PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

Book 4

16, 17 and 18 April 2002

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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Tuesday, 16 April 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

Mr BRACKS (Premier) — I move:

That the following resolution be agreed to by this house:

> To Her Majesty Queen Elizabeth II:
>
> Most Gracious Sovereign,
>
> We, the Legislative Assembly of Victoria in Parliament assembled, express our sympathy with Your Majesty, His Royal Highness the Duke of Edinburgh and members of the royal family, in your sorrow at the death of Her Majesty Queen Elizabeth The Queen Mother.
>
> We acknowledge her as a much-loved member of the royal family and pay tribute to her long years of devoted service, which she carried out with charm, dignity and resilience throughout her life.

I express the sympathy of the Victorian government, and indeed the Victorian people, for the passing of Her Majesty Queen Elizabeth, affectionately known as the Queen Mother. We mourn the passing of a remarkable figure in public life, whose commitment to duty and to life in general will see her remembered warmly across the world for many years to come.

Queen Elizabeth was born the Honourable Elizabeth Angela Marguerite Bowes-Lyon on 4 August 1900 as the fourth daughter of the Earl of Strathmore and Kinghorne. Her Majesty assumed the title of Queen Consort after her husband, King George VI, ascended to the throne in 1937 following the abdication of his brother Edward VIII. After her husband's death Queen Elizabeth continued her public duties in the United Kingdom and overseas. This encompassed 40 official overseas visits, importantly including three official visits to Australia, in 1927, 1958 and 1966.

Part of the fascination with the Queen Mother is the fact that her 101-year life spanned some of the most tumultuous and important events in modern history. During her life she would eventually see the beginning and ending of two world wars, the great depression, the space age and the invention of things we take for granted, such as the motor car and television. She even pre-dated the commencement of the Australian Federation.

Many Australians, especially older generations, will recall Queen Elizabeth's decision during the blitz on London in World War II not to abandon Buckingham Palace and London during their time of need. The support and encouragement she offered to both the troops and the English people typified the gracious dignity she maintained throughout her life.

The Queen Mother was the most enduring symbol of the British monarchy. She endured the abdication of Edward VIII, the sad loss of her beloved husband, King George VI, and the succession of troubles that have rocked the monarchy, including the untimely death of Princess Diana, and most recently the loss of her daughter Princess Margaret.

But it is not only her unique place in history that she will be remembered for. Her dedication and devotion to family and the public, even up to her last months of life, demonstrated her great strength of character. In his statement to the House of Commons, British Prime Minister Tony Blair told the Parliament:

> She was still carrying out 130 engagements a year at the age of 80 and even 50 over the age of 100. She has been involved, often as patron or president, in well over 300 charities, voluntary bodies and other organisations.

The fact that she was still so active in her later years is an inspiration to many older people in the community. She lived life to the full and went about her duties with a sense of good fun and good humour.

As I said, the Queen Mother will be warmly remembered by Australians. A number of World War I diggers were attended to by the future Queen Elizabeth during their convalescence at her family residence Glamis Castle. Her first visit to Australia in 1927 was to mark the opening of Parliament House in Canberra, which she noted fondly in commemorating the 100th anniversary of the commonwealth Parliament last year.

The Queen Mother's visit to Victoria in 1958 was remembered vividly and recorded with great enthusiasm. On her departure the Queen Mother radioed a special thankyou message to the people of Victoria and Australia, saying:

> I shall always remember these days in your midst with feelings of the greatest possible happiness. I leave a large part of my heart in Australia.

The many entries in her honour in the condolence book at Government House signify that many Victorians will always have Her Majesty the Queen Mother in their hearts.

It is with these thoughts in mind that we extend our condolences to Her Majesty Queen Elizabeth II and the royal family.

Dr NAPTHINE (Leader of the Opposition) — I rise to join the Premier in his tribute to the Queen Mother. Her life was symbolic of the century of rapid change through which she lived. She was born at the end of the 19th century and died at the commencement of the 21st century. Her life spanned some of the greatest triumphs and tragedies that humanity has ever experienced — the achievement of scientific discoveries, the arrival of immunisation, penicillin and modern medicine, our great tolerance and openness to change, and of course the horror of world war. She was born into a world before the invention of the motor car, and now we see the mass production of motor cars throughout the world. She witnessed the birth of the aeroplane, the conquering of space and the arrival of mass air travel. She was born in an era of pens dipped in ink, and she died in an era of mobile phones, palm pilots, the Internet and emails — and I understand she was very familiar with the email and used it in her latter years.

During her public life the Queen Mother saw both the birth and the death of depraved and murderous regimes and ideologies which brought only destruction to the world. The Queen Mum, as she was known to us all, was a public figure of unrivalled standing. She was loved by many not only throughout England and the United Kingdom but throughout the commonwealth and indeed throughout the world. She was particularly revered during World War II for her bravery and courage in the darkest hours of the European war when she visited victims of the Nazi bombings of London, refusing to flee even after advice suggesting that she take herself and her family outside London to safety.

When she was asked whether her daughters would be sent from the danger of England, her response captured the mood of the nation, and I quote:

> The princesses would never leave without me, I couldn't leave without the King, and the King will never leave.

Indeed, upon seeing her once in a newsreel, Hitler remarked that for him she was the most dangerous woman in Europe — and I think she proved to be. The Queen Mother, with Winston Churchill, became proud symbols of a defiant Britain and defiant allies who took on Hitler and Nazi Germany and defeated them, as we much appreciate.

Fifty years ago upon the death of the Queen Mother's husband, King George, Winston Churchill told the House of Commons:

> The fate and fortunes of the whole nation … [were] centred not only in his office but in his soul. That was the ordeal which he could not have endured without the strong, loving support of his untiring wife and consort.

The Queen Mother was a constant reminder of the sacrifices made by previous generations to secure our own freedoms. However, it is not only the older generations who feel the sense of loss. The Queen Mother is honoured by the public of later generations for her ongoing commitments to public service and charity.

As the Premier said, the Queen Mother was involved in over 300 charities and led a very active public life right up until the final years of her life. Whether in her 80th, 90th or even her 100th year, she was actively involved in many charities and activities, whereby she promoted good works within the community.

The Queen Mother has also had a notable association with Australia and the City of Melbourne. During the First World War her family's castle in Scotland was converted to a convalescent home for wounded Australian soldiers. Many Australian soldiers and their families will never forget the support they received from her family. In 1927 she and her husband, then Duke and Duchess of York, visited Australia and took part in those very memorable celebrations which saw the nation's Parliament move from this place to the capital of Canberra. Indeed, her role in that was also something of great significance. On this visit at Government House in Melbourne she insisted on dancing with a man she had met when he was an officer in convalescence at her castle in Scotland, and that has been well recorded.

Later in life one of the many honours she received was the title of Lord Warden of the Cinque Ports. This title had been previously held by our own Sir Robert Menzies and, prior to Sir Robert Menzies, by Winston Churchill. One of the Cinque Ports is the port of Winchelsea in England. Winchelsea's namesake in Victoria is the town in which I grew up, so I always remember when Sir Robert Menzies was made Lord Warden of the Cinque Ports feeling an affinity between our school in Winchelsea with the school in Winchelsea in England, and of course when the Queen Mother also become Lord Warden of the Cinque Ports.

Queen Elizabeth the Queen Mother was the last public figure of a generation long gone. As well as witnessing the horror of two world wars and helping to steel a nation's resolve she witnessed the successful rebuilding of shattered societies and the rebirth of England and a resurgent Europe.

When her husband passed away in 1952 rather than retiring to a comfortable quiet life she took it upon herself to redouble her efforts and to commit herself to public service and public good. She will always be remembered as a lady of great spirit and optimism with a ready smile, a lady who enjoyed life to the full, whether it be the races or a glass of champagne, or something a little bit stronger. But she always understood her sense of duty; and her duty to the community was unstinting and her role was a huge inspiration to many people. She will be fondly remembered by all generations. We will all miss her. Members of the Liberal Party pass on their sympathy to the Queen and her family on the loss of the Queen Mother.

Mr RYAN (Leader of the National Party) — I support this condolence motion in company with the Premier and the Leader of the Opposition. The date of 30 March 2002 marked the end of an extraordinary life and indeed an amazing era.

Her Majesty Queen Elizabeth The Queen Mother by any standards was quite an amazing person. The Premier and Leader of the Opposition have already outlined many aspects of her amazing life and the quite unique contribution she made in the various capacities in which she fulfilled her role over the decades that she did it.

From my own perspective, I cannot help but reflect on the way she was seen by what might be termed the everyman. She was a person of extraordinary dignity, wonderful humour, and had great poise and grace. She was unfailingly courteous to the people she met. Many of the photographs that one has seen of her over the past few days have been more often than not the grainy film of the Second World War when she was moving amongst communities which had been subjected to the bombing that occurred in and around London in those terrible times.

I cannot help but recall her commentary in some film that I saw the other night in which she talked about Buckingham Palace having been bombed and that she could now more readily identify with those in the East End of London. She was the style of person to whom people looked as being, ironically enough, an equal. They saw in her much of themselves. It is interesting to note the genuine outpouring of grief we have seen, not only throughout England but worldwide in so many communities, where people have had a genuine affection and love for this great lady.

She had a particular affinity with children. Many times the film depicts her moving in and amongst children, and not only in the sense organised by those who were minding her movements. Often she would break away from protocol and move amongst the children who had come to see her. How many times have we seen this wonderful lady lean over and receive flowers from a small hand, tendered as a gesture of that genuine affection to which I have referred.

Her remarkable life spanned a century. One of the many features of this extraordinary person that we will always reflect upon is that throughout the two world wars and throughout all those other events in her life that might otherwise have brought her to her knees she invariably rose above the many challenges that were presented to her. So it was that in the face of adversity she more often than not appeared as an inspiration to the people, not only in England and the United Kingdom but worldwide.

I join with the Premier and the Leader of the Opposition in paying tribute to this extraordinary person, and with them I convey my condolences and those of the National Party to the members of the royal family.

The SPEAKER — Order! I ask all honourable members to signify their assent to the motion by standing in their place for 1 minute's silence.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

Mr BRACKS (Premier) — I move:

That the following address to the Governor be agreed to by this house —

Sir:

We, the members of the Parliament of Victoria in Parliament assembled, respectfully request that you will be pleased to communicate to the Governor-General the accompanying resolution for transmission to Her Majesty the Queen.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

Shannon's Way Pty Ltd

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the awarding of a multimillion dollar Workcover advertising contract to Shannon's Way Pty Ltd, a relatively small firm which ran Labor's 1999 election campaign and whose principal, Bill Shannon, is a key Labor Party fundraiser. Will the Premier advise the house why this supposedly open,

honest and accountable government is still refusing to disclose the value of this contract and is vigorously fighting to keep these payment details a secret?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. Shannon's Way Pty Ltd was chosen through a rigorous and transparent tender process. There was an independent and unanimous recommendation by Workcover's tender evaluation committee, which was that Shannon's Way was the best agency for the contract. This recommendation was accepted by the full board of Workcover.

The opposition leader also referred to matters which the Deputy Leader of the Opposition is seeking under freedom of information (FOI). That matter is before the Victorian Civil and Administrative Tribunal. We have opened up the FOI laws, so if her claim stacks up under the new, open FOI laws we have she will get them. We remember what the FOI laws were like under the Liberal government.

Roads: speed limits

Mr TREZISE (Geelong) — I ask the Premier to advise the house what road safety initiatives are being introduced under this government, and whether he is aware of any alternative proposals.

Mr BRACKS (Premier) — I thank the honourable member for Geelong for his question and for his continuing support for road safety measures to bring down the road toll and accident rate in Victoria.

The new campaign in Victoria is all about attacking speeding motorists. It is all about building on the successful anti-drink-driving campaign, which has culturally changed Victoria and Victorians and which we need to consistently reinforce. But now that we have had that generational change of attitude which has been so important, particularly by young people, we also want a generational change on speeding. Speeding is currently the biggest contributor to the road toll and accidents on our roads.

I am very proud, firstly, to be part of a government that has introduced, for example, the 50-kilometre residential speed limit, which I am sure the Minister for Transport would want to report to this house on, which has had a marked effect in reducing pedestrian accidents in residential streets. Regrettably many are killed and become part of the road toll.

Secondly, I am very pleased that this government had the courage to bring in alcohol interlock legislation. This is new legislation to prohibit people who are repeat offenders from driving a car while intoxicated, and to disable that car as part of it.

I am very proud of the $240 million black spot road campaign, which is about fixing up high-accident roads. We are the first government to bring in such a big program in Victoria — a program which was criticised and opposed during the last state election campaign by the Liberal Party, which said it should not have been funded. It criticised the $240 million black spot program in this state.

I am very proud to be a part of a government that has a campaign to wipe 5 kilometres off the speed limit. These are important new initiatives.

Importantly, if you look back in our history in Victoria, right back to the origin of a bipartisan position on the road toll, you go back to Sir Rupert Hamer, who had the courage and fortitude to see combating the road toll as requiring a concerted effort across enforcement and education, with new measures which affected civil liberties but were important nevertheless in bringing down the toll. Those proposals by Sir Rupert Hamer were supported by the Labor Party in opposition; that went on, and successive Labor governments were supported by Liberal–National Party coalition oppositions.

Until the last two and a half years we enjoyed bipartisanship through the all-party Road Safety Committee in the efforts to bring down the road toll by addressing speeding and drink-driving. The current opposition leader has broken that bipartisanship and is effectively encouraging Victorians to speed. That is what he is doing.

Dr Napthine — On a point of order, Mr Speaker, I ask that the Premier withdraw that statement. It implied an imputation. What I said quite clearly is that we want a fair and reasonable implementation of the existing speed limits. That is what we want — a fair and reasonable implementation.

The SPEAKER — Order! I do not uphold the point of order. The Leader of the Opposition is offering a personal explanation. If he wants to do that, there is a process for doing so.

Mr BRACKS — Let me conclude on this matter. We heard tellingly last week from the Leader of the Opposition. He said to the media, 'I am in campaign mode'. That is what he said.

Mr Perton — On a point of order, Mr Speaker, the Premier is debating the question. You have ruled on a number of occasions that question time is the time for

the Premier and other ministers to answer questions relating to government administration and ought not to be used as an excuse for attacks on the opposition. The device that is being used in the question is obviously a preplanned mechanism for the Premier to launch an attack on the opposition. I ask you to rule that the Premier is debating the question and bring him back to the appropriate answer.

The SPEAKER — Order! I am not prepared to uphold the point of order; however, I do ask the Premier to come back to answering the question that was posed.

Mr BRACKS — I will come back to the second part of the question, which was on alternative policies that I am aware of. The only one I am aware of is that after two and a half years the opposition leader is effectively encouraging speeding in this state. It is telling, and if I can finish on this point, that last week the opposition leader said — —

Dr Dean — On a point of order, Mr Speaker, the Premier is obviously using a device in this house to debate policy. He is using question time to debate a question. That is contrary to the orders of this house, and it is important that this approach and attempt to debate policy through question time is dealt with by you in the appropriate manner.

The SPEAKER — Order! I do not uphold the point of order. If the Premier begins debating the question the Chair will pull him up.

Mr BRACKS — So the alternative proposal of encouraging speeding is opposed by this side of the house. And secondly, if I can finish on this point, effectively the Leader of the Opposition said last week that he is in campaign mode. It is clear that the opposition leader is more concerned about short-term votes than he is about the road toll in this state — it is clear and unequivocal!

Snowy River

Mr RYAN (Leader of the National Party) — My question is directed to the Premier. Given that the government has now committed to an agreement auspiced by the Murray-Darling Basin Commission which will provide between 350 and 1500 gigalitres of extra water for the Murray River, as well as yesterday's agreement with South Australia for another 30 000 megalitres for the Murray, can the Premier confirm that his government will still be able to find the 295 000 megalitres needed to meet commitments to the Snowy River?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question on this matter and for his continued interest in these policy matters on behalf of our rural communities.

It was an important landmark decision in the town of Corowa, where the environment ministers met recently to decide on environmental flows for the Murray River. Importantly there was agreement between all jurisdictions — all state governments and the commonwealth government — to investigate the feasibility of a target approximating if not 350 gigalitres then close to 1500 — I think there were two or three options presented — to come up with a plan to see effectively if that could be delivered and if that plan was acceptable, then to decide between the jurisdictions how that could be resourced and auspiced in the future.

It is a very ambitious, very difficult target to achieve, but importantly there has been a commitment to ensure better environmental flows in the Murray River. We know that currently less than 30 per cent of the flow of the Murray River goes out to the sea. It is salting up very badly, and it is possible, as in 1981, that the whole mouth of the Murray River could close. As you could drive a vehicle across the mouth of the Murray in 1981 so you could again if concerted action is not taken by jurisdictions around this country to ensure that we get a better environmental flow, and a flushing out of that salt, not the silting up that can occur back from the mouth of the Murray.

As a down payment on the future — as I described it to the new Premier of South Australia, Mike Rann — and an act of good faith between two governments to do that very task and set an example of that task, Victoria committed $15 million immediately with a contribution from South Australia of $10 million towards a 30 gigalitre extra flow into the Murray. That does not go a long way towards the big target but it will make a difference when it is added to the 70 gigalitres which the commonwealth government will fund as part of its agreement on the environmental flows to the Snowy River. The commonwealth will contribute 70 gigalitres to the Murray as part of the Snowy arrangements. That is 100 gigalitres between the three governments of South Australia, Victoria and the commonwealth. It is welcome and it is important.

I can give an assurance to the Leader of the National Party on the first part of his question — on achieving the objective of the environmental flow to the Snowy can the government guarantee that it will not be affected by these arrangements with the Murray — the answer is yes, I can give that guarantee, it will not be affected. We will pursue that target independently and

separately. We are taking steps already with new capital works, new works on streams flowing into the Snowy and new arrangements to stop seepage and evaporation to bring up the environmental flow in the Snowy.

I am pleased that now all jurisdictions, apart from the commonwealth, have signed the agreement which includes the corporatisation of the Snowy. I understand there is now no encumbrance on that being signed by the commonwealth government and it was transmitted to the Prime Minister yesterday by the Department of Premier and Cabinet with all the signatories: Premier Bob Carr from New South Wales, the Premier of South Australia and myself. I expect the Prime Minister will sign it soon. That is good news for the Snowy River and, because of other arrangements, good news for the Murray River as well.

Roads: speed limits

Mr LANGDON (Ivanhoe) — Will the Minister for Transport inform the house what initiatives the government has introduced to improve road safety in residential areas and whether he is aware of any alternative proposals?

Dr Napthine — Just as well you set the agenda, isn't it?

Mr BATCHELOR (Minister for Transport) — No, Denis, you set the agenda!

The SPEAKER — Order! The Minister for Transport, addressing the Chair.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition should cease interjecting.

Mr BATCHELOR — What a dork!

The SPEAKER — Order! The Minister for Transport, addressing the question.

Mr BATCHELOR — I meant the Leader of the Opposition, Mr Speaker.

The SPEAKER — Order! I ask the Minister for Transport to cease taking up interjections and to address the Chair on the question.

Mr BATCHELOR — Honourable members would be aware that the Bracks government has developed a strategy to reduce the road toll in Victoria by 20 per cent over the next five years. This is the Arrive Alive strategy.

Dr Napthine interjected.

Mr BATCHELOR — The road toll has gone up because people like you encourage people to speed. People like the Leader of the Opposition encourage people to speed. He is irresponsible and that is why it has gone up!

The SPEAKER — Order! I ask the Minister for Transport to address his remarks to the Chair and to answer the question in the third person.

Mr BATCHELOR — A key part of our strategy is the requirement for motorists to actually obey the speed limit and to drive more slowly. This is particularly true in residential areas. We need people to obey the lower speed limit and to drive safely. Last January this government introduced new road laws in residential areas, and it asked people to reduce the speed limit to 50 kilometres per hour.

Dr Napthine interjected.

Mr BATCHELOR — The Leader of the Opposition encourages people to break the law through speeding. He is absolutely reckless in his behaviour. The government is trying to set up an environment that makes our residential streets safe for families, young children, the elderly, pedestrians, cyclists — for the most vulnerable of our road users.

Unlike the Leader of the Opposition, the government wants to make Victoria's roads safer for the most vulnerable of our citizens — the elderly, pedestrians and children. These are the sorts of people the government wants to look after and the sorts of people the Leader of the Opposition wants to put at risk.

When the new speed requirement for residential streets was introduced it received overwhelming support from the road safety agencies, including the Transport Accident Commission (TAC), Vicroads and motoring organisations like the Royal Automobile Club of Victoria.

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington should cease interjecting!

Mr BATCHELOR — Mayors and local councils right across the state — in the metropolitan area and rural Victoria — enthusiastically welcomed this initiative, and they have enthusiastically supported it since it was introduced. These are mayors and councils from across the political spectrum. Labor, National and

Liberal Party mayors across the state support it, but not the Leader of the Opposition.

Today I released an independent evaluation of the new speed limits for residential streets, prepared for the government by the Monash University Accident Research Centre (MUARC).

Mr Cooper interjected.

The SPEAKER — Order! I have asked the honourable member for Mornington to cease interjecting.

Mr BATCHELOR — MUARC is a renown road safety research agency. It is highly respected and has carried out this research for the government. In the first five months of the operation of the new speed limits there has been a 13 per cent reduction in casualty crashes in our residential streets.

Further, there has been a 40 to 46 per cent reduction in fatalities and serious injuries of pedestrians. Honourable members can see that this initiative has made our residential streets safer for pedestrians and other road users. That has happened because the government has the overwhelming cooperation of communities right across the state. The government can make a law to commence the process of making our roads safer, but unless it has the cooperation and support of motorists and local communities it will not be a success. We have that support from almost everybody, the exception being the Leader of the Opposition. It is because of this support that fatalities among pedestrians have come down by a dramatic amount.

Mr Leigh interjected.

Mr BATCHELOR — The Liberal Party spokesman on road safety says that the fatalities for pedestrians in residential areas have gone up, but they have gone down. They have gone down because of this new law, which is widely supported by communities right across Victoria.

