporting arrangements will be diminished. All controls will rest with the Treasurer; they will not reside in Parliament or even the Minister for Planning and Local Government. This nasty piece of legislation is inappropriate and wrong because it will diminish the effectiveness of an organisation that is working well and it will allow the executive government to get control of that organisation in a reprehensible way. I urge honourable members to support the reasoned amendment, because if it is not supported there is no way the opposition will allow this grab for power to go ahead.

Ms KOSKY (Altona) — I, too, have major concerns about the bill. The last annual report of the Urban Land Authority that has just been tabled signifies the changes that the government will bring about through this amending legislation. The mission and value statements and the objectives make no mention of affordable housing or assisting low-income people. It is a major change from the 1990 annual report of the authority. The then chairman, Mr John Lawson, states in his foreword that the ULA recognises the need to keep the price of basic commodities such as land within the reach of an average family.

I refer honourable members to the 1980 report of the Urban Land Authority which says that one of the authority's main objectives is to assist people with modest incomes to become home owners by providing home sites at the lowest economical prices. The housing minister at that time was none other than today's Premier. He believed it was important to provide affordable housing for low-income people, but he has obviously moved away from that position.

Affordability of land and housing is extremely important. The former Labor government developed a range of projects that ensured affordable land prices and new housing developments. It developed the William Angliss site in Footscray, the Kensington site and other public housing developments. It ensured that low-income people were looked after in two ways: firstly, by allowing them to purchase affordable land, and secondly, by assisting them through developing public housing projects. The former government assisted communities, particularly those in inner urban regions, to remain heterogeneous. It ensured that those areas would not be the province of only the elite and well-off. It also assisted low-income people to buy land in the growth corridors.

The private rental market is extremely tight. At present it is 1.7 per cent, but the balance between supply and demand is considered to be 3 per cent. It is difficult for low-income people to get into the private rental market and when they do they are paying significantly higher percentages of their income in rent. That leaves little else for their other needs and the needs of their families. I know of instances where people on low incomes are paying up to 50 per cent of their income in rent. That does not leave much money for meeting other needs, particularly given that the government is moving to charging for services on a user-pays basis. People on low incomes will not be able to access a range of necessary services.

Home ownership is in decline in Victoria because of the current employment situation. People are uncertain of their employment and for how long they will be employed. There has been a move towards casual and contract labour. People cannot take out loans when they do not know whether over the next 12 months they will be able to pay their instalments. At the moment housing prices are particularly high in inner urban areas.

While the inflation rate and interest rates may be low, it is difficult for someone who is not certain of having a job in 12 months to make a long-term commitment. While some current circumstances may assist people, they are not assisted in the long term.

Mr Stockdale interjected.

Ms KOSKY — The Treasurer would not know, because he lives in Brighton, where such difficulties might not arise or, if they do, he turns a blind eye.

The number of people on waiting lists for public housing is extremely high and almost matches the number of people housed in public accommodation. The government, in its wisdom, is predicting that in the next financial year there will be 175 fewer public housing units — that is, even though some 55 000 people are on public housing waiting lists, the government has decided to reduce the amount of public housing available! It has also planned for a decrease in the number of tenancies by 720, taking the figure to 61 000. That is outrageous when one considers the extreme need for public housing in the community. These people cannot afford to purchase their own housing for the reasons I outlined before.

A recent paper I acquired reveals that the government is still intent on selling public housing.
It targeted for sale from July some 88 housing or land properties in the Grampians region and 37 properties in the western region. So since July the government has targeted as for sale some 120 properties. That figure does not include other properties for sale around Victoria. Targeted properties are in Ballarat and Ararat, where the need is great, and in the Grampians region.

The Urban Land Authority is extremely important in assisting people to purchase affordable land and in considering different ways of putting together housing and land packages, including public housing developments, and should be supported in its work, but the government is moving in the opposite direction. It is considering taking a dividend from the Urban Land Authority so that it can look after its pet projects. It will not put that dividend back into the Urban Land Authority to ensure that low-income earners in Victoria are assisted in becoming home owners.

As is clear in the recent annual report of the ULA, the government is moving further from assisting low-income earners to purchase affordable housing. At a time of extreme need in the state, the government shows little concern for low-income earners and their capacity to either purchase land or find public housing. Government members are moving away from providing that service because they own their own homes — many of them own several homes. They are not concerned about those who cannot afford to purchase a home but about how many more homes they can purchase!

It is extremely disappointing that the government has introduced the bill. I am happy to support the opposition’s opposition to the bill.

Mr STOCKDALE (Treasurer) — It is a great pity that people interested in housing in Victoria do not have the opportunity, the patience and the access to or the interest in hearing and analysing the debate. The opposition’s contribution today is a classic illustration of gross ignorance, a blatant lack of preparation in not even bothering to read the bill or its predecessor act, the Urban Land Authority Act, and a flagrant misunderstanding of the housing market and current trends in that market.

The housing market in Victoria is going through fundamental changes at the moment. The demand for outer urban residential blocks has declined, and the demand for inner urban infill and particularly unit development has dramatically increased. Both the private market and the Urban Land Authority (ULA) are responding to those changes, but as usual the ALP is locked in a time warp. It refuses to understand what is happening and does not even take such basic actions as looking at the act that is being discussed.

I understand that the honourable member for Altona is the opposition spokesperson on housing, although how anyone would know that I am not sure. She clearly has not bothered to read the act that the bill succeeds. Her criticisms are not criticisms of the current bill — indeed, the current bill does the reverse of what she suggests. They are criticisms of the current act.

The current act nowhere mentions a role for the Urban Land Authority in increasing the supply of affordable land for housing, but successive governments and the Urban Land Authority have seen that as its basic charter. The problem with the Urban Land Authority is that over the past decade that has not been the primary thrust of its activity. It had gone in quite a big way into highly speculative commercial and industrial land developments, and it had made a number of acquisitions quite contrary to the intended legislative charter, government policy and apparently contrary to the desires of the Labor Party, under whose government some of that activity took place.

The bill does not enhance the power of the executive government over the ULA. In fact it reduces its control and influence over the day-to-day operations of what will be the Urban Land Corporation compared with — —

Mr Bracks interjected.

Mr STOCKDALE — I will get to clause 13 in a minute. Under section 9 of the current act, the organisation is totally subject to ministerial control. The minister has the power to give any direction whatsoever and to require whatever he likes of the Urban Land Authority. Indeed, successive ministers have done so.

The bill protects the Urban Land Authority pursuant to the government’s corporatisation policy, which until today the Labor Party not only supported but actually implemented when in government. The introduction of competitive neutrality was a basic principle of the legislation introduced under the Labor government, which required government businesses to pay dividends. The federal Labor government established the national competition policy, under which the states were obliged to
introduce competitive neutrality regimes across the whole of government business activity. Yet today not only has the Labor Party resiled from that in the course of speeches; it has resiled from that in what euphemistically in the house is called a reasoned amendment. It deliberately resiles from that in the reasoned amendment.

Mr Bracks — Where?

Mr STOCKDALE — It is the last point. The honourable member has not read the reasoned amendment. He spoke in favour of it, but he did not read it!

Mr Bracks interjected.

Mr STOCKDALE — That flies in the face of the competitive neutrality policy that this government, the federal government, the predecessor Labor federal government and the predecessor Labor state government had all endorsed and applied. Here we have the Labor Party reversing its position cloaked as some social objective and abandoning one of the fundamental principles of competition policy, where governments intrude into activities where the private sector is playing a significant role. This organisation has competed with the private sector, creating fundamental distortions in the marketplace that have not benefited low-income families.

The outer suburban development activities of the Urban Land Authority have been marked by development of subsized lots in which the unit price of land has been higher than in standard commercial developments. That has been the activity that the ULA has carried out — it has developed smaller lots than the private sector has developed in outer suburban areas and sold them for higher unit prices, per metre prices, than the private developers, and at a time when it was not subject to a requirement to service its capital by paying dividends to the state government and had no debt.

I would be very surprised if the opposition can find a residential development company anywhere in the world that operates without debt. That is not the way the development industry works, yet successive governments, including the current government, have given the Urban Land Authority a massive comparative advantage, which has flowed through into the coffers of the Urban Land Authority — not into the state budget for the benefit of the Victorian taxpayers, but is retained as earnings within the corporation at the expense of the low-income families it was supposed to serve.

It is stated here that the objective of the Urban Land Authority is to promote low-cost, affordable housing. That is not what it has been doing. The whole purpose of the reforms the government is implementing, and of which this bill is part, is to refocus the Urban Land Corporation, as it will now be, on its core function of developing residential land.

Contrary to what has been suggested by opposition speakers, the current act still in force does not restrict the Urban Land Authority to residential development. If one reads the objects in section 4 it is seen that they quite clearly extend far beyond the objects in the bill before the house. The bill restricts the ULA to the development of residential land in Victoria, and the development of other land in Victoria where this is incidental to residential development.

Under the bill the Urban Land Authority would not be able to take on the highly adventurous and risky speculative industrial land investments that have been the main focus of its activity over the last decade. The bill directly focuses it back to that core function, which the government has supported and which the second-reading speech makes clear is the primary purpose of these amendments, and which was also supported by the opposition, despite its reasoned amendment.

Clause 13 has nothing like the conspiratorial thrust that the honourable member for Williamstown, particularly, suggested. I will return to explain how it fits into the corporatisation model of the government and is intended to protect the organisation from the very things he talked about. I want to highlight the significance of the sort of approach the honourable member for Williamstown brings to bear in analysing a bill because it reveals a lot about how the Labor Party sees government — that is, statutory authorities are there to be used to achieve the political objectives that the Labor Party wants to achieve.

The purpose of this clause is not to facilitate the sort of rape and pillage politics that so marked the Labor era in government. The reason it refers to the Treasurer is that it contemplates the authority, where it has a cost imposed on it by government policy that is not part of its commercial charter, being subsidised by government for the avoidable cost. The government has published a policy document as part of its competitive neutrality regime that deals with non-commercial objectives and community service obligations.
As a matter of policy the government agrees that it
should subsidise an entity that operates in a
commercial market where it imposes
non-commercial tasks on that entity. That is the
purpose of the clause. The organisation is still
obliged to act within its scope; those powers have to
be read in the light of the functions clause. There is
not a general power to go off on some frolic of
building an industrial park, as the ULA was prone
to do under the previous government.

The provision is designed to protect the ULA from
having imposed on it non-commercial objectives that
are funded out of its own reserves. It contemplates
that the government will meet the cost of
non-commercial objectives imposed on the
organisation. It is part of the commercialisation and
corporatisation regime of the government and is
entirely defensible under the principles of
competitive neutrality, which until today had been
endorsed by both sides of the house.

In relation to the comments of the opposition's
housing spokesperson, she mistook the fact that
report after report by expert commentators — most
particularly by the Real Estate Institute of Victoria,
which routinely publishes a housing affordability
index — indicate that housing affordability has
never been better than it is now. The interest rates
attached to buying a house are now working more in
the favour of home purchasers, including first home
buyers, than ever before.

I briefly turn to the reasoned amendment. If ever we
needed an illustration of a lack of comprehension by
the opposition, this is it. The reasoned amendment
contains four limbs. The first is that:

(a) the charter of the corporation needs to be guaranteed
    by legislation;

That is exactly what this bill is about. Clause 6
defines the charter of the organisation and clause 13
protects it against the distortion of that charter by a
direction of government to carry out
non-commercial activities. The charter is spelt out in
the bill, quite unlike the position in the previous act
where very wide powers were conferred on policy
grounds without a clear charter for the organisation.

The second limb is that:

(b) the power of the corporation should be independent
    of the minister;

The commercialisation process gives the
organisation independence from the minister and
accountability of the executive government in ways
that have never applied in the past, when in
contradistinction to that, under section 9 of the
previous act the minister had the broadest possible
powers of authority, direction and control over the
ULA. Far from broadening the powers of the
executive government the bill will actually cut down
those powers.

The third limb is that:

(c) the corporation should play a role in the marketplace
to ensure that housing prices are maintained at
affordable levels;

The core purpose of this reform is to refocus the
Urban Land Corporation on what we, and
apparently the opposition, agree is its primary
purpose — the development of residential land. It
was not so limited under the previous act, yet it
clearly is limited both in the legislative prescription
and in the practice of its new performance under
these reforms.

The final limb is that:

(d) the dividends of the corporation should be
    reinvested in the corporation instead of being
    channelled into the consolidated fund.

That clause is objectionable on two grounds. Firstly,
it mistakes the whole nature of the operation of
public finance in this state — that the consolidated
fund is the funding source out of which allocations
for funding for government programs are allocated.
If the money did not go into the consolidated fund
the government would not be able to reinvest it,
anyway.

Secondly, it would wipe away the competitive
discipline that requires government businesses,
especially those operating in competition with the
private sector, to service their capital. The whole
purpose of these dividend provisions is not to
generate revenue for the consolidated fund or for
government programs, it is to put government
businesses in the same position as their private
competitors by requiring them to service the capital
they use in their business.

This opposition's proposal would totally wipe away
the policy of competitive neutrality and the
requirement to service capital, a requirement which
first saw its way into Victorian legislation under a
bill of the Labor government in 1984, when it was
first enacted. The Labor Party introduced the
concept of government businesses paying dividends
for precisely the reason it is included in the bill. It is
a uniform feature, not only of Victorian legislation,
but is a requirement under the national competition reforms.

The reasoned amendment is nonsensical, represents a backflip on Labor's own policy, and would repudiate national competition policy and excuse it from application in this instance. It flies in the face of the fact that the bill implements the policy initiatives implicit in the reasoned amendment which shows that the Labor Party has not even begun to grapple with the task of being an effective opposition, let alone preparing itself to be a genuine alternative government.

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

- Ayes, 53
  - Andrighetto, Mr
  - Ashley, Mr
  - Burke, Ms (Teller)
  - Clark, Mr
  - Coleman, Mr
  - Cooper, Mr
  - Davies, Ms
  - Dean, Dr
  - Dixon, Mr
  - Doyle, Mr
  - Elliott, Mrs
  - Finn, Mr
  - Gude, Mr
  - Henderson, Mrs
  - Honeywood, Mr
  - Jasper, Mr
  - Jenkins, Mr
  - John, Mr
  - Kennett, Mr
  - Kilgour, Mr (Teller)
  - Lean, Mr
  - Leigh, Mr
  - Lupton, Mr
  - McArthur, Mr
  - McCall, Ms
  - McGill, Mrs
  - McGrath, Mr W.D.

- Noes, 26
  - Pandazopoulos, Mr
  - Garbutt, Ms
  - Gillett, Ms
  - Haermeyer, Mr
  - Dollis, Mr
  - Garbutt, Ms
  - Gillett, Ms
  - Haermeyer, Mr
  - Andrighetto, Mr
  - Ashley, Mr
  - Burke, Ms (Teller)
  - Clark, Mr
  - Coleman, Mr
  - Cooper, Mr
  - Davies, Ms
  - Dean, Dr
  - Dixon, Mr
  - Doyle, Mr
  - Elliott, Mrs
  - Finn, Mr
  - Gude, Mr
  - Henderson, Mrs
  - Honeywood, Mr
  - Jasper, Mr
  - Jenkins, Mr
  - John, Mr
  - Kennett, Mr
  - Kilgour, Mr (Teller)
  - Lean, Mr
  - Leigh, Mr
  - Lupton, Mr
  - McArthur, Mr
  - McCall, Ms
  - McGill, Mrs
  - McGrath, Mr W.D.

Amendment negatived.

Motion agreed to.

Read second time.

Passed remaining stages.

DEBATE RESUMED FROM 18 SEPTEMBER; MOTION OF MR REYNOLDS (MINISTER FOR SPORT).
The opposition is concerned about the user-charges that apply at the sports and aquatic centre. I have taken the liberty to look at the charges and to compare them with those at other facilities.

Mr Reynolds interjected.

Mr PANDAZOPOULOS — What happens within the boundaries has everything to do with the whole facility.

Mr Reynolds interjected.

Mr PANDAZOPOULOS — The point is that the swimming pool is a key part of the centre. A lot of taxpayers' money has been used to build it, excellent facility that it is. But when you look at what it costs to use the pool you will see that the price is high compared with what it costs to use other facilities.

The sports and aquatic centre charges someone who does not have a club membership $4 for an occasional swim. However, the City Baths, a competitor pool, charges $2.80 for a swim. That is a concern, because the sports and aquatic centre is competing with other venues. The centre depends on getting customers through its gates to pay its running costs and ensure its long-term viability.

I refer to some other examples of the prices other venues charge for a swim. Dandenong Oasis charges $3.50, and the Epping Leisure Centre charges $3.00. That shows that the user charges at the sports and aquatic centre pool are the highest in the state, which is disappointing. The cost of swimming lessons at the centre is also high. The centre charges $8.50 an hour for an occasional swimming lesson, while Dandenong Oasis charges $3.50 an hour and the Epping Leisure Centre charges $6.50.

The sports and aquatic centre is an expensive capital item that has been built on behalf of the community, yet the cost of participating in the activities it offers is at the higher end of the scale. Although we are trying to formalise the boundaries of the sports and aquatic centre, if people do not turn up, the centre will not be able to pay its bills and meet its commitments.

Four user groups — basketball, table tennis, badminton and squash — have raised a key concern. Although those groups have made the centre their headquarters as part of the reorganisation of the Albert Park reserve area — the old basketball and table tennis facilities will be converted to parkland and open space, which is good — they feel they are losing their autonomy because the user charges are so high.

For example, at the previous basketball facility participants were asked to pay $4 a game. That meant that at the end of the night a basketball team would return about $400 to $450 to the organisation, which would pour the money back into administration so that the clubs could grow, pay their bills and meet their commitments. Although the price has been increased to $6 a participant, the clubs are barely meeting their budgets. In some months the returns are below break-even point, and in other months they barely constitute a surplus.

In this huge facility, which has been built by the government on behalf of the community, charges have gone up —

Mr Reynolds — On a point of order, Mr Acting Speaker, if the honourable member for Dandenong read the bill he would realise it has nothing whatsoever to do with charges and usage but concerns only the perimeters of the land. I ask you, Sir, to draw him back to the bill. His side wishes to debate three more bills today. If he wants to talk this out until 5.00 p.m., I am prepared to accommodate him, as are other honourable members on this side. The point is that he has not once mentioned the perimeters and the land swaps, which is what the bill is all about — and nothing else.

Mr PANDAZOPOULOS — On the point of order, Mr Acting Speaker, you would think that when you are talking about setting the boundaries of a building you would talk about what occurs within the building — that is, swimming, basketball, table tennis and squash. We are talking about boundaries being set for a facility that was built for groups to relocate to. I understand that this government's style is to silence people. It has tried to silence clubs at the facility and prevent them from speaking out, but the reality is that the bill is relevant — —

Mr Reynolds interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! I mentioned before to the honourable member for Dandenong that he could make passing references to those matters. However, the bill is fairly specific, and I uphold the point of order.
Mr PANDAZOPOULOS — We support the facility; we think it is great. However, we are concerned that it has been funded from money that has been taken from the community. The alteration of the boundaries is important. Bicycle paths that were previously part of the site have been extracted, and what was a Public Transport Corporation access road now comes within the boundaries of the centre.

It is important to understand that everything is not okay within the building and that the user groups are concerned. They lobbied hard to get a building and they were satisfied with the government’s support, but they feel they are losing their autonomy and that the charges are a lot higher than they expected. They would be disappointed if that was not put on the record during a debate on a bill dealing with the centre.

The bill is logical in its formalising of the boundaries, and we have no opposition to that. But we will monitor what goes on within the building, including what the Melbourne Sports and Aquatic Centre Trust does and how it assists those user groups. There are a lot of other issues, but I will allow the minister to reply so that the debate can be concluded.

Mr REYNOLDS (Minister for Sport) — I thank the honourable member for Dandenong for his 30 seconds on the bill and his 8 minutes off it! The Melbourne Sports and Aquatic Centre has been completely paid for and is used by all levels of sports people with various levels of sporting ability. I am delighted that the honourable member supports the bill and thinks the centre is a marvellous facility.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH SERVICES (AMENDMENT) BILL

Second reading

Debate resumed from 18 September; motion of Dr NAPTHINE (Minister for Youth and Community Services)

Mrs SHARDEY (Caulfield) — It gives me great pleasure to speak in support of the Health Services (Amendment) Bill, a small but important bill for supported residential services. The bill is straightforward: it will allow for improvements in the monitoring of care in supported residential services.

The recent federal changes in the aged care legislation have made it necessary to remove the possibility of overlapping functions between federal and state legislation. The introduction of the federal legislation was not meant to overlap the state legislation. The previous definitions of hostels and nursing homes will now be repealed by the Victorian act and replaced with a new term ‘residential care services’ in keeping with the new definition created by the commonwealth government under its 1997 aged care legislation.

Previous state legislation, which I think was passed in 1994, separated federally funded nursing homes and hostels and transferred them to federal responsibility. The state intends to keep that perspective, which means that the commonwealth will continue to regulate commonwealth-funded residential care services — that is, nursing homes and hostels, which are now called residential care services. Victoria will continue regulating supported residential services under the Health Services Act. They are all private facilities.

The bill also covers the area of the protection and care of patients in residential services. Provisions concerning offences relating to patient care and hygiene, privacy and dignity, distribution of medication, nutrition, residents’ complaints, maintenance and cleanliness of premises and minimum staff requirements, among other things, will now be moved from the health services regulations to the Health Services Act, the principal act.

The amendment is in line with the government’s policy that offences which impose significant criminal penalties — that is, attract penalty units of more than 20 — should be contained in the primary legislation. The amending bill recognises that such offences should be part of the primary legislation and not the subordinate legislation, as is currently the case. The offences will be written into the Health Services Act.

Recently concerns that patients in homes may have been poorly treated or abused have been heightened by the number of cases reported in the newspapers.
The placing of the offences provisions in the Health Services Act will send a clear message to the community that such offences will not be tolerated. I commend the government for sending that strong message.

It has often been said that under previous federal and state Labor governments monitoring of nursing homes, hostels and supported residential services was not always totally satisfactory. The Kennett government is taking this step to ensure that regular visits and inspections are carried out of supported residential services. This initiative will increase the chance of offences being detected at an early stage, something all honourable members would support.

The bill will alter the time limit for the commencement of prosecutions under the act, which is currently only one year. In a number of cases in supported care services, prosecution has been avoided because of the time constraints. In other words, cases that would normally have attracted prosecution have not attracted such prosecution because 12 months had elapsed. For instance, serious allegations were made about an institution in Geelong, yet a prosecution could not proceed because the offences were found to have been committed after the 12-month period had elapsed.

These things are difficult to talk about, but it was alleged there were instances of severe physical abuse and concern was expressed about respect for patients' dignity and privacy. In one case a patient was left to eat his meal on a commode, something all honourable members would find disgusting. In many cases the very sensitive nature of the issues involved and the vulnerability of residents has prevented the department from pursuing the cases immediately. The bill therefore increases the time limit to 3 years instead of the 12 months provided in the previous regulations.

As we recognise the changing demographics of the elderly the need for us to focus on providing protection for the elderly becomes more important. In 1991, 11.2 per cent of Victorians were over 65 years of age and by the year 2041 that is likely to almost double to more than 20 per cent. In 1991 only 4.4 per cent of people were over 75 years of age and in the year 2041 the figure is likely to be 10 per cent. Obviously an ever-increasing number of elderly people are likely to finish up in some sort of residential facility, in a nursing home or in hostel care. In Victoria we have an obligation to properly monitor that care.

The bill reinforces the government's role under the new federal aged care legislation. We have been told that the federal government has promised every two years to monitor every nursing home and hostel - or residential care service, as they are now called. It is therefore hoped that cases of elderly people who are incapable of speaking out for themselves being abused are well and truly gone. I commend the government on bringing the bill forward and wish it a speedy passage.

Mr THWAITES (Albert Park) — The opposition does not oppose the Health Services (Amendment) Bill. As the honourable member for Caulfield indicated, the reason for the legislation is largely to be found in the recent commonwealth government changes to the regulation of nursing homes and hostels. For funding and regulation purposes nursing homes and hostels are now being considered jointly as residential care services. The Victorian and federal oppositions have strongly opposed the changes implemented to nursing homes, which for many if not most people will mean the sale of their homes in order to live in nursing homes.

Mrs Shardey — Mr Acting Speaker, on a point of relevance, reference to the federal government's aged care legislation and what patients will have to pay on entry has nothing to do with the bill. The bill is specific in its changes in definition and terms of care or monitoring offered in state facilities. I ask you to bring the shadow minister back to the bill at hand.

Mr THWAITES — On the point of order, Mr Acting Speaker, the bill relates clearly to the changes in commonwealth legislation. The honourable member for Caulfield seems to want to use this as a practice session for raising points of order. Given the limited time available and the fact that agreements have been reached on the use of time, she should not waste the time of the house. If the honourable member wants to raise stupid points of order those agreements will not be accommodated.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Albert Park was making a passing reference. At this stage I will not uphold the point of order.

Mr THWAITES — As I said, the opposition opposes the federal changes, which will mean that older people who have paid their dues to society will in many instances have to sell their homes to get access to a nursing home bed. In her contribution the
honourable member for Caulfield also mentioned the regulation of nursing homes. She criticised the former Labor governments in Victoria and Canberra and claimed there would be some sort of improvement in regulation. If the honourable member knew anything about what has occurred in this state she would know that the response of the Kennett government to the regulation of nursing homes has been simply to remove all regulation and to deregulate. Far from improving regulation there has been complete deregulation.

I have no doubt that as a result we will see a return to the circumstances of 20 years ago where older people were left in nursing homes in disgraceful conditions. In many cases they were not cared for and their medication was not properly prescribed. The level of care Labor governments have given to older people in nursing homes will drop significantly. The opposition believes there needs to be adequate regulation, not the deregulatory approach that has been adopted by the Kennett government.

The opposition supports the regulation of special residential services as provided in the legislation. The honourable member for Caulfield said there would be an improvement. I ask the minister or the parliamentary secretary to advise the house how many extra staff will be employed to achieve that improvement. How many extra departmental staff will there be to inspect the premises and to enforce legislation? There is no point in introducing new offences and regulations, as this act does, if there are not the people to enforce them and to ensure that special residential services are properly regulated. If there is to be this improvement I would be interested to hear how it will be achieved in terms of having extra people in the field.

Mr Doyle interjected.

Mr THWAITES — The parliamentary secretary says there will be no extra staff and that all the government is doing is changing — —

Mr Doyle interjected.

Mr THWAITES — I understood that to be the case.

Mr Doyle — I said the offences.

The ACTING SPEAKER (Mr Cunningham) — Order! I am sure the minister will cover the matter in his reply.

Mr THWAITES — My understanding from the semi-orderly interjections by the parliamentary secretary is that the offences that were in the regulations are being placed in the act. While the opposition does not oppose that measure, it does not indicate there will be any great improvement in regulation as the honourable member for Caulfield seemed to believe.

In the past a number of instances have been reported of people in special residential services being abused, sometimes financially and often physically. All honourable members would want to see an end to such abuse. I am also concerned about fire safety in a number of those homes. What measures are being taken to ensure that all of those places are made safe in case of fire? I know the Metropolitan Fire Brigade has at times carried out inspections of various accommodations and found them very much wanting in fire safety. A report in the Sunday Herald Sun last year referred to many accommodation places and hospitals being without sprinkler systems, and the fire brigade was calling for an overhaul of building regulations which were needed to prevent tragedies like the one at Kew Cottages. There is a real concern that a number of accommodation places are not safe and that in the case of a fire residents are liable to be injured.

For many of those homes the key factor to be addressed is fire safety. I am interested to learn from the parliamentary secretary whether an audit of special residential services has been carried out to determine their fire safety and what action ought to be taken. An audit is clearly needed in the interests of the residents as well as the community. I am not sure whether all of the places that the fire brigade referred to in that article were in the category of special residential services; some of them may well be. For that reason I ask the minister to respond on that point.

The opposition does not oppose the bill. However, it opposes the deregulation of nursing homes and the federal changes, which mean that people will have to sell their houses to get into nursing homes. The opposition would like to see the implementation of proper fire safety measures to ensure the safety of nursing home residents.

Dr NAPTHINE (Minister for Youth and Community Services) — I am pleased that the opposition does not oppose the legislation. I thank the Deputy Leader of the Opposition for his contribution to the debate as well as the honourable member for Caulfield whose interpretation of the
legislation was excellent; together with the second-reading speech it provided the broad community with the intent and purpose of this important legislation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 14 October; motion of Dr NAPTHINE (Minister for Youth and Community Services).

Ms CAMPBELL (Pascoe Vale) — The opposition began its contribution to the debate at 9.56 p.m. on Tuesday. Opposition members have a lot to say about the bill so I will endeavour to get as much on the record as possible in the next 30 minutes. I am conscious of the fact that the house will also be debating other matters.

On Tuesday I pointed out that in Victoria adoption is now recognised as a social exchange between biological parents, adoptive parents and the child who is shared between the two families. That was not the case some years ago. Adoption history in Victoria is varied. Adoption is not a new concept; it has existed for many centuries and dates back to antiquity. Prior to the 20th century adoption was arranged primarily to provide care for young children whose parents had died or disappeared. However, during the 20th century adoption as it was known changed dramatically and became a way for an infertile couple to create a family. Since the first adoption laws were passed in 1928 there have been almost 400 000 adoptions in Australia. In the 10 years from 1963 to 1972 inclusive almost 20 000 adoptions took place in Victoria alone. That means there are 20 000 children, 20 000 mothers and fathers, 40 000 grandparents and so on — a wide network of people who have been affected by adoption in Victoria. In 1964 the Honourable R. J. Hamer said:

For many years the demand for children for adoption in Victoria has greatly exceeded the supply.

This lack of children, who were seen as a commodity, was discussed in 1961 by Clark Vincent in his book entitled Unmarried Mothers. He predicted that in order to meet the demand for these children:

... it is quite possible that, in the near future, unwed mothers will be ‘punished’ by having their children taken from them after birth.

Unfortunately a few years later that sad prediction was fulfilled and, tragically, it occurred here in Victoria. With the introduction in Victoria of the 1964 Adoption of Children Act which came into operation on 1 January 1966, the children of many birth parents were used in inhumane and evil experiments in social engineering. For the first time in the history of adoption, mothers and babies were to be denied the right ever to know each other. That tragedy is now being recognised and is something of which Victoria should be profoundly ashamed.

In 1962, 22 charitable organisations were approved as adoption agencies, and the web of adoption was spread throughout the state. Between 1966 and 1984 adopted children were denied — and they are still being denied — their basic human right of knowing their genetic family. Even today there are many young men and women who have never met their biological parents. In fact, tragically, some of them do not even know they are adopted.

The social engineering that took children from their mothers, often without informed consent, occurred during the post-war period from the 1940s to the 1970s. We are all aware of the imagery that was cleverly used during the Second World War to encourage people to enlist. Many of us would remember vivid images of German soldiers ripping babies from their mothers' breasts when the currency of the time was that society understood the immutability of the bond between the mother and her child. That was used very effectively during the war but was conveniently forgotten when it came to adoption practices in Victoria and, for that matter, Australia-wide.

It is all very well for us to have the wisdom of hindsight, but we must address a shameful period in our past. To the many people who say, 'Get on with life; put that behind; it's not happening now', the response should be, 'We are pleased it is not happening now but we cannot deny what happened and we have to confront it'. It is necessary to examine what happened in the past so that the women who had their children taken from them under duress are now able to move on with life and...
say, 'I forgive you'; but as yet this Parliament and the community have not asked for their forgiveness.

In 1984 the Honourable Pauline Toner introduced groundbreaking legislation into Parliament. When I was first elected I wondered why Pauline Toner's portrait was hanging in the opposition caucus room. Why had the Labor Party picked the portrait of one woman held in such prominence, and why is this woman held in such respect? I know Pauline Toner achieved many other things, but when I read her second-reading speech on the 1984 Adoption Bill I thought that if she did only that one thing for the Victorian community — introducing the 1984 adoption legislation — it was a wonderful testimony to her and her contribution to Victoria.

I highlight a couple of the points Mrs Toner made in her speech on the adoption bill in 1984. She complimented the Adoption Legislation Review Committee, which had reviewed existing adoption legislation and made a number of recommendations. Incidentally, that committee could have made all the recommendations it liked but to implement them it needed a minister who had the courage to stand up to the appalling practices carried out in the 1940s, 1950s, 1960s and 1970s. Pauline Toner did that and stood by families in a way that I wish many of us during our time in Parliament could do half as well.

The minister talked about adoption being primarily in the interests of the child, and that was new to Parliament; for years that suggestion had not been heard. I quote from Mrs Toner's second-reading speech:

Adoption is one of a number of services which provide substitute family care for children not able to be adequately cared for by their own parent or parents. It should therefore be seen as part of a range of services which include foster care, children's homes and family group homes, as well as informal arrangements with other members of the family or family friends.

In talking about the interests of the child she stated:

The primary purpose of adoption is to find a stable and caring family who will care for a child on their own on a permanent basis.

Further on she says:

This will be the guiding principle in the interpretation of all sections of the new act. This principle exists in the current legislation but has been extended to apply to all parts of the act ...

I am sure the adoption regulations of 1987 are such a wonderful example of how we should do things that it must make many relinquishing mothers of earlier times cry when they compare the treatment they received with the way things are done now.

In her second-reading speech Pauline Toner also talked about the eligibility to adopt and said:

The proposed legislation is not about the equal rights of prospective parents; it is about the rights and interests of the children who are to be adopted.

Many times when I was just a member of the community before being elected to Parliament people said to me, 'I would make a good parent', or 'We would be excellent parents'. We have friends who adopt children, and too often as adults we concentrate on the needs of infertile couples wanting to have children instead of looking at what is best for the child and who will make the best adoptive parents.

I contrast Pauline Toner's speech with what I hope was just a gross error in the second-reading speech of the Minister for Youth and Community Services when he introduced this bill and said:

The purpose of adoption is to enable a child who would not otherwise have a family to become a member of a family which is able to provide love, care and security.

I hope the minister will correct his statement. He needs to explain in his response that he recognises that children who are given up for adoption have a family when they are born. They have a parent or parents who love them. It must never be said that a mother who gives up her child for adoption or a couple who decide to give up their child do not love that child. I ask the minister to comment on that in his response.

The comments made by the minister in his second-reading speech have been found by relinquishing parents to be cruel and totally offensive. I am sure that is not what the minister meant, so it would be helpful if he clarified that. The stunning naivety of that comment should be corrected. Every child that is born has a mother and an extended family. I am sure the minister does not believe that a stork brought the child. A child has a
mother, and generally a father, who loves it when it is born.

Adoption today should not be seen as baby farming, as an alternative to providing a mother with support necessary to parent her own child, as a means of reducing welfare obligations or as a device for social engineering. It was necessary to raise these matters because of Victoria’s shameful and tragic history in past adoptions.

In 1997, adoption is characterised by the triangle of adoption. The 1996 report of the Copelen Child and Family Services has summed up best what is current practice in Victoria. It says:

> We recruit families who have special qualities and skills to offer infants for the rest of their lives. Relationships are established between birth parents and adoptive parents as they meet for the first time prior to the infant’s placement. There is an expectation that contact will be ongoing between both sets of parents throughout the child’s life as they share the child in common.

If only we had that philosophy in place years ago! The partners to adoption are now well recognised and we should be grateful for that. I compliment the Department of Human Services on its practice relating to adoption, which is excellent. The information on the assessment of applicants, which the opposition received after the ministerial briefing, has been extremely helpful. I thank the minister and his staff for providing it. The assessment of applicants by the department and other adoptive services ensures that the regulations are met. The department’s documentation on the assessment of applicants states that the proposed adoption regulations 1997 require that adoptive parents be assessed on the basis of, among other matters, their age, health, marital and family relationships, financial circumstances, general stability of character and emotional maturity so to demonstrate the capacity of each parent to create a secure and nurturing emotional and physical environment for the child until the child achieves social and emotional independence.

That is the kind of approach we need for adoption. It is a far more enlightened approach. When the minister is considering further regulations following the passing of this legislation I ask him to refer to some of the United Nations declarations, which the Parliament has quoted on a number of occasions, particularly the UN declaration on the rights of the child, principles 1, 3, 4 and 6, and the universal declaration of human rights adopted by the UN in 1948, articles 5 and 25. I would like to quote them but I have not the time to do so.

The legislation removes age and marital status as restrictions to adoption. A number of people have asked why these amendments have been made; what is the rationale? Those are the questions in the minds of the community and they are certainly in the minds of the adoption services. The fact is there are few healthy infants available for adoption. We do not necessarily need more parents for the number of children available. There were only 20 children available in 1996-97 and 29 in 1995-96.

Birth parents are advised that they have a choice when choosing a couple to parent their child. They generally choose a stable couple aged between 28 and 35 years. Up to now they have been able to choose only married couples because they had no other option. There are more couples wishing to adopt than there are children available, so there is no need to widen the criteria for adopting parents.