Mr Leigh — On a point of order, Mr Speaker, the Minister for Transport is misrepresenting me. I was talking about the percentage figures, not what that law did.

The SPEAKER — Order! Clearly the honourable member is not taking a point of order. I will not hear him.

Mr BATCHELOR — So here we are with the residential speed limit reduced to 50 kilometres an hour. It is a terrific initiative which has been widely supported. The government is calling on all members of the community to continue this support into the future. If we can sustain these sorts of reductions in casualty crashes and fatalities in residential streets we will go a long way to achieving the objectives we set at the beginning of this process.

The reduction of speed limits in residential streets is just one element of the government's Arrive Alive strategy. Other elements include the $240 million black spot program, the Wipe Off 5 advertising program run by the TAC — —

Mr McArthur — On a point of order, Mr Speaker, this answer has been going for about 6 minutes, so I draw your attention to sessional order 3(5).

The SPEAKER — Order! I remind the minister of sessional order 3 and ask him to be succinct and conclude his answer.

Mr BATCHELOR — If you slow down it takes a little longer to get to your destination, and that is our objective in road safety — to get people to slow down. It may take people a little longer to get to their destinations but it will be well worth it. This opposition has no policies. It has opposed our initiatives, and it is clearly desperate when it encourages people to break the law and — —

Dr Dean — On a point of order, Mr Speaker, the minister is clearly debating the question.

The SPEAKER — Order! I do not uphold the point of order. However I ask the minister to conclude his answer.

Mr BATCHELOR — Road safety in Victoria has until now received bipartisan support. It is a sad day for Victoria when the Leader of the Opposition encourages people to speed.

Shannon's Way Pty Ltd

Ms ASHER (Brighton) — I refer to evidence given at the Victorian Civil and Administrative Tribunal by Workcover's marketing manager, Mr Peter Kelly, who said he was surprised to learn that Shannon's Way Pty Ltd was the successful tenderer for a Workcover contract because it did not have the resources available to service the contract and I ask the Premier: given that Shannon's Way was not initially seen by Workcover as capable of handling such a large contract, is this just another example of the Bracks government paying off its Labor mates with government contracts?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BRACKS (Premier) — I reject the allegation made by the honourable member for Brighton. The honourable member is obviously in the Victorian Civil and Administrative Tribunal prosecuting this case. If she is to be successful that is good because there are much more relaxed freedom of information rules now than we ever had under the previous government. That is for sure.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington has been called a number of times.

Roads: speed limits

Mr HELPER (Ripon) — Will the minister responsible for the Transport Accident Commission advise the house what action the commission is taking to highlight the impact of speeding on Victorian roads?

Mr CAMERON (Minister for Workcover) — Unfortunately, last year 451 people died and 6000 people were seriously injured on Victorian roads. That is a great tragedy. The road toll this year already stands at 120, the same number of people killed on our roads as at the same time last year. Over the last 30 years governments and the community have been willing to address the issue of road carnage. For example, going back to the issue of seatbelts, some people said it was not necessary to make any changes but, nevertheless, changes were implemented and have been supported by the community. Over the years governments have sought to reduce the road toll by pursuing the key road killers: drink-driving, fatigue and speed.

Speed is the biggest killer on our roads; last year speed was a major factor in 41 per cent of road deaths. A Transport Accident Commission (TAC) study early last year revealed that a majority of people in the community thought that it was safe to travel between 5 to 10 kilometres above the designated speed limit. That is a view that is unfortunately shared by some members of this house.

In response, the TAC developed the Wipe Off 5 campaign to bring about a greater community awareness of speeding. That campaign commenced in August last year and sought to dispel the myth that speeding is safe. For example, a car travelling at 60 kilometres per hour takes 45 metres to stop, but a car travelling at 65 kilometres per hour would still be travelling at 32 kilometres per hour after 45 metres. Speed is very important both in urban areas and out on the roads.

The TAC estimates that if drivers kept to the maximum speed limit, not the minimum, 90 lives would be saved and 1000 serious injuries would be prevented each year. In February last year 25 per cent of drivers had a view that they sped most of the time; in February this year, as a response to a greater community awareness, that figure has been reduced to 15 per cent. That is a sign that people are becoming more aware of the issue, but the issue needs to be pushed by all responsible members of the community and all honourable members.

Shannon's Way Pty Ltd

Ms ASHER (Brighton) — My question without notice is again to the Premier. I refer again to the awarding — —

Mr Thwaites — Get a real barrister down there.

Ms ASHER — I have.

I refer to the awarding of a multimillion dollar Workcover contract to Shannon's Way Pty Ltd, and I refer in particular to the company's project pitch, which highlights in detail the work it did for the Premier during the last state election campaign. Is it a fact that Shannon's Way included among its referees for this massive contract the state secretary of the Labor Party, the Premier, the Premier's chief of staff, the now Minister for Senior Victorians and, most unbelievably, the Minister for Workcover himself?

Mr BRACKS (Premier) — Let me outline to the honourable member for Brighton some of the alliances of Shannon's Way Pty Ltd, the company that was successful under the tender process — it was recommended to the Workcover board and accepted by the board — and I will highlight some of the strategic partners involved there.

Firstly, I note that as part of the tender for Shannon's Way, which the honourable member for Brighton was referring to, there was a strategic alliance with George Patterson Bates, an advertising agency with, as I understand it, some significant history with the Liberal Party of Victoria.

Secondly, I note that the entire process was overseen by Paxton Partners Pty Ltd, corporate advisers, as the independent probity auditor. They were quoted as having said that they were satisfied that due process had been developed and observed and that the tender evaluation committee's recommendation was the result

of an appropriate application of such processes. I reject fully the allegations made by the honourable member for Brighton.

Dr Napthine — On a point of order, Mr Speaker, on the issue of relevance, the question was quite specific. Were the Premier, his chief of staff and the Minister for Workcover all referees for this dodgy contract?

The SPEAKER — Order! Clearly the Leader of the Opposition has raised a point of order to make a point in debate. I shall not hear him further.

Mr BRACKS — I reiterate that the probity auditor was satisfied that the partner involved is a partner with a broad cross-section of interests.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Monbulk to desist from interjecting in that vein.

Mr BRACKS — In summary, I indicate to honourable members — —

Ms Asher — On a point order, Mr Speaker, could the house have clarification on whether this is the same Paxton Partners that is also refusing to have its fees divulged?

The SPEAKER — Order! I will not allow the Deputy Leader of the Opposition to ask a further question or to again pose the question. She will be called at a later stage.

Mr BRACKS — I reject the allegations made by the honourable member for Brighton, who is pursuing the case in the Victorian Civil and Administrative Tribunal. If she is successful, that would be released under the new, relaxed freedom of information rules in the state. I say this to government members: we just saw the Leader of the Opposition in campaign mode. Wasn't it a frightening sight, Mr Speaker!

Dr Napthine — On a point of order, Mr Speaker, the Premier is debating the question. I also seek clarification on whether he said he rejects the concept that he was a referee.

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the Premier to return to answering the question.

The Premier has concluded his answer.

Police: numbers

Ms LINDELL (Carrum) — Will the Minister for Police and Emergency Services inform the house how the increase in police numbers under this government is improving community safety, and will he advise whether there are any alternative approaches to this issue?

Mr HAERMEYER (Minister for Police and Emergency Services) — Fundamental to the capacity of any community to deliver safety on its streets and neighbourhoods is having sufficient police on the streets to enforce the existing laws. That is why the government came to office committed to providing 800 additional police, and it committed to that over the four years of this government.

The opposition said we would not make it. The shadow minister, the honourable member for Wantirna, said on 3AW on 28 March last year that the:

> … election promise to recruit 800 more police is an absolute scam and absolute rubbish.

On the following day on the ABC he said that:

> … to deliver on another 760 police in the next two and a bit years … is almost impossible.

On WIN television in June last year the Leader of the Opposition accused the government of misleading Victorians by promising 800 extra police during the last election. On 6 February this year the honourable member for Wantirna, again on television — —

Mr Perton — On a point of order, Mr Speaker, whilst we enjoy the minister reading transcripts of a shadow minister's speeches, clearly he is debating the question. He is obliged to refer to matters of government administration and not use question time as an excuse to attack the opposition.

The SPEAKER — Order! I uphold the point of order. I ask the minister to return to answering the question.

Mr HAERMEYER — I can understand that opposition members are embarrassed by their own words because the government has delivered the 800 police. Last Friday 54 graduates passed through the police academy, and it has been done in two and a half years not four years. Last Friday the opposition conceded that the government had achieved the number. However, it then denied the commitment it made back in 1992 — and this is its approach to police numbers — —

Mr Perton — On a further point of order, Mr Speaker, you have already ruled in favour of the first point of order. The minister is clearly flouting your original ruling and I ask you to bring him back to order.

The SPEAKER — Order! I believe that in upholding the first point of order the minister was beginning to answer the question. I ask him to continue to answer it.

Mr HAERMEYER — I was starting to discuss the issue of alternative approaches. The 1992 Liberal Party policy was not a bad document. It states that in its first term a coalition government would increase the number of police officers by over 1000 to 11 000.

Mr Perton — My further point of order, Mr Speaker, is again about debating. I fear you were optimistic when you thought that the minister was going to return to the question. I ask you to direct his answer to government administration, and not to continue on the path he is on.

The SPEAKER — Order! I remind the Minister for Police and Emergency Services of his obligation to answer the question. I ask him to do so.

Mr HAERMEYER — As I was saying, there are alternative approaches, but unfortunately the former government did not deliver 1000 police in its first term; it did not deliver them in its second time. Over the entire term of government the coalition cut police numbers by 800 and it did it deliberately by a process of managed attrition.

Dr Dean — On a point of order, Mr Speaker, I submit that this minister is now demonstrating an absolute disregard for your ruling that he was debating the question, and every time he stands up he begins to debate the question again. I ask you to tell him to stop debating the question or sit down.

The SPEAKER — Order! I ask the Minister for Police and Emergency Services to cease debating the question and come back to answering it.

Mr HAERMEYER — I can understand the embarrassment of somebody who did not want a police station in his electorate.

The government has delivered in spades. I congratulate the Victoria Police on the magnificent recruiting campaign it ran. There were over 80 000 expressions of interest from people wanting to be police officers. Mind you, the honourable member for Wantirna got up and said that he was doubtful about the quality of the recruits. He said that in this house last year! Eighty thousand expressions of interest is a huge vote of confidence in the Victoria Police and an enormous vote of confidence in a career in policing under this government. Under the previous government there were attrition rates of 8 per cent. Those attrition rates are now down to 2.5 to 3 per cent — the lowest in the country. Police are voting with their feet. Morale is sky high and people want to join the police force in droves. When it comes to matters of police numbers, the opposition cannot be believed. When opposition members were in government they promised 800 new police. Instead they cut the numbers. They promised 1000 — —

The SPEAKER — Order! I have asked the minister to cease debating and to conclude his answer.

Mr HAERMEYER — Certainly, Mr Speaker. I am addressing the issue of alternative approaches. Last Friday, in response to the government's announcement, opposition members rang the media to say that the former chief commissioner, Mr Neil Comrie, was to blame — —

Mr Perton — On a point of order, Mr Speaker, does it take seven strikes before he is out? The minister has defied your ruling on six occasions and I ask you on the next occasion to either sit him down or suspend him; certainly you should not allow him to continue to flout your rulings.

The SPEAKER — Order! I ask the Minister for Police and Emergency Services to conclude his answer.

Mr HAERMEYER — I know who I believe — I believe Mr Comrie!

There are 800 additional police on the street and we can now start turning around the issue of crime that began to escalate quite rapidly under the former government. We can get on with business. It is one thing to say you are tough on crime, but how tough on crime is cutting police numbers? I cannot think of anything softer than that!

Shannon's Way Pty Ltd

Ms ASHER (Brighton) — My question is again to the Premier. Given the Premier is listed for reference by Shannon's Way Pty Ltd for a taxpayer-funded contract, can he inform the house of how many other firms there are for which he acts as referee for companies seeking work with the Bracks government?

Mr BRACKS (Premier) — The honourable member for Brighton is trying to try her case at the Victorian Civil and Administrative Tribunal during question time at Parliament. VCAT is the appropriate

independent forum to hear the case on whether the documents should be released to the honourable member for Brighton. I have full confidence in that independent forum achieving that. It does not serve anything to try to prosecute the case here. Either the honourable member has a case or she has not. If she has, the documents will be released.

Consumer Utilities Advocacy Centre

Mr CARLI (Coburg) — Will the Minister for Consumer Affairs inform the house what action the government is taking to protect the interests of domestic energy consumers, particularly in view of retail contestability?

Ms CAMPBELL (Minister for Consumer Affairs) — I thank the honourable member for his question. The government is continuing to deliver on all its election promises. Today another one I am pleased to announce is the establishment of the Consumer Utilities Advocacy Centre. The government is acutely aware that consumers may well be vulnerable in a retail contestability environment. To that end we have made sure — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Ms CAMPBELL — We have made sure that the centre will provide a forum where consumer representatives can exchange information and monitor grassroots utility issues. It will fund research into utility issues and will provide some research itself. It will constitute a world-class centre of excellence in consumer advocacy, and we are funding it to the tune of $500 000. The centre will provide an independent and informed voice for Victorian utility consumers, in line with the government's pre-election commitment — a commitment that is being delivered here today.

We have appointed high-quality directors, as there was strong interest for those positions, and have secured an excellent Chair in Professor Bill Russell, an eminent academic with senior management experience, including — —

Mr Perton interjected.

The SPEAKER — Order! I have asked the honourable member for Doncaster to cease interjecting.

Ms CAMPBELL — Professor Russell had a previous role as a commissioner of the former State Electricity Commission. Other directors are Jennifer Dawson, an accountant and Bendigo Bank director; Dimity Fifer, the chief executive officer of Victorian Council of Social Service; Chris Field, the executive director of the Consumer Law Centre; and Joan Sturton Gill, the general manager of a family-based engineering service. This centre will soon be fully operational in Flinders Street and phone lines are now available to assist people seeking advice. The government is delighted to make this announcement and wishes the directors all the best in ensuring that consumers in this state are well and truly represented in retail contestability.

The SPEAKER — Order! The time for questions without notice has expired, and a minimum number of questions has been answered.

Mr McArthur — On a point of order, Mr Speaker, I raise for your attention the management of question time today by the government and the way in which it drafted and asked questions. I ask you to look at and later make a ruling to the house on its appropriateness.

I refer you to *Rulings from the Chair 1920–1999*, which on page 107 says:

> … the question must relate to government administration or policy and be directed to the minister responsible.

I put it to you, Sir, that on three occasions during question time today government questions contained a second part which related to policy or programs which had nothing to do with government and specifically asked for ministers to advise and to comment on other policy areas which were not government policy. I put it to you that that is not appropriate and that in future those second parts of questions should be ruled out.

Secondly, Sir, I draw your attention to sessional orders on responses being direct, succinct and factual, and ask you to look at the way the government answered the dorothy dixers from its own members and refused to answer questions from the opposition. Three times we saw the Premier directly avoiding answering questions from the Deputy Leader of the Liberal Party. That is in contravention of sessional order 3 and is in direct contravention to the Premier's promise to the Independents in the Independents charter, where he promised to make his own ministers answer any questions directly and honestly — —

Ms Davies interjected.

Mr McArthur — And he is refusing to do it himself, Susan.

That is in direct breach of both the sessional orders and the Independents charter. I think we have seen a travesty of question time today and I ask you, Sir, to look at these issues and to advise the house at a later stage.

Mr Batchelor — On the point of order, Honourable Speaker, the opposition has just come through a question time in which clearly it regarded its performance as a flop and an utter failure — which it was. It is completely inappropriate to raise spurious points of order to attempt to use historical precedents and sessional orders of the house as a subterfuge or cover-up for its failure to come to grips with what question time is all about.

Firstly, on examining the records, as you have been asked to do, it will be clear that the questions asked by the government of its ministers absolutely related to areas of government business; yet in his contribution the honourable member for Monbulk alleged otherwise. Each of those questions were directed at areas of government administration and the various ministers responded in a variety of ways.

Secondly, the honourable member complained about the response to questions from the opposition, largely based around a matter before the Victorian Civil and Administrative Tribunal that the honourable member for Brighton is currently pursuing. From previous rulings we know that as matters before VCAT are not sub judice, which therefore would be ruled out as other questions relating to proceedings before other judicial areas, it is entirely appropriate for the minister concerned — in this case the Premier — to point out that it is a matter before VCAT and that the honourable member for Brighton has chosen, in the first instance, to prosecute her claim in that forum rather than this. Coming here is a second preference, as was clearly articulated by the honourable member for Brighton today, so the Premier did the appropriate thing in referring the honourable member to that matter of fact and answered the questions appropriately.

The SPEAKER — Order! I am prepared to rule on the point of order raised by the honourable member for Monbulk, which alerted the Chair to the fact that the framing of the questions was of a nature as to seek something other than the government's view or information in regard to alternative solutions to such problems.

The Chair interpreted, upon hearing those questions posed by at least three government members, that they were indeed seeking from the relevant minister information on what other alternatives that minister might have considered in coming to the government's policy position. Therefore, I believe they were in order, and that is why I allowed them.

On the second part of the point of order raised by the honourable member for Monbulk in regard to sessional order 3, I am of the view that there were a number of occasions on which ministers were not succinct, and the Chair used those occasions to call upon the ministers to conclude their answers. That is the best the Chair can do under that sessional order.

In regard to the comments made by the Minister for Transport on the point of order raised by the honourable member for Monbulk about questions posed by the Deputy Leader of the Opposition being inadmissible in that they related to matters before the Victorian Civil and Administrative Tribunal, I am of the opinion that VCAT is not considered part of the judiciary and that therefore those questions were also admissible. There is no point of order.

Mr McArthur — I raise a further point of order, Mr Speaker. I thank you for your answer on my first point of order, and I appreciate that you accepted those three questions from the government in a generous spirit and took the view that the members asking the questions may have been seeking advice on alternative policy issues. Clearly, Sir, you are entitled to do that. But as the record will show, that is not the way the ministers interpreted those questions, nor the way in which they responded to them. They took it as an opportunity simply to attack the opposition.

In light of that, and with the benefit of hindsight, I suggest that after you have read the record you may take a much more discerning view of double-barrelled questions, because you are very strict in not allowing members to take points of order to make points in debate. I am asking you to apply the same strictness to members framing questions that ask for advice that is outside the bounds of government policy or government administration.

The SPEAKER — Order! I shall take the latter part of that point of order under advisement in considering the position of the Chair in regard to the ruling I have made. However, my previous ruling that the questions were admissible stands.

I shall read the record to examine the ministers' responses in regard to their going further than the questioner intended. However, I point out to the house that on at least three or four occasions the Chair either upheld points of order or asked ministers to cease debating the question.

PETITIONS

Burwood Highway, Belgrave: traffic control

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the need for

(1) a second set of pedestrian crossing lights to be installed on Burwood Highway in Belgrave, and

(2) a reduction in the speed limit from 60 km/hr to 50 km/hr and lit signs to advertise this on the Burwood Highway approach to Belgrave

in consideration of the constant and increasing traffic flow, heavy rush-hour traffic, several blind corners through the business area and considering the increasing use of the area for evening and late night entertainment.

Your petitioners therefore pray/request that the above or similar measures be implemented.

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

By Mr McARTHUR (Monbulk) (1423 signatures)

Laid on table.

Frankston–Flinders, Dandenong–Hastings and Denham roads: traffic control

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

The humble petition of the undersigned citizens of Victoria sheweth that we are gravely concerned about the extreme danger of the intersection of Frankston–Flinders Road with Dandenong–Hastings Road and Denham Road in Tyabb.

Your petitioners therefore pray that urgent action be taken to make this black spot intersection safer before any more lives are lost at the location.

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

By Mr COOPER (Mornington) (850 signatures)

Laid on table.

Ordered that petition presented by honourable member for Monbulk be considered next day on motion of Mr McARTHUR (Monbulk).

Ordered that petition presented by honourable member for Mornington be considered next day on motion of Mr COOPER (Mornington).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Ms GILLETT (Werribee) presented *Alert Digest* No. 3 of 2002 on:

Building and Construction Industry Security of Payment Bill
Electoral Bill
Forensic Health Legislation (Amendment) Bill
Health Practitioner Acts (Further Amendments) Bill
Jewish Care (Victoria) Bill
Melbourne City Link (Further Miscellaneous Amendments) Bill
Road Safety (Alcohol Interlocks) Bill
Water (Irrigation Farm Dams) (Amendment) Bill
together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease by Cheltenham Golf Club Incorporated

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2000–01 annual report of the Northern Victoria Fresh Tomato Industry Development Committee

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2001

Latrobe Regional Hospital — Report for the year 2000–01 (two papers)

Mansfield District Hospital — Report for the period 1 December 2000 to 30 June 2001 (three papers)

Planning and Environment Act 1987 — Notices of approval of amendments to the following planning schemes:

Alpine Planning Scheme — No. C5

Brimbank Planning Scheme — Nos C34, C39

Cardinia Planning Scheme — No. C13 Part 1

Gannawarra Planning Scheme — No. C3

Greater Bendigo Planning Scheme — No. C25

Greater Shepparton Planning Scheme — No. C22

Kingston Planning Scheme — Nos C21, C24

Manningham Planning Scheme — No. C12

Melbourne Planning Scheme — No. C18

Mildura Planning Scheme — No. C6

Mitchell Planning Scheme — No. C9

Monash Planning Scheme — No. C14

Moonee Valley Planning Scheme — Nos C25, C32

Moreland Planning Scheme — No. C17

Towong Planning Scheme — No. C3 Part 1

Wyndham Planning Scheme — No. C32

Yarra Planning Scheme — No. C36

Statutory Rules under the following Acts:

Dangerous Goods Act 1985 — SR No. 20

Fisheries Act 1995 — SR No. 19

Occupational Health and Safety Act 1985 — SR No. 20

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No. 19

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001 — Remaining provisions (except sections 30(3), 31, 36, 37, and 38) on 8 April 2002 (Gazette G13, 28 March 2002).