The amendment is being made to provide more couples with opportunities to adopt and that is something that the opposition supports in principle. It cannot be said that a marriage certificate is required to be a good parent. Those of us who are married and who have children would say that you certainly do not need a marriage certificate to qualify you as a good parent!

The opposition supports the legislation, but every agency has said that the removal of the age restriction is a matter of grave concern. The reality is — and using the department’s criteria — that a child needs parents who will be with it until it reaches adulthood. There are no guarantees but that is what we aim to do. The reality is that having newly adoptive parents aged up to 40 years is generally considered good practice. Because couples are having children when they are older than 40 and have greater longevity there are grounds for extending that limitation beyond 40 years, but we must be mindful of the natural law because we do not generally have parents delivering their first child at 50, 55, 60, 65 and 70 years.

Many women who have given up children for adoption have been told that if they really love the child they will give up the child to a couple who are married, who are of a certain age and who can provide the child with financial security and a happy family life for many years. The opposition wants to emphasise the point that the legislation
should be based on the needs of the child. Section 9 of the act makes that provision.

During the ministerial briefing given to the opposition we were told the two triggers for increasing the eligibility criteria under the Adoption Act were the IVF legislation and the Equal Opportunity Act. I ask the minister to comment on whether it will still be acceptable for parents and for welfare workers to respect parents' wishes if they specify age, marital status, culture, religion and so on. More to the point, would the parents and the welfare workers be breaching the Equal Opportunity Act?

The Equal Opportunity Act recognises this point, but it is important that it be emphasised to enable welfare workers to understand that parents who relinquish children for adoption have a right to say something about their children. I have received many responses from adoption agencies. I ask the minister: if, as expected, agencies receive more applications from people aged 40-plus and de facto couples, will the department commensurately increase the funding to match the increase in the number of adoption applications? If that is not done, the assessment of prospective adoptive parents will not be as thorough as it currently is.

Unfortunately, not all the lessons of Victoria's sorry history of poor adoption welfare practices have been learnt. During my research on this bill I checked the Internet site for the youth and family services division of the Department of Human Services. I looked at the list of its publications, and under 'Adoption' I found the following seven headings were available: 'Information about your adoption'; 'Information for adoptive parents'; 'Adoption and permanent care'; 'Intercountry adoption'; 'Infant adoption'; 'Questions about adoption or adoption services'; and 'Children who need families, permanent care and adoption program'. There is not one single heading for relinquishing parents or grief counselling. I hope as a result of this bill that the minister will examine the situation, because that is extremely important.

Last night I related an appalling situation that occurred in the County Court when a clerk questioned a person who simply asked for an application form to overturn the adoption of her daughter. That was inappropriate. I hope the Attorney-General will follow up that matter.

The opposition is calling for an inquiry into former adoption practices in this state. I have details of seven cases that I wish to outline. The first one I mentioned last night. The second letter is from Leonie, who says that her two sons were fraudulently adopted out without her informed consent in the 1960s. She says:

How I live now, with all the labels that have been put on me and all I have been through to survive in the last 29 years has been the direct (trickle-down) effect of having my two sons (that I never even saw) callously removed from me.

Leonie had a number of breakdowns. She lives in fear and will not go to any support services because she is terrified her third child will be removed since she has been labelled with having a psychiatric history. She puts that down to what happened regarding the fraudulent adoption of her two sons.

The third one is from June Smith of Wesburn, who said that I could tell the Parliament her story. In her mind her child was illegally adopted, and she states:

Some people may say, 'She gave up the right to her son when she signed the papers, so she has no right to know him now'. I question the validity of the adoption on moral and legal grounds. Firstly, the adoption seems immoral because no-one offered any alternatives as to how I could keep and care for my son... nor were the implications of the adoption discussed with me. I did not even read the form because I could not see it properly at the time because I was crying so heavily.

The fourth one is the Elizabeth Edwards case that was outlined clearly in a newspaper this morning. Her husband wrote to me and said:

I believe Elizabeth signed documents when under sedation and under a lot of duress. I signed nothing at all, and was not even recognised as the father.

The fifth one is from Joan of East Malvern, who outlines how her child was adopted. She states:

Five days after my son's birth I returned to the home defeated, dehumanised, depressed, constantly crying and in shock. On the eighth day I signed the adoption papers. I don't remember much except signing at the bottom of the paper. I did not receive a copy of the consent of revocation form but I do remember saying something to the effect of, 'Please, please, can't you do something to help me — I don't think I can go on living without my child'. She just cast her eyes down to the paper in front of her and made no response. You gave us a life sentence.
The sixth one is from Jenny, whose case relates to the Ballarat Hospital. She describes an illegal adoption. The seventh case relates to a Marion Kerr, whose baby was born in 1971, and states:

I did not sign any legal documentation. I did not receive any copies of any documentation.

In the past Victorian practices were characterised by isolating single mothers and ignoring them. They were coerced into signing adoption papers, refused access to their children and drugged at the time that papers were required to be signed. Parliament must recognise that the pregnancy ended for those women, but their motherhood remained. Parliament must address that situation. An inquiry must be conducted. Many of the lessons that Sir Ronald Wilson taught us in relation to the Aboriginal community could be learnt here.

I cannot apologise on behalf of the Victorian Parliament; I can only give my personal, profound and sincere apology to the mothers whose babies were illegally adopted and who laid bare their profound lifelong sentence of grief and loss for us to see, hear and feel. We are left asking, 'How could they endure it?'

I ask the minister to clarify his remarks in the second-reading speech and make a commitment to ensure that welfare workers and mothers will not be prosecuted under the Equal Opportunity Act; will he give a clear definition of the term 'de facto', instruct his department to update the Internet site and comment on the inquiry request?

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for her contribution and recognise her genuine interest and concern in the issue of adoption. The honourable member highlighted the landmark achievement of the Adoption Act in 1984 that was attributed to the late Pauline Toner, Don Saltmarsh, who represented the liberal Party, and the honourable member for Swan Hill. Those people did a good job.

I make it absolutely clear that there will be no changes to section 9 of the Adoption Act. That will remain as the paramount consideration. It says:

In the administration of this act, the welfare and interests of the child concerned shall be regarded as the paramount consideration.

All those involved will use that as their guide with respect to issues of the rights of relinquishing parents to make stipulations with regard to age, religion, marital status and cultural background of the people they wish to see adopt their child. Those are issues that will be of prime importance. Their requests and needs will be complied with wherever possible. They will be involved in that consultation process.

With regard to the matter raised about the second-reading speech, all I can say is that I am disappointed if I have in any way offended anybody in that second-reading speech. It was meant to ensure that adoptive parents were able to provide a loving environment in which a child could be reared. It was not meant to denigrate the role of the relinquishing family.

The SPEAKER — Order! The time appointed by the house for me to interrupt business has arrived.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Dr NAPTHINE (Minister for Youth and Community Services); and Mr DOLLIS’s amendment:

That all the words after ‘That’ be omitted with the view of inserting in place thereof the words ‘that this house refuses to read the bill a second time until such time as (a) the rights of ratepayers and residents are protected and that democracy, transparency and accountability in local government decision making is guaranteed after there has been direct consultation with all municipalities concerning changes to boundaries, electoral structure, entitlement to enrol, conduct of polls and mayoral and councillor allowances; and (b) and the minister ensures the transparency and accountability at all levels of local government administration by making a full statement to the house in relation to the conflicts of interest regarding the parliamentary secretary for local government’. 
House divided on omission (members in favour vote no):

Ayes, 49

Andrighetto, Mr
Ashley, Mr
Burke, Ms (Teller)
Clark, Mr
Coleman, Mr
Dean, Dr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Henderson, Mrs
Honeywood, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr (Teller)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGrath, Mr J.F.
McGrath, Mr W.D.

Noes, 29

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Cameron, Mr (Teller)
Campbell, Ms
Carli, Mr
Cunningham, Mr
Davies, Ms
Dollis, Mr
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr

Motion agreed to by absolute majority.

Read second time.

Government circulated amendments 1 to 3 as follows agreed to:

1. Clause 2, line 15, after “than sections” insert “5(1), 6,”.
2. Clause 2, line 18, after “Sections” insert “5(1), 6,”.
3. Clause 17, line 21, after “days after” insert “first”.

Third reading

Motion agreed to by absolute majority.
HIRE-PURCHASE (FURTHER AMENDMENT) BILL

Thursday, 16 October 1997

Read third time.

Remaining stages

Passed remaining stages.

HIRE-PURCHASE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 14 October; motion of Mrs WADE (Attorney-General).

The SPEAKER — Order! The question is:

That the bill be now read a second time and a third time and that the bill be transmitted to the Legislative Council and their concurrence desired therein.

House divided on question:

Ayes, 50

Andrighetto, Mr McLellan, Mr
Ashley, Mr Maclellan, Mr
Burke, Ms (Teller) McNamara, Mr
Clark, Mr Maughan, Mr
Coleman, Mr Naphine, Dr
Dean, Dr Paterson, Mr
Dixon, Mr Perrin, Mr
Doyle, Mr Perton, Mr
Elliott, Mrs Peulich, Mrs
Finn, Mr Phillips, Mr
Gude, Mr Plowman, Mr A.F.
Henderson, Mrs Reynolds, Mr
Honeywood, Mr Richardson, Mr
Jasper, Mr Rowe, Mr
Jenkins, Mr Shardey, Mrs
John, Mr Smith, Mr E.R. (Teller)
Kilgour, Mr (Teller) Smith, Mr I.W.
Lean, Mr Spry, Mr
Leigh, Mr Steggall, Mr
Lupton, Mr Stockdale, Mr
McArthur, Mr Thompson, Mr
McCall, Ms Traynor, Mr
McGill, Mrs Treasure, Mr
McGrath, Mr J.F. Wade, Mrs
McGrath, Mr W.D. Wells, Mr

Noes, 29

Andrianopoulos, Mr Hulls, Mr
Baker, Mr Kosky, Ms
Batchelor, Mr Langdon, Mr (Teller)
Bracks, Mr Leighton, Mr
Brumby, Mr Lim, Mr
Cameron, Mr (Teller) Loney, Mr

Circulated government amendments 1 to 41 as follows agreed to:

1. Clause 13, line 31, after “tree” insert “, pasture”.
2. Clause 13, page 16, line 24, omit “authority” and insert “authorisation”.
3. Clause 14, page 17, line 14, omit “authority” and insert “authorisation”.
4. Clause 14, page 17, line 18, omit “authority” and insert “authorisation”.
5. Clause 14, page 17, line 32, omit “authority” and insert “authorisation”.
6. Clause 14, page 18, line 2, omit “authority” and insert “authorisation”.
7. Clause 14, page 18, line 15, omit “authority” and insert “authorisation”.
8. Clause 14, page 18, line 19, omit “authority” and insert “authorisation”.
9. Clause 14, page 19, line 2, omit “authority” and insert “authorisation”.
10. Clause 14, page 19, line 6, omit “authority” and insert “authorisation”.
11. Clause 14, page 19, line 11, omit “(1)” and insert “(3)”.

WILDLIFE (AMENDMENT) BILL

Second reading

Debate resumed from 18 September; motion of Mrs TEHAN (Minister for Conservation and Land Management)

Motion agreed to.

Read second time.

Passed remaining stages.

Circulated government amendments 1 to 41 as follows agreed to:

1. Clause 13, line 31, after “tree” insert “, pasture”.
2. Clause 13, page 16, line 24, omit “authority” and insert “authorisation”.
3. Clause 14, page 17, line 14, omit “authority” and insert “authorisation”.
4. Clause 14, page 17, line 18, omit “authority” and insert “authorisation”.
5. Clause 14, page 17, line 32, omit “authority” and insert “authorisation”.
6. Clause 14, page 18, line 2, omit “authority” and insert “authorisation”.
7. Clause 14, page 18, line 15, omit “authority” and insert “authorisation”.
8. Clause 14, page 18, line 19, omit “authority” and insert “authorisation”.
9. Clause 14, page 19, line 2, omit “authority” and insert “authorisation”.
10. Clause 14, page 19, line 6, omit “authority” and insert “authorisation”.
11. Clause 14, page 19, line 11, omit “(1)” and insert “(3)”.

Maddigan, Mrs (Teller)
Micallef, Mr
Pandazopoulos, Mr
Savage, Mr
Seitz, Mr
Sheehan, Mr
Thwaites, Mr
Wilson, Mrs
PLANNING AND ENVIRONMENT (AMENDMENT) BILL

12. Clause 14, page 19, line 12, after “holder of” insert “a”.  
13. Clause 14, page 19, line 12, omit “authority” and insert “authorisation”.  
14. Clause 14, page 19, line 16, omit “authority” and insert “authorisation”.  
15. Clause 14, page 19, line 31, omit “authority” and insert “authorisation”.  
16. Clause 14, page 20, line 5, omit “authority” and insert “authorisation”.  
17. Clause 14, page 20, line 20, omit “authority” and insert “authorisation”.  
18. Clause 14, page 20, line 27, omit “authority” and insert “authorisation”.  
19. Clause 14, page 21, line 7, omit “authority” and insert “authorisation”.  
20. Clause 14, page 21, line 14, omit “authority” and insert “authorisation”.  
21. Clause 14, page 23, line 8, at the end of this line insert —  
“47E. Exemption from definition of prohibited person in Firearms Act 1996  
Despite anything to the contrary in the Firearms Act 1996, a person, in relation to whom not more than 12 months have expired since that person was found guilty by a court of an offence against section 41, 42, 43 or 44(1), is deemed not to be a prohibited person (within the meaning of that Act) unless the Court, upon that finding of guilt, imposed a term of imprisonment (within the meaning of that Act).”.  
22. Clause 20, line 28, omit “other authority” and insert “authorisation”.  
23. Clause 20, line 30, omit “other authority” and insert “authorisation”.  
24. Clause 20, page 27, lines 6 and 7, omit “other authority” and insert “authorisation”.  
25. Clause 20, page 28, line 22, omit “an” and insert “the”.  
26. Clause 21, line 4, after “Division” insert “authorised in writing by the Minister either generally or in a particular case”.  
27. Clause 26, page 41, line 12, omit “authority” and insert “authorisation”.  
28. Clause 28, line 9, omit “authority” and insert “authorisation”.  
29. Clause 28, line 15, omit “authority” and insert “authorisation”.  
30. Clause 28, line 19, omit “authority” and insert “authorisation”.  
31. Clause 28, line 22, omit “authority” and insert “authorisation”.  
32. Clause 28, line 26, omit “authority” and insert “authorisation”.  
33. Clause 28, line 32, omit “authority” and insert “authorisation”.  
34. Clause 29, line 21, omit “authority” and insert “authorisation”.  
35. Clause 35, page 46, line 11, omit “in force under this Part” and insert “granted under section 78(1)(d) or (g)”.

36. Clause 25, page 46, line 15, after “permit” insert “granted under section 78(1)(d) or (g)”.  
37. Clause 35, page 48, line 29, omit “or (g)”.  
38. Clause 39, page 51, line 26, omit “authority” and insert “authorisation”.  
39. Clause 40, page 52, lines 8 and 9, omit all words and expressions on these lines and insert —  
“(d) omit paragraph (m); and”.  
40. Clause 40, page 54, line 9, omit “authority” and insert “authorisation”.  

AMENDMENT OF SCHEDULE  
41. Schedule, page 61, lines 32 and 33, omit all words and expressions on these lines.

Passed remaining stages

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The main purpose of this bill is to amend the Planning and Environment Act 1987 to confer certain powers relating to the compulsory acquisition of land, the closure of roads and the removal of easements, restrictions and covenants on the Secretary of the Department of Infrastructure in
relation to development projects of state or regional significance.

These proposed powers reflect similar powers contained in the Urban Land Authority Act 1979. That act is proposed to be repealed by the Urban Land Corporation Bill which was debated in the house today. As outlined in the second-reading speech for the Urban Land Corporation Bill, it is proposed to remove statutory powers that are superfluous to the operation of the new corporation, including the powers relating to compulsory acquisition of land, road closures, and removal of easements and covenants. The second-reading speech for the Urban Land Corporation Bill also foreshadowed the government’s intention to propose amendments (now contained in this bill) that provide for the continued availability of these powers for projects of state or regional significance.

These new powers will ensure that projects of significance for the development of the state are not unnecessarily delayed.

I commend the bill to the house.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Debate adjourned until Thursday, 30 October.

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The Legal Practice Act 1996 has been in operation since 1 January 1997. The act introduced far-reaching reform of the structure and regulation of the legal profession, and this process of reform continues with the amendments contained in this bill.

Interstate lawyers

As of 1 January this year, Victoria was the first state to introduce legislation to remove a major barrier to competition in the legal profession by making it easier for lawyers from other states to practise in Victoria without first having to be admitted by the Supreme Court of Victoria or obtain a Victorian practising certificate. New South Wales and the Australian Capital Territory have since passed similar legislation.

Further amendments in this bill will now complete that process. This bill provides that lawyers who hold practising certificates or their equivalent from other states will be entitled to engage in legal practice in Victoria. These lawyers will be required to notify the Legal Practice Board within 28 days of commencing practice in Victoria and they will then be allocated to a recognised professional association (RPA) for regulation. Interstate lawyers will be generally subject to the same overall regulatory regime as Victorian practitioners regarding disputes, complaints, trust accounts, fidelity fund contributions and professional indemnity insurance.

In addition, the bill encourages cooperation between regulatory authorities in Victoria and other states. It allows these bodies to enter into agreements with each other which will allow them to share responsibility for dealing with lawyers who practise in more than one state and to refer matters involving such lawyers from one state regulatory authority to another.

The bill adopts certain provisions regarding interstate lawyers which have been developed through the Standing Committee of Attorneys-General. Now that New South Wales and the ACT have introduced legislation based on those provisions, it is expected that Victorian lawyers will become eligible to practise in New South Wales and the ACT without having to be admitted or take out a practising certificate there.

Foreign lawyers

With Victorian businesses and companies actively pursuing a greater role in the international arena of trade and commerce, the need for Victorian clients to have reliable access to legal services and advice relating to the law and legal systems of other countries has also grown. Yet there has been a noticeable lack of uniformity in the way that the practice of foreign law by foreign lawyers has been permitted or regulated in the various Australian states and territories.

Commencing with the May 1988 report of the State and Commonwealth Working Group on the Globalisation of Legal Services, consideration of this issue has continued through the Standing Committee of Attorneys-General, resulting in the development of model provisions dealing with the practice of foreign law in Australia.

Victoria is the first state to introduce legislation based on those model provisions. The bill will
introduce a new part 2A into the act, which will allow foreign lawyers to register with the Legal Practice Board. While foreign lawyers will be prohibited from engaging in legal practice and therefore cannot practise in matters governed by Australian law, they will be allowed to provide various equivalent services in matters which specifically relate to or are governed by the law of their country. To ensure that the interests of the public are protected, foreign lawyers will be subject to similar requirements relating to the handling of disputes, complaints and trust accounts as those governing Victorian lawyers. They will also be required to make contributions to the fidelity fund and obtain professional indemnity insurance.

As long as they restrict themselves to the practice of foreign law, foreign lawyers will also be allowed to go into partnership with or employ or be employed by Victorian lawyers. For the first time, a Victorian law firm will be able to provide all the local and foreign legal services required by a Victorian client who has, for instance, entered into a joint venture arrangement which is governed by the law of another country.

Other amendments

As part of the ongoing review of the operation of the act, various miscellaneous amendments have been identified which are necessary to ensure its smooth operation.

The bill amends the provisions governing trust accounts to:

provide the Legal Practice Board with the discretion to exempt lawyers from the requirement to maintain a trust account in Victoria, for instance in circumstances where a properly regulated trust account is being maintained in another state by a lawyer practising in both states; and

provide that lawyers do not have to maintain a trust account if the only trust money they ever receive is in the form of third party cheques.

Other amendments include:

allowing lawyers to obtain a pro rata refund of their practising certificate fees if they surrender their practising certificates early;

allowing barrister’s clerks to sign bills of costs;

allowing a lawyer whose practising certificate has been suspended on the ground that the lawyer has been bankrupted, wound up or otherwise been made insolvent, to have the suspension lifted if the lawyer is successful in challenging and overturning the bankruptcy or other form of insolvency and there are no other grounds upon which the practising certificate should continue to be suspended;

providing that where a lawyer has had his or her practising certificate refused, suspended or cancelled but has a right under the act to appeal against that decision, the lawyer may in certain circumstances be allowed to continue to practise under supervision until the appeal is decided;

providing the full tribunal of the Legal Profession Tribunal with a broader power to order a party to pay the other party’s costs of and incidental to any hearing relating to disputes between lawyers and their clients;

specifying that in providing information under section 86, clients should be advised of the name of the legal practitioner who will primarily provide the legal (as against non-legal) services;

allowing a lawyer to settle a dispute with a client relating to legal services previously provided and obtain a release from the client as part of that settlement from any liability arising out of those legal services;

providing for the removal of specific funding caps relating to the Victorian Law Foundation, Leo Cussen Institute and Law Reform and Research Account;

providing for greater flexibility in payment to various bodies from the Public Purpose Fund;

clarifying who may prosecute parties who breach the act; and

extending the period for transitional arrangements for professional indemnity insurance.

Limitation of jurisdiction of the Supreme Court

Clause 45 of the bill has been included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of changes to the jurisdiction of the Supreme Court effected by sections 209(6), 218 and
222(3) of the Legal Practice Act 1997 as amended by clauses 27(5) and 27(6)(b) of this bill.

Sections 209(6) and 222(3) currently protect the board from action by lawyers or approved clerks arising out of the publication by the board of a notice under section 209(1) calling for claims or a statement that a fidelity reinsurance contract does not apply to a particular practitioner or firm. As the bill provides that interstate lawyers and registered foreign lawyers are to become part of the fidelity fund scheme and will also, therefore, be the subject of claims against the fidelity fund, the application of the two sections is widened by the bill to also apply to action against the board by interstate lawyers and registered foreign lawyers. In each case, allowing exposure of the board to liability for fulfilling its statutory duty or exercising a statutory discretion would severely compromise the achievement of the legislative purposes underlying those duties and discretions.

Section 218 currently provides protection to innocent principals in a legal practice where a defalcation occurs. As the bill now makes both interstate lawyers and registered foreign lawyers subject to provisions of the act relating to defalcations, it is important that the principals of a practice who are interstate lawyers or registered foreign lawyers and who are not responsible for the defalcation are provided with the same level of immunity against liability as Victorian lawyers currently receive. Section 218 is being amended accordingly.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 30 October.

UNCLAIMED MONEYS (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

This bill adds new provisions to the Unclaimed Moneys Act 1962 to provide the state with legislation that is compliant with national competition policy, complementary to that of the commonwealth and similar to that of other states for the administration of unclaimed retirement savings accounts moneys.

These new administrative provisions will enable the Registrar of Unclaimed Moneys, with the approval of the Minister for Finance, to appoint external agents to administer designated functions of the act. The retirement savings account provisions will enable institutions registered within Victoria to report and pay unclaimed moneys to the state rather than to the commonwealth Commissioner for Taxation.

The clauses relating to retirement savings account unclaimed moneys provide for the reporting and payment to the state by those institutions of the moneys of a holder where they remain unclaimed as from 30 June 1998 and at subsequent six-month intervals. The institutions must report holder and account details to the state for the purposes of maintaining an unclaimed moneys register and for the payment of subsequent claims.

The six-monthly reporting timetable is to be standard for all institutions in the territories, states and the commonwealth. These arrangements enable the industry to adopt a common procedure in its dealings with the various jurisdictions and thereby facilitate their compliance with the act.

The bill removes an anomaly in the application of part 4 of the act in relation to unclaimed superannuation benefits. Following agreement with the other states and the commonwealth, the jurisdiction test is now based on where a corporation has its registered office. This overcomes the anomaly in the event that a fund is incorporated in one jurisdiction and has its registered office in another jurisdiction. The bill also includes other amendments to the principal act to improve its administration and clarity. I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Debate adjourned until Thursday, 30 October.

Remaining business postponed on motion of Mr GUDE (Minister for Education).

ADJOURNMENT

Mr GUDE (Minister for Education) — I move:

That the house do now adjourn.
Prisons: security

Mr HAERMeyer (Yan Yean) — I refer the Minister for Corrections to comments in today's Age by the commissioner of correctional services, Mr John Van Groningen where, in a speech to the Law Institute of Victoria, he is reported as having said:

There are things in prisons systems and procedures and ways of doing things that I feel, if you tried to explain it to the public ... they would never accept it ... they would never understand.

Mr Van Groningen said the private prison system was accountable to the public and there was no potential for cover-ups.

Can the minister advise the house whether he supports and sympathises with the comments made by his corrections commissioner about the fact there are matters involving the prison system and ways of doing things that the public should not be told about. I ask whether he will discipline the correctional services commissioner over the comments he has made because they appear to be the height of dictatorial arrogance. I thought we lived in a democratic society.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member needs to ask for action to be taken.

Mr HAERMeyer — I have asked the minister to state whether he agrees with the comments. What are the things in our prison system that Mr Van Groningen does not want the public to know about? We deserve some answers to the matters the department does not want us to know about and which the public should know about. Some of the answers may be in today's Herald Sun. I have previously called for an inquest into the management or mismanagement of the Metropolitan Women's Correctional Centre in Deer Park. I reiterate that call today after reading an article headed 'Crisis rocks women's gaol' which states:

Uncontrollable behaviour in a Melbourne women's prison resulted in three inmates requiring hospital treatment this week.

It also caused one prison health worker to resign and left staff and prisoners fearing for their lives ...

Sgt Mick Gunn, from the prison squad, said the privatisation of Victorian prisons has not made the job any easier ...

Another police officer who has dealt with trouble in the private prison system said the management was often slow to call police if trouble broke out.

The officer complained that in many cases where criminal offences had been committed the prison authorities did not report them.

The management of this prison is clearly cooking the books. It is covering up serious offences in the prison and is lying to the Office of the Correctional Services Commissioner — the office is lying to the minister and the minister is lying to the public.

Taxis: interstate driver accreditation

Mr A. F. PLOWMAN (Benambra) — I refer the Minister for Transport, who is the representative in this house of the Minister for Roads and Ports, to the fact that the New South Wales Department of Transport requires every Victorian taxi driver who wishes to pick up a fare in New South Wales to gain accreditation at a cost of $100. Mr Don Thompson, president of Amalgamated Taxis Wodonga Co-op Ltd, has about 10 or 12 drivers working for him. His cooperative, which is competitive in every other way, has to pay $1000 to $1200 to compete against its New South Wales counterpart. The New South Wales taxis charge a higher fee and can keep that higher fee while their Victorian counterparts are required to pay the $100 surcharge demanded by the New South Wales Department of Transport.

It is interesting that no reciprocal payment is required by Victoria so that a New South Wales driver or cab company can freely come into Victoria. Mr Thompson advises me that the New South Wales police force tries to harass his drivers when they cross the border. Drivers are asked to show their accreditation and police are stopping them on the roads. All this seems to be totally non-competitive and not in the best interests of interstate harmony. Against my better wishes the Victorian government allowed two tow-truck licences to be given to a New South Wales company so it could compete on completely even terms with Victorian tow-truck operators.

I do not think that is fair. I ask the minister to investigate this and to ask his New South Wales counterpart, 'What can be done about this? In Victoria we are being fair on the tow-truck operators...
by allowing this degree of competition in Victoria. What about your situation in New South Wales? What about making New South Wales taxi operators competitive in Victoria? I ask the minister in another place to investigate this matter and to take it up with his New South Wales counterpart.

**Taxis: multipurpose**

Mrs WILSON (Dandenong North) — I raise the matter of the multipurpose taxi program for the attention of the Minister for Roads and Ports in another place. Recently I attended a transport forum organised by the community health centre in my area which was called to discuss the transport requirements of elderly and frail people and those with disabilities who live in the Dandenong, Berwick, Cranbourne and Pakenham areas. Many of the people who attended the forum were recipients of plastic cards from the multipurpose taxi program and were using the cards regularly.

I bring to the attention of the minister a number of points regarding the program which emerged as the forum progressed. Firstly, it was felt that some of the taxidrivers who transported frail, elderly and disabled people had very little knowledge or understanding of their passengers' difficulties. It was suggested that as part of their education program some attention should be given to that aspect of their job. Secondly, there were allegations that in the case of the elderly or people with intellectual disabilities drivers often tended to take the long way to the passenger's destination instead of a more direct route. Thirdly, the general concern and the one that concerned me most was that the taxidriver would often take the multipurpose taxi card, run it through his machine and say that he would fill in the details later because he was in a hurry.

I make it clear that no proof was provided at the forum that any receipt had been filled in incorrectly or dishonestly, but there was certainly a general concern that this could happen if the filling in of details was left until later. The multipurpose taxi program, which was introduced by the previous government, has been of enormous benefit to thousands of elderly and disabled people in Victoria, and I would like to see it expanded to accommodate more of these people. However, I ask the minister look closely at the accountability and accounting procedures of the program.

**Motion picture industry: firearms**

Mr ANDRIGHETTO (Narracan) — I raise a matter with the Minister for Police and Emergency Services regarding the effects of the 1996 Firearms Act on the motion picture industry and ask him to take action in this regard. The ministers' resolution of 10 May noted that the film industry required the ability to use firearms. The Prime Minister specifically said an exception would be made to enable the industry to continue and that uniform national firearm legislation would also be agreed in those terms. However, the Victorian legislation makes very little reference to actors or the film industry and consequently there has been a bureaucratic mix-up.

The only relevant references are contained in section 59(3)(a) of the Firearms Act, which provides that dealers can hire firearms, that being one of the purposes, and item 10 in schedule 3, which explains what sorts of firearms actors can handle. Actors use far more than the sorts of firearms mentioned. For example, if they were filming Gallipoli today they would not be permitted to handle a Bren gun. This issue also applies to television programs such as Australia's Most Wanted or Blue Heelers.

The industry has been caught up in a situation that was not anticipated under the new firearms legislation. Actors do not want to be licensed to handle every sort of firearm there is, and the firearms registry does not want to give them a licence to do so. In fact, it wants the industry regulated so that the armourer used by the theatrical industry supervises all firearm use on a closed film set, whether in the open or in a studio. The government must act to protect the industry right now because it is in danger of being affected adversely by the legislation. I call on the minister to take immediate action to protect the industry so that the livelihood of a number of actors and film production companies can be protected.

**Royal Agricultural Society: showgrounds**

Mrs MADDIGAN (Essendon) — I direct to the attention of the Minister for Planning and Local Government the future use of the showgrounds in Ascot Vale, which are operated by the Royal Agricultural Society of Victoria. The showgrounds have been the subject of a fair amount of controversy over the past few years over uses that are acceptable when it is considered that the area is surrounded by residential development.
This could be a great opportunity for the agricultural industry to provide some support activities that could be of assistance to the Victorian rural sector economy. There is no doubt that a large number of industries in the agricultural and horticultural area need support. The showgrounds could be used as an agricultural world trade centre or a horticultural centre; other educational activities such as offering space for various groups might also assist the agricultural sector.

Because the RASV gets very little assistance from the government or anywhere else, it finds itself in the short term extremely short of funds. In order to allow it to continue it is looking at holding events that are considered by many to be unsuitable for the location of the showgrounds. In the past residents were protected by legislation, but that was repealed by the government in 1994. Although significant concern was raised at the time about the possible effect of the repeal of the legislation — the grounds had been used previously for motor vehicle racing, which was prohibited under legislation — the residents were given an assurance by the government when the legislation was passed that they would be protected by the planning scheme.

However, an application has been made to amend the planning scheme, which would allow for motor vehicle racing, all-night dance parties and other activities that are unsuitable for the area. Earlier experiences of residents have been very difficult with drunkenness, hooliganism and extremely high levels of noise. I request that the minister, together with the Minister for Agriculture and Resources, the Royal Agricultural Society and the Moonee Valley City Council, establish and fund further investigations to ensure not only a viable future for the Royal Agricultural Society but also the support of the showgrounds for agricultural purposes to safeguard the amenity of the residents of Ascot Vale.

**Firefighting equipment: manufacturers**

Mr JENKINS (Ballarat West) — I raise for the attention of the Minister for Police and Emergency Services an article in the Sydney Sun Herald of 12 October headed 'It's a flaming disgrace' which deals with the supply of firefighting equipment for NSW firefighters. I ask the minister to advise the house what is happening about the supply of equipment to the Country Fire Authority and the Metropolitan Fire Brigade.

It was interesting to note that the New South Wales Labor government is not interested in supplying equipment that is manufactured in Australia. For example, the firefighting helmet is supplied from the United States of America; the turnout jacket is made in China; the firefighting overalls that the New South Wales firefighters use are made in New Zealand; the whitegoods such as stoves that firefighters use for cooking meals are made in Germany; the Hazchem drums used in normal firefighting activities come from America; the messroom chairs, which are a common supply item, also come from America. However, the hoses that the New South Wales service uses come from Australia and, I believe, are manufactured in Victoria.

Other items such as the standpipes come from England; the rescue ropes come from Germany and the tools come from various places around the world, as does the specialised equipment. Unfortunately the general equipment that is available for purchase by the firefighting organisations comes from overseas even though much of it can be supplied in Australia.

Will the minister inform the house what the fire services are doing in the purchase of their equipment? I hope they will consider being supplied by manufacturers in Australia and in particular Victoria. It is pleasing to note that many of the fire tankers and firefighting units are manufactured in Ballarat by Skilled Equipment Manufacturing.

**Dandenong: public sector services**

Mr PANDAZOPOULOS (Dandenong) — I raise a matter for the attention of the Premier. For five years the Dandenong retail and commercial centre has suffered under this government. The Premier comes to Dandenong regularly fibbing about how he loves the area, his level of support and all the investment that goes into the area. He has been quoted on numerous occasions since 1992 and more recently as saying things like, 'If this area votes Liberal it will get what it needs'. In 1992 it voted in a Liberal Legislative Council representative in Dr Wells — more grief — and in 1996 voted in another Liberal representative, Mr Lucas — even more grief.

The situation of the retail area of Dandenong is the worst it has ever been because the government is not committed to Dandenong as the second city of Melbourne. They are cheap words from the Premier when he says that Dandenong is the hub of activity. All he and his federal government mates have done is to close government offices and relocate them out...
of Dandenong to other parts of Melbourne. That is a sorry state of affairs for the people in the south-eastern suburbs.

Since the election of the Kennett and Howard governments there have been 1000 fewer public sector employees working in Dandenong because of the huge number of office closures. Those people used to work and shop in the area, and the retailers live in places like Berwick, Frankston, Cranbourne, Pakenham and so on. The workers live in those local government areas, but all we have seen is office closures.

The school support centre in Dandenong, the Department of Planning and the Office of Fair Trading have been closed. The SEC office was privatised and United Energy relocated it to Glen Waverley. The Melbourne Water office was closed, as was the South East Water office. The staff of the education regional office that used to be at The Hub shopping centre, a real focal point in the 1970s and 1980s, has been reduced from 270 to only 35. The Dandenong Hospital has faced cutbacks and the Conservation and Land Management office has recently been relocated to Box Hill. The establishment of First Place in Dandenong will not go ahead because the government cannot reach agreement with the federal government.

The federal government has cut back funding for Skillshare and English as a second language (ESL) in TAFE colleges, and there have been tax office cut backs. This is a government that hates Dandenong. The Premier should announce whether he supports Dandenong and whether it is still government policy to make Dandenong the second city of greater Melbourne.

**Mentone Body Corporate Management**

Mr THOMPSON (Sandringham) — In the absence of the Attorney-General I raise for the attention of the Minister for Police and Emergency Services a simple request I received from Gayle Pittari of Jean Street, Cheltenham. Ms Pittari requested a copy of the certificate of insurance from her body corporate manager. The body corporate manager failed to give her or her agent either the certificate or a copy thereof.

When I received Ms Pittari’s letter I checked to see whether the fellow had any form, because I am generally reluctant to name names in Parliament. I made a few discrete inquiries. One person described him as a rogue, and I subsequently found out that his name had been mentioned in Parliament on two previous occasions by the honourable member for Mordialloc.

When Ms Pittari made a request for a copy of the certificate of insurance, Mr Michael A. Pritchard, the secretary manager of the body corporate and the proprietor of Mentone Body Corporate Management, replied along the following lines. In the opening paragraph said he was not legally or morally obliged to allow her representative to see the certificate of insurance. He then went on to comment on a matter that had been dealt with in the Frankston Magistrates Court. He said that if the matter went back to court the costs involved would outweigh the costs involved in the body corporate matter. He said that some information had been supplied to her solicitors, but he did not mention the certificate of insurance. That gentleman would make Sir Les Patterson or Ted Bullpitt look like Rhodes scholars!

I ask the minister to suggest what Ms Pittari can do. All she wishes is to see a certificate of insurance to make sure that her body corporate unit — 5/1 Jean Street, Cheltenham — has the appropriate cover in case anything untoward happens. As this is now the third time the gentleman has been named in Parliament, I hope a constructive course of action can be taken.