ROYAL ASSENT

Messages read advising royal assent to:

Judicial Remuneration Tribunal (Amendment) Bill
Water (Irrigation Farm Dams) Bill
Water (Irrigation Farm Dams) (Amendment) Bill
Forensic Health Legislation (Amendment) Bill

APPROPRIATION MESSAGE

Message read recommending appropriation for Melbourne City Link (Further Miscellaneous Amendments) Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 18 April 2002:

Melbourne City Link (Further Miscellaneous Amendments) Bill

Jewish Care (Victoria) Bill

Crimes (DNA Database) Bill — Amendments of the Legislative Council

Health Practitioner Acts (Further Amendments) Bill

In moving this motion I just point out to the opposition and the National Party that this is a slight variance on what was previously signalled, in that the motion does not include the Country Fire Authority (Miscellaneous Amendments) Bill message from the Legislative Council. However, it is the government's intention to progress that bill this week but not to have it contained within the guillotine motion. So to all intents and purposes the outcome will be as discussed: we will be dealing with the Country Fire Authority message from the Legislative Council during this week, but it will not be subject to the Thursday guillotine. So for all intents and purposes the outcome of our previous discussions will be the same but we will be dealing with the Country Fire Authority (Miscellaneous Amendments) Bill message from the Legislative Council this week, without it being subject to the Thursday guillotine.

Next week is a short week in parliamentary terms because of Anzac Day. I have been approached by a number of people to see if we could indicate an earlier finish on Wednesday night, the eve of Anzac Day. Many honourable members from the country need to leave earlier in the evening than 11 o'clock to get back to their home base to contribute to their local Anzac Day celebrations. The government is sympathetic to that. We have not yet resolved it but we will take that on board. However, in order to facilitate that we may start to debate the Building and Construction Industry Security of Payment Bill this week depending on the workload of the other bills that are subject to the motion we are debating today.

Although that bill is not contained within the government business program, I make that comment now in order to allow people on both sides of the chamber to understand the government's thinking if it was to commence the debate of this additional proposed legislation this week. It would not be our intention to conclude the debate but if we were able to make up a bit of time this week it would help us get to a more agreeable and realistic departure time next Thursday to accommodate the needs of honourable members in relation to Anzac Day.

Mr McARTHUR (Monbulk) — The Liberal Party will not be opposing the government business program. I have a couple of comments to make on it in light of what the Leader of the House has just advised me across the table. This is a relatively light program, almost as light as the ludicrous program we have had in the last two sitting weeks. We have only three bills and

two sets of amendments from the Legislative Council, one of which we now learn is not going to be in the government's guillotine motion. We should also note that we had already started debate on the Jewish Care (Victoria) Bill last week and the Liberal Party and the National Party have both made it very clear that they support the legislation, so there will not be much contention about that bill. Unless the government wants to do what it did with the Constitution (Governor's Salary) Bill and provide us with the absurd spectacle of member after member on the government side standing up, patting the Governor on the back or giving us a history lesson about governors past, there will not be much debate on the Jewish Care (Victoria) Bill, I expect.

Mr Robinson interjected.

Mr McARTHUR — The honourable member opposite — the temporary member for Mitcham — seems to forget that he has an election to face and an electorate to look after but we will get onto that later on. Of the other bills here, the Melbourne City Link (Further Miscellaneous Amendments) Bill and the Health Practitioner Acts (Further Amendments) Bill will both take some considerable debate. But what is interesting is that the minister has just said that he may want to start on the Building and Construction Industry Security of Payment Bill. If he wanted to do that he should have advised us of it last week when we sat down to discuss this, because we would then have been in a position to make a report to our shadow cabinet and our party room on this process and to respond on this bill.

However, the advice I had on Friday afternoon from the Premier's department was that that bill would not be debated this week and therefore we are not in a position to proceed with debate on that, much as the Leader of the House might want to. It has not gone through the proper process in our party room. I do not know whether the National Party has already dealt with it but certainly we have not. If the government was expecting to start debate on it, it should have advised us beforehand. That is what this business programming committee is set up to achieve, and the sessional orders make provision for that, as the Leader of the House is well aware.

The Leader of the House also mentioned that he has been approached about finishing early next Wednesday with a view to allowing people who have a distance to travel to get home in time to get a reasonable amount of sleep before they go to Anzac Day dawn services the following day, next Thursday. I am happy to assist in the planning of that. It is sensible that people get home at a reasonable time and are not driving all night from here, leaving at 11 o'clock or midnight and driving all night to get back to places in the country and then driving off to dawn services without the benefit of sleep. Certainly that would be risky for themselves and other road users. But I point out that that is a consequence of the silliness of this government in forcing the Parliament to sit in a week that is broken by Anzac Day and those sorts of days.

Mr Robinson interjected.

The SPEAKER — Order! The honourable member for Mitcham!

Mr McARTHUR — The pup from Mitcham can have his say in time if he wants it. If the government really managed this business program well it would not force the house to sit on these days and then have to make arrangements, by leave or by agreement, to allow a sensible time for people to get back to their electorates to deal with electorate issues that everybody would like local members to be involved in. We are quite happy to reach an arrangement on this, but it would have been unnecessary if the Leader of the House had planned the legislative program in a more sensible manner and not sat in the week leading up to Easter or in the week that contains Anzac Day.

Those things were poor planning and they are purely emanating from the office of the Leader of the House. He has been at it for quite a few years now, and he should know better. He should know how to do this in a more sensible and reasonable manner, so that when we sit we have a full business program and when we are here we can do a full week's work in return for the expense that the public is put to, and when we are not sitting we can get on with the business we are all involved in in our local electorates. It is not rocket science. Even this minister should be able to do it.

Mr MAUGHAN (Rodney) — The National Party will not be opposing the government's business program. It is a very light business program. We will be discussing really two pieces of legislation this week, and maybe something coming back from the Legislative Council, but from what I understand of what is happening in the Council, it has a fairly light business program as well.

I appeal to the minister and the government to give serious consideration to finishing early on Wednesday of next week, and to announce that as soon as it is possible to do so, so that country members in particular can make arrangements to get back for Anzac Day services. I believe it is absolutely deplorable that we

were scheduled to be sitting on Anzac Day, and as late at today we still do not have a clear direction from the government that we are going to be able to leave this place in reasonable time to get home and to have a reasonable rest before the commitments that we all have on Anzac Day.

In question time today the Minister for Police and Emergency Services was talking about road safety, yet here is the government right now forcing honourable members to at this stage plan, hopefully, to drive home on Wednesday evening. We do not know yet whether we are going to be able to go at 6 o'clock or whether it will be 11 o'clock. As most of the honourable members here representing country electorates have a 3 to 4-hour drive after a busy week here, I implore the government to show some consideration and to make a positive announcement — rather than having it 'dependent on' — that we are going to sit no later than 6 o'clock on Wednesday evening, so that honourable members can get back to their electorates and at least have some rest before the Anzac Day services.

I again make the point that the legislative program is remarkably light. I wish this government would deal with some of the issues that are concerning people out there, particularly in country Victoria. Public liability insurance is one that is running, and I wish to see some legislation doing something rather than just talkfests. I would love to see us debating public liability insurance. Likewise with housing guarantee insurance: there are many builders in my area, and in country Victoria generally, who are very concerned about this issue of housing guarantees and insurance, and I would welcome the government's initiative on what it is going to do to address these issues.

The National Party will not be opposing the government's business program, but I wish that the government would get on and deal with some of those issues that are of real concern to the people in country Victoria.

Mr BAILLIEU (Hawthorn) — I wish to make some comments and support the honourable member for Monbulk in regard to comments the Leader of the House made about the possibility of the Building and Construction Industry Security of Payments Bill being handled this week. The opposition has received a briefing on this bill and accepted in good faith at that time assurances from the honourable member for Mitcham that this bill would not be debated in this week; and we accepted assurances on Friday, and as late as yesterday, that this bill would not be debated this week.

The opposition would have welcomed debate on this bill this week save for the fact that in good faith we have indicated to industry groups who sought consultation with us on this bill that they could have those consultations later this week — and those consultations have been set up for later this week. I make the point that industry groups accepted the government's word in good faith that this bill would not be debated this week.

Mr SMITH (Glen Waverley) — I would like to compare this government's business program with that of the previous government. On the week of 26 March this government presented for debate two bills. This week it has announced the intention to have three bills debated. Today we see on the notice paper that we have only two actual bills to debate — the Melbourne City Link (Further Miscellaneous Amendments) Bill and the Health Practitioner Acts (Further Amendments) Bill. The lead speakers have already spoken on the Jewish Care (Victoria) Bill. The contrast between this and the previous government is that having been in the office of the Honourable Rosemary Varty, the then Parliamentary Secretary of the Cabinet, when we were presenting the government's business program, I know we had eight bills for debate every week. It was a tight program, but there was a lot of business going ahead. This government is a do-nothing government. It is a government that has no vision.

We are seeing this government bumbling along from week to week, with only three bills brought in this week! When there were eight bills up, the former government would ensure, and we did this for every bill, that the lead speaker for the opposition was able to debate it — although, all right, there was not always the time for other bills to be debated properly.

What do the people of Victoria want: a government that does nothing or a government that does too much? I can assure you that when that message gets out into the community well and truly the government that wants to do too much will be preferred to the one that does nothing. We presented eight government bills a week every week that we sat. For the first two years after this government came to power the bills that were coming in were already with the bureaucrats because they were initiated by the previous government. In the majority of the cases they were bills that were sitting there; hence the reason so many of them were not opposed and why they went through — because they were our bills to begin with! That was the reason there was such an easy government business program.

It was a farce in the last sitting week, as the honourable member for Monbulk said, to see government member

after government member trying to talk about the Governor's ability to pay tax. You could do that in 5 seconds; you do not need a full day to talk about that.

Honourable members interjecting.

Mr SMITH — This is how they go for us. They can't take it! They do not know how to accept it.

This government relies for most of its business program on ministerial statements that can take from half a day to a full day. This government has no vision, does not care and just goes bumbling along. The public service is not being properly driven, otherwise there would be more bills — the bureaucrats would be coming up with more and more bids for bills. Most people do not know how this system works. I have been in there and I have seen it. You can tell when a government is doing nothing by the inability of the bureaucracy to start coming up with bills that are going to drive the government.

I thought it was a brave attempt by the Minister for Transport to try to justify his government and the business program, but there is no excuse for not having a proper business program and no proper vision. What we need is for the Independents, who have sat in here propping this government up for the last couple of years, to ensure that part of their charter is to make sure the government does some business. There is so little business here because this government has no vision and has no ability to govern properly.

Mr LANGDON (Ivanhoe) — The Opposition Whip has come into the house and spoken on the government's business program — and he contradicted himself. For example, he said there is not enough legislation and that the previous government did this, that and the other thing.

I do not believe the previous government in its whole time in office made any ministerial statements, yet the government has made four to my knowledge, and two in this sittings. Obviously ministerial statements are important, but they were missing in the Kennett government years. We as a government have been very active in making ministerial statements and the opposition has been unable to respond to them. That is one point.

Also, I recall that last week the opposition wanted to debate the Jewish Care (Victoria) Bill straight after the second reading. We obliged it. We have given notice now that we want to debate a bill, and I hope the opposition will allow that debate to occur. We can oblige the opposition, but the opposition will not seem to oblige the government.

On the issue of sitting days, it was mentioned, for example, that we sat before Easter and that we are sitting the week before Anzac Day. I commend the Leader of the House. This government allows us not to sit during the school holidays, which is a fine example of giving members with young children a chance to see their families. Under the previous government we always sat through one week of the April school holidays, so I commend the government on that aspect.

On the issue of Anzac Day, I hope negotiations go exceptionally well and that all country members — all members — have the opportunity to leave early on the Wednesday night so they can all go to dawn services, because being at those dawn services is an important part of our being members of Parliament.

Mr DELAHUNTY (Wimmera) — Like the honourable member for Rodney I will not be opposing this motion, but I just want to highlight a couple of things. The National Party has not discussed the Building and Construction Industry Security of Payment Bill in the party room, because we were informed it would not be debated this week. We are consulting a little more on that, but again, it was poor planning not to notify us. The other matter I want to highlight is that, based on my short period in Parliament, this is a light business program. It is poor planning by the Leader of the House and, importantly, the government. We have known for months that we would be sitting this week and, unfortunately, next week.

It is unfortunate that country members have to come down here for maybe only a day and a half's work — and now it might be shorter. I just worry about the statement by the Leader of the House that it will depend on how we go this week. As an honourable member who represents the largest electorate in the state I would like to know what is planned, because many of my communities are having Anzac Day functions. I also have one of the longest distances to travel home. It is important for members like me to have an appropriate amount of time in which to plan for that.

I ask the government to make the decision as soon as possible so we can plan for Anzac Day. I also want to highlight the cost to the taxpayers of Victoria of us coming down here for maybe a day and a half's work. Again, it highlights the poor planning by the government. I think it should look at this in future.

Mr ROBINSON (Mitcham) — The government business program is once again eminently reasonable and will provide very useful opportunities for honourable members on both sides of the house to

contribute to debates on a number of significant pieces of legislation.

It is disappointing that whenever we come to this part of the week's proceedings we have members of the opposition crying crocodile tears. They are never happy — the workload is either too heavy or too light — and they never seem to be satisfied.

I refer to a number of the comments made about the government's business program. The first is the reference to the Building and Construction Industry Security of Payment Bill. If I understood the honourable member for Hawthorn correctly, he was somewhat distressed that the debate on this bill might commence this week. But that is all the Leader of the House, as I understand him, has suggested — that the debate might commence. It is not intended that the bill be passed this week, yet he seemed to suggest that that might create some discomfort because he was expecting the bill to be debated at a later point in time.

I can only point out that the honourable member has been briefed. I attended that briefing, as he pointed out, and he asked some good questions and very pointed questions. His colleagues' questions were perhaps not so pointed, they were even a little bit blunt. But there would be nothing wrong with that debate starting this week. The opposition cannot have it both ways: it cannot say the business program is light and then say it is unreasonable when the Leader of the House suggests the possibility of commencing debate on this bill. It is either one or the other.

The honourable member for Glen Waverley made a number of claims that his government introduced no less than eight bills every single week. I can definitely recall a number of occasions when there were not eight bills, and I can remember a number of occasions where there were far more than eight bills. I do not believe that having to come back months after you have rammed bills, machine like, through this place to pass amendment after amendment is good government. It makes far more sense to take your time at the beginning and allow considered debate.

The other point I want to make is that the government has to make allowance for the fun and games that go on in the other place. We have certainly seen in this session a number of occasions when the upper house has refused to pass legislation or has insisted on amendments which have been unacceptable to this chamber. That consumes a fair bit of our time. In those circumstances any government worth its salt would build in an allowance for time to deal with that possibility.

The honourable member for Monbulk alluded to my position in this place and suggested I might not be here for much longer. It is on the record that I challenged his former leader and the Premier at the time, Jeff Kennett, to a sporting wager for charity of $1000 that the then Leader of the Opposition would outlast Mr Kennett. The then Premier took up the offer but welshed on his bet. I say to the honourable member for Monbulk that if he wishes to redeem the former Premier's honour he is more than welcome to pay up, or I would consider a sporting wager for charity that I will be here after the next election. I am happy to put my $1000 down if he will put his $1000 down — —

The SPEAKER — Order! The honourable member shall restrict his remarks to the Chair to those that relate to the government business program. The Chair is having difficulty in following his comments.

Mr ROBINSON — An honourable member interjected that it is unparliamentary, and I agree it is unparliamentary not to pay up when you owe!

An honourable member interjected.

Mr ROBINSON — I do want security of payment, you're dead right!

A number of speakers have referred to next week's Anzac Day arrangements, and of course the government will do everything it can to ensure that honourable members are able to attend the functions they wish to attend. That can be arranged with the cooperation of the opposition.

In summary, the business program before the house is eminently reasonable, provides honourable members on both sides the chance to participate in debates and should be supported.

Motion agreed to.

MEMBERS STATEMENTS

Kew Residential Services

Mrs ELLIOTT (Mooroolbark) — On 4 May 2001, the former Minister for Community Services in the Bracks government announced the redevelopment of Kew Residential Services. The residents at Kew were described in a community visitors report as Victoria's forgotten people. At the last election a major plank of the parliamentary Liberal Party's community services policy was the closure of Kew and the movement of residents into the community and into housing which more nearly approximated community norms.

Therefore the announcement by the minister was welcomed by the opposition, by the Council of Intellectual Disability Agencies — CIDA — the peak body in intellectual disability, and with some reservations by the majority of family and friends of the 460 residents at Kew, who are anxious for the project to proceed as quickly as possible.

The former minister has now departed to less demanding pastures. This week the new Minister for Community Services, just three weeks short of the first anniversary of the original announcement, reannounced the project at Kew via a press release. Everybody directly concerned with Kew, and those in the wider community concerned with the future of people with an intellectual disability in Victoria, are entitled to ask what progress has been made in the past 11 months. Why does the Bracks government announce and then reannounce projects with absolutely no evidence that anything concrete is being done? Why does it not make reality mirror its rhetoric?

Victoria's forgotten people are entitled to know what the future holds, otherwise there will be a well-founded suspicion that the development will not happen in time for them to benefit from it.

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

National Council of Women of Victoria

Mrs MADDIGAN (Essendon) — On 19 March I had the pleasure of attending the centenary celebrations of the National Council of Women of Victoria. Over the 100 years it has been in place this organisation has many great achievements, including a campaign for equal pay for equal work; improving conditions for women in police cells which led to the appointment of the first two women police officers in 1917; a campaign for blood alcohol testing for accident victims; and assisting in the further participation of women in local government.

To celebrate the centenary, the National Council of Women Victoria re-enacted the inaugural meeting which in 1902 was attended by 35 women's groups across Victoria. Some of the names are interesting to us today. There was the Association of Domestic Economy, the Bendigo Women's Literary Society, the Daughters of the Court, the United Council for Women's Suffrage, Victorian Infant Asylum and Foundling Hospital, and the Victorian Lady Teachers Association, among others.

I congratulate the president, Elizabeth Steeper, and the committee for the excellent work they undertook in re-enacting the original meeting. The National Council of Women of Victoria has a healthy future, and the women of Victoria can look forward to its support on causes close to women's hearts.

Rural and regional Victoria: tenders

Mr KILGOUR (Shepparton) — I have received information from Truedata, an office equipment and stationery company in Shepparton, that jobs are currently at risk because of:

> … apparent directives issued to government departments such as the Department of Natural Resources and Environment, Victoria Police and Human Services et cetera that they are only to purchase from Boise Cascade, who are a 100 per cent foreign-owned company.

Previously Truedata and other companies supplied all of these government departments.

> … We now have the ludicrous situation of people walking into our business to purchase goods and we have to advise them they cannot buy from us.
>
> …
>
> Q. Is it a pricing issue?
>
> A. No. We already supply at a better price.
>
> Q. Is it an Internet issue?
>
> A. No. We are also on the net.
>
> Q. Is it a speed of service issue?
>
> A. No. We supply on a same day service.
>
> (Bosie Cascade offer 1 to 2 weeks turnaround).
>
> …
>
> It makes no sense to reduce jobs in the country and support foreign companies when a better and more cost effective service is available locally.

The Premier answered this by saying that two out of three tenderers have outlets in Shepparton, but many companies simply open an office where one person takes the orders. Small country businesses are not in a position to tender for statewide contracts. This is a government policy that is bad for country businesses, and the Premier cannot make excuses for government actions. I ask the Premier to support country business and open the doors once again for all country businesses to do business with government departments in country Victoria.

Reg and Rosemary Karafili

Ms DELAHUNTY (Minister for Planning) — I have great pleasure in saluting a significant small business in the electorate of Northcote. For 24 years Reg and Rosemary Karafili have operated the Northcote newsagency. I know it well as it is just a few

doors up from my office. Reg and Rosemary have not only been the centre of that part of the High Street trading association, they have also made a fantastic contribution to the general community.

While operating an outstanding newsagency in Northcote, Reg and Rosemary have gone the extra mile and made a contribution. I know that Reg has often delivered milk, bread and other necessities to some of the elderly citizens in Northcote who for various reasons have not been able to get down the street. That is the sort of contribution which builds a strong community and which we in Northcote respect and applaud. Reg and Rosemary have now sold the business, and I would like to congratulate them and their family on their contribution. I wish them well in whatever the next phase brings them in Northcote and beyond.

Barwon Heads Football and Netball Club

Mr PATERSON (South Barwon) — It was a Labor government which ordered the Barwon Heads Football and Netball Club from its home ground 12 years ago, and now another Labor government has taken two and a half years to decide that the club can stay where it is after all. It is shameful that the Labor Party has made the club go through this period of indecision. Throughout the seven years of the Liberal government the club was allowed to occupy its home ground. As the local member of Parliament I hope the new arrangements are successful, but full details are yet to be worked out. Only when that is done will Barwon Heads know whether it is a good deal.

The state government must not use this announcement as an excuse to walk away from upgrading the village park. Barwon Heads has been taken for granted by Labor, and it is about time the town saw some real commitment from this government. The Bracks Labor government has abandoned Barwon Heads over the issues of natural gas connection and mosquito control. Let's see the colour of the government's money when it comes to sports facilities. The ALP's commitment to regional Victoria is looking very flimsy.

Letty and Clem Valdez

Mr SEITZ (Keilor) — I rise to offer my congratulations to Letty and Clem Valdez, who are members of the Uniting Church opposite my office. Once a fortnight, through a mission of the Uniting Church, this couple organises community barbeques to reach out to young people and other people in need, in particular the Filipino community that is involved with that Uniting Church. With voluntary labour they have done a tremendous job of restoring the church, repairing the buildings and the grounds, and providing this type of service to the community in my area. This shows a caring attitude and a different approach to people in the St Albans area.

Letty and Clem Valdez reach out to those people by having afternoon discussions with them. They also assist people with language difficulties by holding migrant English language classes on the other side of my office, which is in a hub of community activity. Such activities should be an example to St Albans traders and should encourage them to contribute to these community barbeques, which help people in my electorate. I encourage the traders to do that. Clem Valdez has said he will be approaching community traders in St Albans to seek their assistance.

Minister for Transport: correspondence

Mr KOTSIRAS (Bulleen) — I stand to once again condemn the lazy Minister for Transport for not responding to correspondence. This minister is treating residents in my electorate with contempt and arrogance. Despite an increase in his staff the Minister for Transport still does not respond to letters. I received a copy of a letter sent to the minister by a constituent, who has been ignored. It states:

> I … bring to your attention that no replies have been received to any of letters previously written to your office about the community input for the park-and-ride project. The following is a list of letters written to date:
>
> Letter dated 23 January 2002 …
>
> Letter dated 7 March 2002 …
>
> Letter dated 8 March 2002 …
>
> Letter dated 12 March 2002 …
>
> I appreciate that the ministry has a large workload, but I cannot understand why the ministry has not replied to any of the above letters …
>
> I appeal to the minister, if you are really committed to achieving the best possible outcome for this project, that the issues raised in the above letters be addressed within a week. The resolution of the issues will allow Vicroads time to implement any improvements before the commencement of construction of the facility in May 2002.

Similarly the minister should attend a meeting at Ted Ajani Reserve on Monday, 22 April, to discuss the upgrading of Thompsons Road. The Minister for Transport has not responded to any of the letters. He should show some guts, show some leadership and turn up!

Special Olympic State Games

Mr HOLDING (Springvale) — I rise to congratulate all who helped organise the 21st Special Olympic State Games, which were held from 5 to 7 April. I especially congratulate the more than 400 athletes from nine regions across Victoria who competed to make this year's games such a tremendous success. I was thrilled and honoured to be able to declare the games open on behalf of the Minister for Sport and Recreation in another place. I congratulate the team of organisers, which was ably led by the chairperson, Ian Edmondson, and all on the Special Olympics Victoria committee and the state games committee.

Mention should also be made of the many organisations which sponsor or support the games and athletes in many ways, including IGA, Tennis Australia, Kiwanis, Freemasons, Otis Taskforce, the Yungaburra Foundation, the Australian Defence Forces, the Second Essendon Guides and Beta Sigma Phi Laureate, Delta chapter.

Once again the games were held at Haileybury College, in my electorate. Athletes competed in many events, ranging from swimming, tennis and softball to track and field and bocce. Many of the athletes will compete in Sydney in the Special Olympic National Games in September. Some lucky athletes from the national games will be chosen to represent Australia at the Special Olympic International Games to be held in Ireland next year.

This year the Olympic flame was lit by torch bearer Keith Googin, and all athletes were inspired by the Special Olympics oath read by Darren Campbell: 'Let me win, but if I cannot win, let me be brave in the attempt'.

Schools: funding

Mr PHILLIPS (Eltham) — I raise an issue regarding funding for education. I seek from the Bracks government more funding for primary schools, especially years 3 to 6. I acknowledge that some good work has been done and achievements gained for the years from prep to year 2, but I have recently received a letter from the Eltham East Primary School president indicating that because of a lack of funding his school is now experiencing classes of around 29 students in years 3 to 6. He suggests that more money should be put into those years.

He acknowledges the good work that has been done between prep and year 2. Some recent surveys and studies have shown that the middle years of primary school are the most important for children's development as they move from primary school to secondary school. I am seeking more money and a greater commitment from the Bracks government, not only for prep to year 2 but also for years 3 to 6 in all schools throughout Victoria.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Burwood has 8 seconds.

Police: Camberwell station

Mr STENSHOLT (Burwood) — More police and a better police station equals a safer community. Recently I had the pleasure of accompanying the Minister for Police and Emergency Services to the Camberwell police station, where we announced — —

The ACTING SPEAKER (Ms Davies) — Order! The honourable member's time has expired. The time set down for members statements has expired.

MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 28 March; motion of Mr BATCHELOR (Minister for Transport).

Mr LEIGH (Mordialloc) — The state opposition is happy to contribute to the debate on this bill, but I must say that we have some serious reservations about the activities of the government in this respect. Rather than starting from the beginning, I would prefer to go back in time. A conversation that occurred this morning on the Neil Mitchell program defines what the government knows about this legislation, and I am happy to make the transcript available. Mr Mitchell said:

> Now on something else, there is an amendment to the City Link Act coming through which on what I've read … seems to be giving City Link parcels of land that it can lease as it wishes to areas outside its own use. Is that right?
>
> Premier Bracks: Yes, yes, I understand that. It's a bill that's coming up before the Parliament.
>
> Mitchell: Yep, but on that bill it doesn't specify what the land is. What are we going to give City Link.
>
> Premier Bracks: Oh, it will be explicitly specified. I understand —

and I am quoting him directly —

> that there'll be plans and details that will be lodged in the Parliament itself, in the library, which is usually the case, and

can be examined by all interested parties so there will be specification …

Mitchell: So how much land is it?

Premier Bracks: I, I, I haven't got the detail on how much money it will be. Obviously it will be a market arrangement, but these are administrative arrangements which are sensible.

Mitchell: So why, why are we giving it to City Link?

Premier Bracks: Why are we giving the land to City Link? Um, well, ah, I might get back to you on that one later in the program, Neil, on that one.

Mitchell: Okay. I'm told, I mean it's possible they could use it for things like McDonalds stores and things like that.

Premier Bracks: Oh, well I don't think that is the intent, but let me examine that and I'll get back to you before the program ends.

Mitchell: I've been told that there will be no decisions for eight months on what the land will be; would that be possible that you will pass a bill and not make a decision on the land for eight months?

Premier Bracks: That's unlikely on any bill that we'd pass. There will be caveats and restrictions in the bill itself and explicit guidelines in the bill which will be part of the transfer arrangements.

Mitchell: Okay. But the principle of why they get the land, do you [know] what that is? Why is it — —

Premier Bracks: Well I understand that it is simply an administrative change and, ah, if it is anything more than that I will certainly explain it to you, but I will get advice and talk to you very soon.

Well, sad to say, the Premier did not bother. Let's start with this particular aspect of the bill, which is what advantage there is to Transurban. There are several arrangements in this bill, including the leasing arrangements. Some of it includes arrangements for access to land so that they can recycle the water, and some of it includes a mechanism which enables fines to be $40 instead of $100. It also includes arrangements for new weekend passes.

It changes the corporate structure so that in essence anybody who seeks to take control of Transurban's trust will need approval from the government to acquire in excess of 20 per cent of the trust. Then there is the single-purpose entity, which is another interesting example.

The question one has to ask of this government is why it is doing all this to advantage Transurban. What is in it for the state? At this point I have to say, 'Not a lot'. I also make available a press release by the Minister for Transport dated 1 March 2001 with the heading 'Transurban claim of $35 million':

The Minister for Transport, Peter Batchelor, today announced that Transurban had submitted a 'material adverse effect' claim of $35.8 million against the state of Victoria in relation to the City Link project.

'Specifically, Transurban are alleging that the construction of Wurundjeri Way — formerly the North–South Road — by the Kennett government, and the widening of the West Gate Freeway by the Kennett government, have reduced traffic volumes on the City Link, resulting in loss of revenue from the City Link tollway', said Mr Batchelor.

Under the City Link contract signed by the Kennett government in 1995, Transurban are able to claim compensation for improvements to the arterial road network, which may entice traffic away from City Link onto alternative roads.

At the time the City Link contract was signed the Labor Party strongly opposed these clauses because they were anticompetitive, financially irresponsible —

and God knows they would know about 'financially irresponsible' —

and not in the best interests of motorists or taxpayers'.

'Advice from my department shows that the Kennett government was warned in March 1999 — when they decided to build the North-South Road — that it was likely to result in a material adverse effect claim by Transurban'.

'This claim will be strongly opposed by the Bracks government'.

Negotiations will now occur between the state and Transurban. The claim was made against the state government on 7 February 2001.

'I have instructed Melbourne City Link Authority to seek to achieve the best outcome from the state', said Mr Batchelor.

'The Bracks government will do all that it can to minimise the taxpayers' exposure to this claim'.

'Unlike the Kennett government, our first priority is to protect the interests of taxpayers and motorists'.

This bill is a classic example from a bunch of irresponsible clowns who have no idea of how to negotiate with anybody. Whatever Transurban want Premier Bracks and his transport minister rush over and agree to. Why do they do that? There are leasing arrangements and a recycling arrangement, which I have talked about already, that enables the water to be recycled. That arrangement could not have been entered into previously simply because the tunnels had to be built. Tap water was used because the Environment Protection Authority refused to let Transurban use Yarra River water. The opposition agrees with that. It has no disagreement with the changing of the fining mechanism from $40 to $100. There is no problem with the weekend pass. But why is Victoria giving Transurban a benefit without at the same time

negotiating to gain a benefit back to the state, to protect the state?

I will go through the details of the single-purpose entity, which is part of the arrangement. That came about — and the honourable member for Coburg will be well aware of it, because I am sure he was part of it — when the Minister for Transport came into the house crowing that the Bracks government had released Transurban from its single-purpose-entity restrictions on 10 October 2000 following the public announcement on 19 September. The transport minister came in here crowing that he had made $10 million for the state. Big deal! Why is it that Transurban wanted to be released from that restriction? Because with its expertise and the e-tag potentially it has a goldmine. The Bracks government has sold the state out of an opportunity to use the technology in a much cheaper arrangement for the state.

Allegedly the state gained $10 million. At the time the opposition condemned the deal and argued that it significantly advantaged Transurban while the state received a token payment of $10 million over three years and several outstanding issues remained. It included the $37 million Wurundjeri Way compensation, off-peak tolls and the options of a state royalty payment, which were ignored. What did Transurban get out of the deal? Two days after the announcement on 17 September, Transurban's market capitalisation increased by $49.98 million — its shares rose by 19 cents or 4.47 per cent while the All Ordinaries index fell by 0.3 in the same period. After one week Transurban's value had increased by $112.2 million!

In the week leading up to the government's entering into that arrangement, I had a phone call from a stockbroker asking me what Transurban was crowing about at the stock exchange. I was aware of what it might have been, but it was only on the same day that Transurban and the minister got together that they came and told me, so I did not impart any information. For the week leading up to that arrangement, Transurban had been running about with some of its contacts at the stock exchange babbling about how it had done in the government.

From that single deal Transurban's value went up $112.2 million. What would the Minister for Transport have done if the former Liberal government had signed off on a deal like that? He would have been close to driving up the Bolte Bridge at 150 kilometres an hour instead of 120, and probably professing to jump off the bridge unless the Kennett government took back the deal. He would have been outraged, and I will come to his outrage in a moment.

Victoria gained nothing. At the time the departmental briefing said that the tolling technology had no value and that the value lay in Transurban's ability to exploit the opportunity. Surely the state had a responsibility to maximise the benefit back to the taxpayer?

Following the release of the single-purpose entity, several Melbourne stockbrokers, including E. L. and C. Baillieu, J. B. Were and F. W. Holst put a buy option on Transurban citing the government's decision to enable the expansion interstate and overseas. This deal was secured without any legislative amendments and only included a statement of variations in the City Link concessional deal.

However, the Melbourne City Link (Further Miscellaneous Amendments) Bill, which the opposition has now considered, provides for a range of legislative changes which clarify the significant changes to the corporate structure of Transurban as a result of the controversial release of the single-purpose entity. The opposition now has an opportunity to influence the purpose of this entity change. Issues which the opposition believes remain unresolved, on which it has written to the Auditor-General, include the token payment of $10 million over three years for the release of the single-purpose entity, the fact that no other concessions have been secured as a result of these lucrative changes and that the $37 million Wurundjeri Way compensation claim remains outstanding.

Before the minister agrees to sign off on the legislation the opposition seeks that the remaining outstanding issues of the Wurundjeri Way compensation be resolved to the benefit of the taxpayers, as it should have been resolved during the negotiations for the original release from the single-purpose entity restrictions. The fact is that the state of Victoria has been robbed. Madam Acting Speaker, what would you do if you had realised that the former Liberal government had conceded $112.2 million to a private company by signing off? I am sure you would regard it seriously. Hopefully you will bother to go away and check. What could you have bought in your electorate for $112 million? Quite a considerable amount, one would have thought.

Mr Steggall interjected.

Mr LEIGH — That is right. The point to all this is that there has been no gain back to the state and a claim is still outstanding. You would think this piece of legislation would be the worst of it. Well no, it is not. It

actually gets worse. I again refer to this morning's radio program where Neil Mitchell said:

> I've been told there will be no decision for eight months on what the land will be; would that be possible that you will pass a bill and not make a decision on the land for eight months?

Premier Bracks replied:

> That's unlikely on any bill that we'd pass. There will be caveats and restrictions in the bill … and explicit guidelines …

Sadly we have a Premier who is basically a spokesman, but is he in charge of the government? I do not think so. This is the man who cannot even answer the most basic question about a deal he thinks is so significant that he could have thought up and sold to the public.

Let me quote a public servant who has written back to one of my staff members, and this goes back. One of the things the opposition asked the government at its briefing, which the government adviser and the bureaucracy attended, was, 'We would like a copy of the maps of what you will give them'. They said, 'Oh, we will give them the land at Kooyong'. I said, 'Fine, okay. Not an issue, not a problem; don't have a problem with that. It will be used by Kooyong and presumably the Association for the Blind and I presume others who want to use the area and the car park underneath the elevated freeway in the area. As long as Transurban can get access to the piers it is not an issue'. We then said to them, 'Hang on, is this all this bill does?'. The answer was, 'No, it is not'. This government has made a very deliberate decision to potentially hand back to Transurban lands that were deliberately removed by the former government, through Vicroads, because it was not sure what the value of the lands may be in the future.

They involved anything from signage through to perhaps a McDonalds restaurant somewhere. In a couple of spots the land is big enough to be other than just signage spots. What was the government's answer to this? Remember, I asked for a copy of the maps that show the other land. The answer we received after my staff member wrote a letter — and once again I will make it available to the house — is:

> Lease boundaries for City Link have not been finalised. This work will be progressively completed over the next eight months. This is also the case for the boundary under the southern link structure near Kooyong. The general location of the site is *Melway* reference, page 59, C2, but the detailed boundary has not been finalised as they are dependent on the final City Link boundary.

This Parliament is being asked to pass a piece of legislation when the government has no idea what it will give to City Link. On 16 April this government is playing Santa Claus to Transurban in this arrangement. I can tell you that there is money in this. Am I the only one who says that? No, not at all. Let me go back to what the Premier said this morning:

> I, I, I haven't got the detail on how much money it will be.

I think there is a lot more to this than meets the eye. On these leasing deals I have to say, once again, that one can only imagine the attitude of the Minister for Transport — presumably now driving at 160 kilometres per hour onto the Bolte Bridge to get there, the speed fiend that he has become. For some unknown reason the Bracks government has decided to play Santa to Transurban. I am sure it has nothing to do with the many tens of thousands of dollars Transurban has donated to sit at tables next to various members such as the honourable member for Coburg and others at some of the Bracks business dinners that were organised by the husband of the honourable member for Carrum, who at that point was the bagman for the Labor Party's business functions.

What we have here is a deal that will certainly advantage Transurban with its share price. The question is: what does the opposition do about these things? What it will do is simply this. We are not opposing the bill in this house, but we will have some discussions while the bill is between the chambers. The part of these arrangements that I am also concerned about — and this is where the supposedly secretive former Liberal government made sure that all the concession deeds were made available in the parliamentary library for anybody to see — is: are these leasing arrangements the Bracks government may enter into explicitly available to anybody who wants to see them? I am not convinced of that, I am afraid. I have had some discussions with members of the bureaucracy, who said they think that is the case.

My point is this. It may be that a Transurban lease comes back to the state government and that the state government stamps that lease. But when Transurban deals with somebody else, will that lease come back to the state, and will we then be aware of what that lease is? Will it be laid on the table of this Parliament if it does a deal with McDonalds, for example, or an advertising company for signs? Signage on freeways is worth multimillions of dollars because of the many people who go past them. Will we be aware of this? The answer is: I do not know. I am not convinced that that will be the case.

In any case, why is the government doing these deals with Transurban when it is letting sit there a claim

against the state for $37 million? Whether it is a fair or an unfair claim, it does not matter. It would seem to me that the art of negotiation would be to ensure that when Transurban wants something, sure, you agree it can get something, but that in return for its gaining something it obviously backs off in another area.

I go back to the single-purpose entity, which was originally signed off by Alan Stockdale as the then Treasurer. It was subsequently signed off by the minister responsible for Vicroads at the time, the Honourable Geoff Craige. Before the government took office it was in the hands of the then minister for major projects, the Honourable Rob Maclellan. One of the first things Transurban wanted to talk about was the change of the single-purpose-entity arrangement because it knew it would financially advantage it, and presumably these leasing arrangements will advantage it again.

I have written to the Auditor-General about some of these arrangements because I am deeply concerned that the state of Victoria has been duped. It has not been duped because Transurban has done anything wrong, but because it happens to be a lot better poker player than the Minister for Transport. I say to anybody who wants to play poker with anybody in this place and have a real chance at winning, that Peter Batchelor is the man you want to play poker with. There is no doubt about it. This is a guy who, frankly, gives in when it is in someone else's interest. The question is: why? Is there a trade-off? Is Transurban making a donation to the Labor Party? I do not know. I am not accusing him of anything; I have no knowledge. But I think there is a whole lot more to this arrangement than is currently before us in this bill today. I am surprised that this bill is even being debated.

I will come to some of the history of all of this, because I think it demonstrates the absolute hypocrisy of what is going on on the other side. Let me refer ever so briefly — and once again I will make the material available — to 2 August 1995, when the then opposition and community groups attacked the City Link enabling legislation for removing civil rights from residents in the same way as the Albert Park grand prix legislation. We know with all its section 85s that Labor has done a better job than the Kennett government ever did. This is a really good quote:

> The ALP has vowed any secret compensation deal between the state government and City Link developer Transurban would be 'ripped up' by a future Labor government.

Who said that? It was the incredibly responsible now Treasurer of Victoria, John Brumby. It continues:

> Opposition leader John Brumby made the threat after claims Transurban wanted compensation if new roads or public transport ate into tollway profits.
>
> His transport spokesman, Peter Batchelor, said he was told of such a clause at a briefing with City Link.
>
> He said yesterday he was sure Transurban wanted a clause in its City Link deal to ensure changed transport policy would not undermine the toll road profits.
>
> …
>
> Transurban could not be contacted for comment yesterday.
>
> But the government denied any deal had been made which would hamstring future moves to improve roads …

The Labor Party then went on to say that when it built the airport rail link in government it would have to compensate Transurban for taking away patronage. We all remember that one. Was that true? No, it was what is called a lie. The then opposition leader and the then transport spokesman knew that was absolute nonsense. But they went out there and told as many fibs as they could in the hope that people would believe them.

This is another good quote; it is really worth looking into this one:

> The Auditor-General should investigate the City Link contract after claims secret clauses could cost taxpayers millions in compensation payments, the opposition claims.
>
> Opposition transport spokesman Peter Batchelor —

this is not opposition transport spokesman Geoff Leigh but the then opposition transport spokesman —

> has written to the Auditor-General, Ches Baragwanath, asking him to carry out a performance audit of the contract.

Perhaps he could give me his letter and I could just send another copy. That might be a good idea! The article continues:

> 'Victorians have a right to know the details of a contract entered into by this government which will have a dramatic impact on our city and which commits us to paying tolls for the next 34 years', Mr Batchelor said.

That was real passion! Where is the passion today? Not only do we have no passion today, but we have Premier Bracks out there bragging that Labor would have built this road without the tolls. There's the passion that is going into that one!

This is another good article — and they are all really good ones. Under the heading 'New link deal may raise tolls' it states:

> The opposition's spokesman on public transport, Mr Peter Batchelor, said City Link was now a major election issue —

that was in 1996.

> If elected, the ALP would have a mandate to alter the project radically to its own $700 million version, financed from the 3-cent-a-litre petrol tax.

Thankfully they did not get elected, because Victorian motorists would have been paying at least 9 cents a litre to cover him for that stupid one. Another article states:

> Victorian taxpayers could be forced to pick up the bill for the City Link project if any future state government did anything to cut Transurban's profits by 20 per cent or more.

Labor members must have sat there all day dreaming up stories to write that were absolute drivel. This was a Labor opposition that was totally and desperately committed to either dumping the legislation or, when they got into power, dealing with Transurban firmly.

It is fascinating that the honourable member for Essendon should just walk into the chamber. I recall her being one of those standing on the rooftops in Essendon and screaming, along with the then Opposition Leader, John Brumby, the current Treasurer, and the shadow transport minister, now the Minister for Transport, that this was an outrage and that Labor would act against this and stop it. What are they doing now? They are advantaging Transurban in some sort of deal-making arrangement.

This heading is just too good to miss: 'City Link prospectus reveals motorists to fund shareholders' profits'! Who could think of that? Here is a bunch of people who have just handed Transurban $112 million over one issue. On 27 February 1996 the then shadow Minister for Transport claimed that if it fell below a certain amount of money the taxpayers would have to pay. He has made sure that that will not happen, that taxpayers will never have to pay anything, because he is contributing to its arrangements in such a nice way that that clause, if it exists in the way he says, will never be acted upon.

Another article headed 'ALP promises more toll secrets' states:

> He claimed that as voters learned more about the project they would realise the government's City Link option was not the right way forward for Victoria.

The Premier and the Minister for Transport are the two current government ministers who went down to the Domain Tunnel opening and could not get into a car fast enough to drive through it. That was the day the Premier said, 'We would have done all this for $2.1 billion; but we would not have funded it this way, we would have done it another way'.