**Public transport: automatic ticketing**

Mr BATCHELOR (Thomastown) — I raise for the attention of the Minister for Transport a matter that relates to the $330 million automatic ticketing fiasco that has been plaguing our public transport system for more than four and a half years.

I ask the Minister for Transport to investigate today’s announcement by ERG of its strategic alliance with an American company. The announcement claims that ERG has entered into a strategic alliance that involves, among other things, an injection of funds and money, an equity stake in ERG and a technology transfer between the two companies. I specifically ask the minister to investigate whether it is a backdoor approach to enable OneLink to put alternative proposals to the PTC to get out of the hot water it is currently in.

It is possible that the proposal will go forward with alternative technological solutions based on ERG’s partner’s new technology. The company could use the three months extension granted to it through the dispute-settling clause to pull a swiftie. If such
action were contemplated and put into effect it would be not only anticompetitive but contrary to and a corruption of the original tender procedures.

It is critical that the government rule out absolutely any prospective action of this type. No company should thwart tender procedures. If the investigations by the government disclose the type of action I have described it must act.

The automatic ticketing system is already an international embarrassment. We do not want to compound that embarrassment by having tender procedures that were introduced in 1993 thwarted and undermined. I ask the minister to take immediate and decisive action so that this type of approach and abuse will not be possible.

**Dangerous dogs: by-laws**

*Mrs PEULICH (Bentleigh) —* I raise for the attention of the Minister for Agriculture and Resources, and in his absence the Minister for Police and Emergency Services, the administration of the Domestic (Feral and Nuisance) Animals Act and a serious misunderstanding among by-laws officers who have been misinformed by the Municipal Association of Victoria about the capacity and ability to proclaim dogs dangerous.

My concerns stem from an horrific incident last Tuesday night on the highway in Bentleigh when a fairly large 42-year-old man was attacked by a very large German shepherd dog and pinned down for about 7 minutes. His teenage daughter was standing on the bonnet of his car screaming during the attack. Fortunately the man did not sustain a laceration or a broken leg. The by-laws officer, who was very prompt and efficient, claimed that he could not take action to have the dog proclaimed dangerous because no injuries were sustained.

I ask the minister to examine what can be done to ensure that the act is administered properly so that such events can be acted upon quickly and the many children and elderly residents who live in the Bentleigh area can be protected from an obviously savage dog which has attacked but has not as yet caused serious injury — only by the grace of God. I ask the minister to ensure that by-laws officers, particularly those employed by the Glen Eira council, are fully informed about their responsibilities to protect residents from dangerous dogs so that the dogs are handled appropriately and the community is protected.

**Responses**

*Mr W. D. McGrath (Minister for Police and Emergency Services) —* The honourable member for Yan Yean raised reports about prison management at the Metropolitan Women's Prison that appeared in the *Age* and the *Herald Sun*. Towards the end of his remarks he said that I could lie to the public and that Mr Van Groningen of the Office of the Correctional Services Commissioner could lie to the public. I assure the honourable member that I will not lie to the public on women's corrections issues — and I am sure I can say the same thing for Mr Van Groningen, who has been an excellent officer under this government and the previous Labor government. I find the remarks distasteful.

*An honourable member interjected.*

*Mr W. D. McGrath —* The honourable member said by interjection, 'Read the comments'. I remind the honourable member that there has always existed sensitive documentation relating to prison management, security and associated matters that have not been publicly disclosed. Those circumstances are dealt with under section 30 of the Corrections Act. Who put together the Corrections Act? The former Labor government! Decisions not to disclose such information have been confirmed by the Administrative Appeals Tribunal. So it is established in the Corrections Act that there can be sensitive documentation that should not be revealed.

The honourable member for Yan Yean then stated that some of the comments in the newspaper were absolutely accurate. I quote the second comment from the *Herald Sun*:

> It also caused one prison health worker to resign and left staff and prisoners fearing for their lives.

What an exaggeration! There was no resignation of a health worker — that is totally incorrect. An agency nurse had a disagreement with the nurse manager from Brimbank, which provides the health services, over the calling of an ambulance. That agency nurse has been replaced.

The honourable member for Yan Yean ought to examine the facts rather than simply read and believe comments in a newspaper. I need only refer the honourable member to 1987 or 1988 when in fact there were riots in the then Fairlea Prison — the place was on fire and women prisoners had to be transferred to Pentridge Prison. I know all about that.
The opposition takes every possible opportunity to berate the private sector management of that prison. I have visited the prison on a number of occasions. As I said in the hearing of the Public Accounts and Estimates Committee, it is not perfect but no prison will ever be perfect because of the type of people who are put into prison from time to time. Those people have to be given the best chance of rehabilitation. Good educational opportunities are available to female offenders who want to take up the opportunity to gain a better education. Good industry programs are available to those who want to hone their workplace skills. The women can also avail themselves of the magnificent health facilities offered. There will be disturbances among prisoners and they will always be difficult to control. Kelvin Anderson went from the public sector to the private sector, and he is doing a good job in the overall management of the prison.

The honourable member for Benambra asked me to raise with the Minister for Roads and Ports in another place a matter relating to tow-truck operators and the regulations for that industry in the competitive world. I will direct that matter to the attention of the minister.

The honourable member for Dandenong North asked me to raise with the same minister multipurpose taxi programs and accountability under those programs. Again, I will bring the matter to his attention.

The honourable member for Narracan raised a matter on behalf of the film industry. Again, this is a sensitive issue, and I appreciate his bringing it to my attention. Recently a number of issues relating to the Firearms Act have been brought to my attention by representatives of a highly specialised part of the firearms sector — namely, the theatrical armourers, who hire firearms to the film and theatre industry. Only a small group of business people is involved, but it should be entitled to go about its business in an orderly and proper way. Honourable members should bear in mind that theatrical armourers use firearms only for the purpose of firing blank or dummy ammunition — they do not in any way use firearms with live ammunition.

I can inform the honourable member for Narracan that I have requested that the Department of Justice, in consultation with the Victoria Police and the industry, evaluate the circumstances of theatrical armourers and make recommendations to me on the appropriate regulatory provisions in the Firearms Act. In the meantime it is my expectation that the Victoria Police will put in place temporary arrangements in consultation with theatrical armourers that will ensure safe standards are followed in the use of firearms by the armourers and at the same time allow a reasonable approach by the Victoria Police to any enforcement issues that arise from the current provisions of the act. I hope that is able to satisfy the honourable member.

The honourable member for Essendon raised a matter for the Minister for Planning and Local Government in relation to the future use of the showgrounds and the Royal Agricultural Society. The society has been endeavouring for the past couple of years to put up a vision for the showgrounds. Work on that is well down the track and I am sure that from the way it is moving there will be some government commitment at some time in the future, provided there is also a commitment from the corporate sector. I do not think anyone should expect the government to carry totally the financial burden for the restructure of buildings in that precinct. I will direct the comments of the honourable member for Essendon to the attention of the Minister for Planning and Local Government because she certainly made a sensible contribution this evening.

The honourable member for Ballarat West queried whether componentry used by the Country Fire Authority and the Metropolitan Fire Brigade is produced in Australia. I can assure him that unlike in New South Wales, where much of the componentry is imported, most of the equipment used by the fire services in Victoria is produced in Australia. Only highly specialised equipment is imported. Australian equipment used by the Victorian fire services includes coats, overalls, boots, white goods, fire hoses, life rescue ropes, hazmat drums, alloy standpipes, tyres and chairs.

Again I reinforce the comments I made recently to the honourable member for Ballarat East concerning the very successful story of Skilled Equipment Manufacturing going into a joint venture with the CFA at Ballarat, which was referred to by the honourable member for Ballarat West in his contribution. That has been an outstanding success not only in providing equipment for Victorian fire services but also in providing equipment to other states and for export.

The work force at that workshop has increased by some 35 per cent in the past 12 months and its turnover has increased from around $5.5 million to something over $9 million this financial year. It is a
very good news story. I thank the honourable member for Ballarat West for raising the matter with me this evening. The honourable member for Dandenong raised a matter for the Premier in relation to what he suggested was a reduction in public sector services. It is accurate to say that the Victorian government has refocused the public sector in this state — and we now have a very efficient public sector.

The honourable member for Dandenong was suggesting that the only way we will increase trade in shopping areas is to increase the public sector. The government is on about providing an environment in which the private sector is able to make a profit, and if that can be achieved by removing the financial burden of taxes and charges employment will grow, and of course unemployment will drop. We will not generate a good economy if we try to solve our problems by increasing taxes and employing more people in the public sector. I will refer the matter raised by the honourable member to the Premier.

The honourable member for Sandringham directed to the attention of the Attorney-General his concern about a Mentone body corporate and the difficulties it has encountered with a certificate of insurance. I will refer that to the attention of the Attorney-General.

Mr Batchelor — That must be about the third time it has been raised.

Mr W. D. McGrath — I’m not so sure, but I know the matter you raised about the $330 million ticketing machine is about the 10th time we’ve heard about it! I will refer the matter raised by the honourable member for Thomastown to the attention of the Minister for Transport.

The honourable member for Bentleigh directed to the attention of the Minister for Agriculture and Resources her concern about an attack by a German shepherd dog on a person in her electorate. The honourable member questioned the controls available to municipal officers under the Domestic (Feral and Nuisance) Animals Act. I will refer that to the attention of the minister.

Motion agreed to.

House adjourned 6.16 p.m. until Tuesday, 28 October.
The SPEAKER (Hon. S. J. Plowman) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Tuesday, 28 October 1997

Auditor-General: independence

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the fact that the big winners from the government's proposed changes to the Audit Act are the large accountancy firms such as Coopers and Lybrand, Ernst and Young and KPMG, which are all very large donors to the Liberal Party.

Honourable members interjecting.

Mr BRUMBY — Very large donors to the Liberal Party!

Honourable members interjecting.

Mr BRUMBY — They give a lot of money to the Liberal Party, Victor; you do not think they are compromised?

Honourable members interjecting.

The SPEAKER — Order! I ask government members to contain themselves.

Mr BRUMBY — All of those firms, which are major donors to the Liberal Party — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Ripon.

Mr BRUMBY — Given the Premier's plan to amend the Audit Act and effectively to privatise the audit function, will he guarantee that accountancy firms that donate large amounts of money to political parties will be disqualified from tendering for government audits handed out by Audit Victoria?

Mr KENNETT (Premier) — One always thinks that members of the Labor Party could not slump any further in the quality of their questions. This has to be absolutely inane from three points of view.

Firstly, the government does not appoint any of the auditors. That is done independently by the Auditor-General, and he makes the decisions as to whom he appoints. The government has absolutely no role in it whatsoever. Secondly, the Auditor-General currently tenders out about 75 per cent of his work, which is already going out to the private sector, not just to the three firms that the Leader of the Opposition mentioned but to the rest of the top six and a range of much smaller firms as well. Thirdly, the Leader of the Opposition should realise that, given the public discussions that have taken place — —

Mr KENNETT — Even as the Leader of the Opposition anticipates the bill that will be introduced later today for second reading on Thursday, he probably assumes, and maybe correctly, that there will be a unit called Audit Victoria, which will comprise people of the current Auditor-General's office and which will be run by an independent board established under the criteria of the two accounting associations that currently exist. I can say only that the government will not be appointing the auditors that will be used.

Let me finish on this comment: it cannot come as a surprise to the ALP that no industry wants to donate to that rabble on the other side. Industries do not want to donate because everyone who is successful in this town individually or — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr KENNETT — Anyone who is successful in private enterprise is a natural enemy of the ALP and the Leader of the Opposition and his three colleagues who form the so-called leadership group. They hate success. They use this place and other places to malign both individuals and organisations. I would be very surprised if any commercial operation gave one dollar to the Labor Party going into the next election, not only because of opposition members' entrenched hatred of success but because the Labor Party has no policies whatsoever and does not even represent a unified force to the community
at large. I am sure the existing arrangements that have been in place will continue into the future.

**Workcover: injury categories**

Mr LEAN (Carrum) — Will the Premier inform the house of the offer he put to the trade union leadership yesterday regarding the current Workcover dispute?

Mr KENNETT (Premier) — As the house is probably aware, I had a call last Wednesday night from Leigh Hubbard, which he followed up on Thursday morning, requesting a meeting with the government over the proposed workers compensation changes. I agreed to see him and four of his colleagues almost immediately, and met with them on Thursday at lunchtime. It was an amicable meeting. He put forward to me a number of concerns of the Trades Hall Council on behalf its union members. At that stage Mr Hubbard did not offer any solution or preferred position but simply raised the issues of concern. I took them on board. I offered him no guarantees. I said the government would consider his concerns and get back to him as soon as possible. I consulted with my colleague the Minister for Finance in another place and we met with the — —

Mr Micallef — Did you read the polls as well?

Mr KENNETT — We have never had to worry about the polls. I met with the Trades Hall Council leadership again yesterday. I shall outline the council's concerns and the government's response because it is important, particularly given the potential industrial action tomorrow. The Trades Hall Council was concerned with the retrospectivity in the legislation that would perhaps have the effect of people who are currently receiving weekly benefits having those benefits lowered.

Mr Brumby interjected.

Mr KENNETT — Do you want to listen to the answer, or aren't you interested? The government has accepted that retrospectivity should be removed, and it has done that. Its offer to the Trades Hall Council was that all those who are currently on average weekly earnings would continue to receive those earnings for as long as they require — that is, before they return to employment or, if they are seriously injured, potentially for the rest of their lives. Therefore, we are grandfathering all those provisions.

The Trades Hall Council was also concerned that the availability of the maximum lump sum payment of $300 000 cutting into the 100 per cent of impaired disability was too late into the process. Along with the Minister for Finance, I have reconsidered the government's position, and I think it is a fair submission to make. We have now made the $300 000 lump sum payable from 80 per cent impairment and we have made the $175 000 lump sum available on 70 per cent impairment. This is in addition to all the medical and other assistance given to people.

The Trades Hall Council also asked the government to consider a single weekly benefit. As honourable members will know, at present there are three levels of disability — 90 per cent, 75 per cent and 60 per cent, depending on the scale of injury. The proposal was to reduce the scale to two — that is, more seriously injured on 75 per cent and less seriously injured on 60 per cent. We have decided to stick with that, because if we move to what the trade union movement wants — that is, 80 per cent for all injuries — there is no incentive for people to return to work, whereas the current scale provides that. I made the offer to the union movement that the government would lift the higher scale from 75 per cent to 80 per cent.

The Trades Hall Council asked the government to consider whether there would be an appeal process before the medical panels, which is obviously removed if common law does not remain. Common law will not remain, therefore there is no legal avenue to compete and have a review. But I indicated that I would be prepared to take on board and examine the Western Australian system under which, if substantial new evidence comes to light, the convenor may submit that material and reconvene the board to consider a reassessment of the average weekly earnings.

The last point about which the Trades Hall Council was concerned was that with the removal of common law there would not be enough deterrent on employers to make sure they maintained a safe workplace. The government has lifted the proposed penalties by more than 500 per cent, from $40 000 to $250 000. I put that to Mr Hubbard and his colleagues yesterday and they took it on board. I think they were surprised that the government was prepared to take on board some of their concerns for consideration. They then left the room.

Today the Trades Hall Council has come back rejecting the government's offer.
Honourable members interjecting.

The SPEAKER — Order! I appeal to the Leader of the Opposition to cease interjecting across the table. If he wishes to ask another question, I believe it is his turn next.

Mr KENNETT — The trade union movement has decided today not to accept the offer. I have therefore decided that the government has acted in good faith based on commonsense to protect and enhance the position of both workers who are currently proved to be injured and those who may be injured in the future. What I have said to Mr Hubbard this afternoon — as I said we met quickly and in good faith — is that in light of that the government will continue to honour its commitment in respect of removing the retrospectivity clause; I believe that is incorrect and flawed. The grandfather clause will remain, but all the other offers the government made that would have provided substantial additional benefits to the workers will now be withdrawn.

Honourable members interjecting.

The SPEAKER — Order! I do not wish to ask the Leader of the Opposition again to cease interjecting across the table. He will leave me no alternative if he does so, and he knows what that alternative is.

Mr KENNETT — The Trades Hall Council found the entire proposal the government put forward to be unacceptable and rejected it. If it rejects it, there is no other proposal left on the table. But the government is leaving in place the grandfather clause because it does not like retrospectivity. The trade union movement’s rejection of the offer will cost its membership dearly, both in terms of the increased benefits — —

Mr Batchelor interjected.

Mr KENNETT — The honourable member for Thomastown says by interjection that we hate injured workers. The government was actually prepared, after negotiation with Mr Hubbard and his crew, to put in place a new offer that substantially improved the position of not only those who are currently hurt but also those who may potentially be hurt in the future. However, in its usual stubborn way, the Trades Hall Council has rejected the offer because it wants to make a political point.

If they do not want the benefits, the community should not have to pay. I make this final point. Tomorrow the Trades Hall Council is going to hold a demonstration, I suspect, because it did not have the flexibility of the government in addressing its concerns. The government met with trades hall quickly and was prepared to come back with a range of options that were a substantial improvement on anything else offered, and trades hall rejected it. It rejected it at a time when job opportunities are being lost in this state.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Mr KENNETT — Only two groups are to be blamed — —

Honourable members interjecting.

The SPEAKER — Order! I make it very clear. I will not warn the Leader of the Opposition again. I will name him forthwith if he continues to interject across the table. I could not make it clearer.

Mr KENNETT — Only two groups can be held responsible by the public: one is the Trades Hall Council and its leadership and the other is the ALP that mindlessly supports it and mindlessly supports the industrial reaction tomorrow.

Mr Loney interjected.

Mr KENNETT — That is your problem. The ALP has no policy. It mindlessly supports Trades Hall Council and works against the interests of every Victorian, whether employed or unemployed and seeking work. The ALP has done nothing in five years to generate any respect from the people of Victoria.

Auditor-General: independence

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his so-called compromise on his plan to nobble the Auditor-General, a compromise described as ‘window-dressing’ in today’s Age editorial.

Honourable members interjecting.

Mr BRUMBY — The Age editorial also noted, as did the Herald Sun, that history will record the names of those who allow this travesty to occur. Will
the Premier now confirm which minister will have ultimate responsibility for Audit Victoria? Will it be the Premier himself or will it be his failed Minister for Finance?

Mr KENNETT (Premier) — The opposition has had a week off to think up some telling questions. And it went yet again to the ALP bible, the Age and its editorial. I do not know what the opposition does when Parliament is not sitting. I do not know why it does not do some work. Why does it always have to rely on the newspaper of the day to frame its questions? I say to the Leader of the Opposition and to the Age, ‘Wait until you see the legislation’. The Age today in an extraordinary editorial has — —

Mr Thwaites interjected.

Mr KENNETT — I guarantee my troops have more support for their leader than your troops have for their leader!

Honourable members interjecting.

The SPEAKER — Order! I would like some support from my troops around the Parliament, and some order!

Mr KENNETT — I know why the leadership of the ALP has to rely on the Age for question time. The four of them spend every week the house does not sit saying, ‘I’m after you, Eddie. I’m after you, Tony’. And George, you are in trouble, too. You know that.

The SPEAKER — Order! I ask the Premier to address the Chair. His addressing individual members does not help question time at all.

Mr KENNETT — They are the Dirty Dozen. And the honourable member for Geelong North is not a happy man. We have your number.

Mr Seitz — You saw how united we are.

The SPEAKER — Order! The Premier, on the question!

Mr KENNETT — Mr Speaker, I do not know if you heard that. Say it again, George

Mr Seitz — You saw how united we are.

The SPEAKER — Order! The honourable member for Keilor normally behaves himself. I ask him to do so again today. The Premier, on the question.

Mr KENNETT — I suggest the Leader of the Opposition wait until Thursday when the second-reading speech is made and when he will see the bill. I know he will be disappointed. It is not nearly as he would have presented it. The Age will probably be terribly disappointed, because it has been building up a head of steam for a while.

Mr Seitz — What about the Auditor-General?

Mr KENNETT — He will wait until Thursday to see the bill and make his own independent assessment.

Mr Bracks — You should talk to him at least.

Mr KENNETT — What makes you think I have not? The honourable member for Williamstown — —

The SPEAKER — Order! Honourable members might notice that there is a group of schoolchildren and other constituents in the gallery. They must wonder what sort of Parliament they have with such appalling behaviour. I ask all members to consider their responsibilities in the chamber. Let us have a bit of decorum during question time.

Mr KENNETT — The honourable member for Williamstown is wrong in the assertion behind his interjection. I suggest you all wait until you see the legislation on Thursday. Even the opposition will rise as one, as we did in the party room today, to support it!

Mr Seitz — How did you like Canberra the other day, Jeffrey?

The SPEAKER — Order! Are there any other comments from the honourable member for Keilor? If there are, I will name him. He is on his last chance.

Stock market: downturn

Ms McCALL (Frankston) — Will the Premier inform the house of the implications of the current downturn in the stock market in Australia and overseas.

The SPEAKER — Order! That is an extraordinarily broad question. I suggest the honourable member rephrase her question in relation to Victoria.

Ms McCALL — Will the Premier inform the house of the implications for Victoria, in particular,
of the current downturn in the stock market in Australia and overseas?

Mr KENNETI (Premier) - The house may be aware that when the Treasurer two weeks ago reported the state's very good surplus on current expenditure, there were calls by a number of people — the media, the opposition, some economists and others — for reductions in taxes and so on.

The government has always been very prudent in the way it has managed the public's finances. We believe that is our first responsibility and we have always tried to make sure that we have a buffer against there being either corrections in the marketplace or unforeseen events that might put the budget at risk.

The current correction, if that is what it is — it may be something more severe, I am not sure — will certainly have an effect on the Victorian budget in the return the government gets from its investments through organisations such as Workcover, the TAC and so on, or through some of the superannuation funds that have investments spread between equities, property and so on. It is important for the house to understand that this only reinforces the need for the country to make some fundamental changes in its taxation and industrial relations policies. Australia will always bear a heavier degree of correction from world activity if its own house is not properly in order.

What is happening at the moment, apart from the direct impact it may have on the budget, may affect exports from the state. Although the Australian dollar has fallen it is true to say that the currencies in many of the countries with which we trade have fallen as much, if not more, and in the agricultural sector two-thirds of all live cattle exports have been cancelled. There are areas in education where we will suffer — we are suffering now, but it could be worse — and there will be other areas of exports in which we may be affected quite substantially.

The budget will be hit at two levels: firstly, from a reduction in economic activity, and secondly, from a reduction in the ability to earn a reasonable return on our equity investments. Regardless of what side of the house honourable members are on that should focus their minds to as quickly as possible, and it is hoped on a bipartisan basis, address some of the great changes required to ensure Victoria is competitive into the 21st century. I suggest that that also should happen at a federal level. It does in some other countries, and it works very much to their ongoing benefit.

The current correction is obviously severe and we will all pay a price. The only thing that is not sure at this stage is the quantum of that price. The only way we can reduce the impact in the future is by making some generational changes to the systems that currently dictate Australian life.

Crown Casino: licence conditions

Mr BRUMBY (Leader of the Opposition) — In light of the agreement between Crown Casino and the Victorian Casino and Gaming Authority that requires Crown to maintain a maximum 60 per cent ratio of liabilities to the sum of its liabilities and shareholder funds or otherwise be in breach of its licence conditions, will the Premier guarantee to the house today that the agreement will be adhered to to the letter of the law and that he will not interfere by doing further deals to support his mates in trouble at the casino?

Mr KENNETI (Premier) - I suppose it only reinforces what I said earlier. Here is an organisation that employs about 7000 people, many of whom are young people who have never had jobs before. Ever since it decided that we were going to have a casino in this state, and once the tender was awarded, the ALP has been absolutely opposed to the casino and to everyone employed by it. This whole issue was a very major test at the last election. Overwhelmingly the public said that the ALP and its denigration of those who seek to provide employment were unacceptable. The ALP failed to make any inroads into its electoral popularity.

Honourable members interjecting.

Mr Hulls interjected.

The SPEAKER — Order! The honourable member for Niddrie will note that the question has been asked by the Leader of the Opposition. The Leader of the Opposition on a point of order.

Mr Brumby — On a point of order, Mr Speaker, I ask to you ensure that the Premier relates his answer to the question that has been asked. The question was very specific, and I ask you to make sure he answers it. Will the Premier adhere to the law, will he enforce the law — —
The SPEAKER — Order! A point of order is not an opportunity to rephrase or repeat the question. There is no point of order.

Mr KENNETT — I feel very sorry for the Leader of the Opposition because he actually goes through life literally hating living, and opposing those in this state who provide jobs.

Mr Brumby interjected.

The SPEAKER — Order! In anticipation of the point of order, I uphold what the Leader of the Opposition was about to say, and I ask the Premier to come back to the question.

Mr KENNETT — As the Leader of the Opposition would know, the relationship between any of the bodies involved in gaming and the gaming authority is an independent relationship. It has nothing whatsoever to do with government.

Mr Brumby interjected.

Mr KENNETT — Do you want the answer or are you going to continue to interject?

Questions interrupted.

NAMING OF MEMBER

The SPEAKER — Order! I name the Leader of the Opposition, Mr Brumby, and I ask the Leader of the House to move the appropriate motion.

Mr GUDE (Minister for Education) — I move:

That the honourable member for Broadmeadows, Mr Brumby, be suspended from the service of the house.

The SPEAKER — Order! Before putting the question I appeal to the Leader of the Opposition, who is one of the most senior members in this place, to set an example and assist the Chair. Will he apologise to the Chair and not continue to interject across the table? The Chair does not want to see the Leader of the Opposition go out of the house, but if he will not apologise he must go.

Mr Brumby — I am happy to apologise to the Chair. It is an emotional issue and I thank you for your tolerance.

Mr Hulls interjected.

The SPEAKER — Order! I have asked the honourable member for Niddrie several times to cease interjecting. If he continues I shall have to take the same action against him, and I warn him that I will not accept an apology on that occasion.

QUESTIONS WITHOUT NOTICE

Crown Casino: licence conditions

Questions resumed.

Mr KENNETT (Premier) — As I was saying in answer to the Leader of the Opposition before he interjected, the relationship between any of the gaming outlets and the gaming authority is one between that body and the authority. I am not aware of any of the matters in terms of the financial arrangements in terms of the current position today, nor if at any stage the authority came to us with a recommendation, as has been the case in the past, would I seek that we take it on board. It shows again how totally out of touch the Leader of the Opposition is with the way the authority works, and the way it works with its constituent bodies, be they gaming houses or places with electronic gaming machines.

Anthrax: northern Victoria

Mr A. F. FLOWMAN (Benambra) — Will the Minister for Agriculture and Resources advise the house of what steps the government has taken to prevent any further outbreaks of anthrax in northern Victoria?

Mr McNAMARA (Minister for Agriculture and Resources) — I point out that since the summer period — the end of March this year — we have had only a further 26 animal deaths on 9 anthrax properties. It clearly demonstrates that the disease has been contained. However, the government is concerned about Victoria facing a long, hot summer and about a recurrence of the problems we had with anthrax last year. To try to counteract that the occupiers of all properties on which anthrax occurred last season and all properties within one kilometre of an infected property have been asked to sign an agreement that they will have all their stock vaccinated before 31 October this year.

We have also required producers to vaccinate replacement or new stock within three days of arrival at their properties and to vaccinate calves
within six to eight weeks. The vaccine is provided by the department and the cost of the vaccination is subsidised by contributions from local industry.

By 31 October animals on some 235 properties will have been vaccinated and 154 letters have been sent to advise farmers of their responsibilities to meet the deadline. The letters also indicated the successful prosecution of a farmer who failed to vaccinate introduced stock, which resulted in the death of several animals from anthrax.

The department will also pay for a laboratory testing facility for anthrax. A temporary pathology unit has been established at Stanhope knackery and the procedures for dealing with dead stock, including destruction of animals and restrictions on stock movement into the area, together with other measures is well in place. Finally, additional vaccine has been stockpiled to ensure that any foreseeable problems can be handled in the future.

Crown Casino: government authority shares

Mr BRUMBY (Leader of the Opposition) — My question without notice is again to the Premier, and I hope he answers this question. I refer to the fact that government authorities including Workcover, the TAC and Vicsuper hold a total of around 23 million Crown shares while other institutional investors, including life funds, have given them a wide berth. I refer also to the fact that a share parcel of that size in Crown is now worth $40 million less than it was at the start of the year and ask: is it not a fact that the government is gambling with the assets of injured workers and injured motorists in order to prop up the share price of a company which is owned and operated by its mates?

Mr KENNETT (Premier) — This is the politics of hate, the politics of envy and the politics of jealousy. You have to go a long way in this country to find someone who has so consistently hated success — —

Mr Thwaites — It is a failure.

Mr KENNETT — You're the failure! I do not know what the equity holdings of those three organisations are, but I would guarantee that all of them hold a swag, for instance, of BHP shares; and in recent times those shares have gone from something like $18 down to $12. Why is it, therefore, that the Leader of the Opposition comes into this place with such a hypocritical argument about one stock losing money when there is a correction going on and yet does not want to mention any of the others? It is because the Leader of the Opposition and his henchmen just so hate the success of an Australian who happens to have invested a great deal of money providing thousands of jobs for Victorians in this state. It is a sad reflection — —

Mr Baker — The difference is that Parliament granted the licence.

Mr KENNETT — It is an investment.

Mr Baker — Parliament granted the licence. That is a big difference.

Mr KENNETT — And who created the licence? The Labor Party!

Mr Baker interjected.

The SPEAKER — Order! The honourable member for Sunshine will cease interjecting. If he wants to ask a question I will give him the call next time around.

Mr KENNETT — The only reason there is a casino in this state is because the Labor Party wanted one. The only reason there are gaming machines in this state is because the Labor Party wanted them. We have carried on the very good policy of Joan Kirner, and we are getting the benefit of all that extra employment. However, the Leader of the Opposition so genuinely hates success that I do not think he will ever be happy until every business has been driven out of this state by his party's absurd and absolutely inconsistent attacks.

The Labor Party stands for reduction in employment opportunities rather than growth, as the Leader of the Opposition knows. I suggest that he look at the investment records of each of the three organisations he mentioned. I do not think he will find one share among any of those listed portfolios that is higher today than it was three months ago. I can only suggest it is time the Leader of the Opposition grew up.

Fire Awareness Week

Mr PATERSON (South Barwon) — In the light of this week being Fire Awareness Week, I ask the Minister for Police and Emergency Services to inform the house of preparations for the upcoming fire season.
Mr W. D. McGrath (Minister for Police and Emergency Services) — I thank the honourable member for South Barwon for his question, particularly as the electorate he represents is in a high fire danger area. Most Victorians would now be aware that this week has been proclaimed Fire Awareness Week with a slogan of ‘Fire — Are You Prepared?’ It is very pleasing indeed to see the increase in the use of smoke detectors within residential homes in the Melbourne area. In 1991 very few houses were fitted with smoke detectors but that figure has now reached some 78 per cent. I appeal particularly to the elderly people in our community to install smoke detector systems in their homes to trigger an early alarm of an outbreak of fire.

In relation to other strategies for fire preparedness, the Minister for Conservation and Land Management and I have met with our departmental people to ensure that there is good cooperation between the Department of Natural Resources and Environment and the Country Fire Authority. As Chairman of the Emergency Management Council I have also had meetings with all the emergency service providers — police, CFA, MFB, SES and other government agencies — to make sure that everything is in readiness for what could be a very serious fire season ahead.

It is interesting to note that about one-sixth of Victoria has recorded the lowest 12-monthly rainfall on record between 6 October last year and the end of September 1997. The area affected encompasses about 70 per cent of Victoria’s population and extends from Geelong to the western and northern sides of Melbourne almost to Seymour and then right down through Gippsland as far as Bairnsdale and down to Sale. Rainfall across half of Victoria has been below average this year. I hasten to add that even though —

Mr Batchelor interjected.

Mr W. D. McGrath — The honourable member for Thomastown interjects saying that this question is a waste of question time. I remind the honourable member for Thomastown of what happened on Ash Wednesday in 1983. Of course, he would not understand the seriousness of the situation.

Even though it has been very dry across Melbourne, the Treasurer has assured me that there adequate supplies of water to service metropolitan Melbourne and that Victoria will not therefore be facing water restrictions. That is very pleasing, but considering the tinder dry state of the environment I appeal to everybody to ensure that they put in place fire preparedness and fire prevention strategies that will assist our emergency services if they do have to combat a serious outbreak of fire.

The Dandenong fires of 20 and 21 January could be considered a practice run for what may occur in the future. Fortunately we came out of the exercise very well, thanks to the efforts of our emergency services. At different times this year, either through the accidental lighting of fires, carelessness or stupidity, Victoria could face a serious fire outbreak.

The people of Victoria should take on board the messages from Fire Awareness Week and be prepared, as the fire season approaches, to help our emergency services implement fire prevention strategies and carry out fire prevention methods that will limit the loss of property and people. By working together we will bring about a very effective outcome and fulfil the message of Fire Awareness Week: Fire — Are you prepared?

Crown Casino: Workcover Authority shares

Mr Brumby (Leader of the Opposition) — I refer the Premier to the fact that all the major institutional investors, including Colonial Mutual and National Mutual, have dumped their shareholdings in Crown Casino, but that the Victorian Workcover Authority continues to hold more than 8 million shares. Prior to today a parcel of shares that size was worth $13 million to $14 million less than it was worth at the beginning of the year. Given those facts will the government now accept responsibility for the authority’s investment losses and will the Premier fix the problem by sacking the incompetent minister responsible for Workcover in another place and the board and do what needs to be done instead of attacking the rights of injured workers?

Honourable members interjecting.

The Speaker — Order! I do not want to warn the honourable member for Mordialloc again; he is excessively noisy.

Mr Kennett (Premier) — I well remember at the start of this parliamentary session that the priority was to be jobs, jobs and jobs and regional Victoria, but all we have heard today is a diatribe of accusations and abuse that continues months of misplaced priorities by the opposition as it flounders.
to prove its irrelevance. The investment policies of all government bodies are made independent of government. I have no idea, nor does the government, what those organisations decide to invest in or when they decide to exit. The Leader of the Opposition knows that and is again declaring his absolute ignorance of the way the government and the Victorian Workcover Authority work.

PARLIAMENTARY SECRETARY FOR PLANNING AND LOCAL GOVERNMENT

Mrs TEHAN (Minister for Conservation and Land Management) (By leave) — On Thursday, 16 October the Leader of the Opposition asked a question without notice regarding the involvement of the member for Koonung Province in another place in the Urban Villages project in 1994 involving the EPA and other agencies. The answer is as follows.

I am advised by the Chairman of the Environment Protection Authority that no written consent was given by the authority to engage the member for Koonung Province as the retail consultant to the East Richmond case study for the Urban Villages project.

I am further advised that at no stage did Fisher Stewart, the consultants contracted by the EPA to carry out the East Richmond case study, seek the EPA’s approval for the inclusion of the member for Koonung Province in the consultancy team following the signing of the contract for that project by the EPA and Fisher Stewart.

I am further advised that at no stage did Fisher Stewart seek the EPA’s approval for the inclusion of the member for Koonung Province or any other individual member of the Fisher Stewart consultancy team under clause 7 of the contract.

PETITIONS

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

Williamstown Road: City Link

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

The petition of certain citizens of Australia object to the proposed development of Williamstown Road as the major thoroughfare for all traffic heading to and from City Link (caused by the proposed closure of Graham Street) and Webb Dock (caused by the increased development of the Dock). We believe that there has been insufficient consultation on this issue which has severe implications for our quality of life on residents immediately affected by these changes.

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

By Mr Thwaites (439 signatures)

Natural gas: Bellarine Peninsula

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:

that we the undersigned are deplored at the lack of progress in supplying natural gas to Portarlington, St Leonards and Indented Head.

surrounding areas such as Clifton Springs, Drysdale and Queenscliff have had this service for many years. We find this discriminatory action unacceptable.

Your petitioners therefore pray that the Premier immediately takes charge of this matter and provides Portarlington, St Leonards and Indented Head with natural gas.

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

By Mr Loney (1114 signatures)

Laid on table.

Ordered that petition presented by honourable member for Albert Park be considered next day on motion of Mr THWAITES (Albert Park).

Ordered that petition presented by honourable member for Geelong North be considered next day on motion of Mr LONEY (Geelong North).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr RYAN (Gippsland South) presented Alert Digest No. 9 of 1997 on:

Mental Health (Victorian Institute of Forensic Mental Health) Bill

Law and Justice Legislation (Further Amendment) Bill
Wills Bill
Transport Acts (Amendment) Bill
Gaming Acts (Miscellaneous Amendment) Bill
State Taxation (Amendment) Bill
Crimes (Amendment) Bill
Legal Practice (Amendment) Bill
Unclaimed Moneys (Amendment) Bill
Food (Amendment) Bill
Planning and Environment (Amendment) Bill
University of Ballarat (Amendment) Bill
University Acts (Further Amendment) Bill
together with appendix.
Laid on table.
Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE
Annual report

Mr SHEEHAN (Northcote) presented report for 1996-97 together with appendices.
Laid on table.
Ordered to be printed.

PAPERS

Laid on table by Clerk:

Anti-Discrimination Tribunal — Report for the year 1996-97
Bacchus Marsh and Melton Memorial Hospital — Report for the year 1996-97
Bairnsdale Regional Health Service — Report for the year 1996-97
Beechworth Hospital — Report for the year 1996-97
Benalla and District Memorial Hospital — Report for the year 1996-97
Boort District Hospital — Report for the year 1996-97
City West Water Limited — Report for the year 1996-97
Cohuna District Hospital and Cohuna Community Nursing Home — Report for the year 1996-97
Construction Industry Long Service Leave Board (CoINVEST) — Report for the year 1996-97
Crimes Compensation Tribunal — Report for the year 1996-97
Crown Land (Reserves) Act 1978 — Section 17DA Order granting, under Section 17D, a lease on the Point Leo Foreshore
East Grampians Health Service — Report for the year 1996-97
Emerald Tourist Railway Board — Report for the year 1996-97
Emergency Services Superannuation Scheme — Report for the year 1996-97
Environment Protection Authority — Report for the year 1996-97
Severally ordered to be printed.
Reports of the Minister for Health that he had received the 1996-97 Annual Reports of the —
Alexandra District Hospital
Beaufort and Skipton Health Service
Cobram District Hospital
Far East Gippsland Health and Support Service
Maffra District Hospital
Mansfield District Hospital
Nathalia District Hospital
Numurkah and District War Memorial Hospital
St Arnaud District Hospital
Tallangatta Hospital
Yarrawonga District Hospital
Yea and District Memorial Hospital
Forests (Dunstan Agreement) Act 1987 — Amending Agreement pursuant to section 6
Gas and Fuel — Report for the year 1996-97
Goulburn Valley Base Hospital — Report for the year 1996-97 (two papers)
Greyhound Racing Control Board — Report for the year 1996-97
Hospitals Superannuation Board — Report for the year 1996-97
Inglewood and Districts Health Service — Report for the year 1996-97
Kerang and District Hospital — Report for the year 1996-97
Kyabram and District Memorial Community Hospital — Report for the year 1996-97
Latrobe Regional Hospital — Report for the year 1996-97 (two papers)
Liquor Licensing Commission — Report for the year 1996-97
Loy Yang B Power Station Pty Ltd — Report for the year 1996-97
Maldon Hospital and Community Care — Report for the year 1996-97
Manangatang and District Hospital — Report for the year 1996-97
Maryborough District Health Service — Report for the year 1996-97
Melbourne Port Corporation — Report for the period ended 30 June 1997 (two papers)
Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 1997 and Summary of Variations Notified between 22 May and 30 September 1997 — Ordered to be printed
Metropolitan Fire Brigades Board — Report for the year 1996-97
McIvor Health and Community Services — Report for the year 1996-97
National Parks Act 1975 — Notices of Consent of the Minister for Conservation and Land Management to the renewal of exploration licences in relation to Chiltern Box-Ironbark National Park
Overseas Projects Corporation of Victoria — Report for the year 1996-97
Parliamentary Committees Act 1968 — Response of the Treasurer on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee’s Report on the 1996-97 Budget Estimates and 1995-96 Budget Outcomes
Parliamentary Contributory Superannuation Fund — Report for the year 1996-97
Patriotic Funds Council — Report for the year 1996
Planning and Environment Act 1987 — Amendment No. 106 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:

- All Planning Schemes — No. 568
- Bainsdale (Shire) Planning Scheme — No. L62
- Boroondara Planning Scheme — No. L36
- Darebin Planning Scheme — No. L42
- Flinders Planning Scheme — No. L160
- Greater Bendigo Planning Scheme — No. L51
- Greater Geelong Planning Scheme — Nos R178, R180 Part 1
- Melbourne Planning Scheme — Nos L284, L286, L287
- Melton Planning Scheme — No. L75 Part 1
- Moreland Planning Scheme — No. L40
- Pakenham Planning Scheme — No. L140
- Phillip Island Planning Scheme — No. L72
- Port of Melbourne Planning Scheme — No. L26
- Port Phillip Planning Scheme — No. L40
- Ripon Planning Scheme — No. L15
Surf Coast Planning Scheme — No. R29 Part 2
Swan Hill City Planning Scheme — No. L24
Victoria Planning Provisions — Amendment V3
Whitehorse Planning Scheme — No. L26
PowerNet — Report for the year 1996-97
Premier and Cabinet Department — Report for the year 1996-97
Project Development and Construction Management Act 1994 — Orders in Council under sections 6 and 8 respectively and Statement under section 9 of reasons for making a Nomination Order
Public Service Commissioner — Report for the year 1996-97 (two papers)
Queen Victoria Women’s Centre Trust — Report for the year 1996-97
Rural Finance Corporation — Report for the year 1996-97
Stamps Act 1958 — Report of exemptions and partial exemptions and refunds made pursuant to section 137R for the year 1996-97
State Trustees Limited — Report for the year 1996-97
Statutory Rules under the following Acts:
  Intellectually Disabled Persons’ Services Act 1986 — S.R. No. 106
  Tobacco Act 1987 — S.R. No. 105
Swan Hill District Hospital — Report for the year 1996-97
Transport Accident Commission — Report for the year 1996-97
Tricontinental Holdings Limited — Report for the year 1996
Victoria Legal Aid — Report for the year 1996-97
Victorian Broiler Industry Negotiation Committee — Report for the year 1996-97
Victorian Channels Authority — Report for the year 1996-97
Victorian Dairy Industry Authority — Report for the year 1996-97
Victorian Electoral Commission — Report for the year 1996-97
Victorian Institute of Forensic Medicine — Report for the year 1996-97
Victorian Managed Insurance Authority — Report for the period ended 30 June 1997
Victorian Meat Authority — Report for the year 1996-97
Victorian Relief Committee — Report for the year 1996-97
Wangaratta District Base Hospital — Report for the year 1996-97
Western Highlands Health Service — Report for the year 1996-97
Wodonga District Hospital — Report for the year 1996-97
Wycheproof and District Health Service — Report for the year 1996-97
Young Farmers’ Finance Council — Report for the year 1996-97

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 14 May 1996:

Gaming Acts (Further Amendment) Act 1997 — Section 9 on 1 November 1997 (Gazette No. G42, 23 October 1997)


ROYAL ASSENT

Message read advising royal assent to:

21 October

Construction Industry Long Service Leave Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill
Electricity Industry (Further Miscellaneous Amendment) Bill

Melbourne and Olympic Parks (Amendment) Bill

28 October

Associations Incorporation (Amendment) Bill

Veterinary Practice Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Planning and Environment (Amendment) Bill

Unclaimed Moneys (Amendment) Bill.

ANNUAL FINANCIAL STATEMENT, 1996–97

Mr STOCKDALE (Treasurer) — By leave, I move:

That this house authorise and require Mr Speaker to permit forthwith the Honourable the Treasurer to make a statement not exceeding 10 minutes, followed by a statement of up to 10 minutes from a member of the opposition, on the annual financial statement for the year 1996–97.

Motion agreed to.

Mr STOCKDALE (Treasurer) — The tabling of the annual financial statement for 1996–97 represents a major advance in financial reporting by the Victorian government and for the Victorian public sector as a whole. For the first time the state’s accounts have been presented to Parliament and the community in a manner consistent with best practice in the private sector. The statement incorporates Victoria’s first ever set of audited whole-of-government accounts prepared on an accruals basis. In years to come this will annually provide high-quality information about the financial health of the Victorian public sector and about the sustainability of current government policies.

The consolidated whole-of-government accounts include the entirety of the state’s public sector. They cover the general government sector, public trading enterprises and public financial institutions — all entities for which the taxpayers of Victoria are ultimately responsible. In particular the annual financial statement includes a consolidated statement of financial position as at 30 June 1997. It is roughly the equivalent of a balance sheet showing the state’s liabilities and net assets, a consolidated operating statement for the year ended 30 June 1997 and a consolidated statement of cash flows for the year 1996–97.

The statements have been tabled today together with the traditional budget sector accounts and the uniform presentation framework data, the results of which have already been announced to Parliament. The annual financial statement has been audited by the Auditor-General, whose report forms part of the documents tabled today.

The statement shows that as at 30 June 1997 Victoria’s public sector had total assets worth $71.4 billion and total liabilities of $50.6 billion, resulting in net assets of $20.8 billion. The $71.4 billion in assets includes $20.5 billion in land and buildings; $18.9 billion in plant and equipment; $12.1 billion in roads; and $10.9 billion in investments. Our most significant liabilities as a state were $19 billion in non-current borrowings and $14.7 billion in superannuation liabilities.

The tabling of the documents today represents the culmination of a range of major reforms over a number of years that have aimed to increase the transparency of financial reporting and resource management decisions in the Victorian public sector. In particular the Victorian Commission of Audit when it reported in 1993 recommended that consolidated whole-of-government accounts be prepared.

Since then we have seen the progressive introduction of accrual accounting into government departments; expanding and updating of the financial skills of accounting and management staff; establishment of new valuation policies to obtain consistent and comprehensive dollar valuations of assets, including items not previously given valuations such as schools, roads, buildings, forests and museum and other heritage collections; the installation of new financial computer applications; and the publishing of trial consolidations of the accrual financial statements.

The effect of this new era in financial reporting will be that the Victorian community will be given a clearer appreciation of the sustainability of government budgetary policies. The introduction of accrual accounting means that the full effect of those government policies will appear in the financial accounts when decisions and commitments are
made rather than when cash changes hands. For example, items such as depreciation, increases in unfunded superannuation liabilities and other employee entitlements are all included as accruing expenses in the accrual operating statement, providing maximum transparency as to the long-term impact of government decisions.

The consolidated operating statement shows a $1.68 billion operating surplus for the whole of the public sector for 1996-97, and a $1.37 billion operating surplus for the general government sector. These figures reflect the long-term sustainability of the government's current revenue and expenditure settings. The general government operating surplus is conceptually similar to the traditional cash-based current account surplus adjusted for the effects of privatisation. Thus the positive operating surplus in part reflects the government's policy of running current account surpluses to fund capital and infrastructure spending within the budget. The operating surplus provides an indication of the sustainability of present patterns of recurrent revenue and expenditure. It does not equate to the cash-based sustainable planning surplus which the government has used for budget planning purposes in the medium and longer term.

As with the budget sector outcome for 1996-97, the accrual surplus figures need to be treated with some caution as an indicator of the state's long-term financial position. As I outlined to the house two weeks ago, the budget sector cash-based outcome for 1996-97, which is also being tabled today, indicated a higher than expected surplus net of privatisation — that is, $984 million compared with the 1996-97 budget forecast which predicted a deficit of $0.7 million. This surprisingly strong result occurred for a number of reasons, including higher than expected stamp duty receipts as a result of a strong inner city property market, the duration of which is difficult to predict, indeed even more difficult now than when our officers wrote that sentence; higher than expected tobacco franchise fee collections before the High Court decision on the validity of state franchise fees; and departmental carryover and underspending, much of which has been carried over to the 1997-98 year.

On the traditional cash-based measure, our projected sustainable planning surplus remains around $200 million for 1997-98 and the years ahead, after allowing for the tax cuts included in the 1997-98 budget. In addition, the accrual operating surplus and net asset position is partly affected by the atypically strong performance of superannuation funds in 1996-97, which reduce the state's total superannuation liabilities as well as the accruing costs of those liabilities. Given recent events it is problematical whether returns to the superannuation funds will be able to match their strong 1996-97 performance in the current financial year. Thus the information in today's annual financial statement confirms the financial health of the public sector but does need to be viewed in context particularly for the medium and long term.

Once again, Victoria is at the cutting edge of the national and, indeed, international reform process. The annual publication of a set of audited whole-of-government accrual accounts will provide a powerful stimulus for responsible economic management and an unprecedented level of information for the Victorian community to assess the financial health of their state's public sector. In future the full effects of government decisions will be increasingly transparent through their effect on total public assets and liabilities and the accrual operating balance. This is a major step forward in public accountability and brings government financial reporting into line with best commercial practice. It is also part of a wider suite of reforms which are improving the quality of information available for management and therefore the basis for management decisions.

In conclusion, I would like to acknowledge the immense contribution of the Minister for Finance in the other place, the Honourable Roger Hallam, in overseeing this major reform through the Treasury. The major credit for this innovation and the production of this document goes to Mr Hallam, and I am sure everyone in the House would agree that this is a reform which is long overdue in Australian government. I commend the document to the house.

Mr BRACKS (Williamstown) — Firstly, I thank the Treasurer for the opportunity to reply to the annual financial statement in this form and congratulate the government on this first attempt at permanent whole-of-government reporting, accrual-based accounting, representing the state's assets and liabilities and not having the artificial government distinction of a cash account and a capital account. That is welcome and it is something that both the previous Labor government and the present government have worked towards. In fact, accounting standards across the country will require all governments to do this in the next couple of years, so it is certainly welcome from that point of view.
I do not want to be too glowing in welcoming this move, however. I thought this had slipped off the earth because the last trial consolidated financial report that was presented was in 1994-95. It has taken several years at a time when the asset base of the state has reduced significantly to produce the next one. A large number of asset sales have taken place on which there should be a proper reporting arrangement. The expectation was that there would be a quick follow on from the 1994-95 consolidated account — that is, the trial account. While not underscoring the immensity of the task — I understand how big it is, and this is not the end — it is surprising to the opposition that it has taken so long to get to this point. I say it is not the end because of the other report which was tabled today — I have not yet had a chance of looking at it in much detail — the Report of the Auditor-General on the Government's Annual Financial Statement, 1996-97. The Auditor-General says the task is not complete. He reflects on the budget papers and, in part, his comments go to this financial statement as well. At page 8 of his report he states:

Given that considerable work remains to be undertaken in regard to the development of robust output specifications and associated performance indicators, it is difficult to undertake a comprehensive and conclusive assessment of trends in the level, quality and cost efficiency of service delivery by departments, and to assess the extent to which the government is achieving one of its keys objectives, namely, the provision of high quality services at least cost to taxpayers.

One has only to look at the last budget and some of its meaningless output targets to realise that, and I referred to some of those in my reply to the budget. One example I remember quite clearly was the level of satisfaction with regard to major events in the Premier’s department was the Premier’s own personal satisfaction — an absolutely meaningless output. I am not surprised that the Auditor-General says a lot of work remains to be done, that this is only the start and that at this stage the budget is not a coherent document from which outputs can be assessed.

Another feature of the financial statement is that it confirms that the budget is in a healthy position, and I am not overstating that. I am fully aware that the events of today will have an impact on the budget. One’s comments must be tempered based on the future of the stock market and the investments the public authorities have in it. Nevertheless, the dishonesty in forecasts, which has been the persistent feature of this government for five years has continued, and that should be noted. One has only to think back to the 1996–97 budget in which the Treasurer planned for a $0.7 million deficit. This statement shows that after capital spending there is a surplus of just under a $1 billion. Things do not change that much to have a $1 billion turnaround. Clearly, as he has done for the past five years, the Treasurer underestimated revenue, underspent on outlays and underspent on capital.

These accounts show, for example, that at the end of the financial year $366 million, which should have been spent on key services in education and health, was not spent. It is not as though we do not need the services. One has to say that that is mismanagement. Firstly, the minimal budget applied to those services was not spent and, secondly, some $281 million of infrastructure spending that was budgeted for from the public purse was not spent. The underspending on capital over the past five years totals $1 billion. That is a big sum. What could we have achieved in Victoria with a $1 billion investment in the public sector, as was budgeted for? Thirdly — as honourable members know, Mr Des Moore from the Institute of Private Enterprise comments on this quite regularly — the Treasurer is once again using the old trick of understating the revenue. There is $240 million more in revenue than was budgeted for. Taxes, fees and fines collected $8.4 billion more than was expected.

One could imagine one figure being wrong or a little bit higher, but on all counts this estimation continues to be wrong. The Treasurer wants us to think that somehow the sky over Victoria is falling in and that there is a crisis; and when there is no crisis he wants us to stand up and applaud. He has budgeted for a crisis but there has never been one in the past five years. He should have admitted it was time to give something back. That would have been consistent with what the most recent quarterly report of the Treasury Corporation of Victoria has shown in regard to trends in economic activity. For example, for the first time in two years Victoria had -0.4 per cent employment growth — so employment went backwards in the last reported quarter. That is not a good statistic. For 14 consecutive months unemployment has stood at 9 per cent or more in this state. The figure for countryVictoria has been 10.5 per cent, which is the highest of any state in mainland Australia. In the past 12 months alone 21 000 manufacturing jobs have been lost in Victoria.

The surplus is reported to be $1 billion. Even after the Treasurer's own sustained planning surplus,
which takes into account one-off revenues, there is still a surplus of $600 million. One would think it was time for a mini-budget to reallocate spending — not look at new spending — and to make cuts to the senior executive service. The opposition believes several hundred million dollars could be saved through cuts to the senior executive service in this state. The ratio is well out of kilter with the situation the government inherited in 1992. Some consideration should have been given to cutting and reordering spending. Even spending the budget would help: if the Treasurer had spent his capital budget he would have injected $1 billion into the Victorian economy over the past five years, which would have stimulated and generated much more employment growth.

The picture is not all rosy. The Treasurer thinks that somehow mysteriously the invisible hand will repair the problem in Victoria and that employment growth will be achieved. The figures do not show it and there is some need for government intervention and action.

Honourable members should note that in the financial statement the Treasurer presented today, he also presented his own slush fund — the Treasurer's advance. The repeated mistakes of previous years are being made again in the Treasurer's advance. This represents an unaccountable, retrospective view of spending that is not budgeted for. The Financial Management Act states that the Treasurer's advance is supposed to be for urgent works — that is, things one cannot foresee, such as salary and wage increases, a break-out of anthrax and other things that cannot be predicted. Why, then, for the second year in a row has the grand prix corporation taken from the Treasurer's advance $8.037 million? This is anticipated expenditure. The Treasurer cannot tell Parliament that it was not possible to predict the outcome of the grand prix. The amount comprises approximately $2.7 million on operating expenditure and $5.3 million on capital. How can you not predict capital spending? The Treasurer's advance is supposed to be used for urgent works but it is being used as a slush fund.

The Melbourne Major Events Committee has also put its hand in the Treasurer's pocket. Is it not possible to predict the budget of the committee? Why does it have to dip into the Treasurer's advance? Why has it taken $371 000 from the Treasurer's advance?
with in this bill; and at a time when the government has a confused response to its privatisation proposals, which are being driven by Treasury outcomes rather than transport outcomes.

Instead of dealing with those issues in a substantive and up-front way, the government has introduced this bill, which does not address the important transport issues of the day. It deals with a series of other matters. Each of those are required to be brought before the house as legislative requirements, but they are not the issues of the moment. If there is to be a debate on the important transport issues of the day they must be introduced into this house by the Treasurer. That is an indictment of the problems the Department of Infrastructure faces in dealing with public transport matters.

The report of the Auditor-General on the government’s annual financial statement has been tabled in the house today, and it reinforces the comments I have been making. In a very extensive report on the fiasco of automatic ticketing, the Auditor-General says the Public Transport Corporation has released Onelink from all compensation claims relating to delays in delivery under its service contract. However, although the report has been tabled in the house today, the government has chosen to debate not that specific issue but the various and disparate elements that make up this bill, which does not address the important transport issues of the day. Instead of dealing with those issues in a substantive and up-front way the $370 million fiasco of the automatic ticketing system referred to by the Auditor-General must be left out in the wilderness to decide what is an appropriate safety level.

The Transport Acts (Amendment) Bill deals with four separate and unconnected transport issues: the first of those relates to the reregulation of the tow-truck industry. We acknowledge that the changes are important and significant, but point out that this is not the first time this government has brought matters back to Parliament to deal with tow-truck reregulation. The changes the government introduced in 1995 have not worked. Regulation of the tow-truck industry has been an abysmal failure. The government's earlier attempt has failed. This is a further attempt to bring some sense, security and honesty back into an industry that has, over time, been subject to serious allegations.

The government first attempted to deal with these issues by a process of complete deregulation, which set in place in 1995 despite advice from the opposition. The honourable member for Morwell, who was then the Labor Party spokesperson on roads and the shadow minister, warned the government of the day that its proposed deregulation of the tow-truck industry would be an unworkable disaster. Here we have proof of the accuracy of that prediction. That is exactly what happened.

The predictions of the honourable member for Morwell when the deregulation of the tow-truck industry was first debated in this chamber have, unfortunately, come to pass, and no doubt later in this debate he will deal again with those issues and his predictions.

The second area of the bill relates to the decision of the government to extend the bus accreditation system to cover courtesy services, hire and drive services, and what might be described as non-route or private bus services. Those three categories of bus operations will now be required to comply with the accreditation system. As a consequence they will not be left out in the wilderness to decide what is an appropriate safety level.

This initiative is an important move by the government. It recognises that the attempt to change the bus safety standard requirements that operated under the then Transport Act and have them covered by the Public Transport Competition Act were deficient in the first instance, and that these additional bus services should be covered by the safety accreditation provisions of the bus accreditation system.

The third area relates to changes to Crown land reserves in central Melbourne to provide for the re-routing of the Wattle Park tramline, a necessary consequence of the Federation Square and Exhibition Street extension projects. Those projects were announced on previous occasions by the government and will have a significant impact on Melbourne's public transport — one consequence being the need to re-route the Wattle Park tramline.

Mr Maclean — Re-route?

Mr Batchelor — Obviously the tram has to go somewhere. We do not support attempts to cut off public transport to the eastern suburbs. It seems from his interjection that the Minister for Planning and Local Government has some ulterior motive. Perhaps the government really did not want these tram services to continue after it put together the Federation Square and Exhibition Street extension
TRANSPORT ACTS (AMENDMENT) BILL

ASSEMBLY Tuesday, 28 October 1997

projects, but thought it could get away with cancelling out the tram services to the east.

Of course the opposition wants the Wattle Park tram service to continue. It will reject any and all attempts by the government to close it down. If you have any other little secrets hidden away, Minister, why not drop them all out on the table so we can have a look at them?

The fourth area concerns the repealing of three redundant acts — the South Australian and Victorian Border Railways Act, the King-street Bridge Act, and the Railways (Standardization Agreement) Act. Where necessary some of the features of those acts will be picked up and warehoused, if you like. Rather than having three acts on the statute book that for all intents and purposes have ceased to be relevant for a whole range of reasons, they will be kept alive in other ongoing acts such as the Transport Act.

Those four areas are significant. Although the opposition will not be opposing the bill it needs to place a number of concerns on the record because there is an enormous amount of public interest surrounding a number of the initiatives. I refer firstly to the reregulation of the tow-truck industry. In the past that industry had some unsavoury features. Cowboys and standover merchants were allowed a safe haven. Following the reregulating of some aspects of the industry many of those types were driven out. However, the industry is not entirely devoid of those characters and the government of the day needs to be constantly vigilant to ensure that this type of unsavoury activity is not allowed to flourish.

I understand that in anticipation of the implications of this bill some of those people have moved to Queensland where the lack of regulation allows them to flourish and to go about standing over people and rorting the system. We certainly do not want them here in Victoria.

We do not want them to be in Queensland either, but that is not in our area of responsibility; and we do not have the ability to do anything about it other than to alert our colleagues in Queensland as to what is happening and what is likely to happen and try to get the conservative government there to use some commonsense and acknowledge that there is a role for regulation in service industries.

Not only is there a role for regulation, it is very clear that unless there is some government regulation in certain areas abuse will flourish, bad elements will come into the industry and the exact opposite of what the government claimed it was setting out to achieve will arise. When there is no regulation in the industry opportunities can arise for abuse, corruption and the use of standover tactics. In completely deregulated environments where the deregulation has been driven by ideology rather than commonsense, after a very short period governments have had to acknowledge the problems and that they need to reregulate.

The honourable member for Morwell foresaw some of these very real problems and will be making a significant contribution to the debate on tow-truck reforms. Although the opposition will be prepared to accept those reforms it thinks some still do not go far enough and that the government may have to come back to look at the issue in the future.

The second area dealt with in the bill is the extension of bus accreditation. Approximately 3200 buses operate in the areas that will now be covered by the bus accreditation system. They come under a number of different categories but the ordinary person would know them as hotel courtesy buses. At the airport often one sees courtesy buses arriving to pick up international and domestic travellers to take them to the leading hotels in town as well as specialist services that come from various regions of Victoria. One would think that those two classes of buses would perform the same type of work and would be covered by the same sets of regulations, but that is not the case.

There has been a growth in the provision of courtesy services and there is a need for companies and individuals that provide those services to make sure they are covered by the minimum safety standards, as are other route bus operators. The ordinary man and woman in the street seeing those buses in operation would assume that the safety standards that apply to other forms of bus services would also apply to them. It is hard to distinguish between them.

The change also affects buses that are available on a hire-and-drive basis. Many people get together on a regular or casual basis and hire buses from car or vehicle rental companies. They expect those buses to be conveyed to them in a safe way and that the buses have been subject to the same sorts of checks and inspections as apply to other buses that carry people to and from functions and events. However, because of the way the previous system operated that has not been the case. The third class of buses
TRANSPORT ACTS (AMENDMENT) BILL

that will be caught up by the change is the class which I have described as non-route buses and which are also described as other private services.

The fee will be an impost that the commercial providers of passenger services can factor into their business operations. However, for many community organisations, private bus owners and the non-route bus service operators it will be a financial impost that will create some difficulty.

When members of the opposition asked during the briefing provided what the fee might be and how it would relate to the different sectors of bus accreditation that will come in as a result of this bill becoming law, we were told that the quantum of the fees in relation to the various categories was not known. However, we were assured there would be a graduated scale of fees; a smaller fee would apply to the community-based, non-route bus services and a correspondingly higher rate would apply to those buses used in commercial passenger services that are subject to a certain level of safety accreditation and paid for by either the customer or the government.

In addition, higher standards of accreditation will not automatically apply to the three new categories, and the opposition believes that is important.

Follow-up advice from the department indicated that the Victorian Taxi Directorate administers bus licensing on behalf of the Department of Infrastructure but very few buses are subject to licences. It is anomalous that a private omnibus service — which, on the advice I am given, provides for the carriage of passengers for and in connection with activities of religious and philanthropic, educational, sporting and social bodies — must pay $150 in social fees but no annual fee. It will now be subjected to an annual fee plus the cost of making the correct administrative arrangements to put in place the technical requirements of the accreditation fee. That will mean community organisations will be charged for a system based on an annual fee rather than an up-front $150 application fee.

Although it is not specific in the advice given to me, I would expect that there would no longer be a need for the $150 application fee and that it would be covered by the ongoing annual fees. It must be recognised that not only is there a need for a graduated scale but also for a much smaller fee to be levied on community organisations than is levied on commercial operations. A sense of fairness and equity must apply. The fee is intended to cover the costs of administering the bus operator accreditation
scheme, but obviously the major portion of the costs of operating the accreditation scheme, which is already in place, should be borne by those companies that have agreed to the introduction of an annual fee. The buses of the non-commercial, religious, philanthropic, sporting and educational bodies should incur only an additional marginal cost. The additional cost to include those services in the already existing scheme should be small and should not be used to cross-subsidise the commercial operations, which obviously have a greater capacity not only to pay the fees but also to pass on the cost to their client base.

A fee will be imposed, and the opposition has been given an assurance that it will be a graduated fee. I ask the government to take into consideration the difficult financial situations of many community organisations. It cannot be assumed that they will be able to carry a heavy fee load on an annual basis.

The third area covered by this bill relates to the re-routing of the Wattle Park tram. The proposal is to have the tram route, which currently comes down Swan Street beyond Punt Road, leave its existing alignment and travel around the northern boundary of the National Tennis Centre and over the Jolimont railyards via the new bridge that will be built as part of the Exhibition Street extension. The route will continue over that bridge and turn left into Flinders Street and continue on down Flinders Street.

That change in route will not be without substantial impact on a number of different people. It will certainly advantage some people. Instead of ending at St Kilda Road, presumably the tram will travel further along Flinders Street and turn back at some other terminal to commence its return journey. That will provide an extension of services for people on the Wattle Park line; it will get them further into the heart of the city, and that will be to their advantage.

The disadvantages will be faced by a number of others. For example, this route acted as a shuttle service for major sporting events in the entertainment and sporting precincts, particularly the National Tennis Centre. The Wattle Park tram route between St Kilda Road to the tennis centre provides very good public transport access to the tennis centre and moves thousands of people in and out of the area, particularly during the Australian Open. The PTC generally does a terrific job transporting people to and from sporting events. It will still be done with the new tram route but it will not be as efficient as it has been because the shuttle service will come along Flinders Street, where it will be caught up in the traffic. When it travels along Batman Avenue from St Kilda Road down to the tennis centre it is not travelling through an area of high traffic volume. Further east along Batman Avenue there is an enormous amount of traffic pressure, but in the area between St Kilda Road and the tennis centre the opportunity exists to have an almost segregated tramline by virtue of the fact that there is little competing traffic to slow down a tram service. That will not be the case with the trams coming along Flinders Street until they are past the extension bridge and can veer off to the existing boundary between the Jolimont railyards to the north of the tennis centre. As a result the important shuttle function the current route offers between the tennis centre and the city will not be as good.

The proposed tram route will not service the southern parts of the sports and entertainment precinct because it will be further to the north and thus further away from Olympic Park, the Glasshouse and the front entrance of the National Tennis Centre. The realignment will disadvantage some patrons of that tram service, users of the sports and entertainment precinct and the people who work in the entertainment centres. It may also mean increased security problems because events at the Glasshouse often finish around midnight and patrons will have to walk through the National Tennis Centre precinct to use the tram service. Special attention will need to be given to the way patrons of sporting events at the Glasshouse get to the tramline to take advantage of the public transport facilities.

The bill also repeals three redundant acts which, as I mentioned earlier, by and large do not have any administrative function, although there are some aspects which, as I described earlier, can be warehoused in other acts.

The King-street Bridge Act contains provisions for immunity against collisions and problems that may arise with the structure of the King Street Bridge and which, rightfully so, are picked up by the Transport Act. Some of the savings provisions are still relevant and are ongoing, but the amendments will remove from the statute book three redundant acts while retaining essential elements of those acts in the Transport Act.

The King-street Bridge Act was established in 1957 to provide for the construction of the King Street Bridge which, as we all know, collapsed at one stage. I do not know whether the immunity provisions are such to cover the problems confronting Crown
Casino, which is built over the King Street Bridge. I do not think there will be protection or immunity provided in this bill for the potential financial collapse of the Crown Casino!

Although in the past the opposition has been critical of governments for introducing omnibus bills, it acknowledges the separate importance of each of the individual components of this amending bill. However, as I said at the outset, the opposition would have preferred to be debating important and significant transport issues such as the automatic ticketing system and the privatisation and fragmentation of the public transport system. When the opposition has the opportunity of debating those issues it hopes the government will come clean and tell the community the facts of those debacles. This housekeeping matter could have been dealt with earlier or later and should not be used as an opportunity to avoid debating more important public transport issues.

In conclusion, the opposition will not oppose the bill in its entirety or the individual components but asks the government to get its act together and introduce in this place without delay the more important matters relating to public transport. It should stop hiding behind the actions of the Treasurer, who takes administrative responsibility for the privatisation of public transport.

Mr ROWE (Cranbourne) — The Transport Acts (Amendment) Bill amends the Transport Act to improve the administration of the towing industry. It also amends the Transport Act and the Public Transport Competition Act to remove hire and drive buses and private buses from the licensing requirements of the Transport Act and brings them under the accreditation regime of the Public Transport Competition Act.

In the fullness of time the honourable member for Thomastown will get his wish for a full and frank debate on the issues he raises because the government has nothing to hide with public transport. The government has brought about great change in the public transport system, with the cooperation of the union movement, which found it difficult to deal with the Labor Party. Indeed, some members of the union movement still do not speak to the shadow minister because they remember the debacles brought about by the former Labor government.

As I indicated, the bill makes some administrative changes to the towing industry as a result of the far-reaching reforms made by the Transport (Tow Truck Reform) Act, which introduced a simplified towing truck licensing regime and strict character qualifications for those people who wished to carry on the business of a towing operator.

As a past member of the Victoria Police, I can attest to the thuggery and standover tactics that were rife in the Dandenong, Waverley and Springvale roads areas during the time I was a member of the force. It took this government to take certain steps to clean up the industry. This bill deals with issues raised by the industry, the police and the community.

One of the reforms introduced in the principal act was the ability for tow-truck operators or licence holders to piggyback their allocation entitlements. Instead of having one entitlement per tow truck they could take a tow truck off the road, hand the plates to Vicroads and one truck could therefore pick up two allocations. That happened on a number of occasions. Some administrative problems have arisen for the licensed operators. Because the tow-truck allocation is a valuable asset they may wish to reverse their previous decisions about putting their licences together, which will enable them to realise that asset. The bill will allow that to happen.

The introduction in 1994 of the stricter character qualification saw a mass exodus of the criminal elements in the industry. My colleague the honourable member for Frankston East tells me that most of them are now on the Gold Coast. However, those amendments did not go far enough and the bill seeks to address some anomalies. For example, the original legislation allows for disqualification of a person who is convicted of theft under the Crimes Act, yet conspiracy to commit theft is not covered. Crimes under commonwealth legislation, transport accident and Workcover fraud, and so on should be disqualifying criteria. That matter is addressed in the bill.

The Victorian Tow Truck Directorate will be given the power to suspend the licence of an accident towing driver for offences that are not covered by the existing disqualification criteria. The directorate will have the ability to better manage the industry and will be able to deal with people who fail to take warnings to heart by imposing a harsher penalty of a disqualification for a fortnight or so. Such action will tend to focus the minds of offenders because their incomes will be affected.
The bill makes another minor amendment that addresses an anomaly in the act and enables a storage agreement to be entered into at the same time as a towing agreement. Although it will be a separate agreement it will probably be on the same form. A person will be required to sign both an authority for the tow and an authority for storage at an authorised depot.

Tow-truck operators will also be able to collect storage charges when vehicles are released. A new procedure will provide for vehicle owners to receive regular notices from towing operators advising them that storage charges are accumulating on stored vehicles. The fact that owners will continue to receive such notices will ensure that people act expeditiously to safeguard their interests after being involved in accidents.

Clear evidence exists that the original legislation has given the Victorian Tow Truck Directorate the tools to direct and prosecute offenders, and that the penalties provided make acts by those who wish to flout the law an expensive exercise. The bill is an extension of the government's commitment to ensuring that road users and members of the general public are protected from those who seek to prey upon them.

The bill provides also for the relocation of the tramline along Batman Avenue as a result of works related to the Exhibition Street extension. I do not know how long it is since the honourable member for Thomastown went to the National Tennis Centre, but the other night when I went there to hear Jon Bon Jovi I walked the distance of the proposed relocation of the tramline. It will enhance the use of the entertainment facilities by allowing access directly from the centre of Melbourne.

The opposition will not support anything without a complaint or at least a kick in the ankle. It has taken the opportunity of attacking the services that will be provided by the new tramline, which is an initiative developed by the Department of Infrastructure, the Minister for Transport, the Minister for Planning and Local Government and the Minister for Roads and Ports to give people easy access to the facilities in the sports and entertainment precinct. The tramline will travel along the railway reserve, go up over the new bridge and into Flinders Street. Even the tram drivers will relish having a new track in a dedicated reserve because it will allow them to try out the performance standards of the trams in safety.

The new tramline will benefit Melbourne. The visions of the planners of Melbourne, who envisaged a direct link from the centre of the city along Exhibition, Russell and Swanston streets, will be realised by the government some 150 years after the city was planned. It again shows the government's dedication to making Victoria a better place in which to live.

The tramline will be of benefit to the patrons of facilities such as the National Tennis Centre, the Glasshouse, Olympic Park and even the MCG, which can be accessed by crossovers at the tennis centre and further down the road. The availability of access to the area by tram will assist the elderly and parents travelling with young children who wish to see the mighty Bombers win the AFL premiership in 1998. I am sure the honourable member for Tullamarine will use the new tram service on many occasions to get to the MCG to see his beloved Tigers play.

My main input on the bill has been in relation to buses. The Public Transport Competition Act requires operators of road transport services to be accredited. More than 5400 buses, including regular passenger services covering route and school services and charter and tour services are captured by the definition and therefore are required to be accredited. They must meet operator competence, service and safety standards. Other bus services, such as private, courtesy and hire-and-drive services are not included in the accreditation arrangements in the 1995 act.

Operators of such buses often cater for the same tourist market as tour and charter bus operators and it seemed reasonable that they should be covered by the same safety, quality maintenance and driver competence standards. The amendment picks up approximately 2700 private and courtesy buses operating in Victoria. The buses are typically operated for specific clientele groups, such as community groups or hotels, and are usually part of a much larger business. They are also operated by schools. Generally the buses are not available to the general public.