To his credit, the person who thought up the tolling technology idea was none other than that king maker in the government, a former minister in the upper house, the Honourable David White, who is head of Yarra Trams these days. It was his arrangements that enabled this technology. So you have to give credit to Mr White; he was the one who came up with the beginnings of the first tolling deal.

For example, under the original contract for the tunnel arrangements neither the Burnley nor the Domain Tunnel could be opened without them both being ready to operate for tolling. In other words a government could have done this in one of two ways. It could have said to Transurban, 'No, you're not opening the Domain Tunnel until the Burnley Tunnel is finished', which would have been chaotic — and obviously no government would put up with that — or it could have said to Transurban, 'You're opening the Domain Tunnel as a gesture to Melbourne until such time as you get Burnley Tunnel operating, and then you can charge motorists for using the tunnels'.

Did the Minister for Transport do that? No, he did not. He once again made another secret deal with Transurban. In the time between the opening of the Domain Tunnel and the opening of the Burnley Tunnel it made $40 million. Now we have a total of $152 million that Transurban has made out of this government — and this is the beginning. We have a $37 million claim against the state, and Transurban has made $152 million out of the Bracks administration.

What have motorists got out of it? They have got something fabulous out of it. They have certainly got a road that takes them from one side of the city to the other. The honourable member for Tullamarine will say, 'This is totally objectionable. It is about tolls. I don't want tolls, I want them taken off'. Isn't that right? I can't hear you!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mordialloc should speak through the Chair and not ask questions across the table.

Ms Beattie — On a point of order, Mr Acting Speaker, the honourable member well knows that interjections are disorderly, so I will not respond to his question.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order.

Mr LEIGH — My personal view, based on past history, is that she did not want tolls. I will leave it at that.

Ms Beattie — Where's Bernie Finn?

Mr LEIGH — The honourable member asks where the former honourable member for Tullamarine is. Fair enough — he is not here, and she is. But I make this point about these two incredible deal makers in the Bracks government: where are they now when Transurban has made $152.2 million out of this administration? That is the figure not according to me but according to the stock exchange. And in view of the $40 million deal being made — and we are just starting — the money is starting to tick up.

What has the government got back for motorists? It secured a couple of changes on weekend passes and had the $100 fine reduced to $40. But it gets that money anyway, so the state just gets a little less money. That is no big deal; the government can wear that. But Transurban is $152.2 million better off under this government.

This article is a ripper:

> The opposition has attacked changes to the deal between the state government and the developer of City Link. Opposition transport spokesman Peter Batchelor —

again I say, not Geoff Leigh —

> yesterday in state Parliament said that massive changes were being made to the complex $1.7 billion deal without consultation.
>
> But Melbourne City Link Authority, the statutory body supervising the tollway, last night said one change would save the state $20 million.

When he was the opposition transport spokesman the current Minister for Transport wanted consultation.

When was the bill now before the house introduced? It was introduced just before Easter, when no-one was around so it could be put through relatively quickly — and I have to say, once again, when we are eight months away from knowing what land they want.

Now, why is it that the government did that? Could it be that the bill was not ready? Could it be — and I will bet you it was this — that the Bracks government has nothing to debate in this chamber so it hurriedly looked around to drag up a piece of legislation and someone said, 'Oh, the City Link bill is nearly ready. Let's chuck that into the melting pot. That will have the opposition arguing about it for a week', and off it went. And surprise, surprise, when I contacted somebody at Transurban and said, 'You know the bill's up?', they said, 'Sorry, what do you mean?'. I said, 'The bill is before the house and we are going to be debating it in two weeks time'. They said, 'Oh, no, that cannot possibly be, the government has not consulted us about putting the bill in yet'. I said, 'Oh, surely not. Not the Bracks government'.

The ACTING SPEAKER (Mr Kilgour) — Order! I wonder whether the honourable member for Mordialloc would mind speaking to the Chair. I am interested in what he is saying but he is turning his back to the Chair and I am finding it hard to hear what he is saying.

Mr LEIGH — Why is it that we have this secret deal? Somehow they have been negotiating all of this and presumably Transurban was ready to deal with it but it did not even know it was to come before the Parliament. I think what this says is that the Bracks government's legislative program is so brilliant that basically it has done it again. Its consultation is not real consultation. It is just make-believe consultation.

Let's go back to the Premier's quote: 'That's unlikely on any bill that we'd pass'. The world works in mysterious ways. I can announce to the chamber today — I am sure that if the honourable member for Tullamarine and the Minister for Police and Emergency Services have checked their pagers they will know I am telling the truth — that the Labor Party has just paged all its members that there will be a briefing on City Link at 5.00 p.m. today in the Labor Party room. Let's hope the Premier will be there. Perhaps he can turn up to explain to government members why it is doing these deals. What is in it for the taxpayer? I have not seen too much so far. Where do we go now? Another article is headed 'State underwrites City Link'. I could keep going through these newspaper reports. Another is headed 'Labor vow on tollway payout'. Here we have the world's most professional form of federal member — an Alan Stockdale impersonator, with the glasses, all that type of thing — the Treasurer. This is what this responsible Treasurer said on 18 September 1995:

> The opposition leader, Mr Brumby, told a rally against tolls in Brunswick yesterday that the ALP would deliver its promise of no tolls on roads.

That is fascinating. Wait until they find what is going on on the other side of Melbourne. You know what the Bracks government has been doing, and remember, this is the anti-tolling party. The government has now been caught with the Scoresby freeway, which commitment was started as a bluff after having opposed it for seven years, and it now needs to find $500 million that it did not think it would ever have to find because it never thought the federal government would actually fund it. The Prime Minister has put forward $445 million of which he has made available $93 million, and the

Bracks administration has put up $2.1 million and it is now looking for a way to fund it. What has the government been doing? Firstly, it has been secretly looking at tolling for commercial vehicles but the Royal Automobile Club of Victoria and others have opposed it. Secondly, it has considered implementing shadow tolls, which means it will borrow the $500 million and the government will pay the tolls for motorists for the next 30 to 50 years or whatever. The government is so open and honest about it that it is doing everything it can to stop me getting access to the funding arrangements for the Scoresby freeway through the Victorian Civil and Administrative Tribunal. It really says that this administration has no idea what it is doing over this issue.

As I said at the outset, the state opposition has no problems with the Kooyong issue. We think the rectification of the water issue using recycled water is a good idea. They are now pumping back into the ground about 10 litres of water a second from the Burnley Tunnel. It is a great idea that could not have been implemented before because of what the Environment Protection Authority required. The point is it is now being done and I do not mind their taking the credit for that. It does not worry me. There are bigger things going on than all of this. But you have to say that when a government cannot tell you by how much money it is about to advantage a financial organisation it is a big concern.

This is the challenge to the Bracks administration today. I want Mr Costigan back. The house may recall that Mr Frank Costigan, the brother of the former Lord Mayor of Melbourne, Mr Peter Costigan, was employed to investigate whether the former Minister for Planning, Rob Maclellan, had done the right thing with the compensation arrangements for the western link and southern link — in other words, protected the taxpayer from any liability for those arrangements. What he found was that, yes, the former minister had absolutely protected the state.

The Minister for Transport came in here crowing about the fact that because the report was a few days late being put out there must have been some sneaky plot to make sure people did not know about it. This is the minister who thinks that a bridge being out by 1.2 metres is a big deal. Since he set those standards I think those standards should apply to him. The challenge he is going to get while the bill is between these two chambers will be less easy than he thinks.

If he thinks that in this example the state opposition is simply going to agree to pass this legislation in this chamber and do zero to it while it is between the two chambers, there is potentially some very exciting news that I have to announce. It is going to get a little tougher, guys. I'm sorry about this!

Firstly, I will propose as an amendment that the government might consider — I am not totally convinced that it resolves everything, but it is the beginning of it, and perhaps we can look at it while the bill is between the chambers — that in section 60 of the Melbourne City Link Act 1995, after subsection (8), there be inserted the words 'The minister must cause a copy of each lease under this section to be laid before each house of the Parliament within six sitting days following the making of the lease'.

I believe that clarifies at least part of it. If Melbourne City Link, or Transurban, wants to make a deal with somebody, all those deals should come back into this place, every single one of them — not just the deal between Transurban and the government but the deal with the third party that may well be involved in this. It will be claimed that because Melbourne City Link is still a single-purpose entity, that cannot happen. I am waiting for the next set of amendments the government will bring into this place which will make changes perhaps getting into some signage, flogging off a bit of land and a few other things.

In fairness — and I want to some clarification from the government on this — I want to make sure that no matter what deal is done in any way, shape or form by Transurban with another person — McDonalds or whomever that may be — this Parliament has a right to have it laid on the table in the library.

The former allegedly secretive Kennett government was capable of doing that, so surely to goodness the open and honest Bracks administration is capable of doing that. I say to all the Labor members who are going to the Labor caucus meeting at 5 o'clock to have a discussion about this bill that they should ask the Premier, 'What have you got out of it for the state?'. The state did not get $152 million! I notice that the honourable members for Tullamarine, Bendigo East and Gisborne all think this is hysterical. So they should, because when Bendigo people come down, they should understand that because the Bracks government has not been able to negotiate from a position of strength, those members have cost their citizens. They can think this is not a big deal, but they should remember that Transurban, without the leasing arrangements at all, has been advantaged to a minimum of $152 million.

There should be some answers. I am sure one or two leaks might come out of this meeting today, but I think these Labor members have a responsibility to ask what

the Minister for Transport and the Premier have got out of this and what Transurban has got out of it. I can tell them now that the next place they will read about it is probably in an Auditor-General's report. What has happened is totally unacceptable.

I have to say that on the sort of coverage of the government the Premier gave us on radio today, one would have thought a relatively serious issue was not good enough for him.

Before I finish I should make a couple of final comments about the concession deeds. As to the arrangements about Transurban's office space, while the government does not agree with the planning arrangements it has accepted them and has honoured the contract. It boasted in opposition it was going to break the contracts. It is not prepared to do that now. To its credit it has at least shown some commonsense in this.

Certainly Transurban will be required to pay rates on its site, I presume to the City of Yarra. But at the end of the day, while the bill is between this chamber and another place, the government is going to have some explaining to do, because I do not think that the taxpayers of Victoria have been well advantaged by what has gone on.

Ms Allan interjected.

Mr LEIGH — Sorry?

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mordialloc should ignore interjections.

Mr LEIGH — I really love ignoring the group over there, but just for the record, the original electronic tolling devices proposed for City Link were thought up by none other than the Honourable David White. If the honourable member wants the material it is in writing somewhere, and I am more than happy to provide it. In fact Premier Bracks said he would build it another way, but can I say that motorists would have had no money out of the Better Roads fund for God knows how many years if it had been paid for out of that, because at the time about $150 million a year was coming out of the Better Roads fund and we would have had no money for years for any other road.

Members who sit over there and who remember when this project was put up will also remember that it was a time when Victoria was basically bankrupt, the rust bucket of the country, and it was one of those projects which, whatever people think about it, actually did kick-start Victoria by putting over $2 billion back into the Victorian economy. They made mistakes; anybody doing a major project is going to make mistakes. I was unhappy with some of the things they did, and it was well known from some of the newspapers at the time that this was going on.

What I said about certain aspects of this thing is not news to anybody, but at the end of the day you have to ask the question: would this road have been built and have contributed to the way Victoria is today? The answer is no. And who is the best person I can I quote — Premier Bracks again! When trying to convince Virgin Airlines to come to Melbourne he said, 'Oh, gee, we have got a great road that you can come in on from the airport'. Unfortunately, they thought Premier Bracks was so clever that they took off to Brisbane and did not want to hang around, like a few other people. But the point is that the deal never would have happened.

I think the issue is probably a bit more fundamental than most people think. To many people the issue was always that they thought an existing road was being tolled; it was never about the tunnels or the like.

Ms Allan interjected.

Mr LEIGH — The point is in this: the honourable members for Bendigo East and Tullamarine sit in here and laugh, but the fact is that the people who are really laughing are Transurban, because they have just got a whole lot of money out of the government because the Labor Party is so silly it cannot negotiate with anybody to advantage the state. This deal was always going to be done in such a way that things were going to change and things would happen. Perhaps the honourable member for Coburg can go away now and say to Vicroads, 'Why was this land taken out of these arrangements deliberately?'. I know for a fact that the land we are talking about here today was removed very deliberately, because it had a net worth — it was worth potentially a lot of money.

The former Liberal government wanted to be in a position to negotiate with Transurban. I know of at least one sign on the freeway — I think in the Exhibition Street area — which says that the money from the signage — and I stand to be corrected — goes to charity in some form. Signage on a road with hundreds of thousands of vehicles a year going up and down it is worth a lot of money, never mind all the other things that might happen on it. I say to the honourable member for Coburg, who is the parliamentary secretary, 'Go and ask Vicroads' — if they are not in the chaotic state they usually are in these days — 'why the land was taken out'. It was taken out for a reason. Why did this

government agree to change the arrangements on the Domain Tunnel and the Burnley Tunnel so that it exempted Transurban from paying $40 million?

These guys were so dumb they wound up having to pay for the cameras that were inoperative in there. They did not go to Transurban and say, 'Hey fellas, you haven't finished the road, so the cameras that are going to book people are inoperative', when in the last seven months they have booked 72 500 people. These guys were so dumb they paid $3.8 million when Transurban should have been paying it. Transurban had a responsibility to do that. What people have to remember about contracts is that they are living, breathing things that are forever changing, and you forever have to negotiate.

I say to the Labor members that when they go to that meeting tonight it is time they started asking their executives some questions, because if they do not, some of them are going to find themselves unemployed in the near future.

I would like to finish on this note. The opposition's point of view is simply this: government members want to remember that the fact is in this arrangement a deal should have been constructed to advantage the state, but it has not. We do not know what the worth of that leased land is. I do not know whether it is $10 million, $20 million, $30 million or $100 million. It stands to reason from the advantages that Transurban has gained out of this deal so far that at the very least its claim for compensation for material adverse effect on Wurundjeri Way should be scrapped. Before the government decides to do another thing for these guys, it should say to them, 'Listen, you keep the $37 million deal. It is nothing to do with us. You have done well out of us already'.

The share price has gone up because of the Bracks government and because ministers are so dumb in their negotiating skills. I have to say that you do not normally apply the word 'dumb' to senior politicians, but in this case because they want to please whomever they can out of these arrangements, because they are scared of the business community or do not how to negotiate, or because of some other arrangement that I do not know about, the net value of this is that the state of Victoria is disadvantaged.

An Honourable Member — A soft touch!

Mr LEIGH — A soft touch! The Melbourne City Link Authority's final job in all of these arrangements before, you might recall, the government brought in legislation to wipe it out, was to look at what happened to this land and how it should be dealt with. That was to be one of the last priority jobs when this whole deal was done. And what did the Minister for Transport do? He brought in a bill to wipe the authority out, and then he set it up in a different way within the Department of Infrastructure.

I have to say that it clearly has not worked. Maybe not have enough people are involved in it. They are obviously professional public servants — I have no doubt about that — and I have no complaints about any of the briefings I have received from them. They have answered me honestly and on time. Although I have no queries about the public servants, I have queries about the fact that the minister's office does not seem to know.

I query the fact that the Premier does not seem to know. I was delighted today when Mr Mitchell asked him a very serious question. I hope every Labor member gets a copy of the transcript, because it shows how dumb the Premier was in not knowing the answer. When you are the Premier of the state and you have just handed over $152 million and you do not understand it, that is dumb.

I expect better from the person who sits at the other side of the chamber as the Premier of the day. Irrespective of the fact that I happen to be a Liberal politician, what I want the Premier to do is to represent the state properly, along with his ministers, and to protect the state. It is on their watch that this has been mucked up. From now on, when they negotiate a bill to settle the claim for Wurundjeri Way and the Minister for Transport comes out and says, 'Oh look, I have fixed another Kennett government mess!', no-one will believe him — and nor should they, because the fact is he has signed off on arrangements that he should not have. He made a lot of noise in the past, but when it came to the crunch he was not capable.

I am reminded of the words of the Honourable Frank Wilkes, a Labor minister, when I first came to this place. After telling me he had been here 30 years, he said, 'Son, you want to remember a couple of things'. He never told me any secrets, but when someone has been here 30 years — on whatever side of the Parliament — you listen to them at least a little bit, because they have some understanding of what goes on. He asked, 'Do you know who the enemy of democracy is?'. I think I gave 10 answers and did not get it right. He said, 'It is the executive, because its members always know they are right'.

They are going to walk into their party room tonight at 5 o'clock and they are going to be snowed. I hope that the honourable member for Tullamarine and others ask

some questions, such as why their constituents will not benefit from these arrangements and why the Premier gave Transurban the money. Was it worth all the money Transurban paid to go to one big dinner to sit next to a handful of Labor hacks? Probably not.

On each of the occasions that I have dealt with legislation I have not opposed it. The honourable member for Coburg would say that sometimes I have been helpful, particularly in my attitude. I notice him nodding in agreement. I like to think of myself as a positive and negative person in these sorts of things because the opposition exists to criticise and to put up alternatives.

My alternative is simply this: the government has not negotiated with the opposition; the opposition is totally unsatisfied with what the government has gained for Victoria; and the conclusion is that the government cannot blame the opposition next time something goes wrong. I want the state of Victoria to pay Frank Costigan $47 000 again. The honourable member for Coburg will remember when Frank Costigan was invited to investigate the issue and it cost the taxpayers of Victoria $47 000 to find out that the then Minister for Planning, the Honourable Rob Maclellan, did the right thing. I bet if the government employed Mr Costigan again it would spend the $47 000 finding out that the minister did the wrong thing this time. As an honourable lawyer in this state he would probably look into it. I am prepared to be bipartisan about this: pay him a little more for inflation to get to the truth. And the truth is that Victoria has been ripped off.

In closing, I do not criticise Transurban for the arrangements. If the government is so silly that it cannot negotiate properly with a private contractor, you do not blame the private contractor, you blame the government. It should have stood up to Transurban and it did not. The honourable member for Coburg may have been involved in negotiations — I do not know — but some answers need to be made available to the Parliament. We will not get them in this chamber: I do not believe the Independents will regard this as a serious issue, even though we are $152 million down the tube so far.

I do not wish the legislation the good speed that I usually do. The Labor Party whinges about the Legislative Council not being representative, but it is established the way John Cain set it up, so figure that one out. However, on this occasion I hope the government can think of some explanations while the bill is between here and another chamber because it will need them. I want to know the truth. Frankly, I do not think the current Minister for Transport is capable of knowing the truth, never mind anything else. But in this case I am prepared to be open and honest, and I hope the government will give us some undertakings. I do not intend to move the amendment personally, but the government should think about doing something to protect the Parliament's right to know on this issue.

It is a one-off project in Victoria and with any deal between any party, whoever they may be, the entirety of the deal should be tabled in the Parliament — that is, the name; the amount of money being made; what Transurban gets out of it; what, if anything, the state gets out of it; what is the real value of all this land to the state; and why the state of Victoria is simply handing it over.

I have written to the Auditor-General on two occasions and I hope he will see fit to investigate the matter thoroughly. If no deals were done he will give us an answer. But at this point there are as many questions as there are public servants. In fairness to the lady who works in the minister's office, the letters have always come back promptly; I have no criticism of her, either. I think it is the politicians who have constructed this. I will listen on the other side of the door of the Labor Party caucus room tonight to see if any members of the parliamentary wing of the Labor Party have the guts to stand up to the ministers who are selling them out. If they do not, they should be prepared to bear the responsibility for what happens out of this.

It is no longer a deal that the Liberal Party or the National Party which was part of the coalition government accept responsibility for. Any claim made against the state now is the responsibility of the Minister for Transport, the Premier, and the Treasurer — nobody else. I will ensure that the people of Victoria know that that is the case.

Mr STEGGALL (Swan Hill) — It was a very interesting contribution from the honourable member for Mordialloc on a piece of legislation which on the face of it seems to be reasonably straightforward. The questions raised by the honourable member need to be answered and the time is starting to slip by now for the government with all those threats and stories put around prior to the last election on how all these things were flawed and faulty. The government has not lived up to the rhetoric; it has not changed the basic operation. Most people are rather amazed that the new government has adopted the previous government's policies in nearly every area, and they have only seen some minor changes in direction. We think that is a good thing because we always believed the former government was travelling in the right direction and that a major change in policy and direction would have

been silly. However, that was promised and that is what the people of Victoria expected when the change of government came, but it has not been delivered.

Clause 1 of the Melbourne City Link (Further Miscellaneous Amendments) Bill provides that the purpose of the bill is to amend the Melbourne City Link Act 1995:

(a) to make further provision in relation to land for the purposes of the Project;

(b) to make further provision in relation to unit trusts;

(c) to make further provision for the back-dating of temporary registration;

(d) to make provision for the leasing of land by the Link corporation for purposes other than the purpose of the Project;

(e) to make provision in relation to the application of laws to the development and use by the Link corporation of land at Burnley;

(f) to make provision for a lower infringement penalty to apply for an offence for which a first infringement notice is issued under section 80 of the Act.

If we wander through those purposes we can start with the Crown land which will be used for underground pipes to provide for the recycling of water collected in the tunnel. These pipes will connect the recycling plant to the recharge wells. With this recycling of water from the tunnel we are starting to see something that will become more common in Melbourne. We will see more and more recycled water packaging plants throughout the metropolitan area. The practice we had in the past of taking sewerage or waste water out to a sewerage farm or treatment works and then bringing it back is really not economically viable and we cannot make it work in an established city. However, with our technology today we can put in place water treatment packaging plants and virtually treat the water on site in the middle of the metropolitan area.

In this case the ground water collected in the tunnel will be treated in the Swan Street area and these pipes will connect that plant to the recharge wells we dealt with in previous legislation. It is a sensible operation and one with which no-one would disagree. The leases imposed in this case are different to the ones the honourable member for Mordialloc spoke of, and they will be temporary leases until 2034, when the operation will revert to the government.

Another area of the bill deals with Transurban's corporate restructure and the shareholdings. It is an interesting issue.