Another category of buses picked up by these amendments is hire-and-drive buses, about 500 of which are operating in Victoria, mainly by Hertz or Avis, although even Grenda's may hire out some of their buses on a hire-and-drive basis. In such cases a driver is not provided. I am sure operations such as Grenda's or Ventura would provide buses equal to those provided for all other services, but if one goes
to Hertz, Avis, Ace car hire or Dick Smith hire, or whoever else might hire these buses, one cannot always be sure that the buses have been maintained to the highest standard.

In many instances the buses in question do not have regular base maintenance checks and a quality assured maintenance program is not in place; and there is always the danger that the public who utilise such buses may be placed at risk. After much consultation with the industry it was decided that these buses should also be picked up by the legislation and required to meet the same exacting standards as apply to all other buses.

The bill provides for the accreditation of operators of private, courtesy and hire-and-drive buses to ensure that industry standards for vehicle safety are applied equally to all buses carrying passengers in Victoria. The bus industry participated in the development of the accreditation standards and is very supportive of bus operator accreditation, but only to the extent that it applies equally to all vehicles operating on the road and that there is a level playing field.

The bill also provides for the introduction of an annual fee to recover the costs of administration. The fees and the policy framework for the introduction of operator accreditation was developed by a working party which comprised representatives from the bus and coach industry, the former Department of Transport — which is now the Department of Infrastructure — and VicRoads. The fees are designed to cover the costs of application assessment, administration audit and enforcement.

The working party unanimously agreed that the department should be adequately resourced to undertake the appropriate level of auditing and enforcement. The working party also agreed that the cost of administering the scheme should be recovered through the levying of fees. Fees for road passenger services are currently being developed and will be included in the regulatory impact statement that is being prepared in support of the public transport competition regulations.

It is likely that the fees will be structured to reflect the costs of administering the type of operation involved. For example, fees for a road passenger service — that is, a route, tour, charter or school contract — that will be required to gain accreditation to meet the full complement of industry standards covering operator competence, service and safety are expected to be higher than those for private, courtesy and hire-and-drive services that are required to meet only vehicle safety standards to gain accreditation. If the bill passes, fees for private, courtesy and hire-and-drive services will also be part of the regulatory impact statement.

The bill provides for transitional arrangements over an 18 month period for all existing operators of road transport passenger services before they need to be accredited. It also introduces the same type of transitional arrangements for other operators to give them sufficient time to comply with the accreditation requirements.

The Public Transport Act also requires that persons who drive buses must have a driver accreditation or hold a driver authority. This is similar to the taxi provisions, which provide that taxidrivers must be fit and proper persons. We cannot have people with records for assault and other serious offences — murder, rape and those types of things — driving buses. The Victorian Taxi Directorate is the authority responsible for administration of the driver certificate scheme and it will also be responsible for the proposed driver authority scheme.

The requirements to authorise drivers of passenger vehicles under the Public Transport Competition Act and the Transport Act could create some administrative difficulties. To avoid duplication the bill proposes to defer the introduction of the driver authority and to rely on the existing machinery of a driver’s certificate under the Transport Act. That will remain in place until the national competition review of transport legislation considers whether a single mechanism should cover drivers of all forms of public transport.

The bill also deals with the repeal of certain statutes, which is appropriate. The first is the South Australian and Victorian Border Railways Act, which ratified an agreement between the two states in relation to the operation of connecting railways. There is no longer any corresponding South Australian act — South Australia got rid of it long ago — so there is no longer any obligation on the South Australian government. The Victorian lines no longer connect and the former connecting South Australian lines were sold off to the commonwealth long ago. The act is redundant. The King-street Bridge Act is also redundant.

Mr Batchelor interjected.

Mr ROWE — As the honourable member for Thomastown suggests, it may be falling down. It was enacted a long time ago and the act is no longer
TRANSPORT ACTS (AMENDMENT) BILL

necessary. The final act the bill will repeal is the Railways (Standardisation Agreement) Act. The act provided for the installation of the standard gauge railway line between Sydney and Melbourne, which was concluded some time ago. The only provision in the act that gives the PTC power to operate the railway is covered by powers granted to the Public Transport Corporation under the Transport Act.

This bill will continue the good administration of transport under the Minister for Transport and his predecessor. It ensures that the public of Victoria will be able to travel in confidence in buses of all sorts — hire-drive, courtesy or general route or charter buses. It will ensure that if people have a motor vehicle accident they will not be heaved into signing agreements they might otherwise not want to sign. People involved in accidents are usually under a great deal of stress. As I said previously, this government believes in protecting the rights of its citizens from those who wish to commit crimes against them or to use standover tactics in order to achieve financial gain.

Finally, the extension of Exhibition Street, that great vision of our forefathers, is being delivered by the Premier and government of Victoria for the benefit of all Victorians. It will open up the entertainment precinct and enable greater and easier access. It will complement City Link. It will also return the area along Batman Avenue to public use as parkland and open up that whole river aspect to the Federation Square project — another great project of the Victorian government. The government is giving the people of the state the benefits of good administration. I commend the bill to the house.

Mr HAMILTON (Morwell) — It was amazing that it took the honourable member for Cranbourne some 22 minutes before he became a bit passionate about the bill. I am not even quite sure he was passionate about it — he seemed more passionate about having Exhibition Street extended. I hope I live long enough to see it!

Mr Cooper — I think you might.

Mr HAMILTON — The minister must think I am in pretty good health.

Most of my comments will be about the amendments to the tow-truck regulations, which are a step in the right direction, as they are necessary and overdue. However, the bill also deals with a number of other important matters. Indeed, I was interested to hear the words of eloquence from the honourable members for Cranbourne and Thomastown about the re-routing of the Wattle Park tramline. For people like me who live in Morwell, there is no need to worry about re-routing our tram tracks — it would be nice to get one!

I wondered in those passing moments whether the government still believes Victoria ends at the tram tracks. I am absolutely wrong about that because it does not even get to the end of the tram tracks — the government thinks Victoria ends at Burwood or Brighton! The opposition is a bit concerned about comments like ‘Victoria ends at the end of the tram tracks’ because it does not, and I am pleased that in one section of the bill —

Mr Perrin interjected.

Mr HAMILTON — Isn’t it marvellous how the wheel turns! I can remember the Minister for Transport saying exactly the same thing when he was on the opposition side of the house. Indeed, I think the evidence is even more startling today than it was in those halcyon days of the Labor government in Victoria.

I am aware of what is happening to the train tracks in my part of the world. All sorts of rumours are floating around, including that with the impending or proposed privatisation of V/Line the rail service might be truncated even more than it is now. Honourable members will recall that in its great thrust to reform — that has now become a dirty word and is almost in the category of four-letter words — the government closed the Sale–Bairnsdale line, so that train services were chopped off at Sale. There is a great deal of concern, which every country Victorian ought to be well aware of, that the privatised rail line will not go past Traralgon, so we will be left with another vacant rail line after private operators move in. It is quite clear that the private operators are not interested in providing a public service. They are interested in providing a profit for their shareholders — indeed, with the state of the stock market today, they ought to be interested in providing a profit.

In his consideration on re-routing the tram tracks, I ask the minister to provide a guarantee that our train lines will not be truncated.

Mr Cooper interjected.

Mr HAMILTON — The minister does not like talking about country Victoria, because if something is outside Melbourne, he is not interested.
Mr Cooper — On a point of order, Mr Acting Speaker, I direct your attention to the fact that the honourable member for Morwell has now strayed well away from the bill. The bill has nothing to do with the privatisation of rail lines and certainly nothing to do with the rumour the honourable member is now attempting to start that there will be some sort of train line truncation in Gippsland. I ask you to bring the honourable member back to the bill. We would all be obliged if he could now actually touch on it. He has been on his feet for 4 minutes and so far has not addressed the bill at all.

The ACTING SPEAKER (Mr Cunningham) — Order! I thought the honourable member was making a passing reference. If he wishes to go further than that, I shall have to bring him back to order.

Mr HAMILTON — It was a passing reference, Mr Acting Speaker. I note the minister did not deny the rumour. He had a perfect opportunity to do so, but he remained silent. Of course, that is further evidence that his consideration does not go beyond Melbourne.

The bill puts controls on courtesy buses, which have been a growth industry. Most of the major clubs, including the RSL and certainly those with poker machines, in my electorate provide courtesy buses. The buses provide an important service to the public; they offer people the opportunity to dodge the booze buses, or the thousands of other cars that can now be classed as booze buses. Indeed, it is appropriate that the government recognise that the safety and quality of the service should be equal to or perhaps better than the service provided by other buses.

I have fixed the minister right up — he is walking out of the chamber! I knew he could not handle it if the discussion extended beyond Melbourne. I knew I would lose him as soon as I started talking about country Victoria — and the evidence is now before us all.

It is great in spirit and theory to have courtesy buses accredited and their quality and safety guaranteed. However, the real test is the ability of the government or its departmental officers to carry out quality inspections. In its great rationalisation of the public service, the government ensured that many of the experienced bus inspectors who had been with VicRoads, including nine in my local area, were sacked. So there is a dearth of qualified and experienced people to ensure that what goes into legislation ends up being carried out on the ground.

When we are talking about self-regulation, the so-called free market forces and all the acronyms used to describe deregulation, we realise the government does not have the resources in its control to implement the legislation. Indeed, we want to see an audit report in next year’s annual report on the number of inspections that have been carried out on courtesy buses and other buses that are included in the proposed legislation. A record must be kept of what has happened, who has done the inspections, what qualifications they have and what guarantees the public can have. That is little enough to ask, and it ought to be on the record in the annual report of the public transport department.

I shall refer briefly to clause 25, which inserts an amendment in section 56(2)(r) and adds to the power to make regulations the provision for the recovery of the cost of the storage and disposal of abandoned vehicles. This area must be addressed and worked through. Recently in Morwell someone abandoned a vehicle in the driveway of a block of units, where it blocked the entrance. The residents of the units rang the police and asked for the car to be removed. The police came around and said because the car was on private property they could not remove it. They suggested the residents contact the municipal council. They did so and were told that the council also could not remove the abandoned car. Then the residents contacted VicRoads and got the same response. According to all reports, the vehicle could not be driven; it was definitely abandoned, but no-one would accept responsibility for its removal.

It was an absolute disgrace. It was bureaucracy gone mad. You would not get that sort of behaviour in Yes, Minister would you? You would not expect it anywhere.

Eventually, to its credit, the local council accepted responsibility and removed the vehicle. I do not know that anybody has ever recovered the cost. Generally, the financial circumstances of persons who abandon vehicles will be such that they will not have the money to pay for storage or removal anyway; so again we will be faced with being unable to implement this clause of the new bill when it is in place.

We need to address the scourge of abandoned vehicles. I am not sure what happens around the City of Melbourne. I know in country Victoria
abandoned vehicles seem to appear on the edge of the road at regular intervals. No-one owns them, no-one takes any responsibility for them, and somebody has to remove them and take them down to the wreckers or the metal recyclers or whatever and arrange for their disposal. Although it is good in theory it is another piece of the legislation that will be terribly difficult to implement.

I shall return to the major part of the bill — the further changes to the regulations governing the operation of tow trucks. As I said when the previous bill was before the house, and, indeed, in 1993 when the mutual recognition bill, which deregulated the tow-truck industry, was before the house, can you imagine anything more stupid than deregulating the tow-truck industry with its reputation and record? Of course not. Yet that is what the government has done. The opposition said in 1993, and again in 1995, that that would not work.

Although the bill again addresses some of the problems, it does not look at the nub of the problem. It assumes that all the problems in that industry are the responsibility of the tow-truck drivers and/or the tow-truck owners, and of course that is not so. There are a number of players and, until we can regulate all the players, we will continue to have problems in the industry.

As well as the tow-truck owners and operators, there are also the repairers, and quite often they are very closely related. Then of course we have the insurers, who seem to have a vested interest in the whole business. We also have the allocators in the restricted areas of towing and, strange as it may seem, that is still done by the wonderful RACV. One would have to question conflict of interest. When I raised this matter before with the RACV, it said, 'Oh no, it is a separate company'. That is rubbish. It is the same organisation. So it might want to put something in its left-hand pocket and not tell its right-hand pocket about it. However, it has a vested interest. As the allocator and as an operator of a major motor insurance company it is without a shadow of a doubt partly responsible for some of the rorts and criminality that go on in this particular industry. The insurance companies, like the RACV and GIO and all the rest of them, have a responsibility to make sure the industry is clean.

Indeed, it entered into contracting out, downsizing and all the other dirty work that has been associated with economic irrationalism. It now has a system where assessors contract out assessing for insurance companies. I am told by operators in the repair industry that the contractors are not very good at their job, they are not qualified, and their only job is to look at the quote given by the repairer, knock off 10 per cent, and then approve it.

That would assume the repairers are stupid, and the repairers are not stupid. By and large they are very intelligent people. That is how they stay in business. It is amazing that as part of its so-called cost saving the insurance industry will get rid of experts for what is an expert part of the whole business of repair work in the motor vehicle industry.

I do not want to come back in 12 months and find a new bill further regulating tow-truck operators. The opposition wants to make sure the industry is cleaned up. It is no good cleaning up one part of the industry so that the most perfect people in the world are driving tow trucks and tow-truck operators are so well respected that they have on reverse collars and you mistake them for the local ministers or priests. Until the rest of the industry is brought into line, we will continue to have problems.

I take the house back to Tuesday, 21 March 1995. It seems a long time ago. At page 528 Hansard records a reasoned amendment I moved to the Transport (Tow Truck Reform) Bill. I shall reiterate what was said in that reasoned amendment. It said the bill should be withdrawn until certain actions were taken. The first was that a public consultative process should be put in place to consider a number of things. The public consultative process must address the problems identified by the government in this legislation. However, it is no good consulting those with a vested interest only. The VACC has a vested interest, the RACV has a vested interest and the tow-truck operators have a vested interest. We need to have broader public consultation. It almost requires one of our joint committees of Parliament to make sure we get all the players together, because clearly the industry is not right.

The minister's second-reading speech says quite clearly that the number of accidents is going down; yet the number of tows has continued to rise to approximately 4000. So obviously something is wrong. Everybody knows something is wrong, and it is no good tinkering at the edges. In calling for a public consultative process the reasoned amendment asked that the government consider, firstly, criteria designating controlled areas. That was one of the aspects addressed in the last bill. Indeed, at this stage it is not seen to be a problem because there is no extension of it. Secondly, the reasoned amendment sought guidelines for defining
TRANSPORT ACTS (AMENDMENT) BILL

Tuesday, 28 October 1997

future needs for the allocation of additional licences. There is mention of the licence process system in the bill. As implied in the reasoned amendment in 1995, the licence allocation process left a lot to be desired, and the opposition was proven right.

Thirdly, the reasoned amendment asked that the public consultative process consider details of the demerit point system. That was not mentioned in the 1995 bill; it was left in the trust-me category. The minister said, 'Trust me. We will fix it up. We will make sure the demerit point system works'. Clearly the government has not done so. The demerit point system has not been addressed in this bill. Clearly the system has been rorted over the ensuing two and a half years. So the criteria in the reasoned amendment were not met despite the opposition's urging the then minister to address them before he went ahead with the 1995 legislation. The opposition also asked that the bill be withdrawn and not resubmitted until it contained guarantees enabling the one or two licensed tow-truck operators to stay in business.

The small operators had to be able to stay in business and not be rolled over by the big operators. Licences were being abused and have continued to be abused, otherwise we would not have the change that is contained in this piece of legislation. At that time the opposition asked for an audit system to be put in place to monitor industry performance. There has been no audit system because it is not possible to sack half of the employees of Vicroads and expect them to do twice as much work.

There had never been auditing of the tow-truck industry — it had been deregulated and prior to the 1995 legislation there was no audit system in place. Clearly that legislation did not work and it could be argued logically that we will see another piece of legislation on the tow-truck industry having to be brought in because the bill gets stuck into one section of the industry.

The bill assumes that all the problems in the industry are the fault of tow-truck operators, and that is absolute rubbish. The opposition told the government in 1995 it would not work and we are now saying that because it has addressed only half of the problems of one section of the industry it is unlikely that the industry will be cleaned up. It is unlikely that even the proposed changes will clean up this industry because its history will not disappear overnight.

I recall the remarks of the honourable member for Frankston East, who was involved in the industry. I believe he was one of the good operators and would not have been involved in any of the rorts. One could not imagine him riding shotgun in a tow truck, touting for business or using thugs. One could certainly not imagine him taking a weapon along — not just a tyre lever or a gun, but a bloke about nine feet tall who had muscles made of steel. The honourable member for Frankston East would not have done that! There had to be some good operators in the tow-truck industry, and I suspect they were only in the country.

The point was, and it was made very well by the honourable member for Frankston East, that the industry did need a fair bit of cleaning up. He knew about it and I congratulate him for taking a continuing interest in this industry. There is no doubt that there is still a bit of cleaning up to do. The honourable member for Frankston East also knows that one can have all the legislation or regulation in the world but if no-one polices it and keeps an eye on what is going on in the industry it will not work — it will be a joke.

The minister or other government members can say, 'We have got all this legislation and we are going to fix up the tow-truck industry, we are going to send all the crooks up to Queensland', but the trouble is they will not know who has gone to Queensland and who has come back from Queensland. It is absolutely ridiculous to think that the staff of the Victorian Taxi Directorate are sitting twiddling their thumbs with their computers on their desks and with nothing else to do but pick up a few more jobs. The whole point is that you cannot take the resources out and expect it to work.

It is beholden on this government to make sure the legislation works; and it cannot work until the appropriate resources are on the ground. That is the challenge. Between now and Christmas I want to see newspaper advertisements for people to be involved on behalf of the government to make sure there are sufficient employees to do the job.

If the minister is fair dinkum — and no-one would ever doubt that this minister is fair dinkum because he seems to be fair dinkum in most things he does — he will ensure that Vicroads gets the resources. He will go to the Treasurer and say, 'You had better sell off another public asset because I need some more money to employ people to make sure this works, otherwise I'll be the laughing stock of Victoria. Every tow-truck driver will have a great
laugh when he drives past, or if I happen to be going past in a train or tram'. The minister does not want to be a laughing stock so he will ensure that we have the resources to make sure the legislation works.

I cannot forget the previous minister sitting opposite in March 1995. I wonder if the current minister is looking at a similar sort of progression: backbencher in opposition, frontbencher in opposition — he has not been Leader of the Opposition but he may well be before he is finished — minister and Agent-General in London. That is the path Alan Brown travelled, yet he had the audacity to say in this house, and I refer to page 540 of Hansard of Tuesday, 21 March 1995:

The government is not prepared to accept the reasoned amendment moved by the opposition for the valid reason that we do not wish to hold up what is a very necessary reform.

If he had not used the dirty word 'reform' it might not have been a bad speech. It continues:

An undesirable element has crept back into the tow-truck industry.

What an understatement! Alan Brown never had a reputation for understating things, his reputation in Parliament was for overstatement, yet he made that understatement. The undesirable element has been there since we first had motor cars and it did not creep back — it rushed back, and it kept rushing. It is a bit like the boy in Holland putting his finger in the dike — we introduce legislation but no-one comes along with a front-end loader to help the boy repair the dike.

In March 1995 the former minister understated the problem in that manner. At the time the opposition said the legislation would not fix the situation and it is saying today that unless the minister can get the resources from the most tight-fisted Treasurer this country has ever seen it is not going to be fixed with this bill. Former Minister Brown continued:

There is concern with the main players in the industry, and we want to fix it.

What was the concern? Was it that the RACV was not making enough money out of its allocation system, that its insurance company was not getting enough profit? Was the concern that the other players in the industry were not making enough money? Or was the minister reflecting, as he ought to have been, the concern of the public that when a person had a vehicle accident there was still thuggery in the tow-truck industry, and that the industry was not operating properly because it was in collusion with the big cartels? That was the real concern.

The Minister for Understatement continued:

I doubt whether the bill would be introduced later this year; it could even go into next year.

What an understatement! This is the government that can bring in a bill in 5 minutes, ram it through both houses with its numbers, yet the minister ate humble pie and said that if the government did that it might hold up the legislation. What utter rubbish!

We are left with the bill before us today, which is full of merit. The real challenge is to have it implemented so that the minister is not laughed at every time he gets on a tram or a train or is seen in the back of his chauffer-driven car. The minister needs the necessary resources to make sure it works.

Mr PERRIN (Bulleen) — I rise to make a contribution to the debate on the Transport Acts (Amendment) Bill. It is always a pleasure to follow a contribution of the honourable member for Morwell. We do not take too much notice of him because of the number of generalisations he always makes; and there were not too many specifics included in what he said this afternoon. However, I shall pick up on a couple of his points and just bring earth a little. Firstly, he talked about a rumour circulating in his electorate which I believe he started. He claimed the government planned to truncate the current rail service at Traralgon. That is a lot of nonsense, and he knows it. He is peddling rumours in his own electorate to scare the people of that electorate. That is a despicable act for a member of Parliament and he should apologise for spreading that rumour and for scarifying his constituents.

He also had a slag at a couple of organisations, the first being the bus association. He claimed the bus inspection service was not operating as well as he would like. He wanted to have a go at that, not realising it was a function undertaken by the bus association.

Mr PERRIN — He agrees! He knows that is right.

He is talking about self-regulation and he knows who he is having a go at; but he likes to slag the association because its members are not here to
Transport Acts (Amendment) Bill

Tuesday, 28 October 1997

Honourable members should note that he made generalisations; he provided no evidence at all to substantiate the points he made.

He also had a go at the Victorian Tow Truck Directorate which he claimed was underresourced. He actually got it wrong; the Minister for Transport has no responsibility for Vicroads as I understand it. The Minister for Roads and Ports in another place is the person responsible for tow trucks and for other areas such as taxis and what-have-you. The honourable member for Morwell was wrong on that point. However, he likes to have a go. He claimed that the Victorian Tow Truck Directorate was not doing its job. I am about to prove that it is doing a good job — a very good job.

Mr Hamilton — That would be a change!

Mr Perrin — I am happy to take on the honourable member for Morwell because we all know that in 1995 the Kennett government reformed the tow-truck industry, and the purpose of the amending bill is to tidy things up. We have gone through a very extensive process and, by and large, the reforms have worked. The Victorian Tow Truck Directorate is operating as best it can and it is doing a pretty good job.

An interesting factor about the debate so far is that nobody has mentioned the consultation process. This bill is the result of a very extensive consultation process. It is significant that the Labor Party does not even know about the process. I have a discussion paper issued by the Department of Infrastructure in June of this year during the winter recess headed 'Issues for discussion: proposed amendments to tow-truck provisions of the Transport Act 1983. Discussion paper'. Advertisements were put in the major daily papers asking for submissions on the discussion paper to be received by 4 August 1997.

The discussion paper raised 17 different issues for the public to comment on. Proposal 1 related to the carrying of passengers. I will not go into the details of the proposals but I will be happy to provide the honourable members for Morwell and Thomastown, or anybody else on the opposition side, with a copy of the public discussion paper.

Proposal 2 is headed 'At the accident scene: obtaining authority to store an accident-damaged vehicle'; proposal 3, 'Obtaining payment for storage prior to release of an accident-damaged vehicle'; proposal 4, 'Tow-truck driver qualification criteria'; proposal 5, 'Introduction of driver authorities for trade towing drivers'; proposal 6, 'Deregulation of trade towing'; proposal 7, 'Reducing the tow limit for heavy-accident tow trucks'; proposal 8, 'Piggybacking of licensed roster entitlements'; proposal 9, 'Holding licences in abeyance'; proposal 10, 'Allocation numbers and obligations of repairers'; proposal 11, 'Power to revoke or suspend driver authority'; proposal 12, 'A self-managed industry'; proposal 13, 'Prohibition on carrying passengers in towed vehicles'; proposal 14, 'Bespoken licence holders in the controlled area'; proposal 15, 'Demerit points'; proposal 16, 'Penalty provisions'; and proposal 17, 'A formal recognition of Victorian Tow Truck Directorate'.

The discussion paper formed the basis of the bill, and I should have thought it would at least have been known to members on the opposite side of the house; but they do not seem to know of its existence. They do not seem to know who made the submissions on the paper. They just come in here and slag off at the Victorian Tow Truck Directorate and the government, claiming we have not consulted, are out of touch and do not know what was going on. In fact, the government received submissions on this discussion paper from some very powerful organisations, including the Victoria Police, the Victorian Automobile Chamber of Commerce, the Victorian Accident Towing Association, the Insurance Council of Australia, the Royal Automobile Club of Victoria, the NRMA, AAMI and Ace Towing Service. That is a wide cross-section of organisations those members and officers know a bit about the towing and accident industries in Victoria. However, members of the opposition do not seem to know or care about what those organisations have submitted to the government.

Not all of the 17 propositions contained in the discussion paper were picked up by the government and not all are in the bill. However, that is all part of the consultation process. The government listened to a wide cross-section of views — some for the proposals and some against — and made a balanced judgment on what should be put to Parliament in the bill. The discussion paper is a key document, and the government should be congratulated for cleaning up a number of industries which were less than reputable. It has reformed the taxi industry and the wheel-clamping industry and some of the undesirable practices of the tow-truck industry were cleaned up in 1995. I also point out that a review of the driving-school industry is currently being conducted.
I now refer to some of the proposed amendments and the changes referred to in the discussion paper. I compliment the former Cain government for introducing the accident allocation towing system. It was a necessary reform because prior to that if a motor accident occurred four or five tow trucks appeared at the location resulting in skulduggery and often the harassing of injured people. The allocation system was introduced in the Melbourne metropolitan area, but the regional areas of Victoria, apart from Geelong, were free of regulation. The bill builds on the system and corrects some of its weaknesses.

One of the key aspects of legislation that involves cleaning up a particular industry is to make sure people in that industry are squeaky clean and undergo fit and proper character tests — in other words, they should be people capable of doing the job. The purpose of the qualifications test was to make sure undesirable elements were removed from the industry, and that has occurred. The honourable member for Frankston East said that some undesirable elements and thugs in the tow-truck industry have moved to Queensland and the Gold Coast. I do not know if that is so, but I do know they are no longer in Victoria, and I am pleased about that.

The government realised it needed to expand the qualifications criteria and the proposed amendments introduce qualifications for those involved in the crime of conspiracy to commit theft or fraud on the commonwealth, fraud under the Transport Accident Commission legislation or fraud under Workcover legislation. They will ensure that any person who tows a vehicle is a fit and proper person and that the valuables in the vehicle or at the accident scene are not stolen. Often the valuables of injured people are scattered around the accident scene and we need to be sure that the valuables are secured and not stolen. The government believes people convicted of fraud under the legislation I have described are not fit to tow vehicles at an accident scene. We are removing the possibility of temptation.

A further amendment will allow the Tow Truck Directorate to suspend an accident towing driver authority for a short period. This disciplinary provision will not apply to major offences that involve demerit points, but to minor traffic offences where, perhaps, the tow-truck driver has displayed a careless attitude to road rules and may need to cool off for a short period. The provision will allow the suspension of the licence so the individual can be disciplined when his behaviour is unacceptable. The bill also has an appeal provision so that tow-truck drivers suspended in such circumstances can appeal to the Administrative Appeals Tribunal.

I turn now to the management of accidents in non-metropolitan areas. As I indicated earlier, the accident allocation system relates to the Melbourne metropolitan area. Geelong has an informal system where operators run their own accident allocation system, but other areas are relatively uncontrolled. The bill will enable uncontrolled areas to be quasi-controlled through a voluntary code of practice. It will allow regional Victoria to implement a reasonable and rational tow-truck allocation system. The government strongly believes in self-management of the industry and this amendment will allow industry operators in regional Victoria to get together to allocate accidents, as occurs in Geelong.

I turn now to the provision relating to an audit trail for accident tows. I am sure some problems still occur in the industry. The amendment will provide a clear audit trail so that the damaged vehicle can be traced from the point of the accident, to the towing location, the accident repairer workshop and delivery of the vehicle back to the owner. The amendment will help the industry, tow-truck operators, accident repairers, insurance companies and consumers. The community needs to be sure that accident tows are handled appropriately and that vehicles are taken to the appropriate accident repair centres.

Another important aspect of the bill relates to storage changes. Two separate authorities, one for towing and another for storage, will require to be signed, when it is possible to get signatures. At some accidents that is impossible because the occupants of the vehicles have been injured. The separate signatures will indicate that at the accident scene one authority is being given to tow the vehicle to some place and another to store it there. They are important consumer protections that will ensure that all the costs are known in advance. The provisions relating to storage charges will be amended so that consumers will be aware of the storage charges for which they will be liable, that they are appropriately notified and kept notified of the storage charges and that they can have access to the vehicle without being concerned about those charges.

The most interesting aspect of the bill and of the consultations leading up to it is what I describe as the prohibition of passengers. The government has strongly maintained that passengers should not be
allowed to travel in tow trucks. The bill provides for an exemption that will allow tow trucks to carry passengers in country areas. Honourable members representing country electorates, including the honourable member for Morwell, will be aware that the situation in the country is different from what happens in the metropolitan area.

Probably the only way a person who has been involved in an accident in the backblocks somewhere can get to the nearest town is by being brought in by the tow-truck operator. The provision is fair and reasonable. It is a different story in the metropolitan area because taxis and other means are available of getting drivers and passengers involved in accidents back to where they want to go reasonably easily.

I was convinced about the correctness of making a distinction between controlled and uncontrolled areas by comments made to me. It is important to ensure that we can enforce the regulations in the accident allocation areas in the metropolitan area. The best way of doing so is for police officers to know that a tow truck is operating legally if it has only one person in it. Two people travelling in a tow truck is an indication to police officers that perhaps the passenger is not authorised to be in the truck, and that the vehicle should be pulled over and the occupants questioned.

The provision will allow the police to easily monitor vehicles in the metropolitan area to ensure that persons have authority to travel in tow trucks. We want to keep the thugs out and stop the practice of two people travelling in tow trucks — the drivers and the monkeys, who do things that should not be done. It is important to keep the prohibition on passengers in the metropolitan area and to introduce the exemption in non-metropolitan areas.

I will concentrate on the major provisions of the bill. I am sure the consultation process that led to the changes incorporated in the bill will continue. As I said, the government has already put out a discussion paper. I am sure the participants in the industry will continue to keep the government informed and from time to time will make requests for changes. I am not concerned about legislation coming back. If members of the industry want something done we should have the necessary consultations and introduce amending legislation. I would not lock out any future changes on the basis that everything was right from the start.

I refer to two other fantastic features of the legislation that are not related to tow trucks. The first is the re-routing of the Swan Street tram along the proposed Exhibition Street extension to City Link. I am strongly in favour of the extension of Exhibition Street, which is a great project, particularly because it will carry public transport and will not just provide motor car access to the City Link project. As the honourable member for Cranbourne said, we will be able to close off Swan Street, open up the area to parkland and implement the Federation Square project on the former Gas and Fuel site. The Exhibition Street extension is a very important proposal.

I conclude by pointing out to a few opposition members, who do not seem to understand it, that changes to bussing arrangements are very important. I strongly support those provisions because in my electorate of Bulleen the operation of the public transport system, which is a bus-only system, was transferred from the Public Transport Corporation to the National Bus Company. The privatisation of public transport in my electorate has been an outstanding success and I hear only compliments about the private bus operators in my electorate. They are doing a great job.

I make this offer to members of the Labor Party: if you want to see a good public transport system operating better than it was under the Public Transport Corporation — we had second-hand buses that were in terrible condition, drivers who were not responsive to passengers' needs and I used to get complaint after complaint about what was happening in public transport — come to the City of Manningham and look at what the National Bus Company has done. It has introduced new bus services and routes, and cheaper bus-only fares.

I support entirely the proposals of the Minister for Transport to privatise buses, trams and trains because I can prove that services will improve. I have evidence in my electorate that the National Bus Company has delivered better services than those that were provided by the Public Transport Corporation. I strongly support the bill. I am pleased that the Labor Party is supporting it. I hope that when the legislation to privatise the public transport system is introduced Labor members will see the error of their ways and support that as well. I commend the bill to the house.

Mr PANDAZOPOULOS (Dandenong) — After listening to the honourable member for Bulleen one would think that the opposition was opposing the
Transport Acts (Amendment) Bill. The opposition does not oppose the bill but is raising a number of concerns about it, and in relation to the tow-truck provisions is highlighting the points that the honourable member for Morwell made in the debate on the principal act in 1995 when he said that the government had got the legislation wrong. It is good to see that the government is fixing it up. However, this is another of the government's omnibus bills, in which everything is thrown together in one bill. It is a worrying trend. The opposition would prefer to deal with some things separately.

I will focus on the sporting precinct and the alterations to the Wattle Park tram service, which currently runs along Swan Street and Batman Avenue. In the second-reading speech the minister said that the reason for the proposed re-routing of the tramline was to provide more convenient access to sporting and entertainment facilities and improve public transport links into the sporting and entertainment precinct.

It is important to recognise that the change is being sprung on us as a result of works on City Link rather than for any other reason. There is no real desire for improved access; it is just that the City Link works, as part of which the Exhibition Street extension will be a new toll road, will make it much more difficult to continue the tram alignment along Swan Street.

I do not see any reason why the tram could not continue from the Exhibition Street extension where it turns off to the designated railway alignment behind Melbourne Park, and I would like the minister to provide an explanation. It would have been much more logical to make all attempts possible to ensure that the route would continue along Swan Street — even though removing the tram tracks would beautify the boulevard. However, rather than increasing access, the government's proposal reduces access to a number of facilities. The National Tennis Centre is a great tennis facility and a wonderful entertainment venue. That area will be very busy in January because in addition to the tennis centre there is Olympic Park, which is just off Swan Street, and the Sports and Entertainment Centre.

An area which seems to have been forgotten and which has not been mentioned is that which embraces the Royal Botanic Gardens and the Sydney Myer Music Bowl. The current tram service provides great access to that area, but it will be a huge walk from the proposed tram track. Rather than the government trying to talk up this proposal as improving access, it should admit that it is the only alternative it has to retain public transport in that precinct as a result of the City Link works.

Mr Cooper interjected.

Mr PANDAZOPOULOS — The minister asks by interjection how long is a huge walk. We certainly know that site is huge, and the tram facilities will be behind that. The entrances to facilities at Melbourne Park, the Sports and Entertainment Centre and Olympic Park are not where the tramline will be in the future.

Mr Cooper interjected.

Mr PANDAZOPOULOS — The minister says it will be only 250 metres away. Rather than improving access to the area the government's proposal reduces access, and it should be honest about that. I am not sure what consultation has taken place with users of the facilities in question. I am sure they do not have much of a choice anyway because of the City Link work. However, I am concerned about the safety issues involved with the tram realignment. The tram route will run along the rear of Melbourne Park, mainly to the current car parking facility. It will certainly improve access to the centre at the rear of Melbourne Park, but everyone else will have to walk around Olympic Park and probably through Yarra Park to access Olympic Park and the Sports and Entertainment Centre. They will have a significantly longer walk if they wish to go across to the Royal Botanic Gardens and the Myer Music Bowl. The area is not very well lit, and considerable works need to be undertaken in providing pathways, improved lighting and walkovers.

Despite the fact that the opposition supports the bill, I raise these issues because insufficient regard has been given to the needs of the people using that area. The trams will dump them at the rear of the major facility in the area rather than at the front door, which is what the current Swan Street service does. For families trying to get to the Botanic Gardens, it is a fair walk from Richmond station, Punt Road or the new tram alignment across that parkland. Some roads adjacent to Swan Street will probably become busier because of the trams moving from that area. A number of road traffic issues are of concern.

Gaining access to the Botanic Gardens area and the Myer Music Bowl will probably be easier from the long walk along St Kilda or Domain roads, and the
new proposal does nothing to improve access to those areas.

I ask the minister to explain what consultation was undertaken with the users of the area. I would also like comment and feedback on any public safety issues that might have come up as a result of advice from the department, or wherever, and what action, if any, is being planned to address that. What sort of improved access to the front entrances of these facilities will be made available?

Apart from those issues, the opposition has no real problems with the bill. Of course, it is concerned about some of the charges being placed on community organisations that run buses. An accreditation system is certainly required, as is a focus on improving safety standards and preventative measures. However, the opposition is concerned about the additional costs. In my electorate there is a great community bus system operated by the City of Casey. Excellent support is provided to community organisations that do not have the financial means to access buses at commercial rental. They are basically self-help groups and volunteers and, of course, any extra costs they face will make it much more difficult for them.

In the past local government has been very supportive of the servicing of those buses, but with the cutbacks in local government and the tight funding situation it faces, it is a little harder to meet previous commitments to maintaining the community bus service. Any additional costs are of concern to community organisations.

Despite those concerns the opposition has no other problems with the bill, and I look forward to the minister’s response, particularly in relation to the sporting precinct.

Mr McLellan (Frankston East) — I support the bill. I shall confine my remarks to the parts of the bill about which I have some knowledge — that is, the tow-truck industry. Probably the most welcoming part of this bill for the industry is the provision dealing with the piggybacking of licences and the ability to unpiggyback them, as it is commonly known. In 1995, simply because we did not know how many tow trucks were on the road — we probably still do not know — the government allowed operators to piggyback unused licences. We all know that one could have 5, 6 or 10 TOW plates, but knowing how many were actually attached to tow trucks was a different matter. The government introduced a provision to enable the owners of licences to piggyback them on to the trucks that were actually on the road so as not to lose them, and the industry was kept abreast of what was going on.

Previously, a tow truck parked in the backyard without a motor in it still had to have a TOW plate on it. The vehicle may never have hit the road. Of 10 licences belonging to an operator, only three or four main vehicles would be used. It was a nonsense and allowing the piggybacking of licences in 1995 was certainly welcomed. This bill allows that procedure to be reversed so that operators can on-sell licences if they are not required. Honourable members would be aware that a licence is worth between $90,000 and $100,000. The bill allows the owner of a piggybacked licence to revive and transfer that licence to another purchaser. The bill sets out the procedure, which is fairly simple, and the fee. It also allows the towing directorate to store the plates of vehicles that are not being used on the roads.

That sets up an audit process. The owners of the plates will surrender them to the authority, which will hold them. Therefore at some point we should know that if the authority is not holding a certain number of plates the vehicles are obviously on the road, and if they are not, we can set up an audit. I would have gone a small step further, and I have spoken to the minister about this — I would have introduced an annual roadworthy test for all tow trucks. If the tow-truck authority did not have the plates stored and the vehicle was not produced for the annual roadworthy check, it would be obvious that something was wrong. The authority would know who owned the plates and it would be very easy to visit the person and ask, ‘Your truck did not turn up for a roadworthy; where is it?’ That very simple process would make it very easy to find out who was doing the wrong thing. I suggest that those who do not believe that people lend out plates and trucks are very naive.

The annual roadworthy check would be one way of ensuring some form of audit was conducted. Currently, no-one has a clue about how many plates are out there, how many trucks are actually out on the roads and so on. I hope the bill will go a long way towards establishing some form of audit that will define those figures.

Most of the other changes in the bill have been addressed by other speakers, and I shall not go over old ground. However, I shall deal with the provisions that define ‘fit and proper person’. The honourable member for Bulleen also touched on a
couple of these provisions. For a long time I have been concerned at the propensity, particularly these days, of the Magistrates Courts not to actually impose a sentence. As a result, no conviction is recorded against a person who pleads guilty in court to having committed some minor offences that should not have been committed by someone deemed to be a fit and proper person; the person is fined and/or placed on a good behaviour bond for 6 or 12 months. No other penalty is imposed on the person for having done the wrong thing. The bill gives the power to the Tow Truck Directorate to take some action if it sees fit. If a person continues to do the wrong thing over a period, the directorate can impose a short suspension of the licence or the like. That would be a way of dealing with the problem, which exists not only in the tow-truck industry but in other areas as well. The magistrates just do not seem to want to impose any sort of sentence other than a small fine and/or a good behaviour bond on a person who pleads guilty. Therefore there is really no audit trail for the directorate to follow up in those matters.

The bill also defines 24-hour storage. Currently, if you have an accident at 5.45 p.m. today and pick up your car at 5.45 p.m. tomorrow, you will be charged storage for two days because the car has been stored past midnight of the day of the accident. The bill defines that 24 hours means 24 hours from the time the vehicle is stored, so if you pick up your vehicle at 5.40 p.m. tomorrow you will be charged $10.50, not $21, as at present. This is a much-improved system.

The bill clearly defines the onus on repairers. The licence to tow authority provides a natural means of audit for the vehicle. When a vehicle is towed the authority to tow must be produced before the vehicle is assessed, a quote can be given and so on. The process must be followed until the owner gets back the vehicle. The bill sets out clearly the rules and regulations that must be followed where that does not happen. It is quite simple: a checking procedure is set up; it sets out what should be done if the form is not there and specifies the penalty to be imposed on anybody who does not follow the requirements of the legislation.

I am amazed to note that although since 1995 there has always been a requirement for an authority to tow, there has been no way the process could ever be audited. I would be happy for anyone to correct me if I am wrong, but my understanding is that since 1995 a substitute authority to tow has never been issued in this state, yet the law requires it. That procedure has failed miserably. I hope the bill will set out a proper procedure that applies penalties for people who do not comply. There is an onus not only on repairers but assessors, insurance companies and everybody else involved in the towage, storage, repair, maintenance and return of the vehicle to the rightful owner. It will enable the Victorian Tow Truck Directorate to visit a panel-beating shop and go through the paperwork; if the appropriate papers are not there, the panel-beating operator will go straight to court because the procedure was not followed. The directorate is able to follow all the steps that are clearly set out in the bill.

Mr Hamilton — And we will be waiting to see what happens with the first case.

Mr McLellan — So will I. It was interesting to hear some of the responses to the discussion papers that were circulated about the carriage of passengers. I sat through two of the bills committee meetings and listened to the representations made. I wondered whether I was in the same state that those people were talking about because if you listened to them you would think they were wonderful and never did anything wrong. They wanted to be able to take passengers in their tow trucks so that they could drop off people at home on the way to taking the vehicle to storage. They espoused a desire to provide a sort of public service, which sounded wonderful. However, it never happened in my time and I do not think it has happened since. My suggestion to some of those people was that if they felt so strongly about providing such a service to ensure the safety of the vehicle owners, perhaps they should put them in a taxi. I asked, 'If these people live only a few kilometres away, why not spend $10 or $20 on a taxi for them?'. Their response was, 'Why should we bear the cost?'. In the good old days they did not mind paying a $100 spotters fee for any vehicle and they did not mind paying $100 on a repair, which was illegal. But they objected to paying $10 or $20 to provide a service that would give them that fuzzy, good feeling.

That response certainly confirmed for me what I always believed: the suggestion about taking a passenger was just a process to ensure that the tow-truck operators could have two people in the vehicle, as they did in the old days when there was a co-driver and a cowboy, or an enforcer. Anyone who lived through the experience in the past would not want to see a return to that situation. We do not want people who have been put into the back of ambulances having to sign an authority to tow or some such thing that was covered in blood, so that
you could not read the details on it, anyway. I have seen that happen on many occasions after car smashings in the past. You do not want your son, daughter or wife being surrounded by half a dozen bullies and signing on the bottom line, so allowing the car to be taken who knows where, simply to stop the intimidation and get those people out of the way.

The honourable member for Bulleen mentioned that he had seen five tow trucks turn up to an accident scene. I have seen 15 tow trucks turn up to one accident involving only one car, and every operator ended up in a brawl further down the street, requiring two police divisional vans to clean them out. I well recall one incident in Richmond that I attended. As I said, I do not want to see these things happening again, with our wives, children and other loved ones being intimidated by thugs coming back into the industry. The rumour is that they are thriving on the Gold Coast. I envy them only the weather and nothing else. This state can well do without them.

I commend the bill to the house. I am confident that the changes it proposes will produce the result that the Tow Truck Directorate wants. Like the honourable member for Bulleen, I would be quite happy to sit down in 12 months, examine the situation and ascertain whether the results match the requirements the government has placed on the industry and then propose any further amendments that are necessary to ensure that occurs. This is an industry that must be policed very strictly because it does not take much for it to get out of control, and we all know what happens when it does.

Mrs MADDIGAN (Essendon) — I join other members in congratulating the government on its proposed changes to regulations governing the towing industry, and particularly on picking up the very sensible amendment suggested two years ago by the honourable member for Morwell. It is a relief to all residents of Victoria not to be greeted continually by media stories about horrific incidents involving tow-truck drivers in the industry such as we had a few years ago. Improving tow-truck regulation is important, particularly in view of the trauma suffered by people in car accidents.

The last thing motorists want is to end up in vicious disputes with various people about who has the right to look after their damaged cars. I do not wish to spend any more time debating the towing industry. I wish to address a couple of the other changes covered by the bill. In particular I ask the minister to clarify a couple of matters when he responds at the end of the debate.

I strongly support the accreditation of vehicles included in the bill, particularly those used in the community. In my electorate, and I am sure in other electorates, the number of buses owned by schools, community groups and local councils and used by a large proportion of the population has increased substantially over the past few years. Many people will be very pleased to know that in future there will be annual inspections for the roadworthiness of those vehicles. I believe many people thought that already happened and that there was some regulation of those vehicles. It is certainly time that was included in legislation.

However, one aspect that concerns me is the accreditation of operators. From the second-reading speech — I hope I understand this correctly; no doubt the minister will tell me if I do not — I understand there will be an accreditation scheme for those who wish to hold a driver’s authority. In future there will be similar requirements for drivers of hire buses and so on as for drivers of commercial passenger vehicles. According to the second-reading speech, under the Transport Act drivers hold drivers certificates, or DCs, and both the proposed driver authority and driver certificate schemes are probity checks on drivers of passenger vehicles.

Although I have no problem with that in principle, I wonder how it will operate in relation to these buses. I cite the example of a bus used frequently in the electorate of Essendon. The bus is owned by an incorporated body called the Boomerang Club, an association that provides activities for disabled people. Although the bus is used successfully by that organisation, when it is not using the bus it is rented out for use by other groups such as the Essendon Historical Society or community action groups. Other groups are allowed to use the bus for the day at a minimal rental and a bond. The Boomerang Club uses the rental income to support its activities on behalf of the disabled residents who use its facilities.

Although I know there is a phase-in period for drivers, I wonder how that will affect the community. The same situation applies to school buses. Frequently teachers and other staff drive pupils to various classes, as sometimes do parents involved in school excursions. What is the situation for them? Does it mean there will be limits on their ability to drive the buses? If so, what sort of procedures will be put in place to enable them to
obtain speedy accreditation so that their activities are not curtailed? I seek elucidation, if possible, from the minister about how that may operate in the future. What provisions will be included to ensure that people are not prevented from using the buses for community purposes?

In my electorate — I presume it is fairly common — the buses are used largely by small community groups because they are often not in a position to afford private rental fees or to meet the requirements of private rental buses. Frequently the buses are small 14-seaters, the ones in my electorate anyway. They fulfil a useful community function. I would be concerned if in some way that activity is impeded by the bill. I would be grateful for some explanation from the minister about how those problems can be overcome to ensure that the community retains full access to its buses.

Although the honourable member for Dandenong covered most of the subject, I also wish to speak briefly about the alteration of the tramline. The realignment of the tram route forms part of the City Link extension of Exhibition Street. How lucky are the residents on this side of the city to have a tramline as part of their City Link extension? The residents alongside the Tullamarine Freeway would have been exceedingly pleased to have had any sort of extra public transport on the western link. Indeed, the extension of the tramline, which has been mooted for many years even up to Airport West, would be considered a great boon by local residents, who rely heavily on public transport, especially trams, which are seen, quite rightly, as a very safe and efficient form of transport. I seek a clear undertaking from the minister that there will be no tolls applying to transport users on that tram, either now or in the future.

I understand from previous debates on the Exhibition Street extension when the bill went through the house in the last sittings that two tolling stations are to be incorporated in the Exhibition Street extension. My understanding from an earlier briefing is that the tolling stations are not in the area where the tramline enters the Exhibition Street extension. However, I would appreciate the minister giving an undertaking that tolls will not affect those tram passengers, either now or in the future when the tender is let for Exhibition Street and the project is underway.

The honourable member for Dandenong quite rightly expressed concern about whether consultation has taken place with the various groups affected by the change to the tramline. It is a significant change in access. Although some members have pointed out that it improves substantially the access to some facilities along the line, it certainly causes concern for residents on the other side of Melbourne Park and for people interested in the Alexandra Avenue gardens area. I would be interested to know if alternative bus routes or any further public transport will be available to help overcome those problems.

Another concern relates to clause 26, which inserts new sections into the Transport Act. The new sections will make small excisions from the Yarra and Melbourne Parks, which are Crown land reserves under the Crown Lands (Reserves) Act. The land is to be made available for the relocation of the Wattle Park tramline. I notice there is no provision for the return of alternative public open space to make up for that excision, even though I know it is not a large area. However, the community is concerned about Crown land that has been available for parkland being taken for transport projects and not replaced by other public open space. Even though it is not included in the bill, does the minister have in mind the provision of Crown land to make up for the parkland removed by the bill? As other honourable members said, most of the other provisions relate to the repeal of acts that are no longer relevant.

Finally I stress my delight that a new tramline is being built, even if it is only changing an old route. However, I reiterate the concerns of residents in the west about the lack of tramline extensions in their area and the lack of public transport alternatives for City Link, particularly an extension of the Airport West shopping centre tramline.

There is excellent public transport in the inner suburban areas but once one gets out further it is very limited. Public transport is really important in areas that have growing populations and in which children are growing up.

I will be grateful if the minister in his concluding remarks can throw some light on some of the matters I have raised. Many members of the community will be pleased to know that when their children are travelling in school or community buses they are at least technically safe. It will remove one of the concerns many parents have concerning normal modes of transport.

Mr SEITZ (Keilor) — Improvements in the tow-truck industry are always welcome. Practical
experience of the changes that were made to the industry when the present government came to power has led to the need for further changes because the tow-truck industry needs to be controlled. People at accident scenes need to be treated with courtesy and commonsense. It should go even further. Tow-truck drivers are often first on the scene of accidents and should be trained in first aid and make contact with other providers of accident assistance.

I know from my own observations and from comments of people in my electorate, particularly since the bill was introduced, that there is concern about the changes in respect of senior citizens travelling in community buses that are driven by volunteers. Volunteer drivers are concerned at the prospect of having to gain accreditation. On many occasions people have difficulty getting endorsed licences when they have to drive an 18-seat or 14-seat bus because a 12-seat bus is not available, and they are saying, "You have to take out the seats to make it a 12-seater bus so that we do not need an endorsed licence". The extra requirements for accreditation for drivers is a concern because it is difficult to get volunteer drivers at any time. Community vehicles provide a good service, particularly in areas such as my electorate of Keilor that have absolutely no transport connection with other areas of the City of Brimbank.

The need for improvements in public transport access, services and bus routes in the City of Brimbank, particularly in the new growth areas, was one of the major pushes by the former commissioners and by the current elected councillors. I would welcome the introduction of such services. Community buses are the only means of transport by which many people who are stranded at home all day can access community services, whether it be going to a playgroup, to a senior citizen's meeting or just on a shopping excursion to Watergardens, Brimbank central shopping centre or Highpoint West. They serve an essential link for our community in the City of Brimbank.

I am also concerned at the extra built-in costs and charges. Will it increase registration fees and again result in the cost being put back on the people who use the coaches? Many clubs and schools can ill afford an extra charge down the track for the hiring of a bus. Bureaucracy starts with one person in a little room and grows into a monster that has to be financed, so fees will go up.

Concerns about the question of cost have been raised by teachers in my area. Will the changes increase the cost of hiring buses for school excursions, which is quite expensive now? We know that big business in particular passes down the expenses to the little people, to the consumers. The opposition cautions the minister to avoid the expansion of the dual bureaucracy that is to be set up in relation to the driving of big buses.

The last issue is the extension of the tramlines. I welcome what is happening in the inner city, which was obviously forced on the government, and I would like to see public services extended into the new growth areas. I do not think there has ever been any extension of tramlines in the north-western or western suburbs. They have been closed instead. I would like to see some action to provide better services in those areas of Melbourne, whether it be tramlines, a new railway station at Sydenham or just an improvement in existing amenities. The previous Minister for Transport claimed he would improve things and build us a new station.

Sydenham railway station is an urgent priority. There is a need to provide improved accessibility and car parking, particularly following the opening of Watergardens. The Premier officially opened the centre last week. He saw the desperate need in the area for improvement — the area is crying out for government expenditure.

I hope the minister will honour the previous minister's comments when he visited Sydenham station that the government would relocate the station and build new facilities. I understand there is interest by the developers of the Watergardens, the commissioners at the municipality of Melton and the City of Brimbank and the government in a joint venture between the four entities to build a decent railway station to service the people of the area.

I have no further comments on the bill, except to say that in the tow-truck industry we will see further amendments. The bill does not go far enough on some of the issues I have raised. I wish the bill a speedy passage.

Ms GILLET (Werrribee) — It is with pleasure that I make a contribution on the bill, and refer firstly to the changes the legislation proposes to the operation of the tow-truck industry. It is a tribute to the persistence and commonsense of the honourable member for Morwell that the government has sensibly finally adopted the measures he has
championed for reform in the tow-truck industry for the past two or three years.

As honourable members may be aware, the Princes Freeway runs through my constituency. Sadly that section of the road, particularly the stretch from Altona down to Geelong, experiences one of the highest accident rates on freeways and rates as one of the two highest accident black spots in the state of Victoria. There has been a lot of activity by local residents and councils over the past six months — I expect it to continue apace — to urge, with the support of this Parliament, federal Parliament to designate the Princes Freeway a freeway of national importance. If that succeeds we hope to get done some much-needed upgrading works to reduce the number of accidents and ensure that the area’s calls on the tow-truck industry are significantly reduced.

There is another area in which the need for the tow-truck industry could be reduced. It has come to my attention over the past months, and it has been an ongoing problem, that one of the reasons that we have been so often at the hands of the tow-truck industry is that many young people are not able to access taxis from around the local area when they need them.

Apparently there seems to be some difficulty with the provision of both taxis and public transport. As you will be aware, Mr Acting Speaker, public transport services around the Werribee constituency are non-existent on a Sunday. Coupled with a very poor service from some of the taxi companies, that means our young and elderly people and those less economically fortunate are either forced to stay at home or, if they decide that they have to go out, are reliant upon their own transportation. Safety is an issue of great importance in relation to young people. It is important the they are able to avail themselves of much-needed taxis.

Werribee is serviced in the main by tow-truck operators who work out of Geelong, and they are to be congratulated for establishing, without any legislation being in place, what amounts to a code of conduct or a form of regulation among themselves, and the minister recognised that in his second-reading speech. He said that one of the major benefits which has flowed from the reforms has been the ability of the industry to undertake management of accident towing in rural areas — Geelong and Werribee are regarded as semi-provincial. The minister went on to say that the operators in Geelong have formed an association which runs its own accident allocation system in the area, which is of course subject to overall supervision by the Victorian Tow Truck Directorate. The operators virtually control their own destinies with regard to accident towing matters, and they are to be commended for what they have achieved.

Other country areas have introduced voluntary codes of practice, all of which provide a better, more efficient service for the public and raise the image, which was much needed, of towing operators in various communities. The bill provides a legislative base to underpin self-management areas and to enable the operators to continue to provide the best service possible. It is important to point out that it cannot be left to the more public-spirited members of an industry to bear a burden of regulation which others in the industry are not obliged to follow and therefore can exploit.

As I said, the operators in Geelong are to be congratulated, but it is most important that Parliament always provides a benchmark to encourage and to insist that all participants in the industry adhere to a minimum code of practice. That is especially the case in industries such as the tow-truck industry which deals with members of the public when they are vulnerable to the worst sorts of exploitation in circumstances where they are at best in shock and at worst severely injured.

The only other remarks I shall make relate to the consideration of the bill by the Scrutiny of Acts and Regulations Committee, of which I am a member. The committee met yesterday to consider the bill and made some remarks that should be noted in the chamber today. In particular, it should be noted that this single bill amends a number of other acts. In a technical and structural sense that makes this bill an omnibus measure, and the government seems to have some difficulty in the way it defines omnibus bills. As I understand it through my work on the Scrutiny of Acts and Regulations Committee, omnibus bills amend a series of like or related bills. Yet this bill, which does that, is not called an omnibus bill. It is difficult for people who are interested in the area — indeed, for the industry partners — to follow changes in legislation if the name does not clearly define what it is. Therefore, for the sake of simplicity and for the ease of the people affected by the legislation to follow changes, I urge the minister to be straightforward and adopt a more coherent strategy in relation to the naming of bills.

In the past the government has called a measure omnibus legislation when it seeks to amend a whole
raft of unrelated bills. The government incorrectly refers to that sort of bill as omnibus legislation. The Transport Acts (Amendment) Bill, which is really an omnibus bill, is not named in that way. For the sake of the committee of which I am a member and for the sake of the public and industries interested and affected by changes in legislation, a much more sensible approach should be adopted so that the naming of legislation takes into consideration plain English.

The bill alters section 85 of the Constitution Act but does so in a way that the Scrutiny of Acts and Regulations Committee found did not breach any rights. The change incorporates an element of the King-street Bridge Act 1957. The bill repeals that act but retains the provision which provides for an indemnity. Alert Digest no. 9 states:

Clause 35 of the bill is intended to alter or vary section 85 of the Constitution Act 1975. Clause 35 continues an existing immunity provision in relation to obstructions to the Yarra River brought about by the building, presence or maintenance of the King Street Bridge. This provision presently exists in the King-street Bridge Act 1957, and with the repeal of that act that provision is being transferred to the Transport Act so that this immunity will not be lost.

It goes on to explain that:

The immunity is necessary to protect the state against any potential legal claims that could arise out of the building, presence or maintenance of the King Street Bridge, such as common-law action for public nuisance. Clause 36 contains the limitation on section 85 of the Constitution Act.

In conclusion, the opposition does not oppose the bill. I congratulate the government on a good piece of legislation that provides for both increased public safety and certainty about an industry that has contact with members of the public when they are in particularly vulnerable or difficult situations. I commend the bill.

Mr COOPER (Minister for Transport) — I thank the honourable members for Thomastown, Morwell, Dandenong, Essendon, Keilor, Werribee, Cranbourne, Bulleen, and Frankston East for their contributions. Their contributions are welcome, and I thank the opposition for not opposing the bill.

A number of matters have been raised for possible response, and in the hope that a vote can be taken before 6.30 p.m. I will try to deal with those matters as quickly as possible. I will ensure that members who have raised matters and who need further or more detailed responses will receive them.

The honourable member for Thomastown, making the substantive response on behalf of the opposition, said that the bill shows that the reforms the government made to the tow-truck industry in 1995 have not worked. My view is very much to the contrary. The effect of the 1995 legislation has been to thoroughly clean up the industry. The honourable member for Frankston East demonstrated that in his contribution to the bill, as did other members, by commenting that the cowboys and thugs who were giving the industry an appalling reputation have gone from Victoria.

The thugs have gone from the industry and the state, and the honourable member for Frankston East said they have congregated on the Gold Coast. That is the Gold Coast’s loss and our gain. The bill does not deregulate the industry, but adds to the regulations that were put in place in 1995. The amendments finetune the regulations.

The honourable member for Thomastown expressed apprehension that the fees for bus inspections could become onerous for community organisations. The honourable member for Cranbourne accurately indicated during his contribution the facts surrounding the fee structure, which will be set to recover the costs involved and is unlikely to be onerous, but we will bear in mind the apprehension of the honourable member. The government will not introduce an onerous fee structure.

The honourable member for Thomastown appeared to imply that commercial organisations should cross-subsidise community organisations. Commercial operators in the bus industry will be aghast at such a suggestion. I hope I am wrong in assuming that is what the honourable member said, but if it was what he implied, bus operators in metropolitan Melbourne will be unhappy at the suggestion.

Regarding the re-routing of the Swan Street tram the honourable members for Thomastown, Essendon and Dandenong made the point that the re-routing could significantly disadvantage people who currently use the Swan Street tram to access the Royal Botanic Gardens. It is my view and that of the government and the Public Transport Corporation that the new route will adequately service the Swan Street tram for those people seeking to get to the main venues at the Melbourne Cricket Ground.
Melbourne Park, the venues in Batman Avenue or the Royal Botanic Gardens. The extra distance people will be required to walk from the new route to Batman Avenue compared with the existing route is 250 metres, which is hardly a significant disadvantage to users of that tram service.

The honourable member for Dandenong made the point that because people will have to travel longer distances consideration should be given to extra lighting to and from the Royal Botanic Gardens. I believe the gardens close at dusk, so street lighting is hardly an issue. Nevertheless, I will take those concerns into account.

The honourable members for Essendon and Thomastown were concerned that the acquisition of Crown land to enable the new routing of the tram service should be replaced. Federation Square, the Yarra River environs, the reduction in the number of rail tracks in Jolimont and the demolition of the swimming centre and other works will mean large additions to Melbourne's parklands. It is worth recording that the former Labor government, when acquiring Crown land to build the National Tennis Centre, promised to compensate for the acquisition of that land by providing additional parkland, but never kept that commitment. Melbourne will have significant additional open space and parkland after the development of these projects, which is to be commended.

The honourable member for Morwell queried whether VicRoads is capable of carrying out annual inspections of buses. The honourable member failed to understand that although VicRoads will administer the inspection program, most of the work is being carried out by Bus Association Victoria. When he says he has doubts about the efficacy of the inspection program he is casting doubts on the capability of Bus Association Victoria to do that work. The member accused the RACV of being jointly responsible for the criminality in the towing industry. I am sure that when the honourable member’s remarks are drawn to the attention of the RACV and its many members, they will note them with considerable interest and will have long memories. The honourable member also made some derogatory remarks about self-regulation, which indicates his ignorance of the system. The honourable members for Essendon and Werribee praised the towing industry for its self-regulation system and their remarks should be drawn to the attention of the honourable member for Morwell.

The important issue I will address briefly is the concern raised by the honourable member for Essendon with the system for driving authorities. Nothing changes for people who drive hire and courtesy buses; they simply have to have ordinary driving certificates and do not need drivers authorities. Drivers of private buses currently require driver authorities and the new system will follow the proper procedures for safety reasons. The government and I do not believe the new system will impact in any adverse way on the operation of buses. If the honourable member can give further details I will be more than happy to consider the issue she raises. I thank honourable members for their contributions and I commend the bill to the house.
Mr THWAITES (Albert Park) — The opposition supports the proposed legislation. The purpose of the bill is to establish the Victorian Institute of Forensic Mental Health, which will provide specialist mental health services to Victoria’s criminal justice system.

The Institute of Forensic Mental Health will be set up as a statutory body, comparable to the Victorian Institute of Forensic Medicine which is set up under the Coroners Act and which tabled its annual report today. In passing, I commend the work of the Institute of Forensic Medicine. I look forward to the Institute of Forensic Mental Health performing similar worthy work for Victoria.

The institute will provide policy and planning advice to the government and will carry out research. It will also be the management body for the new 120-bed forensic hospital which is being established on the former Fairfield Hospital site. The institute will be subject to the provisions of the Mental Health Act 1986.

The delivery of mental health services is provided through the Department of Human Services. In many cases the services are contracted through the health network to community organisations and local agencies. That approach is not considered appropriate for services to be provided by the Institute of Forensic Mental Health, and the opposition certainly supports that strategy.

The issues of forensic mental health and the impact of mental health on the criminal justice system are extremely difficult areas as they relate to not only the mental health but also the safety of members of the community. The strategy for the provision of mental health services has been established by the national mental health plan, which has been signed by all states, including Victoria. A further plan is being developed and will be submitted to the health ministers council.

It is worth emphasising that the mental health strategy was developed by the former federal Labor government as part of the national health strategy. That well-planned approach demonstrates the superior management of health policy of the former federal Labor government compared with the current Liberal-National Party government. The former federal Labor government established a national health strategy and much of the work was done by the current federal shadow minister for social security, aged care and community services, Ms Jenny Macklin. That work was extremely well regarded as a successful approach to formulating policy based upon research and good planning.

By contrast, the current federal government is pouring subsidies of well over $1 billion into private health insurance, which is now seen to be a completely failed policy. The federal Minister for Health and Family Services, rather than setting out a plan for future health care, seems to be merely reacting to problems, responding to the squeaky wheel and operating on a knee-jerk or ad hoc basis.

The Victorian government’s approach to mental health is to follow the provisions in the national mental health strategy which was set up under the previous federal Labor government. The Victorian government’s policy is set out in the document produced in 1994, entitled Victoria’s mental health services: the framework for service delivery. That document supports the national mental health policy and plan.

Last night a seminar was held at which the current director of the Aged, Community and Mental Health Division of the Department of Human Services, Ms Jennifer Williams, reaffirmed the government’s commitment to the mental health strategy. She is moving on from that position to take up the new job as the temporary head of the Austin Hospital, prior to the government’s sale and privatisation of the hospital. I am sure that Ms Williams will have a job waiting for her back in the department, because I imagine that she will be at the Austin Hospital for only a short while before the ‘for sale’ sign is put out the front and the hospital is sold to a private health company.

The priorities identified in the Victorian policy are worth restating. They are: mainstreaming mental health services; delivery of what is termed a seamless, integrated and balanced range of services; an increase in the provision of acute in-patient care in general hospital settings; and a redirection of funds into community treatment and support services. I might say that ‘seamless’ is a word that we quite often see used by the government in its propaganda documents.

For consumers I think the word ‘seamless’ probably has a different meaning. While the approach might seem better for the government, for consumers it actually means that they are getting less. We see that, for example, in mental health, where major cuts were made to acute and long-term services, and although the comment was made that that money
would all be redirected to community support for people with mental illness, that did not occur.

The opposition supports the principle of deinstitutionalisation — that process was started many years ago and was continued by the former state Labor government — but many of the dollars that were saved by the government in closing institutions were not transferred to mental health services and instead ended up in the pocket of the Treasurer. As a result people with mental illness have not received the sort of support that they deserve.

Returning to the document and the plan, Victoria has proceeded with the mainstreaming strategy, which is to treat people with mental illnesses in hospitals and in mainstream services, and has proceeded to spend more money in the community on mental health. The ratio is well over the 50:50 mark, with something like 70 per cent in favour of community-based services. The 1995 report on mental health, the national mental health overview, shows that Victoria has a relatively high per capita expenditure on mental health, and the government uses that as a defence when criticisms are made about the level of expenditure on mental health in Victoria.

However, it must be emphasised that the reason for that level of expenditure is that the previous state Labor government established Victoria as the state that puts the most resources into mental health. The government cannot use that as any sort of excuse for continued cutbacks on services. The former Labor government made some very great contributions to the provision of improved mental health services, and indeed in another area that the minister at the table is concerned with — the provision of services for people with intellectual disabilities. One of the main contributions early on from former Minister Roper was to separate out those services because for many years people with intellectual disabilities had been lumped in with people with mental illnesses. Of course that was inappropriate and led to services that were not properly directed, so the reform that Mr Roper introduced was a very real one.

The current and previous health ministers have on many occasions been quite happy to take credit for Victoria's achievements in mental health. In doing so they ought to be honest and admit that most of those achievements were established by the previous state and federal Labor governments. The credit for a relatively high rate of spending on mental health in Victoria must be given to the previous government and not to the current one.

Nevertheless it is appropriate to point out that, despite the claims by the current government of high levels of expenditure in mental health, Victoria recorded a decline in mental health spending between 1992-93 and 1994-95. Spending went from $73 a head in 1992-93 to $68 in 1993-94, with a slight recovery in 1994-95 to $71.70. One of the key recommendations of the national mental health strategy was that all states should maintain their levels of spending on mental health. Victoria has not done that. The current government has breached that provision in the strategy and has decreased its expenditure on mental health.

That has happened because the savings made on the closure of large institutions have not all been diverted into other areas of mental health. The result has been a decline in the number of bed-based services to 33.5 public psychiatric beds per 100 000 head of population, which was lower than any other state. Not surprisingly, as a result of that there are some real concerns about the lack of bed-based services in Victoria and the inappropriate discharge of patients.

I am aware, as I am sure are other honourable members, of some stories of patients being discharged from hospitals where they were meant to be cared for because there were no beds available, sometimes leading to tragic results. Earlier this year I was contacted by a family who told me that a man in his 40s had been discharged. It was a Friday and he was told that the place where he was a patient needed the beds for the weekend. The pressure is often greatest at weekends. He committed suicide shortly after being discharged. It is very difficult to predict what is going to happen.

Doctors and hospitals are put in a very difficult situation because one cannot always predict the outcome. However, when the number of beds is reduced to the level that exists in Victoria unfortunately there is a greater likelihood of tragic outcomes when people are discharged. Given that savings were made by the government in mental health following the closure of institutions I urge the government to put back some of those savings into additional bed-based services so that the problem of early or inappropriate discharge can be overcome.

I now turn more closely to the activities of the Victorian Institute of Forensic Mental Health. As honourable members would be aware, one of its
major roles will be to manage the new facility on the old Fairfield Hospital site. There has been a good deal of community and environmental concern about the closure of Fairfield and the way in which this new facility has been implemented. I do not propose to canvass all those concerns here, although there may well be comments from other honourable members about that.

However, in the debate on this bill it is important to comment on some of the issues associated with community relations because it will be an important consideration for the proposed institute. One of the aims of the bill in setting up the institute as a statutory body and defining very closely its functions and the members of the council and staff is to raise the institute's professional status and attract high-quality staff. Forensic mental health, or forensic psychiatry, is a highly specialised area that is affected by the double stigma of mental illness and criminality. The bill is designed to encourage the development of a high-profile institution that will raise the status of this professional field in Victoria.

I might digress and point out that forensic psychiatry is an area which, as well as being of significant professional importance, is often the subject of books, movies and television programs of fiction. Many honourable members will have read crime books such as those written by Patricia Cornwell and others in which forensic psychiatrists are portrayed. In those sorts of books the psychiatrist attempts to understand the motivation of serious criminals and to use that information to assist in their apprehension. Of course, such novels are extremely popular. They should remind us that people's feelings about crime and mental health are complex and ambivalent. Often the cases evoke feelings that are a mixture of fascination and repulsion. But, more prosaically, some parallels can be drawn between the work of the fictitious characters and the real work of forensic psychiatrists. I am sure some of those things will be the subjects of consideration by the institute.

The key objective of the aim to raise the status of the profession in Victoria is to raise the quality of services, including direct care, research policy and planning services. In this respect the opposition certainly supports the bill, as it considers that intent to be commendable. However, I point out that it is important for the institute to maintain good community relations and to be seen to be a good local citizen. There is some concern about the planning approach to the building of the facility on the former Fairfield hospital site. The fault does not lie with the institute or the very eminent people who will no doubt form the institute, but rather with the Minister for Planning and Local Government, who has not handled this process at all well. He is known for his high-handedness. In his somewhat eccentric and quirky planning style he has attempted to stack the local community consultation committee and direct its actions. As I understand it, the committee has been given very little notice of the proposed legislation and has had little opportunity to consider and comment on its significance for local planning.

It is unfortunate that such an important institute should be created at a time of lack of consultation because it will not produce goodwill. The bill falls within the area of responsibility of the Minister for Health, not the Minister for Planning and Local Government. Usually the Minister for Health is a little more consultative, although in this case the consultation also falls somewhat short of what might be desired. Numerous organisations that the opposition has consulted had little or no knowledge of this bill. It appears that not even the Mental Health Review Board had been consulted during the bill's preparation.

The minister's second-reading speech says the council which is established to manage the institute and which reports to the minister will have community representation on it. However, so far as I can see that is not specified in the bill. That is of concern to the opposition. The bill specifies that one member of the council must be appointed to represent the interests of patients, but, as I said, I could not find mention of representation of the broader community. Perhaps the parliamentary secretary will be able to enlighten me on that.

Members of the legal profession have also expressed some concern about the limited representation of their profession as specified in the bill. I urge the minister or the parliamentary secretary to bear that concern in mind when appointing the council.

It is important to raise those concerns in this debate because of a somewhat unusual provision relating to directions. One provision specifies that the minister may give the institute any written direction that he or she thinks fit. It appears to be somewhat contradictory, when setting up an allegedly independent body, to insert a provision that apparently gives the minister power to direct the institute. The provision gives the minister an unusual degree of control or influence. The opposition has some concern about that provision and why it is being inserted. Forensic mental health
is obviously a controversial area, but the opposition is concerned about a potentially heavy-handed attempt to control the institute's actions.

Another issue of some concern to the opposition is the provision that allows the institute to impose fees and charges for services. There is no doubt this government is hooked on the user-pays philosophy, which is the American philosophy in health care that says you get the services if you can afford them but you miss out if you cannot.

In his somewhat hysterical response during question time the other day, the Minister for Youth and Community Services talked about not wanting millionaires to be able to receive services without paying. But there are many people who come between the millionaires at one end of the spectrum and those who might be pensioners at the other. Many people in the community do not have much money. They may be workers on low incomes or other people with a limited form of income, whether it be superannuation or whatever. Those people will miss out on services as a result of the application of the government's user-pays philosophy. The bill certainly allows for charging on a user-pays basis.

There is some concern about the charging of involuntary mental health patients in hospitals. As I understand it, the current situation is unclear. It appears that in future there may well be some proper resistance to the charging of mental health patients which is currently occurring on an ad hoc basis. In these circumstances it would be appropriate for the government to clarify the policy on charging and why it has been considered necessary to insert the provision in the proposed legislation.

The bill also requires the institute to prepare a corporate plan. However, the opposition is concerned that parts of that plan may be protected under so-called commercial confidentiality, and that could raise issues of public accountability.

Finally, I return to the mental health strategy and its implications for the institute. As I said, the new directions for mental health were discussed at a seminar last night convened by Mr Brian Howe for the Melbourne University Centre for Public Policy. Several speakers at the seminar commended Mr Howe, a former federal health minister, for the outstanding contribution he has made to the development of mental health policy in Australia. Although, as I mentioned, the current plan is still to be fully considered by the health ministers council, the speakers at last night's seminar represented a broad range of expertise. I believe we can have confidence in their predictions. One of the predictions for future directions is that serious consideration will be given to the definition of serious mental health. This has been a contentious area, and a further refinement is likely to be needed.