Mr Spry — Mr Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr STEGGALL — As I was saying, the amendments in the bill reflect the changes brought about by the restructure of Transurban and the 20 per cent restriction on ownership. It was interesting that in the briefing we had a great deal of difficulty with people explaining this to us. However, I believe it is quite a straightforward operation, one which will still impose a 20 per cent limit, so that no-one can own or operate more than 20 per cent of the shares unless government agreement is forthcoming. That restriction is in place now; these changes just pick up the restructuring of Transurban to reflect the status quo under the new terms.

Currently there is a regime in place whereby first-time offenders on City Link receive a warning letter and no fine. The bill introduces a $40 fine for a first offence and a $100 fine for any subsequent offence. Police have discretion and warning letters will remain an option in some appropriate circumstances. The situation at the moment is that when someone infringes the options are to do nothing, send a warning letter — as has been the practice since the beginning — or issue a reduced fine of $40 instead of $100. This impacts on about 1 per cent of people using City Link. However, as I commented during the discussion we had about the bill, it does not take very long for 100 vehicles to go past any given point on City Link, so the volume is quite large over any given time.

We in the country have had some problems with access to passes and their availability to people who are not regular users of City Link. We would have liked to have seen a situation where the warning letter was continued, particularly for country people. That is still able to be done, but it probably will not be. I must admit that some of our people get a little confused when coming into Melbourne. However, the complaints coming to my office about City Link have virtually dried up in the past year. I think we have only had one case, and that was a complaint about the breakdown of the telephone communications. I am amazed by but very pleased with the way people have got to understand, use and accept City Link.

The honourable member for Bendigo East commented before about the introduction of tolling for people in the north. City Link has certainly changed our access to all parts of Melbourne. It has been of great benefit to us, and believe me we use it to the utmost. Before it was a terrible end to the journey as we got into Melbourne,

past Tullamarine, but now it is a delight to be able to move around the city. The honourable member for Mordialloc talked about the building of this operation and the tolling structures being the start of the impetus that turned Victoria around from the rust bucket with a debt-laden community it was when the coalition took over to a society of some prosperity.

The honourable members for Bendigo West, Gisborne and Tullamarine were very vocal when the honourable member for Mordialloc was speaking. The threats and stories they used in opposition and during the election campaigns are starting to come home to roost. People are not seeing any changes in the basic things which members opposite told us about. The terrible things Labor told us tolling would do to Bendigo, Tullamarine and Gisborne are seen as advantages, as good things. Those honourable members who have been so critical of these things are now seen to be strongly supporting something which they thought was evil.

Another area of this bill deals with the extended weekend pass. These passes are currently valid from midnight on Friday to midnight on Saturday. The bill will extend this time to midnight on Sunday. Our preference in the country would have been to be able to pay for these weekend passes up to the Monday evening. We have some problems with weekend passes, because when our post offices are closed we only have access to Shell service stations — and in my electorate there are none which have those touch — —

An honourable member interjected.

Mr STEGGALL — Well, they do open the post offices. The federal post office contracts are now in private hands, and they are being run very well. However, when the post offices are not open we do not have access to the Shell service stations — I think there is only one in North Western Province, in Bendigo; there are none in Swan Hill or Mildura. It is therefore an issue for us. That is fair enough, and we accept the situation. It would have been nice to be able to extend the time for payment to the end of the day on Monday — in other words, to be able to pay one day after you have used your weekend pass. When that was suggested there was no opposition to it amongst those who briefed us on this bill. However, it was pointed out that it was not achievable because the technology was not quite good enough at that time to do it. We accept that, and we accept that when the technology is available it will happen. I hope the government makes sure that it does.

I make the point that the minister is a bit cheeky, inasmuch as he makes great statements about all these changes that are being incorporated into City Link and into the building methods and systems when these changes were negotiated and argued when we were in government — and we had the same problem as the present government has over the Monday payment for a weekend pass. The technology in those days did not provide the options which are now available. As the technology improves and increases the options for the operation of the City Link tolling system, I am sure other options will be introduced. They will not be introduced because of the government; they will be introduced because technology will have made them possible. I think it will help a lot when technology catches up and the flexibility which we seek is available.

One of the other purposes of the bill is to allow for flexibility in leasing, and the issue of leasing has had a very good run today. My understanding of the legislation — and the honourable member for Mordialloc makes the point very well — is that it changes the leasing arrangements to allow the leasing of land for any purposes which are consistent with section 60 of the act, with the approval of the minister — in other words, anything to do with roads, cars or parking, et cetera, will be acceptable and a sublease can be entered into by Transurban with the approval of the minister. A sublease can be entered into by Transurban without the approval of the minister for something which is covered by the purposes of section 60. The issue that is always quoted as an example is car parking at the Kooyong tennis courts. The Kooyong operation is fine; everything related to cars fits and so the lease will go through.

My understanding also is that on anything which is not consistent with those parts of section 60 of the act a leasing arrangement can be addressed under the provisions of the Land Act and can be granted by ministerial discretion under that act. I would like some clarification of that from the parliamentary secretary when he addresses the Parliament. One of the great disappointments of these debates is that the ministers responsible do not ever turn up, and I do not know whether we will even get a response from the minister. That puts more responsibility on the parliamentary secretaries to be able to do that, and I appreciate their work and the role they play in this legislation, having travelled that road in a previous life. That needs to be clarified and stated clearly, and I think the way I have expressed it is correct.

The issues the honourable member for Mordialloc raised, though, are different. The government is being challenged based on the accuracy of the claims the honourable member has made and the ability of the

government and the minister, under the new-found phase in which the minister finds himself, to negotiate properly with Transurban to the advantage of the community.

The more you look at the act and the detail the former Treasurer included in it, the more you realise it was not a bad act to operate under. But whenever a government makes changes, as we did during our time in office, it must initially manage those changes and then continue with their management. You cannot introduce something and think that its introduction will be acceptable over time.

The biggest disappointment I have about the changes in many areas across the state — Transurban is one, and gas and electricity are others — is that when they were made those responsible within the new government did not drive the changes and continue to manage them. They sat back for 18 months and let any problems that were apparent in those areas become manifest and be used as a political tool. I suppose that is fair enough — we have to accept that because we are in politics — but as the honourable member for Mordialloc said, the ability to drive changes and implement the management needed in new areas is not evident in this government. The effort of the Premier on radio this morning was rather embarrassing for Victoria and himself. I trust that next time he will be better briefed on what is to be handled by Parliament before he makes any comment.

The previous government had an agreement with Transurban to release a site at Burnley for a Transurban building. It was to be under a site-specific planning regime and would bypass the planning process. Planning approvals would not be required, and it would not be subject to regulations under ministerial approval. I note with some venom that the Labor Party people who conducted the briefing were keen to slam the fact that an agreement was entered into for a Transurban building in Burnley. However, I do not have a problem with that. The bill does its formal bit to honour that contract.

This is another of the ongoing pieces of legislation on changes to the management of City Link by Transurban. I expect the house will see similar bills introduced, but that is not a problem. It helps the government, because at the moment it is having enormous difficulty finding any decent legislation to bring into the house. That is embarrassing.

Under the former government I was one of the people who was responsible for bringing legislation into this place. I was embarrassed when the house had only four or five bills for debate, but when there are only two bills, as has happened this week — and this is one of the two — it must be embarrassing for the government. The autumn sittings have been going for a couple of months. The almost-empty agenda for the passage of bills should be a thing of the past.

The National Party does not oppose this legislation. It looks forward with interest to the negotiations between the government and opposition spokespersons while the bill is between here and another place. I look forward to being given straight answers to the queries raised.

Mr CARLI (Coburg) — I am pleased to enter the debate. The bill is interesting: it has six different parts, all of which are designed to improve the functioning of City Link. Amendments to the act and, consequently, to the contract have resulted from negotiations undertaken by the government. I am strongly of the opinion that the changes will improve customer relations and will ultimately benefit all Victorians.

The arguments put by the honourable member for Mordialloc were extraordinary. He suggested that we should use the opportunity to negotiate and change the fundamental basis of the contract. In his analysis of history he said that the then Labor opposition criticised City Link and the legislation over a lot of issues. He said those fears have now come to pass. He also said we should stand by those positions and not accept the agreement between the government and City Link.

The honourable member seems to think the government should force City Link to make substantial changes to the contract and that the government would be weak if that could not be achieved. He spent his entire contribution attacking Transurban and the contract. He misunderstood the contract in the first place. He was a member of the previous government and was involved in negotiating the contract. He referred to legal proceedings as a result of City Link seeking compensation for the adverse material impact of constructing Wurundjeri Way. He said the contract should be permanently altered because of issues involving the legal case against Wurundjeri Way or the fact that the Monash and Tullamarine freeways have now become toll roads. But that was the position adopted by the previous government.

There have been no opportunities to fundamentally shift that. If there is a bias towards Transurban it is in the original contract, which gives Transurban 34 years to make money from the tolls, which will bring extraordinary returns on its investments. For the first time communities living near the Tullamarine and Monash freeways have had to pay tolls on those

freeways, which had been paid for by our taxes. That was a fundamentally anticompetitive move.

In this case the government has negotiated and will continue to negotiate with Transurban on improvements for the benefit of the Victorian community. It is extraordinary that the honourable member for Mordialloc should now turn on Transurban and the government and say, 'The fault is yours because the contract is unfair'. The contract is unfair because the previous government negotiated it and passed the legislation. I recall that at the time I, along with the honourable members for Essendon and Thomastown and others, pointed out the errors in the contract, which we said would benefit Transurban at the expense of the Victorian community.

I turn to the six areas of amendments to the legislation. The first will lead to improvements for customers through more flexibility in the format of the new weekend pass, which will last from midday Friday to midnight Sunday. That is part of what the government has been doing consistently. The introduction of the Tulla pass was negotiated with the aim of reducing the cost of day passes on the Tullamarine side of the freeway. The introduction of other passes has been or is being negotiated to ensure more flexibility in the system and so the cost to the community of using City Link will be reduced.

Another amendment concerns the handling of recycled water. That will enable Transurban to fulfil an agreement to deliver recycled water for recharge purposes. The Minister for Transport and the Minister for Energy and Resources negotiated well with Transurban on the government's desire for it to use recycled water rather than tap water or fresh water, and the government is enabling that negotiation here. Again you would have to say that it is an improvement on what is there, and it is an improvement that has been made through the direct negotiating skills of the ministers and the public service.

I turn to the issue of the discount fine. As honourable members know, there has been a commitment from the government that first-time offenders should not be unduly burdened with a $100 fine. Early on that meant a warning letter the first time, and subsequently a $25 fine for second-time offenders, and that was extended out. There has been goodwill, and Transurban has accepted that there should be a warning letter for people who are first-time offenders. I agree with the honourable member for Swan Hill, because I — and, I am sure, many other honourable members — would like to see it continue. But as is its right, Transurban has taken the position that it wants to impose a fine. The act states that in place of a warning letter there will be a $100 fine, and that seems extraordinarily excessive.

The Minister for Transport has negotiated a $40 discount fine for the first offence. We would all have preferred that the warning letter system continued. The government has negotiated extensions for the issuing of warning letters, and Transurban still has the opportunity to continue them, but the reality is that Transurban now wants to rid itself of the warning letter and go towards a fine — and under the previous government's act, it is its prerogative to impose a $100 fine. To benefit the community, and particularly country motorists who inadvertently end up on City Link, the government has correctly negotiated a discount fine of $40.

I turn to the issue of planning for the Burnley site. The previous government decided that the site would not be covered by a planning scheme, but in the interests of the local community this government has ensured that the land will be subject to site-specific planning control under the Minister for Planning. When the Labor government got into office it said that it would honour contracts. The site is now no longer covered by the planning scheme. The government has ensured that there are site-specific planning controls. Again it is an improvement on a weakness in the original act.

A lot has been said about flexibility of leasing and the ability of Transurban to lease. We should look at it in the context of why it has arisen. It has arisen specifically because a number of small parcels of land along the freeway have no community use and are vacant. City Link leases the land from the government because it needs access to the freeway and to the underpasses and overpasses along it. City Link has no other rights to the land other than to use it for access to its freeway system.

The Kooyong incident has brought the matter forward, because the Kooyong Lawn Tennis Club has sought to use land for parking. There are issues associated with that land and its availability. The government has taken the position that since the land is not being used, and there is no profiteering involved — no-one is going to make money from this land — it would serve a good community purpose. Through the amendment the government will give Transurban the right to sublease the land to the Kooyong tennis club for use as a car park.

What is the impact of that on other parcels of land? That is obviously the public policy implication. The implication is that other subleases will have to be approved by the minister. A number of hurdles have

been created to ensure that Transurban cannot use land for profiteering and that it is used for community benefit. It has to go through the planning minister, while another minister is responsible for administering part 9 of the Land Act, so it also has to have that second minister's approval. Further, the Governor in Council must give approval for the land use as well, so there are a number of hurdles and checks to ensure that a McDonalds is not created underneath an overpass.

Pieces of land that are currently vacant serve some community use, and it is more flexible on everyone's part to allow Transurban to be involved in a sublease, given that there are substantial controls. Having said that, the government will take the amendment that will possibly be proposed by honourable member for Mordialloc into consideration to ensure that the Parliament has some ability to scrutinise the subleases. That is something the government needs to consider. Certainly it considers there are safeguards in place to stop Transurban having the ability to pocket any money as a result of the amendment.

The government is dealing with six changes in the bill. They are part of what is now a strong history of this government's being prepared to negotiate with Transurban for the benefit of the community.

If we want to revisit history, as the honourable member for Mordialloc says we should do, we should revisit the act, because it is the act which in many instances has restricted the ability to benefit the community and which compels the state to allow Transurban to administer and to gather in tolls for 34 years. Anyone who has looked at the projections for the tolls will tell you that the return on that investment is extraordinary. There is a very large return on the investment by that company.

It is the previous government which, in its great desire to sign the contract, allowed for clauses that deem there should be compensation if the government undertakes projects which are seen to have adverse material impact on the City Link project. It is the previous government which forced us to negotiate the Tulla pass and which caused us to seek the Monash pass. It was not this government's intent, and as a member representing northern suburbs it was not my intent that my constituents should be paying any toll on the Tullamarine Freeway.

But given that the previous government forced us by taking away that road and providing it to Transurban, the best we could do was to negotiate through Transurban — and that was for the Tulla pass. The Tulla pass is not an insignificant victory. For people in my area of, say, Pascoe Vale, it is a significant reduction. It is less than half the price of a day pass and means a significant reduction when they want to use the Tullamarine Freeway for a short distance. This government will continue to seek other ways to remedy problems.

I take up the point raised by the honourable member for Swan Hill that there are not enough outlets to buy passes from, that not enough Shell service stations hold the passes, and that post offices are closed on weekends. They are the sorts of things about which we have to continue to negotiate with Transurban.

Government members are putting their thoughts to how things can be better with Transurban in the way it delivers its service, and they will continue to do that. But the idea that we can simply turn around and basically rewrite great slabs of the contract really defy belief. I cannot believe the honourable member for Mordialloc, who was such a proponent of the Melbourne City Link Act, can turn around today and say, 'Your minister has not negotiated enough changes to the act'. Clearly we do what we can, and we have a history of concessions.

The honourable member talked about the act and the contract, which is within the act, as a living, breathing thing. But in fact it is not a living, breathing thing; it is a document which compels the government and Transurban to do certain things. It will only change when we have the ability to negotiate, and that is what we seek to do. The opposition cannot get away from the fact that many years ago as a government it basically signed a contract in a rush and conceded and gave away too much. It now simply says, 'You can change it today'. My response is no, we cannot change it today. There is no way we can turn the Tullamarine Freeway back into a free road without there being a massive compensation cost to the state.

So to the suggestion that the state has been robbed — to quote the honourable member for Mordialloc — I say that if it was ever robbed, it was robbed by the previous government when it agreed to that contract. There were alternatives to that contract; there were alternatives to the financial basis of City Link. There was no reason to create a situation in which a private firm could collect and keep in place fairly high tolls for 34 years and reap windfall profits. There were other ways of financing the whole endeavour, and the previous government failed to do that.

This government has an interest in protecting the interests of Victorians — the consumers who use the road, the communities that abut the road, and anyone

else it can get to. As an entity Transurban has its contract, to which it has sought changes, and as a result of those changes improvements have been made to the way the system operates.

Where does that take us? As I have said, this is an important set of changes because it demonstrates the success of the government in being able to improve the lot of Victorians and other users of the road. Does it go far enough? As a member who represents a community that historically has used the Tullamarine Freeway, I say no, it has not gone far enough. I will continue to agitate on behalf of my community, as will other government members.

To the opposition parties that say we have gone quiet, I say that that is just not true. We will continue to voice our opinions in whichever forum we deem important and which gives us results. I am pleased with the concessions we have had. The Tulla pass and the improvements to the freeway amenities in our areas that we were able to negotiate locally are important, and I stand by those. I will continue to voice my fair share of criticism of the Melbourne City Link Act and the way the contract was structured, but I realise the limitations of that and that we will not be able to undo it all — and there is no intention to undo it all.

The honourable member for Swan Hill was pleased that the government does not seek to radically change the contractual arrangements, and that is fair enough. Firms that invest money in this state need to be given some level of certainty. Having said that, I am pleased to support the six areas of change that really demonstrate that the government is committed to improving the Melbourne City Link Act and the relationship it has with Transurban and ensuring that it protects the interests of Victorians.

Mr CLARK (Box Hill) — I want to say a few words in support of the concerns raised by the honourable member for Mordialloc about, in particular, the single-purpose-entity provisions contained in this bill. The honourable member put before the house very cogently a number of concerns. They can be summarised by saying that the opposition is concerned that the government has been dudded in its negotiations with Transurban, negotiations as a result of which it agreed to a restructuring of the entity arrangements so that Transurban could, among other things, market some of its tolling technology in other jurisdictions.

I should make clear that raising these concerns is in no way a reflection on Transurban. Transurban is perfectly entitled to pursue a negotiating strategy with the government through which, as long as it is conducted fairly and honourably, it seeks to achieve the best interests of its shareholders and unit holders; nor is raising these concerns questioning the merits of allowing Transurban to derive benefit for itself and for Victoria from exploiting elsewhere the technology that has been developed.

The fundamental question is whether or not the state of Victoria and the taxpayers and citizens of Victoria got a good deal in the process as a result of the negotiations undertaken by the Minister for Transport and others. That is a matter on which, with this legislation now before the house, the opposition and the public are entitled to seek and expect some fuller answers from the government.

I will briefly recapitulate the factual situation. As the honourable member for Mordialloc has indicated, the Minister for Transport has on several occasions, and had on several occasions prior to the deal announced with Transurban on 19 September 2001, raised concerns about various aspects of the contract with Transurban.

Indeed the honourable member for Coburg has in general terms alluded to a whole range of concerns that government members have had about the contract. But in particular I want to highlight the fact that the Minister for Transport was well aware of the potential for claims against the government in relation to various roadworks that were constructed in the Docklands area, in particular what is now known as Wurundjeri Way.

The Minister for Transport created a great deal of mischief politically over this issue and raised suggestions early in the year 2000 that the government was being forced to close various roads in the Docklands area because of threat of legal action. The fact that this claim was untrue did not seem to distract him from making it, and he continued to make it even after the then Minister for Major Projects had put out a news release which made clear that the bypass road around the Docklands — what was then called Stadium Circuit and is now called Wurundjeri Way — was an important element of the design of the Docklands itself in order to divert heavy through traffic away from Harbour Esplanade, which is the former Footscray Road, and thereby open up the waterfront to pedestrians. Since then the present government itself has gone on to announce further Docklands developments which exploit that very openness.

The construction of Wurundjeri Way was a vital element of good design in the Docklands and a very good move in planning and transport terms. For the minister to have suggested that in some way the closing

of these other roads had been forced on the government by threat of legal action rather than because it was a good public policy decision in terms of the Docklands was incorrect. Nonetheless the minister persisted in raising concerns about demands from Transurban for compensation. In a news release of 4 May 2000 the minister said:

> Under the Melbourne City Link Act negotiated by the Kennett government, Transurban is able to demand compensation from the state if new roads are built that offer motorists alternative routes to City Link, adversely affecting revenue to Transurban.

This was something the minister himself had put on the table back on 4 May 2000. The honourable member for Mordialloc has previously cited to the house large parts of a further news release of 1 March 2001 put out by the government on similar issues. It is absolutely clear that the government was aware of this potential issue prior to the deal that it announced with Transurban on 19 September 2001.

I should say in passing that I think one of the consequences of the minister's handling of this issue, particularly some of the remarks he has made to the media, is that those remarks have compromised to some extent the government's negotiating position on this issue with Transurban. I, for one, would certainly not have been prepared, and I am still not prepared, to concede in any way that Transurban has a viable or valid claim against the state over this issue. Although he has used the cover-up words that the government will try to do everything it can to protect the position of taxpayers and motorists, the Minister for Transport seems to have been more interested in scoring political points at the expense of the former government, albeit worsening the negotiating position of taxpayers vis-a-vis Transurban over this issue.

Be that as it may, the bottom line for the purposes of the current discussion is that the minister was well and truly aware of this issue. He himself flagged the potential for claims and was aware that a claim had been made, and yet from all appearances he made no effort to resolve this particular issue and a whole host of other outstanding issues with Transurban as a bundle, as part of these negotiations with Transurban that were announced on 19 September. According to press reports, and I cite in particular a report from the *Age* of 20 September:

> The government unsuccessfully sought lower tolls for motorists as part of the new arrangements, but had to settle for a $10 million consideration, payable in three portions over three years.
>
> 'We asked for some tolls to be lowered but that's a very expensive exercise to enter into', transport minister Peter Batchelor said. 'It didn't match up in negotiations'.

There was some reference to Transurban giving a commitment to research and development and the expansion of its information and technology division, but absolutely no mention whatsoever as to whether the government had sought to settle this claim over Wurundjeri Way or other outstanding issues that were in dispute with the government.