Another possible new direction is the promotion of good mental health and prevention measures. That is a feature of government policy. It was certainly the policy of the previous Labor government, but sometimes I think it has been honoured more in the breach than in the practice. The acute end tends to get the resources and often the real gains that can be made in prevention have not been fully addressed. That is something we all need to do a lot more work on. Prevention must be given a higher priority in the future.

Most of the initiatives in that area to date have been in community education, but we need to emphasise the role of research in prevention. The institute may well be able to provide some of that research, and I am sure it will. One might think at first glance that the institute's function will be the opposite to prevention, because it is dealing with the failures, if one likes, or the individuals who have come into contact with the criminal justice system. However, the new head of the institute, Professor Mullen, has very extensive experience in this area. He did work with Martin Bryant, who committed the terrible murders in Tasmania. The work of Professor Mullen was detailed in a fairly long report in the Age last November which was simply entitled 'Why?'. Martin Bryant was described at the beginning of that article as:

- dull, pathetic, isolated and, on the evidence of his murderous crimes, a malevolent figure.

Professor Mullen interviewed Bryant in depth and the article illustrates clearly how he was able to obtain some insight into Bryant's mental and emotional state. At first Bryant denied that he suffered any depression yet, with later questioning, admitted to some of the depths of depression and distress he felt in the months and years leading up to the mass shootings at Port Arthur. That, of course, in no way excuses him for those terrible deeds, but one of the jobs of the institute will be to examine that sort of case to see whether it can be avoided in the future.

Prevention in mental health goes a lot further than preventing criminality; it is aimed at reducing right across the community the problems in mental health which, as we all know, are huge. There would be
barely a member of this place who would not be touched by mental illness in one way or another, through family members or friends or, indeed, themselves. There is a much greater level of understanding in this place as a result of the personal experiences of a number of members and the very effective way in which that has been communicated in this house. I look forward to all of us working particularly in the area of prevention and promotion. I look forward to the institute that is being established by this legislation playing a key role in that.

Government amendments circulated by Dr NAPTHINE (Minister for Youth and Community Services) pursuant to sessional orders.

Mr DOYLE (Malvern) — I am delighted to join the debate on the Mental Health (Victorian Institute of Forensic Mental Health) Bill and welcome the support of the opposition for the bill. As the Deputy Leader of the Opposition said, the bill amends the Mental Health Act 1986 and establishes the institute as an auspicing body. It also creates the council of the Victorian institute to provide a wide range of services in what is a very small but highly specialist area of psychiatry.

I shall pick up a couple of the points made by the honourable member for Albert Park. I shall refer to one of his final points first, the very valid point he made about research. What we are hoping for by creating this institute and the council as its governing body is a world centre of excellence not only in the provision of treatment and assessment of mental health, but also in professional and community education and, of course, research.

We certainly see research as a major component. I refer to the apparent contradiction referred to by the honourable member for Albert Park that an institute dealing with those people who unfortunately have fallen foul of the system may not be seen as being a powerful impetus for research and for prevention of such things, but we certainly hope that that is so. We are delighted that the world renowned expert, Paul Mullen, has agreed to be the clinical director of the institute. I would think both sides of the house would join in welcoming his acceptance of that role.

I might say, however, Mr Acting Speaker, that I thought it a little unfortunate that despite the fact that the opposition supports the bill — we certainly welcome that — there was a certain self-congratulatory tone in the remarks of the honourable member for Albert Park about past Labor governments and what they seem to have done for the national and Victorian mental health strategy. Despite the fact that he described the government’s mental health publication as propaganda, nevertheless the honourable member affirmed the four principles of mainstreaming, seamlessness, acute in-patients being placed in general hospitals to minimise the stigma that goes with patients with mental illness, and moving resources to the community.

Although I do not want to labour the point, it is interesting to note that Victoria’s record in moving resources into the community stacks up well against other states in Australia and, indeed, any other comparable countries in our region and I think our record stands proudly. Victoria was the first state, for instance, to move more than 50 per cent of its mental health budget into the community aspect rather than acute inpatient facilities, and that needs to be recognised as well.

While I do not decry the opposition's support and I am grateful we have it, there comes a time when it is very useful for those in this place to show a united front to the community, particularly on something which is contentious and sensitive — and which can be sensitive in the extreme, such as very serious psychiatric illnesses. It would be beneficial if we presented a cooperative and united front rather than seeking to score points across the political spectrum, because there is certainly no such intention on this side.

I apologise to the Deputy Leader of the Opposition that I did not pay full attention to one of the points he was making. I would certainly make this offer to him now, and perhaps we can clarify it at some later stage either this evening or tomorrow: he mentioned a patient he knew who was discharged from hospital because there was no bed who subsequently, most unfortunately, killed himself. If the Deputy Leader of the Opposition provides me with the details of that case I will be pleased to follow it up. I would be interested to know whether that person had been diagnosed as a patient of one of our mental health facilities and what went wrong. I make that offer in good faith. I will be pleased to follow up that individual case for him and to provide an explanation of what happened.

One point that the Deputy Leader of the Opposition raised which I think is particularly important, and I hope the honourable member for Warrnambool will raise it in subsequent debate, is the question of the representation on the council and what the intention...
of the government is by the wording in the bill ‘at least one’. That intention exists, as the honourable member for Warrnambool will point out, and we can reassure the Deputy Leader of the Opposition on that issue.

The Deputy Leader of the Opposition also mentioned what is really a total redevelopment of our forensic mental health services in the facility at Fairfield. It would be appropriate in this debate for us not to seek to score political points about federal or state Labor or coalition governments but to instead seek a collaborative approach.

We would all agree, and I think the point is well made, that this house has come to a greater understanding and sensitivity of these issues. In this area of treatment, care and security we are talking about mentally ill clients some of whom are our most serious offenders and some of whom are Victoria’s most problematic non-offenders — involuntary psychiatric patients. It is most important that we present a united front on this issue and agree on a way forward for treating these difficult people in the community.

The highest priority patients are those who have committed a homicide or serious offence against the person where the mental illness has either been causal to or associated with dangerous behaviour. There is a shortage of secure forensic psychiatry hospital beds in Victoria — currently we have 60 such beds in the state — and the Fairfield facility will provide 120 such beds. It is important to recognise the level of commitment the state government has made, not just at the institute and the council and the work that will go on at Fairfield, but also to the redevelopment that is necessary. I will come to why Fairfield is an ideal site when I take up the point about planning made by the Deputy Leader of the Opposition.

The government recognises that the existing 60 beds are placed in areas that might once have been appropriate — that is, the facilities at Rosanna and Ararat. It is true, though, that as services have been contracted and we have moved more of our resources into the community we are now left with two facilities that are located in very large institutions. People are becoming increasingly isolated in those institutions and the fabric of those places is running down. We can all breathe a collective sigh of relief and as a Parliament congratulate ourselves that with the closure of those two facilities we will be moving into a new era of service provision in this important area.

The cost for the construction of the 120 bed facility which was approved in March 1995 was approximately $25 million. That is no small contribution to the fabric of facilities in the state. It is interesting we are debating this issue now. Work commenced on the site on 14 October and it is due for completion in late December 1998. The thing that underpins the process, and again this comes back to the support of the Labor Party, is the public policy of providing proper mental health services that underlies how we effectively treat our most disturbed mentally ill offenders. It is an imperative because treatment is often effective in directly reducing the potential harm that difficult clients might otherwise pose to the community, and when we are talking about the non-offending clients, to themselves or to those who care for them.

No country can point to its record in this area with pride. It is a problem for every country I have visited. We can congratulate ourselves that what we are doing is at the forefront of what is being done elsewhere in the world. It is also true to say, and I think this is one of the points the Deputy Leader of the Opposition made when he talked about having such an eminent person as the clinical director of the research facility, that we recognise there is a shortage in Australia of skilled specialist forensic psychiatry professionals. We need to look at addressing that shortage.

Part of the answer concerning the planning process focuses on where the facility is best located. If you are going to locate a redeveloped forensic psychiatry service in a central metropolitan location it has to be close to a number of things; that is why you put it there. It has to be close to universities, large teaching hospitals, courts and justice services. Location becomes a key issue in relation to attracting and maintaining quality professional staff. That is why the Fairfield site presented such an ideal opportunity to the government. I hope the honourable member for Preston in his contribution might take up that point and talk about the necessity of generating a critical mass that has all of these things going for it so we can develop the work force in that way.

We also need to think about the attachment of teaching institutions and of all the allied professionals to facilitate adequate trainees being produced and to counteract the steady flow of staff who are exclusively involved in the facility, because that results in the closed institution phenomenon, which I do not think is healthy in these sorts of facilities.
The question of why the government chose Fairfield concerns the planning problem raised by the Deputy Leader of the Opposition. The land is owned by the government, is reserved for health purposes, is available for immediate development and has significant buffer zones. As the Deputy Leader of the Opposition said, that is very important when one considers it as being a good citizen. It is separated from residential development, it has natural landscape features that will shield the facility from the extra parklands that are to be created there, it is central and it meets all the criteria I put forward earlier about having the right kind of nexus. It is also close to the centre of the city.

That geography of the site is very important. At first glance some things appear to be more esoteric but they are equally important. One notices that the site provides an impression of openness. It has attractive views, which is important for the management of the patients who will be accommodated there. Many of those people will be there for many years — perhaps even for decades or their whole lives. The importance of their quality of life should not be underestimated in the choice of a site.

The Deputy Leader of the Opposition detailed local objections to the site. I certainly do not minimise the importance of local objections. But this is where a united front from Parliament is particularly important. There are misapprehensions in the community about these unfortunate patients and clients escaping and about the damage they might do. There have been accusations that there will be abscoding by dangerous patients and that the buildings will be imposing, intrusive or ugly. One of the most consistent planning objections has been that it will encroach on public parkland in the Yarra Bend Park precinct and reduce the attractiveness and amenity of the overall area.

All of those objections have been addressed and satisfactorily resolved, including the fact that parkland will be added to, not detracted from. There comes a time when the Parliament has to say to residents who will go on objecting to a facility of this type, 'Enough. We have to put it down somewhere'. And for all sorts of reasons this is the ideal location.

The site is bounded by Yarra Bend Road, the balance of the former Fairfield infectious diseases hospital, including the AIDS memorial garden, and Yarra Bend Park. It is 7 hectares in area. I would argue that we have found an ideal site. Some people may go on objecting forever but it seems we have to at some point say, 'We have made a decision about this. This is an ideal site, and it is too important not to proceed with this immediately'. That is why building has begun.

It is always difficult to get excellent specialist forensic staff. Recruitment is difficult and services are expensive. It is best that we provide it on a central statewide basis by one specialised agency which can be organised to promote a critical mass of expertise and a culture of excellence which, we hope, will attract the best from other Australian states and overseas. That is part of what the Deputy Leader of the Opposition was saying, and it is certainly the vision of the government.

Our health care networks, excellent though they are, have no experience in the provision of these services, no expertise with this type of patient in the criminal justice system. Again, I think the member for Preston would wish to take up the interface between the criminal justice system and the health system.

We have a dedicated statutory authority with strong accountability. We make no apology for that. We do not see it as a secrecy thing. There is a reporting line from the board of management, which is the Victorian Institute of Forensic Mental Health council, to the Minister for Health, and the institute is headed by a professor/director. That provides a strong accountability arrangement, which is obviously important.

The government believes it will be the vehicle for competent management. It will create a centre of excellence and will have a public profile that engenders confidence in both the criminal justice system and the Victorian public.

I agree with the concluding words of the Deputy Leader of the Opposition, who said he hoped it had a culture of service excellence. I also hope that will be the case. I hope we will attract the very best of people from interstate, overseas and within Victoria to work in the institute and to serve on the council. I welcome the opposition's support and wish the bill a speedy passage.

Mr SHEEHAN (Northcote) — I welcome the opportunity to make some remarks on the bill, which in some ways is the conclusion of a rather long saga concerning the development at Yarra Bend and the break-up of the Fairfield hospital.

The first remark to make is that what we are really dealing with in the Victorian Institute of Forensic Mental Health is a gaol, a gaol that is being put in an
urban park. In a community sense that is unacceptable, and it is environmentally unacceptable. This is not an institute at all, and it has very little in the way of academic function or purpose — it is a gaol.

Two points should be made about developments on the site. Yarra Bend Park is a beautiful area of original bushland very close to the city of Melbourne. Not many cities the size of Melbourne have bushland so close to a central location such as the GPO. It is a wonderful bushland area with a mixed history. It has housed a number of different public-purpose buildings over many years. To some extent the previous Liberal government destroyed its potential to be a really outstanding urban park when it put a freeway through the middle of it. It was unnecessary to put the freeway there; other routes were available. It has effectively cut the park in half. To add insult to injury, a gaol is now being put on the site.

Broadly speaking, the site in question is similar to the Fairfield infectious diseases hospital site, and a number of issues should be put on the record concerning the break-up of that facility. It was an internationally renowned health research facility. Its break-up resulted in a clear loss of institutional knowledge, which was fragmented around the city, and a loss of security for Victorians in the sense of having a hospital of international renown in Melbourne — particularly in these days of potential outbreaks of infectious diseases. We appear at a time of great vulnerability to be rushing towards reducing our defences.

Apart from that loss of institutional knowledge, the break-up of the hospital and the research base caused enormous anxiety for patients, in particular the polio and AIDS patients. The trauma those two groups have gone through because of the break-up and redefinition of the hospital has been quite extraordinary and, by and large, it was dealt with in an insensitive way. The loss of Fairfield hospital has been enormous to Victoria’s reputation and resources in the health area.

Following that decision — a major decision by any accounting — has been the decision to put a gaol on the site. We lose a hospital and research facility of international reputation and what do we do? Whack a gaol into parklands within a few kilometres of the GPO. It is quite inconsistent with any sense of security for the local community. It was vigorously rejected by the people of Northcote, Fairfield and Alphington, who saw it as a great threat to their communities and still do. They resisted it vigorously through all the avenues of appeal open to them and were ultimately frustrated by the government.

The location of the gaol is an issue of considerable community concern. I wonder how many people opposite would contemplate the siting of such a facility so close to a residential community. If it were to be sited on the other side of the river you can be sure the proposal would have been short-lived. But obviously anything goes when it comes to Labor electorates. It is quite extraordinary to decide to put that sort of facility within metres of people’s backyards, and it is one of a whole range of indefensible decisions. The government cannot pretend to have any sensitivity towards the community if it did not take the opportunity to demonstrate that sensitivity by deciding against putting a gaol on that site.

There are also a whole range of environmental issues. Yarra Bend Park has enormous potential. Improvements over the past 10 to 15 years, including the upgrading of the golf course, the regrassing of a lot of the area, the planting of native grasses and the suppression of rabbits and foxes, have resulted in considerable regeneration. The area has been turned into a great multicultural facility and it has been promoted on that basis. Some years ago the honourable member for Richmond and I figured in a dispute with a previous Labor government about the proposal to put powerlines along Merri Creek, essentially bisecting the park. We did that at considerable political risk to ourselves and against the explicit wishes of the Premier and ministers at the time, but we did so as a reflection of genuine community concern over the visual impact of those powerlines on the park, the effects on amenity and the health fears associated with the powerlines.

In the end we won that battle. There is not a person, despite the criticism we took at the time, who would say we were wrong in adopting that approach. It was clearly inappropriate to put the Richmond-Brunswick powerline through parklands. Now we have a gaol there, which is environmentally inappropriate. Parklands are for the people and urban parklands are precious.

The Yarra Valley has been protected by governments for 30 or 40 years. The former Labor government, the Thompson and Hamer governments and the Bolte government protected that region and the advisory committee for the Yarra
parklands was one of the major achievements of both Liberal and Labor governments.

Some people will remember the difficulties involved in getting the former MMBW farms off what is now beautiful parklands in the lower and middle Yarra areas. They were replaced with bike paths, footpaths and forest and wetlands areas. They are the pride of Melbourne. A gaol would not be contemplated in any other part of the Yarra Valley. It is extremely difficult even to have historical buildings modified along the reach of the river, yet this government is putting a gaol there! Imagine putting a gaol in Ivanhoe, Heidelberg, Viewbank, Eltham and Banyule! Honourable members will recall the struggle to develop sporting facilities between Bulleen Road and the Yarra River in Bulleen. Most people would consider sporting ovals most compatible with that environment, except perhaps for the over-development of the Veneto Club. Imagine the furore if the former Labor government proposed to build a gaol where the Veneto Club is now situated? Yet this government, with its renowned insensitivity for environmental and community concerns, is building a gaol in an area that is more densely residential than anything further up the Yarra! It is an extraordinary violation of environmental values, an intrusion on the community and a blight on what otherwise has been 30 or 40 years of redevelopment of the Yarra River and its environs, a redevelopment of which Melburnians and Victorians are justly proud.

The development puts at risk this nonsense about buffer zones and the planting of trees. It is an outrageous proposition to put a gaol in an urban parkland surrounded by densely populated areas which, despite the development of a freeway through part of that parkland, is a world-class urban parkland.

The area is already attractive to international visitors. I visit the parkland almost every day because it is within the boundary of my electorate and the number of overseas visitors to that area is staggering. Instead of enhancing the area and capitalising on its potential the government is building a gaol in the centre of the parkland.

The bill has a misleading title. It is not an institute of forensic mental health, but a gaol. It has little academic support or integrity but is a gaol and as such its location in a sensitive area is against the wishes of the community, is environmentally unacceptable and destroys decades of development in the Yarra Valley.

Honourable members opposite may reflect on how they would respond if a Labor government had attempted to build a gaol anywhere along the environs of the Yarra River with its many open spaces. I am sure the proposal would have been greeted with horror. Because this is a Labor electorate the government is sticking the boots into Labor people. The proposal will devalue the parkland.

Although the decision to proceed with the gaol will not be revoked we can make sure that the remaining facilities are put to sympathetic environment and community uses that are a credit to Melbourne. I understand the government has a number of exciting proposals for the use of the hospital site. Some of the proposals are more sympathetic to the environment than others. At least one of the proposals is inappropriate because it will involve a large amount of traffic and intensive use of the site. If that proposal proceeds you double the harm of having a gaol in the area. As I said, other proposals are sympathetic and will enhance the parkland. I urge the government in considering the future of the hospital site to think carefully about the values that both Labor and Liberal governments have previously adhered to when approving uses along the Yarra Valley.

Some uses, such as a gaol, are inappropriate. However, although I am not at liberty to elaborate on them here, proposals have been placed before the government that could enhance the remaining areas. The proposals would be consistent with a decade-long approach to management of the lower and middle Yarra regions, would be strongly supported by the local communities and would be environmentally sensitive. I urge the government in considering the future use of the site to have regard to issues of community sensitivity and environmental appropriateness.

Mr J. F. McGrath (Warrnambool) — I welcome the opportunity to speak on the Mental Health (Victorian Institute of Forensic Mental Health) Bill. I am disappointed with the tack taken by the honourable member for Northcote. While I understand his concerns about his local constituency, I am concerned that people keep wanting to push back the public image of mental health in the community at large. It is important to address the issues so that the community has a strong, basic understanding of mental health.

The Deputy Leader of the Opposition showed a very strong empathy with people with mental health
problems in expressing his lack of opposition to the legislation. I would like to think this is one issue on which we can cross party lines and push the issue forward. When the Deputy Leader of the Opposition mentioned Brian Howe, I said 'Hear, hear,' because I concur that as federal minister Brian Howe was visionary in being prepared to undertake the national mental health plan in 1992. The outcome of that plan has been significant.

I have a personal interest in and I mix with many people who are involved in mental health. Whether they are carers, consumers of mental health services or professionals who work in the field, all of them, to a person, will tell you that the cause has been advanced significantly through the many facets of the mental health plan. One of its fundamental facets has been to recognise the enormous potential and intellectual capacity that exists within the consumer and carer movement.

As part of the grouping that was put together under the mental health plan, both at a national level and a state and territory level, it was demanded — not suggested, but demanded — that consumers and carers be involved in planning. As a result of that, we have seen a collective of groups come together, sometimes with very disparate views, having very stimulating and sometimes quite frightening debates. At the end of the day they have been able to agree to disagree, but at all times they have been able to push out the boundaries.

When I heard the Deputy Leader of the Opposition talking the way he did, it gave me a nice warm feeling inside because we have advanced a long way to get to where we are today in Victoria. Of course, we would like to be further advanced; there is no doubt that there is much to do.

Recently I had the pleasure of inspecting facilities in London and Dublin and I can tell honourable members that I am very glad my boy is receiving mental health services in Victoria and not in London or Dublin. I know we should not go to a lower denominator to make a judgment, but considering how long services in London and Dublin have been in the process known by the magic name of deinstitutionalisation or, better still, taking the services to the community, Victoria is light years ahead.

I acknowledge that the process was started by the Honourable Maureen Lyster when she was Minister for Health. I can remember having a stimulating debate in my electorate office in Warnambool about the process. I remember her saying, 'You ought to come to Melbourne and hear a speaker at the Old Melbourne Motor Inn who will talk about the importance of this program', and I remember coming down to listen to her. The provision of mental health services is owned by both sides of the Parliament. We all have a hand in the process, and tonight it has been demonstrated again that we have an opportunity to pick it up and push it that bit further, because we have a long way to go.

The Deputy Leader of the Opposition talked about prevention programs. I am sure that we will be able to come up with a magic formula or the parameters of a plan that will address that matter, although it is a huge task. If we consider all aspects of business and community today, the stresses and pressures that we allow ourselves to get under have the potential to harm our mental health. It can start with merely a stress that progresses to a depression that can end up becoming a major mental illness.

We need to consider the importance of the clinical research that is being undertaken by people such as Professor David Copolov at the Mental Health Research Institute, and professor Paul Mullen, who will take a special responsibility in the new facility, which will not be just a hospital providing services. I reject the name 'gaol' that was put on it by the previous speaker. This facility will attempt to address the mental health problems of people, and that is the fundamental reason why they will be there.

The Deputy Leader of the Opposition referred to the constitution of the council, as I did in the debate in the policy committee room. As I have said, Brian Howe acknowledged that consumers and carers have an enormous contribution to make. If one considers the performance of the various people who have been involved at that level over time, one can see that they have more than justified their contribution because they bring a very practical understanding to the decision-making process. When considering changes such as extending a service, there is no-one better than the consumers of the service or the carers of the people consuming the service to give you a nice round summary, sometimes straight from the shoulder, as to whether they think the changes will work.

My concern with the council is that a single consumer going into a body of that nature could be intimidated and overcome by the tremendous intellectual capacity of some of the people who will fill the board positions. For that reason, the council
will have a representative for consumer advocacy and a community member. I hope these two people will work together and provide support for each other. I have seen that work with consumers and carers.

I serve on a national committee and a couple of subcommittees with a consumer from Queensland and we often tap into each other's expertise and strength. On one occasion we had to face nine psychiatrists around the table. That can be quite challenging, given the sort of jargon they use and the direction they take. I was pleased to hear there will be a structure to accommodate the needs of consumers. I am reasonably relaxed about the matter raised by the Deputy Leader of the Opposition. The intent of the wording of the bill and the second-reading speech is to ensure that provision is made to support people.

The institute will play a vital dual or perhaps multiple role. It will have responsibility for the diagnosis and treatment of people who go into the facility. It will provide treatment at a senior and highly qualified level, so we can expect that people who have suffered mental illness and at times have found themselves at odds with the law will be treated far better than and differently from the way they have been in the past.

Everyone knows that mental health generally has been treated badly in the past; people have been unaware of the service or afraid of it — for a range of reasons — and accordingly it has been the poor relation in health services. As one goes out to fight for the recognition of mental health care alongside acute care or aged care there is a perception that one really has to keep pushing the barrow to ensure that it gets that recognition. Given that circumstance, forensic mental health has been pushed right back. I hope that under someone such as Professor Paul Mullen forensic mental health will gain the significance it deserves and in particular that adequate resources are provided to ensure that we get the outcome we expect. Certainly, the research arm of the proposed institute will be fundamental to its operations. It will have at least two major roles, one in diagnosis and treatment and the other in research. With his international networks Professor Mullen will be able to provide some valuable research not just for Victoria but also for Australia and, ultimately, internationally, on which we will be able to draw. I was delighted to see that we have progressed to this stage.

I can understand in part the honourable member for Northcote's concerns, but it is referred to flippantly as a NIMBY, or not in my backyard, issue. It does not matter what one does with such issues. For example, recently in Warrnambool we wanted to buy a house to provide some extended support services beyond the acute care unit. The reaction we got from the surrounding community was predictable — people thought it was a wonderful idea so long as we did not put it in their neighbourhood. That is something we will always have to battle, so I understood in part what the honourable member for Northcote was saying.

However, at the end of the day we have a responsibility to provide a service that is second-to-none and can be potentially world-class so that the people in Victoria who have a mental illness and are caught up in the justice system are given every opportunity to be treated appropriately so that they can lead lives that are the most suitable and appropriate given their circumstances. I welcome the opposition's comments. I wish the bill a speedy passage through the Parliament.

Mr LEIGHTON (Preston) — In joining in this debate I will try to keep my comments brief because I am aware that other members also wish to make a contribution. I congratulate the honourable member for Warrnambool on his comments. I have seen mental health as a professional but he has seen it in a way that I never have as a family member, and I am sure he understands and feels things that professionals can never understand from the comfort of their position.

I welcome the proposed establishment of the Victorian Institute of Forensic Mental Health. As the honourable member for Warrnambool pointed out, mental health has been the poor relation in health services. If mental health services have been the poor cousin of general health services, it is fair to say that forensic psychiatry has been the poor sibling of mental health services. Clearly, it has been one of the most neglected areas of mental health, and nobody has ever wanted to know about it.

I also welcome the opportunity to revisit a former professional and industrial life in speaking on this bill. Firstly, to understand the development of these services, it is important to realise that general health services grew out of the old hospitals and charities — a charitable model — whereas mental health services grew out of prisons. It was no accident that for many years prisons and mental hospitals were housed together in the Chief
Secretary’s Department, and it was only over some time that they were recognised as a health service and that the staff working in them were acknowledged as health professionals.

During my training in the 1970s, from the perhaps relative safety of Royal Park, which was a modern acute care psychiatric hospital, people like me were given a brief placement or at least a flying visit to a forensic service such as J Ward or the G Division clinic at Pentridge Prison or the forensic units at Mont Park.

Any of us who came into contact with those patients later in our careers found that we were sadly unprepared. However, we did understand one thing, that is, that in those days if you wanted a career in mental health you avoided forensic psychiatry. You could easily get a job there because they were short-staffed; you could go there for quick promotion, but then you could not get out. It was regarded as the pits, and the staff were regarded not so much as poorly trained as not keeping up clinically with the latest methods in psychiatry. There was always a reluctance among other services to take back staff who had gone to work in forensic psychiatry.

The honourable member for Warrnambool mentioned a former Labor minister, Maureen Lyster. Without downplaying her efforts, the Labor minister that I would single out is Tom Roper. During the 10 or 11 years of state Labor governments, he originally put mental health on the agenda, at a time when there was growing budgetary pressure on public hospitals. While the Mental Health Act 1986, which this bill amends, might have been introduced under another former Labor minister, David White, the work of drafting that bill was initiated by Tom Roper. Perhaps that was a key development in understanding where we are today with forensic mental health services. Under the previous Mental Health Act — I think it was proclaimed in 1958 or 1959 — it really did not matter whether you were mad or bad, intellectually disabled or suffering some form of substance abuse, the former Mental Health Authority had a home for you and there was not much attempt to distinguish between the various illnesses or disorders.

The Mental Health Act 1986 was important firstly in separating out the various disorders, so that we had a new Intellectually Disabled Persons Services Act 1986 and a Guardianship and Administration Board Act 1986 as well as a more discrete Mental Health Act 1986. A number of features of those acts are outside the scope of tonight’s debate, but they introduced such things as community treatment orders, more flexibility with the forms of admission or discharge, and community visitors. Perhaps one of the more important initiatives which is being relied on in this bill is that the 1986 act developed a concept of an approved mental health service. Of course, the institute will be one of those. In the past all we had was a mental hospital or a psychiatric hospital — or back out on the street. The Mental Health Act 1986 gave greater scope for approved mental health services, and this bill certainly relies on that in establishing the Victorian Institute of Forensic Mental Health.

A couple of other important things happened during the 1980s. Firstly, there were moves to close J Ward. The first time I visited that ward I would not have been able to cope if it had not been for my psychiatric training. It was a pretty grim place to visit. Although in the end we were better off moving that facility into the Aradale mental hospital, for the sorts of reasons that have been outlined by a number of speakers tonight, putting a facility up in Ararat was never going to be terribly satisfactory.

One of the difficulties has been the shortage of psychiatrists, especially in this area. It is hard to attract them to a facility like that in Ararat. I remember on one occasion when I was up there I flippantly commented to a journalist from the Ararat Advertiser that just as we have a Flying Doctor Service we needed a flying psychiatrist service. The journalist took my comments literally and the next day the headline on the front page said that as a result of a joint HEF and state government initiative Ararat would receive a flying psychiatrist service. That highlighted the difficulty in getting trained people to the area.

I suppose the closure of J Ward, which was modelled on the Old Melbourne Gaol, was a step in the right direction, but much more was required. In the 1980s we saw the establishment, particularly inside Pentridge Prison, of prison health services. In the end I think they were referred to as corrections health wards. That was an important step towards recognising the rights of people who were incarcerated to have access to a range of health services, notwithstanding their incarceration. It was important to provide services at the interface of corrections and health. Again, the bill before the house builds on that.

Even in a number of areas that are not the direct province of psychiatry, such as antisocial personality
disorder, I still believe mental health professionals have much to offer through their training. In some cases they have unique skills. I would like to see much more activity with Corrections, Health and the Attorney-General coming together to provide services to people in gaols.

I shall comment briefly on a couple of specific clauses of the bill. The guts of the bill is really clause 5, which amends the Mental Health Act. I have already commented on proposed section 117D, which will have the effect of recognising the institute as an approved mental health service. Proposed section 117H provides for the appointment of a clinical director, who I understand will be Professor Paul Mullen. If I recall correctly, I met the professor at a forensic psychiatry seminar in New Zealand in 1991. I am certainly aware of his work over the years, and I believe he is an outstanding choice to head the institute.

If I am allowed the luxury of putting on my old HEF cap, I note the reference in proposed section 117J, which recognises the public service status in the public service superannuation entitlements of staff. I agree with that. It is important if the institute is to be adequately staffed.

The planning processes have been addressed by the honourable member for Northcote. My support of the bill should not be taken to condone any planning processes. In establishing the institute I urge the government to make sure it is well resourced and well staffed and, not only that, that it has the best staff. To go into an area like forensic psychiatry and to keep staff, it must be possible to offer a decent career structure and an opportunity to maintain and develop clinical skills. In my opening remarks I said this area had been a backwater. We need to make it the cutting edge of psychiatry with the best trained clinical staff. I welcome the bill, but in many ways it represents a first step. What follows will be important.

Mrs SHARDEY (Caulfield) — It gives me great pleasure to support the bill, which I believe is very important particularly in the treatment of those who are, unfortunately, suffering from mental illness but at the same time have come within the criminal justice system. I am also pleased to acknowledge opposition members’ support for the bill. However, some of their comments need to be addressed.

I shall speak briefly because other members wish to speak before the conclusion of the debate. Victorian forensic mental health services provide for the treatment, care and management of mentally ill serious offenders and also care for some very difficult involuntary patients who are not offenders. It is important to acknowledge that point. Those who have committed homicide and other serious offences against individuals and for whom mental illness is seen to be a cause or related to their behaviour require the highest priority in our mental health system. Many members have acknowledged that this evening. The aim of mental health services is effectively to treat and manage those people — and that is the whole thrust of the bill.

I congratulate the government on its decision to retain forensic mental health services strictly under departmental management and to build a new forensic hospital complex at Caulfield. To my mind forensic mental health is highly complex. It is a sensitive and delicate area that rightly belongs in the domain of ministerial and departmental control, and the bill provides for that. The Deputy Leader of the Opposition seemed to think there was some heavy-handedness in the approach and that it would be restrictive. I believe the opposite: it is such a delicate and discreet area that it deserves that sort of control and treatment from the minister.

As all honourable members have heard, the Victorian Institute of Forensic Mental Health will be located at Fairfield. The honourable member for Northcote had some problem with that, saying it was too close to the suburbs and urban living. That is a little contradictory coming from the opposition in view of the fact that when talking about the Deer Park gaol, which treats not the mentally ill but criminal offenders, it opposed its location on the ground that it was too far away from civilisation, the suburbs and amenities and was putting people into the backblocks. I do not think the opposition can have its cake and eat it, too. Conversely, mental health patients have been treated in the suburbs, mainly at the Alfred Hospital, which is a focus for mental health treatment. Of course, that is in the heart of Melbourne. I do not think the opposition would be opposing that.

The institute will provide specialist mental health services, including treatment and assessment from the courts, prisons, the parole board and other relevant government agencies for offenders with mental health disorders. Specialist treatment or assessment is something we need to focus on because, as has been discussed this evening, it has been difficult for us to attract specialists in this area. I note from experience — my brother is a psychiatrist and his focus is forensic psychiatry —
that many of those people went overseas in the mid-1970s and have not returned to Australia. We need to attract these people, and by creating an institute at a location like this we are providing a focus for forensic psychiatry and forensic mental health treatment. In addition, I understand Monash University is starting up a program for forensic psychology, which is another aspect. I am very pleased there is now a focus for this particular area of need.

Treatment will include inpatient and out-patient services and specialist treatment programs. I am pleased this facility will provide treatment for out-patients because it means people who have had contact with the criminal justice system but who go back into the community will be cared for. There has been much criticism of deinstitutionalisation on the ground that people do not receive care. The bill will provide care for the people who need to be monitored regularly over time. I refer to people with mental illnesses, not disabilities, who need to be monitored to make sure they are receiving the right treatment to cope with their illnesses. The institute will promote and assist in the provision and planning of forensic mental health and related services for the whole state. That is a good focus. It will bring forensic mental health under one body, with planning across the state rather than on an ad hoc basis.

Importantly, communities will be educated and postgraduate instruction and training will be conducted alongside research and development in forensic mental health. I am particularly pleased to see that. If we are to attract people from around the state, from interstate and from overseas, a research and education element will be important. It will be important for clinical research as well as for clinical forensic medicine and clinical forensic psychiatry to have these elements, and the institute will provide that model.

I mentioned that the bill will bring the services together; everyone will be housed in one institution. It has been recognised that in the past it has been difficult to treat people with mental illness who come into contact with the criminal justice system. Such people have been spread throughout the state. This bill will bring all those individuals together.

This bill complements the recent Crimes (Mental Impairment and Fitness to be Tried) Bill, which establishes new procedures to deal with the mentally ill. I believe this bill is particularly important because the institute will provide the mechanism for continuous assessment, which is also an important part of the crimes bill. It recognises that mentally disordered offenders were previously left out in the cold. They were treated unjustly and their needs were not anticipated.

The establishment of the institute, together with the total redevelopment of Fairfield’s 120-bed facility, will ensure that Victoria will be the frontrunner. It is important to recognise that Victoria will be leading the field, not just in the state but nationally and internationally. The Victorian Institute of Forensic Mental Health will be managed by the council that is established by the bill. An important element is the strong level of accountability provided. Although various mechanisms are applied, accountability rests mainly with the minister, who has the power to appoint members to the council. Under the bill the minister can give direction to the institute. He also has to approve the corporate plan, an important element of the bill. The minister is also responsible for the appointment of the clinical director, who plays an important role in all of this.

I refer to the opposition’s comments about this government’s performance in mental health. In closing I shall quote from Professor Mullen, who said when discussing Victoria’s performance:

Monash University professor of forensic psychiatry Paul Mullen says the old model of psychiatric care that saw the mentally ill incarcerated in hospitals for months or even years did as much harm as good. Mullen says the move to treat people as much as possible in their home and in the community is a big advance in the treatment of mental illness, and Victoria leads the world in this approach.

In many places around the world when they deinstitutionalised, they [the governments] just took away the money. Victoria has learnt from those mistakes and much more money goes into providing treatment rather than being spent on hospital bureaucracies.

I think it is important to recognise the role being played by this government not just in mental health generally but now, importantly, in forensic mental health. I wish the bill a speedy passage.

Mr THOMPSON (Sandringham) — I should like to make a more measured contribution to the debate tonight in the context of the importance not only of the bill and the assistance it will provide to people in need of treatment and forensic support through the mental health system but also the assistance this
改革将为家庭成员提供帮助，为精神障碍患者提供支持。我承认这场辩论中来自两院的成员所做的重要贡献。他们利用他们的洞察和专业知识从不同的视角提供了这方面的看法。

其中最有力的演讲之一是我作为下议院的一名议员在大约三年或四年前发表的。当时这位荣誉议员引用了一位美国专家的话，他说没有一场战争比精神疾病对人的伤害更大。精神分裂症和其他精神疾病对家庭和整个社会造成了伤害。在一场交通意外中，一位先生寻求法律咨询。他表现出对会计师、律师、医生和精神病学家的恐惧。他对所有不认识的人表现出恐惧症。他被允许回到社区。在两个星期内，他被警方拘留。在罗斯安娜，有其他类似的服务。还有其他例子，如受严重头部伤的人可能由于生活中的困难而受苦，他们的亲人可能因他们的痛苦而受苦。

头部受伤并不是唯一的问题。有些人先天有导致犯罪的因素。人们可能因在社区中生活而产生的挫折而犯罪。例如，霍德和马丁 Bryant在塔斯马尼亚的不幸事件。但有些人可能在年轻时在街头流浪。他有严重的偏见，他只和他年轻时认识的人交往。他被允许回到社区。在两个星期内，他被警方拘留。在罗斯安娜，有其他类似的服务。还有其他例子，如受严重头部伤的人可能由于生活中的困难而受苦，他们的亲人可能因他们的痛苦而受苦。

然而，我们预见维多利亚精神健康研究所可能提供一些持续的护理和对精神健康服务的持续支持。其中的一些服务可能是为那些可能没有犯罪精神疾病的人提供的一类服务。研究所的职能和权力的定义有助于为精神疾病患者提供适当的服务。在那些情况下，研究所可能能够提供某些持续的服务和对人们的支持。为那些精神疾病患者提供有重要服务的机会是重要的。因为它将提供一个机会进行批评评估和对人们进行持续的支持。直到人们能够被释放回街道上。

许多成员将了解一些导致人们在住房委员会住宅中经历的一些困难。在这些地方，人们可能在机构中被疏远。精神医学研究所将有助于开发项目或战略，以帮助人们更好地接受监督和过上更有意义的生活。

这些服务的提供不仅仅是为新学生提供，也是为研究生和社区教育提供。作为对教学的补充，它也有助于在社区中建立一个世界一流的中心。精神医学研究所将帮助开发进一步的重要服务。在第二读演讲中提到的计划和策略将为那些想接收更好监督和过上更有意义的人提供机会。人们可能因自己的生活而感到绝望，他们可能会伤害到其他人。

改革将为家庭成员提供帮助，为精神障碍患者提供支持。我承认这场辩论中来自两院的成员所做的重要贡献。他们利用他们的洞察和专业知识从不同的视角提供了这方面的看法。

其中最有力的演讲之一是我作为下议院的一名议员在大约三年或四年前发表的。当时这位荣誉议员引用了一位美国专家的话，他说没有一场战争比精神疾病对人的伤害更大。精神分裂症和其他精神疾病对家庭和整个社会造成了伤害。在一场交通意外中，一位先生寻求法律咨询。他表现出对会计师、律师、医生和精神病学家的恐惧。他对所有不认识的人表现出恐惧症。他被允许回到社区。在两个星期内，他被警方拘留。在罗斯安娜，有其他类似的服务。还有其他例子，如受严重头部伤的人可能由于生活中的困难而受苦，他们的亲人可能因他们的痛苦而受苦。

然而，我们预见维多利亚精神健康研究所可能提供一些持续的护理和对精神健康服务的持续支持。其中的一些服务可能是为那些可能没有犯罪精神疾病的人提供的一类服务。研究所的职能和权力的定义有助于为精神疾病患者提供适当的服务。在那些情况下，研究所可能能够提供某些持续的服务和对人们的支持。为那些精神疾病患者提供有重要服务的机会是重要的。因为它将提供一个机会进行批评评估和对人们进行持续的支持。直到人们能够被释放回街道上。

许多成员将了解一些导致人们在住房委员会住宅中经历的一些困难。在这些地方，人们可能在机构中被疏远。精神医学研究所将有助于开发项目或战略，以帮助人们更好地接受监督和过上更有意义的生活。
Dr NAPTHINE (Minister for Youth and Community Services) — I thank all honourable members from both sides of the house who contributed to this interesting debate. In his or her own way the Deputy Leader of the Opposition and the honourable members for Malvern, Northcote, Warrnambool, Preston, Caulfield and Sandringham each made a positive contribution. In particular they recognised that forensic mental health services are a difficult and unglamorous but necessary area of the mental health service, that the community and individuals involved need support and that the forensic services need to be of a high standard.

The bill provides for the creation of the Victorian Institute of Forensic Mental Health, which will provide specialist treatment, assessment, support services and research with regard to people with mental illnesses who have come to the attention of the criminal justice system. The government is committed to providing high-quality services in this area to meet the needs of those individuals in surroundings which not only respect their human dignity but at the same time provide adequate protection for the wider community.

The new agency will be headed by Monash University’s professor of forensic psychiatry, Professor Paul Mullen, who is widely respected in the house, the community of psychiatry and the broad community as a person who will do an excellent job in that area. The institute will provide a very good research facility and will offer individuals in the facility an unparalleled standard of treatment and support of world standard. I wish the bill well. I am sure all honourable members would wish the agency the very best in its work.

The SPEAKER — Order! Earlier I inadvertently suggested that the motion should be carried by an absolute majority. That is not the case; a simple majority is sufficient.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

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

1. Clause 5, page 6, line 3, omit “Australian and New Zealand Royal” and insert “Royal Australian and New Zealand”.

This is a simple correction of a name to omit ‘Australian and New Zealand Royal’ and replace it with ‘Royal Australian and New Zealand’ to give the correct title to the organisation referred to in the bill.

Amendment agreed to; amended clause agreed to; clause 6 agreed to.

Reported to house with amendment.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of

Dr NAPTHINE (Minister for Youth and Community Services).

ADJOURNMENT

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

That the house do now adjourn.

Sport: participation rates

Mr PANDAZOPOULOS (Dandenong) — I raise with the Minister for Sport his press release of today stating that business and sport is worth at least $2.3 billion to Victoria. In the press release the minister tries to gloat about Victoria’s participation in sport and refers to 70 per cent of Victorians regularly participating in sport and recreation.

It is typical of the government that it always tries to talk up the situation rather than trying to deal with the realities of the problem it has created — that is, limiting participation in active organised sport and recreation. Since the election of the Kennett government the participation level in organised sport and recreational activities in Victoria has fallen from 33 per cent to 31 per cent, making Victoria the second-worst performing state in the country.

The minister and the Premier are always talking about Victoria being the sporting capital of the universe, but we have fewer Victorians involved in sport and recreation activities, in grass roots sport
and organised sport, than we have had for a long time. Victoria also has the lowest participation rate for children aged 5 to 14, which bodes ill for our future.

The opposition supports the holding of the 2006 Commonwealth Games in Victoria, but will Victorian athletes be participating if fewer people are involved in grass roots sport? The minister needs to come into the chamber to explain the government’s strategy to increase participation instead of putting a PR spin on some figures. The minister talks about 70 per cent of people being involved in sporting activities. He is saying that if I go out for a jog, I must be involved in an athletics club!

The minister needs to come into the house and explain exactly what he is doing and stop putting a gloss on the reality. Under this government participation has dropped for various reasons, including cutbacks to local government, rate capping and compulsory competitive tendering. As Bill Lawry said at a sports forum organised by the state opposition last Friday week, the biggest barrier to participation in sport is the user-pays policy of this government.

Clubs are paying more and being asked to do more but they are getting less from government. Water rates have gone through the roof in country Victoria and water charges will be imposed on sporting organisations as a result of the so-called water reforms.

This government is bad for participation in sports at the grassroots level. It has no strategy. It is about time the minister addressed the decline in participation in sport.

The SPEAKER — Order! The honourable member’s time has expired. I am not sure what action he was asking the minister to take. I must remind honourable members to ask ministers to take specific action. I think the honourable member asked the minister to come in here and make a few statements. He might express more clearly what action he wants the minister to take. That applies to all honourable members.

Somers children’s camp

Mr DIXON (Dromana) — I raise for the attention of the Minister for Education a matter regarding the Somers children’s camp. The camp is a unique institution operated by the Department of Education so that primary school children from all educational regions throughout Victoria can attend for a nine-day holiday.

Throughout the nine days the staff at the camp provide a broad range of activities the children would not normally experience. The camp is located on the beach so there are beach and swimming activities, as well as a rope course, an initiative course and lots of indoor activities, including arts and crafts. There is also a purpose-built environmental centre which has a specially trained environmental teacher. The children look at the flora and fauna of the area and participate in a number of related activities.

The programs are provided by a wonderful staff led by the principal, Mr Bob Edmonds. Members of the staff frequently work until 10.00 p.m., together with the teachers who accompany the children from the various regions, to look after those in their care. There is also a school council, which is another feather in the cap of the camp in that members of the council are drawn from the local area, not from around the state. Council members are committed individuals from the Somers area who see the camp as a wonderful opportunity help the children who attend it, which they do by giving their time and effort. The council and the staff have done much to enhance the camp’s equipment, the environmental aspects and the facilities. They have even gone to the extent of attracting sponsorship to further enhance the camp programs.

There is a problem at the moment with the bridge that crosses Merricks Creek and connects the camp to the Somers foreshore. It is a suspension bridge, and it is an event to actually cross it. It is structurally sound but has unsafe planking and railings, which have caused some concern about the safety of the many children who cross it. It is critical to the activities of the camp because it connects the camp to the foreshore where many of the activities take place.

Ownership of the bridge has been difficult to establish, and therefore it has been difficult to find out who is responsible for repairs. I ask the Minister for Education to examine the matter and advise what action he is prepared to take to repair the bridge so that the camp can continue its programs.

Good Shepherd Youth and Family Service

Ms CAMPBELL (Pascoe Vale) — I ask the Premier to reconsider the application made by the
Good Shepherd Youth and Family Service to the Community Support Fund for funding its no-interest loan scheme for low-income families. I draw the Premier’s attention to the fact that when the GSYFS wrote to all coalition members seeking support it received the outstanding number of 40 written responses in support of its application. One of those supporting letters came from the Deputy Premier. Unfortunately, the Premier has either not received or not read the correspondence that has hit his desk from 40 of his own government members. Those government members have supported the scheme, the Premier has not.

In question time today the Premier crowed about the fact that he supported his members. The house needs to know that he does not support his members and he does not support the battling of this state who need the GSYFS no-interest loan scheme, which provides small loans to low-income earners to purchase household goods. The loans from a capital fund of $50,000 are available for lending purposes for between 8 and 18 years. It is an invaluable scheme and many families in Victoria need it.

The establishment of the scheme received the support of many philanthropic trusts such as the Jack Brockhoff Foundation, the Potter Foundation, the James Goold Trust and the Precision Foundation. Those organisations provided initial funding, but they cannot provide ongoing funding. The Community Support Fund should be able to provide funding. The Good Shepherd’s application met four of the funding criteria concerning programs for financial counselling services or support and assistance for families in crisis, programs for the benefit of youth, research or pilot programs relating to community advancement, and any other programs relating to the support or advancement of the community. It has the support of the opposition and 40 government members, including the Deputy Premier. I ask the Premier to come into the house and say that he will reconsider this application.

Fire: suppression services

Ms Burke (Prahran) — I raise with the Minister for Police and Emergency Services a matter concerning the Metropolitan Fire Brigades Board’s annual report for 1996-97, which was tabled today, and in particular the change in the name of the Metropolitan Fire Brigades Board to the Metropolitan Fire and Emergency Services Board.

The issue of fire protection is obviously high on the agenda of anyone looking after a community, but it is of particular concern to me. The electorate I represent has numerous old buildings and is home to many people who have difficulty in understanding rules and regulations and people from non-English-speaking backgrounds who have difficulty in learning about changes in the community, as well as a large proportion of elderly people. Fire protection is also a big issue for the City of Stonnington. Not only does it have responsibilities involving joint reports and building regulations concerning fire, but one of its councillors is on the former Metropolitan Fire Brigades Board.

In the report, particular reference is made to the changes in legislation and the organisational review conducted by KPMG Peat Marwick. I seek some sort of assurance from the minister that these changes will have direct benefits for the community and the emergency services. As it is for anyone who cares about a community, fire safety is an issue of major importance to me. The report talks about the fact that since 1991, 78 per cent of properties have had smoke alarms installed. That is one area where we have gained great momentum, but as you look around this chamber you wonder if there is a smoke alarm here. I wonder how many members can see where it is and whether it is relevant. New alarms have just been installed in the Legislative Council chamber.

I seek an assurance from the minister that the changes will mean the continuing promotion of the benefits of fire suppression services and the enhancement of such services to the Prahran electorate.

Wantima Heights Primary School

Mr Mildenhall (Footscray) — I direct to the attention of the Minister for Education the concerted and disgraceful attempt by the Department of Education to close the Wantima Heights Primary School. The underhanded and undemocratic activities of the region continue to undermine the school community and the existence of the school, but the school community is vigorously defending the school and is attempting to stop the minister and the department from closing it.

Under severe pressure from the region, which is clearly out of step with parent opinion, the school council decided to merge the school with an unidentified partner. On 17 September in this house the Minister for Education acknowledged that his department had not adequately supported the school and if a merger partner was not found the
department would continue to support the school regardless of the numbers. Since then, six members of the school council have resigned and left the school without nominating a merger partner, so there is no merger partner. The remaining four parents on the school council oppose any merger.

The regional manager, who is no doubt doing the bidding of the government, is bent on a merger. Prior to the six members of the school council resigning, the school council had decided to proceed with a survey, but the regional manager will not allow that decision to stand although the decision to merge will stand. The regional manager has refused to allow a public meeting to determine local opinion or to fill the six positions on the school council. The spirit of the minister’s comments is being defied and the regional manager is driving the school into extinction.

I call on the minister to intervene to allow the school council to have a say and to conduct a realistic, accurate and sensitive survey of the parents. The decision to merge the school is extremely unpopular. A lot of money has been spent on the school. I have visited the school and it is a terrific facility, but the proposal to merge will deny the school community access to local education.

Water industry: reform package

Mr KILGOUR (Shepparton) — In the absence of the Minister for Agriculture and Resources I refer the Minister for Housing to the additional $400 million funding for the water industry that the government announced some weeks ago to support the provision of better quality water throughout Victoria and country towns in particular. The proposal is particularly important for factories in my electorate, which use good quality water for the food industry in the Goulburn Valley, the food bowl of Victoria — its products are exported throughout the world — and for the treatment of waste water from those factories.

The Goulburn Valley Region Water Authority will receive $39 million of the $400 million going to country Victoria. It is keen to spend the money on the infrastructure programs it has been planning for some time. The provision of fresh water of World Health Organisation standard and the proper treatment of waste will result in significant support for industries in my electorate and neighbouring electorates such as Rodney. I am sure the honourable member for Rodney will be pleased that the authority is spending money in Kyabram to solve the problems.

I ask the minister to move as soon as possible to make the money available for infrastructure programs. The Goulburn Valley water authority has plans drafted for a number of programs and is now ready to commence their development. I also ask the minister to announce as soon as possible the new members of the board of the Goulburn Valley water authority so that the new board can oversee the allocation of the funds to the new infrastructure programs. I am sure the minister will announce the new members of the board as soon as possible so that everyone understands the proposed infrastructure programs and so that the new board can provide guidance for the much-needed programs throughout the Goulburn Valley and northern Victoria.

North Melbourne Football Club Social Club

Mr DOLLIS (Richmond) — I direct the attention of the Minister for Planning and Local Government to the application for a club licence by the North Melbourne Football Club social club at the Broadmeadows town hall. I ask the minister to examine the discrepancies between the understanding of the community of Broadmeadows with respect to access to the town hall premises for community uses and the provisions of a lease entered into between the Hume City Council and the club for the use of the town hall premises.

On 23 December 1996 the club entered into a lease with the Hume City Council for an initial period of 20 years. The lease contemplates the holding of a club liquor licence and the operation of 105 gaming machines. The applications for the planning permit and the liquor licence were opposed by a number of community representatives. I was informed that during negotiations between the council and the club the issue was raised of continuation of access to the premises by individuals or groups within the community. I am further informed that the draft lease, which was prepared by solicitors acting on behalf of the council, was made available to interested parties and members of the community.

The application for a planning permit for the premises was called in by the minister and considered. It is further understood that the minister informed himself as to the intended arrangements between the club and the council, including the rights of the community to use part of the premises...
for a minimum of 120 community functions per year and also the provision of alternative access for persons or groups that did not wish to use the licensed premises because of objections either to the liquor licence or for other reasons.

At a public meeting held for the purposes of consultation between the parties, including members of the community, which the minister attended, the minister left a clear impression that he understood the premises would continue to be available to the public in conjunction with their use as a licensed club and entertainment centre as envisaged by the application.

The problem is that although the lease executed between the council and the club contains reference to a multifunction hall, the words ‘to be available for general community use’ do not appear. A statement was lodged by the solicitors for the club with the Liquor Licensing Commission, but it makes no reference to the intention of the club or the requirement by the council to provide access to the general community other than members of the club to the premises or any part thereof. I ask the minister to examine the original intent of the lease application and report back to the house.

**Metropolitan Women’s Correctional Centre**

Mr E. R. SMITH (Glen Waverley) — I direct to the attention of the Minister for Corrections criticisms of the Metropolitan Women’s Correctional Centre at Deer Park. In the past few months the honourable members for Yan Yean and Pascoe Vale have made unfounded criticisms of the facility. I call on the minister to take action so that the facility’s name can be cleared.

On 16 October during the adjournment debate the honourable member for Yan Yean in his criticism of the prison system called the Correctional Services Commissioner, Mr John Van Groningen, a liar. I ask the minister to refute that, because Mr Van Groningen finds this slur on his character deeply wounding and he has been extremely upset about it. It is unforgivable for opposition members to use this place as a coward’s castle and to make unfounded criticisms against a public servant in the area of corrections, who has no means of retaliation. At the same time the honourable member for Yan Yean criticised ministers like the Minister for Police and Emergency Services and others of us who can take it on the chin, unlike the honourable member for Yan Yean, who has a glass jaw and who, when criticism comes his way, jumps up and wants to make a commotion in the place.

The criticism of the corrections establishment is absolutely outrageous. I want to know how the minister can clear its name and what accountability he has put in place in the past few months; and if a report has been made to the minister, perhaps we might hear about it here. Action must be taken soon to clear the good and very highly regarded name of John Van Groningen, who has been slurred and made to look stupid in this house.

Mr Van Groningen deserves a full and responsible apology from the honourable member for Yan Yean for his offensive remarks — the words he used against a very highly sought after public servant who has been in this area for many years and has a great deal of experience. It is not good enough to use the house to carry on like this.

**Melbourne Water: Gippsland irrigators**

Mr HAMILTON (Morwell) — I raise a matter for the attention of the Minister for Agriculture in his role as minister responsible for water resources. Unlike the matter raised by the honourable member for Shepparton the problem is not with the money the government is allegedly throwing at country water resources, but with the water resource. I ask the minister to intervene so that the irrigators in the Gippsland irrigation belt, which includes the Latrobe, Thomson and Macalister rivers, can get access to water.

The real problem is that Melbourne is stealing the water from the irrigators. Our farmers, who are the source of the real wealth of the state, are having their water stolen by Melbourne Water — specifically the water that is currently in the Thomson Dam. Currently Lake Glenmaggie, which is one of the major sources of irrigation supply for Gippsland farmers, has about 40 per cent capacity and because of the El Niño effect is unlikely to increase its capacity, certainly during the forthcoming irrigation season. Farmers are rightly worried that insufficient flows are being allowed down, especially from the Thomson Dam. To make it even worse, Melbourne Water in its wisdom, or lack of it, has decided to turn off the hydro-electric power station that operates at the bottom of the dam wall which will reduce the flow from the Thomson Dam by some hundreds of megalitres.

There is a lesson here for every Victorian. Melbourne Water clearly sees water as a more valuable resource...
than electricity. We saw what happened when electricity was privatised; Lord help us in country Victoria when water is privatised because then there will be no hope of our farmers ever being guaranteed adequate supply!

This is a very serious matter. The minister needs to take note of it and to intervene to ensure that the Gippsland farmers can continue producing at the rate they have in the past so that they can survive, and that water is not privatised — that is, sold off.

**Hume Freeway: Albury–Wodonga bypass**

Mr A. F. PLOWMAN (Benambra) — I raise a matter for the attention of the Premier. The intransigence and procrastination of the New South Wales government under Premier Carr means that $200 million of federal funding that has been promised by the federal government for either an internal or external bypass of Albury is not being spent. The money has been promised by the federal government and the Victorian government is in agreement with meeting its commitment to the expenditure on the road. However, the New South Wales government, for reasons known only to itself, has determined that it will sit on its hands. It does not want to take up $200 million.

All honourable members know the sorts of jobs that $200 million can provide and what it would mean to a centre in regional Victoria and New South Wales. Because of this intransigence we are losing jobs and the opportunity for development of the proper infrastructure for the 14th biggest regional centre in Australia, Albury–Wodonga. I could wax lyrical about Wodonga and its growth, but I will not do so, despite hearing a murmur of applause from my colleagues. Mr Speaker, I know full well that you understand the detail, and that this centre needs the $200 million for growth and for jobs.

Most importantly, we have infrastructure lined up for Albury–Wodonga, including the relocation of a railway line out of Wodonga. Anyone who has lived in Wodonga in the past 50 years knows the importance of that. We cannot plan for it until we get a decision on that internal bypass of Albury, which will connect Albury and Wodonga and is essential for the infrastructure of one of Australia’s major regional centres.

I ask the Premier to intervene with the New South Wales Premier and I ask the New South Wales Premier to respond. I ask him to act on this and to spend the $200 million of federal money available for this project.

**Responses**

Mr GUDE (Minister for Education) — The honourable member for Dromana raised a matter relating to the Somers camp, particularly as it concerns the bridge that connects the camp to the foreshore area. The honourable member has raised this issue out of a continuing concern, as he has been very actively involved in the Somers camp. I have had the privilege of going to the Somers camp, as a member of parliament who has a concern for young people who have had fewer advantages or opportunities in life than others.

When the honourable member was kind enough to invite me as Minister for Education to the Somers camp and I saw the disrepair into which the bridge has fallen, I could not but be appalled at the way in which the previous government had allowed that neglect to occur. It is quite disgraceful that the Labor government in office —

Mr Pandazopoulos interjected.

Mr GUDE — It is interesting that the member for — where are you the member for? Nobody knows where you are the member for! He is out at Dandenong. I have had to go out to the honourable member’s electorate and open new schools because when in office his government was not prepared to do that. I have had to be involved in the upgrade of schools in his electorate because when in office his government was not prepared to do the things that were necessary to provide youngsters in that area with opportunities.

When the honourable member for Dromana gave me the opportunity to go to the Somers camp and look at what was necessary it became very evident to me that there was an important need to ensure that the bridge that gives youngsters the opportunity to move from the camp to the foreshore was upgraded. I had no hesitation in offering him my support for that, and I can assure the honourable member that as between myself and the Minister for Conservation and Land Management there will clearly be a commitment to improve the standing of that bridge in a way which will not in any way diminish access and which will guarantee security for the youngsters who are moving to the foreshore.

Can I take the opportunity to give my support and commitment to the teachers and to all those who are
involved with the Somers camp for the fantastic job that they do. It is superb and something that is appreciated by school children throughout the broader community, and anybody who has had the opportunity to be there would certainly have appreciated it. I am not surprised that the honourable member for Dromana has raised this issue because as a genuine educationalist, a person who has an interest in this area, he would want to make sure that the schools within his community have a first-class environment. I am very pleased to be associated with him in seeking appropriate upgrades.

Having made that comment it is interesting to contrast that approach with the approach taken by the honourable member for Footscray. I understand that the honourable member for Footscray raised a question with respect to the Wantirna Heights Primary School in his usual whining, carping, miserable and negative way. He seeks to denigrate the broader community of the Wantirna Heights area. I understand that four of the resignation letters to which the honourable member referred in his remarks relate to harassment, intimidation and personal attacks, which have affected the school council operations and family life.

It was interesting that when the honourable member for Footscray made his remarks he indicated that he had personally been involved in this issue, because it seems to me that every time the honourable member for Footscray becomes involved in an issue we have this general approach of denigration and negative outcomes, and there is nearly always an issue of personal attacks. One can only assume, given that he is the shadow spokesman on education — we know that education is a policy void in the Labor Party — and that he is not prepared to exercise his mind with respect to policy issues, he seeks to get into the gutter. That is his little nicety in life.

Honourable members interjecting.

Mr Gude — I pick up the interjection of the honourable member for Morwell, the spokesman on secondary education, who says that he is not that good. He gets lower than the gutter, that is what the honourable member for Morwell says. Goodness me! This is the left talking about the left.

Honourable members interjecting.

Mr Gude — It is not a question of getting into anybody; it is really a question of having some integrity and decency. I suggest to the honourable member for Footscray that were he to exercise his mind on issues of policy and issues that relate to the betterment of education and the advancement of educational knowledge of young people in Victoria, difficult though that may be, and were he to do that with respect to a particular school, it would be an enlightening and new experience for Parliament.

The fact is that through a process of fear and intimidation, aided and abetted by the honourable member for Footscray, we now have a circumstance in the Wantirna Heights area where a school community really does not know where it is going. I am very concerned about that because, unlike the honourable member for Footscray, the political outcome is frankly the last interest that I have. My real interest — I genuinely believe it is the real interest of the parent councillors of that school and I know the real interest of the regional office — is the educational outcomes of the youngsters involved in the school community.

The process in which the honourable member for Footscray has indulged in is unfortunately typical and very negative for the Wantirna Heights Primary School. Tonight I sound a very clear warning to all schools throughout Victoria: whenever you have the honourable member for Footscray involved have a very clear sniff of the wind, make sure the community's interest is reflected in the decisions that are being taken and do not be conned by him, because his last interest is the kids in your school.

I can say clearly to the people of Victoria and to the parents of students at the Wantirna Heights Primary School that I have no fear as far as the government is concerned. Our sole interest is in the students of that school. Should that school remain open, that will be fine; and should it be involved in some sort of merger arrangement with other schools, that will be all right as well. The government is interested in your children and will support you on the way through. We will not be diverted by the political nonsense of the Labor Party. We will support you in order to get a quality outcome for the children and the students of the Wantirna Heights Primary School.

That is the clear and unqualified commitment of this government. Have no doubt about it, the sole interest of the government is in the kids of that school. We are not interested in politics; we are interested in educational outcomes for young kids who, frankly, do not deserve the political intrusion of a person of the low ranking of the shadow minister for education in this state.
Mr REYNOLDS (Minister for Sport) — The honourable member for Dandenong raised several matters in his diatribe. The first was that launched this morning was The Business of Sport, which is the first time that the department has endeavoured to draw together — or that anyone has endeavoured to draw together — the benefits of sport in this state for business and for many other things. The value to the Victorian economy of sport is some $2.3 billion. Sport is among the 10 top industries in this state for job growth and employs 26,000 people directly — and that does not include racing, with another 32,000 in that field. There are a lot of people in sport.

There are 1900 sport and recreation businesses in this state, some 100 of which have payrolls in excess of $1 million. The real success stories are businesses such as Camatic Seating, Kea Sportswear and Clean Event, which export to the rest of the world.

The honourable member for Dandenong talked about participation in his usual flippant, shallow way. He gained his information from a document that refers to participation in sport for children aged 5 to 14 years, an area in which we do not do very well. But it refers to participation after school hours, not for their whole life span. The honourable member has selective judgment. This member, who for the first time raises this matter in the adjournment debate and then interrupts and interjects, uses selective figures to suit his own case.

Mr Pandazopoulos interjected.

Mr REYNOLDS — He has not heard of the Moneghetti report, which was an innovation of this government, which shows that 86 per cent of secondary schools in this state comply with the expectation, or have adopted the principle, that up to year 10 students undertake 100 minutes of sport per week. At the primary school level, 75 per cent of schools are complying with the expectation that students above grade 4 undertake 90 minutes of sport per week. When that is added to their participation after school hours —

Mr Pandazopoulos interjected.

Mr REYNOLDS — The honourable member for Dandenong likes to chatter, nag, yell and scream — and he uses figures selectively. Victorian children between the ages of 5 and 15 years are participating in more sport and physical education than children in any other state in Australia. That is a fact, and let him not forget it!

The honourable member also referred to some of the things raised in this forum. I am interested in the participation figure he used because Mary Wilson, executive director of the Australian Council for Health, Physical Education and Recreation, took him to task in the newspaper about it. I note he did not have the intestinal fortitude to answer back and tell her she was wrong; he took it lying down. These are the figures for participation by children in sport and physical activity right across the board for all of their waking hours, not just after school.

There is another point the honourable member forgets. I came to this job on 6 October 1992. From 1982 to 1992 under your mob this state suffered a 53 per cent reduction in funding for sport. What do you have to say about that?

The SPEAKER — Order! The minister will address the Chair.

Mr REYNOLDS — The Labor administration slashed and burned and we had to pick up the pieces, as well as the $33 billion debt. The Leader of the Opposition said on the Punter to Punter radio program at about 11.10 a.m. on Saturday, 25 October that we should lower the telephone bet for bookmakers on course who are now able to accept bets by phone. The Leader of the Opposition knows all about sport! He said $250 is too high. The fact is that the Leader of the Opposition does not know what he is talking about — he is wrong again. The minimum is $200 only for city thoroughbred racing meetings; for every other meeting the minimum is $100, which is what the bookmakers want. Don't argue about it, because it is right! When the proposition was put to your predecessor, the honourable member for Geelong North —

The SPEAKER — Order! The minister will address the Chair.

Mr Pandazopoulos — On a point of order, Mr Speaker, the minister is now really debating the whole issue and is not even answering the question, which was about participation in sport. The minister has lost it a bit, and in order to speed things up he should answer what was asked of him rather than talking about betting, which has nothing to do with participation in sport.

Mr Gude — On the point of order, Mr Speaker, this is the first time in my 22 years in this Parliament that a member has used the glass jaw as the reason for a point of order. I just cannot support that.
The SPEAKER — Order! There is no point of order. The honourable member for Dandenong referred to a wide range of matters, including all sorts of things in relation to sporting funding. He cannot then object if the minister strays on to some of the same ground that he covered.

Mr REYNOLDS — Thank you, Mr Speaker. As the Deputy Leader of the Liberal Party points out, the honourable member for Dandenong suffers very much from the glass jaw — he won't get into the boxing hall of fame! The Leader of the Opposition talked on the radio program about lowering telephone bets. But the former Labor government would not grant telephones to bookmakers on course — it did not want to have a bar of it. He also talked about lowering turnover tax to bookmakers. But I note that in 10 1/2 years of Labor government absolutely nothing was done. At least this government has dropped turnover tax to bookmakers by 0.25 per cent, which is more than your lot could do in 10 1/2 years!

The SPEAKER — Order! I ask the minister to address the Chair. When he says, 'your lot', I point out it is not my lot. I ask him to address his remarks to the Chair.

Mr REYNOLDS — I am assured, Mr Speaker, that they are definitely not your lot — none of us would own them! The honourable member for Dandenong mentioned a wide range of figures and facts that he has not got right; he is halfway correct. Why doesn’t he get his facts right, detail all the information he has and then let us hear what he has to say? Let us then talk about it in an open debate, and let him instruct the Leader of the Opposition that when he goes to radio Sport 927 and talks about lasting legacies — he said two lasting legacies of the Labor government left us with a $146 million debt.

It is fair to say that an assessment of the contractor’s performance in the first year of operation at that centre has been completed by the Correctional Services Commissioner, John Van Groningen. The honourable member also reminded me of a comment made in here by the honourable member for Yan Yean during the last sitting week when he referred to Mr Van Groningen as lying about some of the operations of the centre. I totally concur with the honourable member for Glen Waverley that Mr Van Groningen has been a very good public servant under governments from both sides of the political spectrum — he served under the previous Labor government and now under the coalition government.

I take this opportunity to outline the performance framework at the centre and its relationship with payments made to the contractor. Under the arrangements, on a monthly basis a contractor is paid an accommodation service charge for the provision of the prison facilities and their maintenance and a correctional service fee for operating and managing the prison. Those services are prescribed in the prison services agreement. That can be considered as the first level of performance.

In addition, performance-linked fees are payable annually in arrears. In order to be paid in full the contractor must achieve the specified standards for the accommodation services and correctional services and must also meet specific benchmarks in five correctional areas — prison operations, education and training, prison industries, health, and other programs which include drug education programs.

It is fair to say that on accommodation services the contractor has been paid the full 40 per cent. In relation to the other services there have been some deductions against the contractor; some 20 per cent of the 60 per cent has been deducted. Most of those shortcomings occurred in the first three to five months of the operations of the new prison under new management and with new staff.

I am very pleased to say that I believe illicit drugs are now very much under control at the prison; the staff that now work there are trained well and are
meeting the requirements. There are fewer incidents than there used to be. From that point of view, certainly in the past six months, it has been a very well-managed prison. However, it is always fair to say that prisons are not places that you can manage easily and, as has occurred in the past, there will be outbreaks of misbehaviour and some problems that are hard to manage, and that will happen under both public and private sector management of correctional services in this state.

The honourable member for Prahran referred to the Metropolitan Fire and Emergency Services Board and noted the name change from the MFB. The Metropolitan Fire and Emergency Services Board also has new board members. A couple who come to mind are John Dillon and Earl Spicer, both prominent businessmen around Melbourne. They have joined people like Mr Brian Parry, who has given very good service to fire services in this city.

The Metropolitan Fire and Emergency Services Board has adopted a corporate plan that will operate until 2001. Its adoption represents very much the vision of partners in community safety. Following the recommendations of KPMG, which undertook a review of its performance, the brigade will broaden its community safety role. It will go beyond its traditional fire suppression role and put into place many other public safety factors that will ensure greater support to the overall community. The honourable member for Prahran mentioned the number of homes that have smoke detectors.

Mr Hamilton interjected.

Mr W. D. McGrath — I take up the interjection. A Victorian act, which was proclaimed on 1 February, requires all dwellings to have smoke detectors, and people have two years to comply. Victoria was the first and is still the only state to have that type of legislation. Of course it is in the best interests of everyone to have warning devices to ensure that loss of life in fires, particularly with the very elderly or very young, is minimised. The Intergraph computer-aided dispatch system is working very well indeed with the Metropolitan Fire Brigade. That service is expected to continue to provide a very good service to the community of Melbourne in the case of emergencies.

Mr McNamara (Minister for Agriculture and Resources) — The honourable member for Shepparton referred to the announcement of the appointment of members of the Goulburn Valley Region Water Authority. I signed off the letters of appointment to those members today. I also sent letters of appreciation to those who made contributions to the Goulburn Valley water authority in the past. It is probably not appropriate to announce those appointments until those involved receive their letters. But that will be in the next day or so. This week I will announce the names of those on the 10-member board, which will continue the drive for investment, particularly in the food processing sector, as part of the $1.3 billion package the government announced the week before last.

The honourable member for Morwell referred to irrigation water, particularly through Lake Glenmaggie, the Thomson system and the Thomson–Latrobe Rivers in Gippsland. I am more than aware of the problems facing irrigators, particularly dairy farmers in that area, who are facing allocations of only 70 per cent of their water rights. We are currently negotiating with Melbourne Water to provide 100 per cent water rights to irrigators in that area. Melbourne Water has agreed to provide the additional water, which amounts to approximately 50 000 megalitres. We are in the process of finally negotiating the price of that water.

Mr Hamilton — Watch them carefully.

Mr McNamara — You put them in place, so I suppose we would have to. We are aware of the important economic contribution irrigators in that part of Victoria make, particularly the dairy industry, which is a huge contributor to the Victorian economy.

Mr Hamilton interjected.

The Speaker — Order! The honourable member for Morwell continues to interject. I ask him to cease interjecting or go and have a cup of coffee.

Mr McNamara — Dairy products still maintain the status of being the largest export commodity of any sort, agricultural or otherwise, from the ports of Victoria. I hope to be able to make an announcement on that within the next couple of days.

Mrs Henderson (Minister for Housing) — The honourable member for Pascoe Vale referred the Premier to the Good Shepherd Youth and Family Centre submission to the Community Support Fund to assist with its loan scheme for low-income families. She asked that the Premier reconsider the
application. I will certainly pass that on to the Premier.

It is probably worth while for the honourable member for Pascoe Vale to note that my Office of Housing provides housing establishment grants, which stood in the past at about $1.7 million a year. We have just increased that to $4 million, which is an extraordinary budget allocation for people who need assistance with household goods. It demonstrates the government's commitment to people who are struggling for particular reasons and need some assistance.

The honourable member for Benambra referred the Premier to the New South Wales government and the $200 million that has been set aside by the federal government for a bypass at Albury–Wodonga. In his usual way of ensuring that his electorate is well served, the honourable member wants the Premier to intervene because Premier Carr is apparently not taking up the opportunities available for infrastructure. I will also pass that on to the Premier.

The honourable member for Richmond referred the Minister for Planning and Local Government to proposed licensed premises at the Broadmeadows town hall. I will also pass that on to the minister.

Motion agreed to.

House adjourned 10.59 p.m.