The central point being made by the honourable member for Mordialloc, which I reiterate, is that with all of these issues outstanding, with all of these potential exposures, or at least claimed exposures of the taxpayer, why was the government not taking the opportunity to bundle them all up, sort them all out in one deal and come up with an arrangement that got good value for money for the taxpayer, the citizen and the motorist. As I say, the central question that has to be asked is how the government can satisfy this house and the public that it was not dudded over those negotiations.

The honourable member for Mordialloc has cited to this house information about movements in share prices, which at least raises on a prime facie basis the question of whether or not there was a massive increase in shareholder and unit holder value consequent upon these negotiations with the government. Furthermore, the information memorandum issued by Transurban itself subsequent to this deal with the government gave quite extensive details on the benefits that it had obtained as a result of the deal it had struck with the government.

I quote firstly from page 7 of the information memorandum:

> The directors of City Link company believe that the experience and intellectual property referred to above, particularly in respect of the application of multi-lane free-flow electronic tolling systems on a large scale, provide it with a competitive advantage which can be exploited to secure participation in an extensive range of tollway projects which are expected to eventuate in Australia and overseas over the coming years.

Further on at page 14 of the information memorandum, under the heading 'Potential advantages' of the restructuring, it says:

> The potential advantages of the restructure include:
>
> > it provides the Transurban group with the opportunity to pursue business activities other than the Melbourne City Link project;

involvement in other projects will broaden the earnings stream of the Transurban group and deliver synergies and economies of scale;

the costs and expertise of developing electronic tolling systems can be spread over more projects;

investment in other projects will diversify the risk from being a one asset vehicle;

a larger diversified group should enable the Transurban group to negotiate a lower cost of capital;

the ultimate proposed separation of the holding vehicles from TIDL will enable security holders with different preferred risk profiles to optimise their investment objectives;

experience derived on other projects may be used to enhance returns on the Melbourne City Link investment; and

the ability to use scrip as consideration for the acquisition of new assets.

In the information memorandum Transurban waxed lyrical about the benefits it had secured as a result of its negotiations with the government. The disadvantages it listed were relatively limited, including:

… the Transurban group is exposed to additional risks:

the risk that the perceived market opportunities do not materialise or are not captured;

the risk that the cost implementation of the restructure, which is estimated to be up to $13 million (including the payments to the state), and the cost of pursuing the new opportunities, may not be recovered if profitable investments are not made; and

pursuing these opportunities will introduce new project risks which may impact on shareholder returns if unsuccessful.

Finally it lists:

increased regulatory costs due to a more complex structure.

It is clear the prime disadvantage is if the opportunity to commercially exploit this technology does not eventuate. But it is also clear that the directors believe those opportunities do exist, and they say:

… considered the potential advantages and disadvantages of the restructure and they unanimously recommend that security holders vote in favour of the restructure.

Overall we see a situation where there has been a significant benefit conferred on Transurban's shareholders and unit holders. The state is receiving a $10 million payment in exchange, but on the available evidence, including that put to the house earlier by the honourable member for Mordialloc, the scales of that negotiation outcome were weighted heavily in favour of Transurban, and therefore at a cost to the taxpayer. There were a lot of opportunities for items to have been negotiated and resolved, sparing not only direct cost but also negotiation costs and angst in the process. Those opportunities were not taken.

You have to wonder about the political motivation of the negotiation stance adopted by the minister. Did he deliberately leave out negotiation over Wurundjeri Way because it was an issue that he wanted to continue to exploit politically? What was the negotiating stance he took to the table? What was his assessment of the potential outcome the government could have negotiated on behalf of taxpayers? What is his assessment of the benefits achieved in the deal he had negotiated? Overall the question is: what can the minister tell this house and the public to demonstrate that he got the best possible deal for taxpayers out of this negotiation?

Bilateral negotiations between the governments and entities that have previously secured contracts such as Transurban are never easy to handle in a public sector context. The previous government was berated without mercy by members of the current government over bilateral renegotiations that it undertook. The onus is now on members of this government and the Minister for Transport to demonstrate that they in turn have negotiated a good deal on behalf of taxpayers and the public with City Link. They have failed to do so to date. I hope that government members, and in particular the minister, will take the opportunity provided by debate on this bill to provide those answers, either to this house or in another place.

Mrs MADDIGAN (Essendon) — I am pleased to contribute to the debate on the Melbourne City Link (Further Miscellaneous Amendments) Bill, although this is a difficult bill for honourable members on the government side. It has some good provisions in relation to weekend passes, which I will mention. We are forced into the situation of having to support fines for people who evade a toll, and as we do not agree with the toll in the first place it really puts government members in quite a strange position. The reason we are forced to do this is that the contract signed with Transurban by the previous government gave all rights to Transurban and none to the people of Victoria.

I find it surprising in relation to the contribution of the honourable member for Mordialloc that he seemed to misunderstand the nature of the contract that his government signed with Transurban. Certainly some of the comments he made about the rights given to Transurban are factually incorrect. The government now finds itself in the situation of having to administer a contract which, as I believe the honourable member

for Coburg told us, was rushed into by the government in an attempt to get this deal done. Those of us who can remember that time might recall that it was rushed through. In the end the government gave Transurban and the banks as much as they liked, because it had announced that the agreement had to be reached and the finance provided by 6.00 p.m. on that same day. I remember it clearly: we had live telecasts, either here or in the Treasury buildings, by the current Minister for Transport giving us an hour-by-hour account. It was actually 11.00 p.m. before the deal was signed. That was the stage at which the people of Victoria were really done over by the previous government, because it would have agreed to anything to get this contract signed. The then Premier, Jeff Kennett, had made a statement that this was the showpiece of his government. He said it was bigger than the Snowy Mountains scheme, and it was really important to get this contract out. I find it a bit hypocritical for opposition members now to come in here saying, 'You should do this', and, 'You should change the contract', when we are stuck with the contract they signed.

The honourable member for Mordialloc made some interesting comments. He spoke to us about the great benefits of City Link, saying that someone had said to him it was tremendous to have a great road coming in from the airport. We have had a great road coming into the airport for 20 years. The Tullamarine Freeway was built years ago, and the only difference made to it by the Melbourne City Link Bill is that you have to pay to drive on it and there is one extra lane. To suggest that there was no road there earlier is absolute nonsense. He also said he had some concerns about the contract that was signed. That came as a considerable surprise to me, because I do not recall in the time since I was elected in 1996 the honourable member for Mordialloc having much at all to say about City Link. I checked the *Hansard* index to see what sort of contributions he made. I was wrong — he did speak on one City Link bill.

I read his contribution not long ago and it is quite an interesting contribution for honourable members to look at. He managed to mention things like the South Eastern Arterial, Jim Kennan, John Cain, the City of Footscray and indeed the Olympic Games, but he had very little to say about Transurban or tolls. Interestingly enough, and I am sure the honourable member for Oakleigh will be interested, he also attacked the honourable member for Williamstown for saying that Labor would win the seats of Tullamarine and Oakleigh because of City Link. I think we can say that was fairly prophetic for the man who is now the Premier of Victoria.

The honourable member for Mordialloc in, I think, 1999 spoke on a Melbourne City Link bill, but at no stage from the beginning of the speech to its end did he mention the tolls or Transurban. In fact he had no negative comments at all about Transurban or its involvement with the project then. About the only thing he said was that City Link was 'a good thing', and that is a fair indication of his intellectual commitment to debate in this house — City Link is a good thing.

I was a little surprised but pleased to hear the honourable member for Berwick saying he had no problems with the way Transurban had acted in this. Perhaps he should have a good look at the honourable member for Mordialloc, who seemed to be launching a significant attack on Transurban the whole way through his speech today, having conveniently forgotten that it was his government, the government of which he was then a member, that happily signed the contract, with great bells and whistles at the time.

It makes one wonder about the honourable member for Mordialloc's understanding of the contract. The honourable member for Coburg suggested that the honourable member's comment that it was a living, breathing thing is totally inaccurate. The contract is there, and since the Bracks Labor government has come into power with the honourable member for Thomastown as the Minister for Transport — and I give him a lot of credit for this — the minister has managed to negotiate a great deal of improvements for the Victorian community. But he has only been able to do that through his own hard work and to a certain extent the goodwill of Transurban. We have no rights to the concessions that Transurban has given us. It has given them to us under the original contract that was signed with the Kennett government. The government in the future is also totally reliant on the goodwill of Transurban to bring in some changes which improve the situation for the people of Victoria.

The honourable member for Swan Hill also made a statement that I must challenge. He said that while there was a lot of noise and concern about the tolls when the legislation was brought in and when tolling first started they have now been accepted by the community. I am not quite sure what community he was referring to, but I can assure the honourable member for Swan Hill that City Link and the tolls have not been accepted by my community or the community to the west of the city that are being forced to pay tolls to drive down the Tullamarine tollway. The Moonee Valley and Moreland city councils are both heavily involved in overcoming problems caused by motorists trying to avoid the tolls.

If you look at the Transurban contract you can see that the Kennett government virtually gave the company the Tullamarine tollway as almost a freebie, I suppose, because without the tolls on the Tullamarine section of the City Link project it is unlikely that the project would have been financially attractive to investors. It is the Tullamarine tollway that attracts the most traffic. In fact, it is almost impossible to enter Melbourne from a large number of country towns in northern and western Victoria unless you go down a lot of side streets. It has been obviously a very good revenue raiser for Transurban and one which made the whole project very worthwhile. It is those tolls on the Tullamarine section that the community in my area is most opposed to.

While most of them do not agree with tolls, they can at least acknowledge that if you have built something new there might be some justification for it. But to put a toll on a road which is pre-existing is considered quite unfair. I can assure the honourable member for Swan Hill and any other members of the opposition parties who might be interested that the Essendon community has not accepted it at all. If they come out to Essendon, I can introduce them to many residents who will tell them that they do not use the Tullamarine tollway even though at times it would be more convenient. As a matter of principle they will not buy transponders and will not pay for a road that was free for 20 years. So for the opposition to cosily think that all is forgiven and that the community in the western suburbs now accepts the Tullamarine tollway is totally untrue.

This bill brings in some improvements. Even the fine provisions are an improvement on what Transurban could do if it wanted to. There are six main areas that are covered by this bill, so it is quite an extensive one. There are customer improvements that deal with land for recycling water, the discount fine, planning for the Burnley site, and flexibility in leasing land. That particularly relates to the Kooyong Lawn Tennis Club and other areas there and the consequential changes to the organisation of Transurban itself.

I refer to the customer improvements. The Bracks government since it was elected has done quite a lot to try and improve conditions and the costs for people who have to use the Tullamarine tollway as a regular thing. The Tulla pass has provided enormous value to customers. It allows them to use it at a cost of $3.15, which is less than half the current price of the City Link pass at $8.80. This has been recently negotiated to be extended from Friday afternoon. This is the reason for the amendment in this bill, which also allows a further amendment to the backdating requirements for extended weekend passes.

The current backdating provisions only extend for up to two calendar days whereas the extended weekend pass is valid over a three-day calendar period. The amendment, therefore, will enable backdating for the full three-day period, providing for the purchase of this pass at any time from midday Friday to midnight Sunday. That will be greatly appreciated by people who want to use it for family visits or to come into town for some event. The Minister for Transport has negotiated a great package that provides additional time for motorists to use City Link. I know there are other packages and provisions the minister would like to negotiate with Transurban and that he will continue to work on them in the future.

The second point concerns the water recycling plant. This was also mentioned in the last piece of legislation that was debated in the house. There have been three pieces of legislation that have gone through which have improved conditions for motorists and the community. This is a further one for the community and is an indication of the government's commitment to not wasting water in this state and to further processes of recycling.

Transurban — and I credit the company for this — is investing $1.12 million in this project to set up a recycling plant and reticulation system to pipe the water to up to seven points where it will be injected into the aquifers. This will be a considerable saving of drinking water from the general water system. The recycling plant will be built within the existing Transurban operations depot in Swan Street, Richmond, so it does not require further land.

Under the provisions Transurban has to satisfy strict Environment Protection Authority standards to ensure that the recycled water does not contaminate the aquifers. The new plant is expected to be operational in July this year. The work involved is complex and the legislation before the house facilitates the operation of the plant through the reservation of land for the installation and operation of reticulation pipes. I am glad to see that the opposition acknowledges that this is a good project and is supporting this bill.

The third part of the bill relates to the first time offenders fine of $40. This is the part that we find difficult, but once again this is a provision that the Minister for Transport has been able to negotiate back from what the previous Kennett government allowed in the original City Link legislation. Under the Kennett government contract the act provided a $100 fine which would have been applied to first offenders from 31 December 2000. So almost a year and a half ago first offenders would have been fined $100 for going

down the tollway. The government through the offices of the Minister for Transport has managed to negotiate with Transurban to put that off for a very long time. I think we can all be grateful that people have managed to escape a fine for a year and a half. But Transurban — and it has the right under the contract signed by the Kennett government — has the right to fine people $100. I think people will be very pleased that the current government has been able to reduce that through negotiation to $40. No-one likes to be fined, but certainly if you are going to be fined it is much better to be fined $40 than $100, so once again the Minister for Transport has been able to improve the situation and that will apply from 1 June 2002.

The next part refers to the planning for the Burnley site. The honourable member for Coburg covered that fairly effectively in relation to the work that is being done there. The Bracks government does not support the Kennett government's decision to enable Transurban to be subject to a special planning regime. However, it is bound to honour the agreement entered into by the previous government. As the honourable member for Coburg said, the Bracks government is therefore entering a special planning scheme amendment that Transurban will not be required to obtain a planning permit for this development. The plans for the development will be subject to approval by the Minister for Planning. Of course we have a very sensible Minister for Planning who will make sure that the interests of the people of Victoria are protected through that process.

The second-last one, and the one that seemed to cause the honourable member for Mordialloc considerable concern, relates to flexibility in leasing land. I think we should get the facts right on what we are talking about here, because I thought he seemed a little confused on some of these issues.

Let's just look at what we are talking about. Firstly, there are small parcels of land under sections of the elevated freeways of City Link that are vacant and have no community use. We are talking about pieces of land under the freeway or tollway that are not used, that are just sitting there doing nothing virtually. Transurban needs to have access to those in order to undertake maintenance work on City Link — they have to be kept open so that Transurban can maintain City Link. I am sure — or I hope! — that the opposition spokesperson for transport agrees that it should be maintained. I am sure the honourable member for Bellarine, who is very sensible, would agree that City Link should be maintained, and would see that as a reasonable thing. Other than that requirement the land is not used for anything.

I felt that the honourable member for Mordialloc was a little confused here. He sounded as though he thought we were taking some land from somewhere and giving it to Transurban, but of course we are not. The land is just sitting there doing very little, and it is used by Transurban.

In one of these areas — I think very sensibly — the Kooyong tennis club has seen that an area of land under the Monash elevated section could be used for parking, both for it and for other people, which I think is a really good idea. We may as well use it for car parking rather than have it sit there doing nothing. There is no cost involved. Again the honourable member for Mordialloc seemed to think there was some sort of conspiracy, with money involved for the government. There is no money involved; this is just looking at land which is vacant except for requiring access for Transurban and which can actually have a useful community purpose. I would have thought that was quite suitable.

In relation to the leasing, again the opposition spokesperson for transport seems to live on conspiracy theories. I think it is perhaps a sad reflection of the way he operates, but I assure him the world is not full of people indulging in conspiracies. He seems to think there is something rather strange about this, but in fact there are some problems with the site that the Kooyong tennis club wants to use. They are not serious, but there are pylons that go under the ground there and some access problems need to be sorted out. It was considered it would be much easier for the tennis club to negotiate directly with Transurban on how this would operate rather than having it in the legislation. In fact it was done to enable the Kooyong tennis club to get a deal that suits it better and for it to be able to negotiate with Transurban. I would have thought it was really a commonsense thing to do. There is certainly no hidden agenda here — no conspiracy, no money changing hands. All it is about is using currently unused land for a community purpose.

I would hope that other community users may be able to use any other land Transurban needs for access for parking or some other purpose, so the community can get a further benefit. I know it is a bit of a shock for opposition members, especially for the opposition spokesperson for transport, to hear that it is worth while to have a community benefit, because many people will say that the interests of the community were not necessarily foremost in their minds when they entered into the contract with Transurban on City Link. But certainly this government is very strong on land being available for community use, on people being able to get a benefit from land which is not used for any other purpose.

The final point refers to the set-up of Transurban and how it operates. This bill again brings improvements for the people of Victoria that were not in the parent bill. I guess City Link is one of those things where if my community had its way, and I agree with it, we would if we could get rid of the tolls on the Tullamarine tollway tomorrow — and it would benefit my community considerably if we could do it. But there were many changes made by the Kennett government which unfortunately we have to live with, and this is one of them.

Certainly having to live with tolls for 34 years is abhorrent to people in my community, especially when they think that their two-year-old children will be adults and parents of their own by the time they have to stop paying for a road which they had already paid for 20 years ago through their taxes. It is no wonder they feel very angry with the previous government and will continue to do so. I found they were really appreciative of the efforts the government has made to try to improve their lot. Members of the community are not stupid; they understand what contracts are, they understand that this government is forced to run a contract that was set up by the previous government, and that this government is doing all it can to give residents in the community a better deal in relation to the contract.

I think we will continue to have traffic problems in Essendon because of City Link, although I am glad to see that its latest usage figures show that a lot more people are using it and are continuing to use it, and that will help to get traffic off the roads of Essendon. Certainly things like the increase in the use of the Tulla pass and the extended hours will hopefully help get more people onto the tollway and off Mount Alexander Road and the roads of the people of Essendon.

I am glad to support this bill. I am sorry that people have to be fined, but I am sure they would prefer to be fined $40 than $100, which was what the Kennett government offered them. The government will continue to try to negotiate a better deal for the people who use the Tullamarine tollway and for the residents of the west and north-west of Victoria.

Mr SPRY (Bellarine) — It is always a pleasure to follow the honourable member for Essendon. I envy her ability to string words together the way she always does. I rarely agree with the underlying philosophies she espouses, but nevertheless I always find her comments provocative.

The honourable member for Essendon mentioned in the first part of her contribution that Labor was opposed to tolls as a matter of principle. I remind her though, as she leaves the chamber, that she would not have a City Link if tolls had not been used as a mechanism to bring about this huge infrastructure. Again I remind her, as she leaves the chamber, that at the time the Kennett government was organising and implementing this huge project the state was essentially broke and the government had no options. I refer the house to the so-called Russell report on government contracts, which the Bracks government commissioned when it came to office. Case study 3 in the report dealt with the City Link contract. Under the heading 'Principal findings, benefits', it states that:

> The review found that, at the time the project was initiated, it could not have been undertaken as quickly or as an 'all-in-one' construction program if government funding had been required for the entire project.

That confirms my earlier statement about the state not being in a position to do it unless the project involved private investment. The state put in $346 million, or 14.7 per cent of the total project cost, so it was not commissioning City Link without some form of government contribution. The vast majority of the funding came from private sources at no risk to the government.

Under 'Observations' the Russell report says:

> The build own operate transfer (BOOT) model can be appropriate for significant projects of this nature, subject to community consultation and proper prior evaluation of alternative delivery mechanisms and the wider impacts.

Under the same heading the report goes on to say:

> City Link involves the application of new technology on a large scale. The availability of this new technology provides the government with a practicable option to implement further toll roads.

That must stick in the craw of the Labor government given that it is philosophically opposed to it in the first place, but the opportunity is there according to the Russell report. It goes on to say:

> The City Link project demonstrates the rapid implementation benefits of decisive government action, supported by enabling legislation, which provided scope to override any potential delays from the normal complications of due process.

Again I reflect on the days in 1992 when the Kennett government took office and on the fact that the state was virtually paralysed by inaction — and few members on either side of the chamber would contradict that observation. The case study goes on to say that:

> The review found that, while the project had avoided additions to state debt, the government had contributed

> approximately $346 million, or 14.7 per cent of the total project cost.

According to the report:

> The review endorsed the generally open approach to disclosure of project documents and contractual arrangements.
>
> The review found that a large and complex project had been substantially completed on time and had met the government's objective of linking three major freeways without adding significantly to the state's debt.

Finally, under the heading 'Principal findings, benefits', the report says:

> The review found that the contract effectively transferred almost all of the construction risks to the private sector (for example, management of the Burnley Tunnel issues).

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr SPRY — Before the dinner adjournment I was reflecting on the fact that we were lucky to have City Link at all after the disastrous financial mismanagement of the state under the Cain–Kirner Labor government.

I return to the Melbourne City Link (Miscellaneous Amendments) Bill. This side of the house will not oppose the bill, but I want to draw attention to clause 9, which gives generous rights to Transurban. In that area we reserve the right to engage in further detailed consideration before the final determination of the bill in the upper house. That attitude by the opposition is driven by concerns about the Bracks Labor government's ability to conduct hard-nosed commercial negotiations on behalf of the Victorian taxpayers. Frankly, in commercial circles the Bracks Labor government is regarded as a soft touch.

The opposition's concern is prompted by the experience of seeing windfall benefits go to Transurban following the token payment of $10 million to the state government to release it from its single entity status, occasioned by legislation which passed through this house in October last year. This status was conferred on Transurban by virtue of the original concession deed in 1994.

That is when Transurban was awarded the contract to operate City Link. The stock exchange index best exposes the market's reaction to Transurban's release from its single entity status: overnight some $50 million was added to the value of Transurban stock, and after one week the total value of the company had increased by more than $100 million. It makes one wonder why on earth the Labor government did not anticipate this huge increase in the value of Transurban stock.

Is it any wonder that on this side of the house we are sceptical of the Bracks Labor government's ability to negotiate a reasonable deal on behalf of Victoria? I hasten to add that development opportunities should be maximised for the benefit of taxpayers, particularly in circumstances such as this. But the Bracks Labor government has demonstrated on this and other occasions — for example, the recent public transport franchise cash bail-outs, of which we are all aware — that it has poor if not lamentable commercial credentials. Sadly that is a negative hallmark of any Labor government in Australia.

With reference to clause 9, which contains the new power to lease land, this bill, as has been highlighted by previous speakers, is completely open-ended about the land it intends to allow Transurban to sublease. How much property is targeted? Where is it? What is its development potential for the benefit of taxpayers? The answers to those questions are not specified. As far as I am concerned, the whole deal is open ended.

Opposition members hope to get some answers in the committee stage, if that is possible, or before the bill is debated in the upper house. If that information is not forthcoming, then on behalf of Victorian taxpayers we will have a responsibility to start ringing the alarm bells, especially when these questions are related to compensation claims by Transurban against the government. Some of those claims have still not been resolved, particularly the $37 million claim that was mentioned earlier in relation to Wurundjeri Way on the south side of Docklands. One would expect any government to be mindful of the bargaining power to be had in the way it approaches this issue while the claim is current. If the government had any brains it would negotiate accordingly and ensure that the taxpayer is not defrauded of the potential benefits of the obligations being modified by this Labor government.

I have mentioned the government's record of commercial expertise and judgment. By any standard it is not good, but I must take this opportunity to reflect on another aspect of the government's commercial management expertise and, in particular, on another major infrastructure project. I refer to Princes Freeway West, better known as the Geelong road — or from my perspective as a resident of the Geelong region, the Melbourne road. That road is a major feeder into City Link and thus has a bearing on the bill we are discussing. Literally thousands of Geelong and metropolitan Melbourne motorists use this highway daily. These road users really appreciate City Link. They will also appreciate the concessions embodied in other parts of this bill, such as the extended weekend

pass and the $40 first offenders fine for toll avoidance, particularly compared to the current $100 fine.

However, what they do not appreciate is the ludicrous speed restrictions currently being enforced along the sections of the highway under construction where they are clearly unjustified. I am not referring to the necessary speed limits where construction gangs are working; I am referring to long sections where there are clearly no works currently in progress. For example, when I came to Melbourne on Monday last long sections had a 60-kilometre-an-hour limit, and in some sections that was reduced to 40 kilometres an hour. This is frustrating and not acceptable to motorists. In fact, it invites speeding, because it is clearly silly.

While I was cruising along at the specified maximum speed, whether it was 40 or 60 kilometres an hour, I was distressed to see the number of motorists speeding past me. One can only say that with so many people ignoring the speeds as specified on those black, red and white signs, the legal limits are not acceptable, and in that case the public will not abide by them. That very much highlights a shortcoming in the traffic management of that freeway under construction.

The Melbourne City Link (Further Miscellaneous Amendments) Bill contains some acceptable elements, which I have already mentioned. One of those I have not mentioned is the provision for ground water replenishment of the system. That will be widely accepted by the broader community, particularly by the green elements in the community who have objected to the fact that in the past potable water has been used to replenish the water draining into City Link on a continual basis. I am told it is draining at the rate of about 10 litres per second, but I stand to be corrected. That does not amuse or appeal to any of the green elements of society, of which I am one. It is good to see that that issue is being addressed and that provision is being made to accommodate that issue.

I hope the government will take the opportunity to clarify the details of potential leasehold land which under the terms of this bill might be the subject of further consideration. As one who spent some years in the real estate industry I appreciate the fact that from time to time opportunities are provided to governments to maximise the potential benefits to the taxpayer through sound, hard-nosed commercial negotiations with companies such as Transurban, the company running City Link. Transurban is a highly reputable company doing a tremendous job of behalf of its shareholders and the people of Victoria, and it would expect hard-nosed negotiations. I am appalled to see that this government does not seem to have addressed those issues. It talks about benefits to the community, which is all very well; it is commendable and acceptable. By the same token, where opportunities exist to maximise commercial benefits it is incumbent on any government, regardless of its political complexion, to do its best on behalf of taxpayers to ensure that those benefits are in fact maximised.

Until the government offers an explanation of these matters we on this side of the house will continue to articulate our grave misgivings about the government's ability to maximise those commercial benefits to which I have referred from the land it controls. Accordingly, I ask the government to provide those explanations in the course of this debate.

Mr NARDELLA (Melton) — I rise to support the Melbourne City Link (Further Miscellaneous Amendments) Bill. It must be understood that the bill comes before this house today because in the first instance a crook deal was done by the Kennett government. It was a deal that disadvantaged my residents and my commuters when I was in Melbourne North Province. It is a deal that continues to disadvantage those residents and country people who come down from Bendigo. It was a crook deal that made sure that a small number of very elite people lined their pockets and will continue to do so for the next 34 years. It was an exclusive deal, which was negotiated by the Kennett government without any regard to the future or what was proper — without any regard to probity or to factors that would affect Victoria and Victorian motorists for a long period of time.

This bill comes before the house on the basis that the negotiations on the contract that was signed off back in the mid-1990s were crook, were done incorrectly. If you want to blame people for the lack of negotiations, as the honourable member for Bellarine and the honourable member for Mordialloc did in their contributions to this debate, then the blame must go to those honourable members who kept their mouths shut when those negotiations were taking place whilst they were in government. They did not say boo, did not care about any residents or commuters, and we now face a situation where absolute power is held by Transurban. Understand, Deputy Speaker, that the power is not held by the government; Transurban holds all the power.

This bill deals with compensation claims that have been submitted to this government, not the previous government. This government has to deal with compensation claims for Wurundjeri Way and other claims totalling hundreds of millions of dollars.

The opposition is on its high horse today, saying the government has not negotiated properly, that the government has not done the right thing and that the opposition wants an open and accountable process. It wants everything tabled in the parliamentary library. I remember the original bills. I remember the original contracts that went through the Legislative Assembly and the Legislative Council because I was then in the Council, and they are the most complicated, convoluted rubbishy bits of paper that have meant that residents and commuters using the City Link tollway have been disadvantaged and will continue to be disadvantaged for 34 years. These compensation claims arise from that crook contract that was signed by the Kennett government.

If you are going go blame anybody, blame the previous government and its members. What an appalling speech the honourable member for Mordialloc made to the house today on this bill. For a start, I do not think he knew which bill he was speaking about. Secondly, he referred to the same bogies that he always refers to: John Cain, Joan Kirner and David White. He fights the old battles, but unfortunately we have moved on to the position where we have to deal with the mess that was left by the previous government. That is the reality. He did not understand the bill. He could not speak on it, because it is a bit complex for him. The honourable member for Mordialloc needs to understand in very simple terms that unless we put this bill in place, first-time users of the City Link tollway, those motorists that do not have an e-tag and have not bought a day pass, could be fined $100 by Transurban.

This bill provides that first-time offenders will be fined only $40. That is very complicated for the honourable member for Mordialloc. That type of complexity is beyond his understanding, as his speech absolutely demonstrated.

He went on to talk about the Honourable David White, linking the views of the previous Cain and Kirner governments, tollways and tolls to this particular tollway. I make it clear to honourable members that the view of the previous Cain and Kirner governments was to investigate imposing tolls but not on existing roads. If one looks back at the *Hansard* at what the Honourable David White said — certainly when I was in the other place from 1992 to 1996 — one sees that his position was that there might need to be an investigation of how roads in the state would be funded because of limited funds, in the understanding that Victoria was going through a recession in the late 1980s and early 1990s.

However, tolls were to be looked at only on roads that were not in existence — that is, not on existing roads, which is what the Kennett government gave as a sop to Transurban and City Link — not on the Tullamarine Freeway which was and should still be a free freeway because Victorians had already paid for it. That funding had already come out of our taxes and petrol fees; it had already been paid for by the good citizens of Victoria. But, no, it had to be part of the milking cow, part of the sop, and part of the privatisation programs of the previous Kennett government.

The opposition has no understanding of and no policies on these matters. As the honourable member for Bellarine said in his contribution, members of the opposition come in here and threaten to do the only thing the opposition is good at: amending or blocking the legislation in the upper house if those questions are not answered. But those questions should be answered by opposition members themselves — that is, they should say why they supported the privatisation of the Tullamarine Freeway when it was free. The honourable member for what will soon be Macedon and her constituents who use that road day in, day out now have to pay a toll to drive on a road that was previously free. If the argument is that that road should have been widened, then I am sure the taxpayers of Victoria would have paid for it without the need for tolls.

That was the Labor Party's policy but the Kennett government came in and had to screw into the ground my former constituents of Melbourne North Province, together with those rural and provincial motorists who use the Tullamarine Freeway. That is where it was crook. That is where it is wrong. It is why I continue to oppose City Link and the crook deal that was done by the Kennett government and will continue to do so until the day I die!

Here we are trying to fix up the problems of City Link when those problems were created by the previous government. I talked about Wurundjeri Way. Honourable members should look at the off-ramp to the West Gate Freeway and the mess that was created by the previous government. It was brought up by the Honourable Pat Power when he was a shadow minister for roads and ports and a member for Jika Jika Province in the other house. It was brought up as a serious issue when the initial discussions took place and legislation was being debated and passed by the upper house. But the previous government did not take heed of those problems. It did not want to understand. It did not want to put in place a proper off-ramp so that having paid their tolls motorists were not blocked on City Link when trying to get off and use the rest of the system.

We also have a tunnel that leaks. That is how great the Kennett government was! Those great negotiators went out and negotiated the construction of a tunnel that leaks! That is how fantastic they were! The honourable member for Mordialloc has come back into the house. He is a supporter of toll roads, City Link and Transurban who comes in here and wants to tell the government how it should be negotiating, when he kept his mouth shut for seven years!

The negotiations were botched right from the beginning and it is an absolute nonsense for the honourable member for Mordialloc, who does not even understand the simple bill before the house, to come in here and tell the government how to negotiate from the position of weakness that he put us in.

The legislation tries to protect a lot of innocent motorists who are not used to paying tolls on freeways. They are rural people, and people from interstate and provincial areas who rarely come into the city. They get confused by the signs. The government has protected them by making sure that the initial fine for not paying a toll is $40 instead of $100. That is the reality of this legislation; that is what the government has put in place to try to protect those residents and motorists. But the opposition's ideological bent about everything private being good and anything public being bad means that the government has really had to sit down and negotiate this legislation through with Transurban.

That is the only way it can get changes through on the original deed and memorandum of understanding that was negotiated by the Kennett government back in the mid 1990s. We cannot nor should we change contracts unilaterally.

Mr Leigh interjected.

Mr NARDELLA — Unfortunately the honourable member for Mordialloc will never get the opportunity to negotiate any contract, either with the government or with his own party, so for him to talk about how we were not able to negotiate contracts — —

Mr Leigh interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Mordialloc!

Mr NARDELLA — That was his premise, and it is absolutely incorrect because of the constraints of the original privatisation contract that was signed off with the concurrence — with the agreeance, with the okay — of the honourable member for Mordialloc. That is the thing that is crook.

The honourable member for Mordialloc protesteth too much! He comes in here without an understanding of the legislation and without any commitment to Victorian motorists. His only commitment is that they should go faster and break the speed limit and place themselves and their families in danger. But as far as this legislation and dealing with the real situation is concerned, he has no understanding of the factors involved.

One of the really sad parts about this government having to deal with and amend this legislation is that the previous government put us into a position of being hamstrung. The negotiations that we had to undertake — that is, through the Minister for Transport, and a great minister he is — —

Mr Leigh interjected.

Mr NARDELLA — No, he is not like you.

Mr Leigh interjected.

Mr NARDELLA — He is not a jailbird like you; he is not a crook like you, honourable member for Mordialloc.

Mr Leigh — He is a crook.

Mr NARDELLA — No, he is not.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Melton and the honourable member for Mordialloc will cease baiting each other, and the honourable member for Melton will continue without the interjections.

Mr NARDELLA — The minister was hamstrung by the actions and decisions of the Liberal and National parties during their seven long, dark years in government, where no scrutiny was available because of the acquiescence and sucking up on a daily and hourly basis of the backbenchers in the Kennett government. They come in here and accuse us of not being able to negotiate it properly when they themselves did not have not only the foresight but the intelligence or the brains to work through those issues and ask those questions because they were too busy sucking up to Premier Kennett and making sure that they were looked after. They did not care about my constituents or the constituents of the honourable member for Gisborne or other honourable members within Victoria.

This is an important bill which tries to rectify the problems caused by the previous coalition government and which we take seriously, because it will make sure

that the protection is there. On that basis I support the bill before the house.

Mr VOGELS (Warrnambool) — I am pleased to have the opportunity to join the debate on the Melbourne City Link (Further Miscellaneous Amendments) Bill, the purpose of which is to amend the Melbourne City Link Act 1995 to provide for the leasing of land to Transurban or a third party. This will allow the minister to recommend that surplus City Link land be leased for any purpose which is not inconsistent with City Link use — for example, for car parks, service stations et cetera.

It appears that some will be transferred to the Kooyong tennis centre site, which is fine. However, we are debating a bill when neither the minister's office nor the office of the director of City Link can give any clues as to what land will become available or even when it will become available. We have been asked to support a piece of legislation without knowing the full implications of such an action, which has the potential to financially advantage Transurban or third parties at the discretion of the minister.

This is about Crown land owned by the people of Victoria. Some of it is in prime locations, and there is no doubt that it was always intended that when City Link was finished the surplus land would go back to the Crown and revert to national parks or gardens and that any surplus land which was not required should be sold to the highest bidder in an honest, open and transparent way. What we are witnessing here leaves this all open to question, because we do not know what land will be available or when it will be leased. I think somebody said it could be eight months down the track before we find out what is really happening.

The bill will also allow for the construction of an administration building at Burnley for occupation by Transurban, which is probably a very legitimate business deal. However, I would have liked, and the public deserves, to see the fine print to make sure it has been done on a fully commercial basis.

The bill makes further provision for unit trusts, ensuring that no corporate structure can obtain more than 20 per cent ownership without government approval. I think that is a good idea. It also provides for the backdating of temporary registration and accommodates a new weekend pass.

Finally, it makes provision for a lower infringement penalty of $40 to apply to first offenders travelling on City Link without e-tags. That is a good initiative, especially for motorists who rarely use City Link, such as those who come down from rural Victoria. They often get caught in situations which they are not familiar with and so find themselves travelling on City Link when they did not particularly want to go there. However, I would have liked to see the government change the law requiring the payment of the penalty within 24 hours, extending it to within seven days. A lot of times it happens on weekends, because many of my constituents in rural Victoria only come to Melbourne at weekends. They have travelled on the City Link and all of a sudden become stuck, and then they have had to find phones to try to sort everything out in 24 hours. I would have thought that seven days is a reasonable time for anybody to pay a fine.

While I am on fines I will say that in rural and regional Victoria the government must act to provide more speed monitors to allow motorists to check that their speedos are accurate. In the old days there used to be a monitor between Geelong and Melbourne; it was not very accurate, but you used to check your speedo against it. If you go down the Burnley Tunnel you will find that the tolerance has now been decreased to 3 kilometres an hour, so our speedos need to be fairly accurate. Speedo readings can vary quite a bit; it depends on the age of the car or on whether the tyres are a bit under inflated and so on.

If the government is fair dinkum in saying that the reduction of the tolerance to 3 kilometres per hour has nothing to do with raking in more money but is about saving people's lives, it has a responsibility to spend some of that money on putting monitors along our highways. I can think of one between here and Geelong, one between Geelong and Colac, and probably one between Colac and Warrnambool. I am not saying they should be down back roads or anything like that, but along major roads so that people can check their speedos. Obviously the monitors need to be accurate. Surely that is not too hard.

If you can put fixed cameras in place on freeways they must be accurate, so it cannot be too hard to also put in place monitors which are accurate so people know the speed they are travelling at and can save themselves from incurring fines. That is basically the main thing I wanted to say. Most of the other issues have been discussed.

The bill contains some good initiatives, such as reducing fines and so on. However, much more could have been achieved. I honestly believe we need to know which Crown land is being sold off or leased, who is getting it and when, how, where and why before we even debate the bill in the first place.

Ms DUNCAN (Gisborne) — I have great pleasure also in speaking on the Melbourne City Link (Further Miscellaneous Amendments) Bill. Picking up some of the comments of the honourable member for Warrnambool, I can only lament that he was not a member of the government when this contract was introduced and signed. I can only agree with many of the points he makes about casual users of City Link and people from country areas who are not familiar with City Link, and I am sure most members on this side of the house would also agree with most of his comments.

The problem is that we now have a 34-year contract that is pretty tight. The only way we have made any gains or achieved any of the things the honourable member for Warrnambool and like-minded members would like to see achieved for their constituents who are essentially occasional users and people who do not see merit in having an e-tag, has been as a result of very careful negotiation with Transurban.

This bill introduces further changes to the City Link process and all of them are improvements for users, particularly casual users. There are still many problems remaining with City Link. People in my electorate who for many years have used the Tullamarine Freeway free of charge, believing their taxes and the petrol levies were all going towards roadworks and so on, did not expect that the addition of one lane would lead to the building of a toll gantry just past the Bell Street exit. Those people who exit at Flemington Road are required to pay a toll when for many years they have been able to travel on that road for free.

Mr Plowman interjected.

Ms DUNCAN — The honourable member for Benambra says by interjection that it is not the same road. An additional lane has been added. I can assure him that I have sat in a traffic jam, as I did before City Link was introduced, except that now I pay for the privilege of sitting in it. I can assure him that there are still times when there is bumper-to-bumper traffic on that exit. Many people in my electorate have also had to sit in a traffic jam as they have attempted to exit at Flemington Road.

Although City Link may be of great benefit for those travelling the length and breadth of it, I can assure the honourable member for Benambra there is no time benefit for those exiting at Flemington Road, even with the addition of an extra lane. I believe the benefits accrue as you travel further along City Link, but people in my electorate coming from the Calder Highway do not see the benefit of having to engage in the whole City Link system, getting an e-tag and going through all that that involves. They are not seeing the benefits from that.

I am very pleased to be able to say that three years ago I wrote an article that was published in the local newspaper basically saying that an impromptu visit to the Victoria Market on a Sunday morning or afternoon could cost up to $108. That was absolutely the case. If you decided on a Sunday morning to drive for 50 minutes to get to the Victoria Market, assuming you did not have an e-tag and that you did not previously buy a day pass, you would then have to buy a late day pass on the following day. If you did not ring within the appropriate time you would be hit with a $100 fine and would also have to buy a late day pass, which would cost you an additional $8. So such a trip could cost you $108.

Now the government has made significant changes to alleviate some of those problems. I am very pleased to be able to stand here today and say that because of the good work of the Bracks government and the negotiations of the Minister for Transport I was wrong, because now that will not be the case. We have only the Bracks government to thank for that. A $100 fine is just extraordinary. We have seen that with the negotiations of this government the fining period has been extended further and further. The fact that the first penalty has now been reduced from $100 to $40 is a fantastic outcome.

The bill introduces a couple of other changes that are all bringing benefits to people like those in the electorate of the honourable member for Warrnambool and in my electorate. There have been improvements in the product for sale. The introduction of the Tulla pass was an excellent initiative, acknowledging that many people come in from the Calder Highway and exit at Flemington Road. They go past one gantry and can follow the same route they have travelled for 25 years without having to pay that additional charge.

I have heard the honourable member for Mordialloc raving and ranting in this house for most of the afternoon and into the early evening. I do not take much notice of most of his ravings because they all jumble into one — for the most part his contribution is that of just one very angry inarticulate man. So I have not listened in great detail, but it is seems extraordinary to me that he could stand there and say anything when he was part of a government — and it is problematic for any government to do this — that signed a contract for 34 years! It signed a contract to impose on every single person a toll that can be increased by 3 per cent a year, or at the rate of inflation, whichever is the greater. If those increases occur at the rate at which they are

allowed at the end of that period we will be looking at a day pass costing in excess of $30-odd. This contract was extraordinarily generous and did not contain anything to protect country users. One can expect that from a Premier who referred to country regional Victoria as the toenails of the state! One would not really expect that he would give great consideration to those people when he was negotiating such a contract. I am sure it was the furthest thing from his mind.

When I look at some of the members who represent country electorates I wonder how they could have sat there in mute silence for all those years and watched while the contract was being negotiated and developed and not say a word. It is just amazing to me. This has brought such disbenefit to many people in my electorate that I cannot imagine that I would have sat mutely and allowed it to go through in the manner in which it did.

I shall comment on not just the introduction of the Tulla pass but also the fact that now the passes are available at post offices. The announcement that they were available at touch screen machines in Shell service stations was good, but along the Calder Highway in my electorate we do not have any of those machines. So although it was great if you had access to them, they brought no benefit to people in my electorate. I can say that being able to access these passes through post offices is a fantastic development. I am sure members who represent country Victoria will agree that being able to access them from post offices has made it much easier for country people.

The whole system has really always been designed to force people to buy e-tags. The cost of the other products just does not stack up when compared to the e-tag. It was inevitable and it is certainly Transurban's desire that everybody be an e-tag customer. For those people who wished only to use it casually, the limitations on the number of day passes that you could buy were absolutely disadvantageous to regional Victoria. It is amazing that so many members of this house sat by and allowed this contract to be negotiated. The Bracks government now is having to negotiate to alleviate some of the most outrageous disadvantages that the system introduced.

I point out that a number of people have asked how we would have gone about such a thing. All I can say is that the cost of building the City Link infrastructure, as I understand it, had it been done by the state government, would have been some $800 million. My understanding is that the total cost now to Victorians over the 34-year period is in the vicinity of $4 billion. It is substantially more than might have been the case had some other options been explored. I am not disputing that City Link, if you are travelling the city's length and breadth, can bring great advantages to travellers in time and fuel saved. That is a great thing and no-one would say that is not appropriate. But all these other incidentals about the contract disadvantage some members of the community, particularly those travelling into the city along the Calder Highway.

The other part of this bill that I will highlight briefly is the issue of the recycling of water — again, it was almost a criminal act to use the amount of drinking water that was required to recharge the City Link tunnels. A lot of people in the community were outraged when it became known how much drinking water was being used on a daily basis for this. Most people saw it as a complete waste and again it shows lack of foresight by the Kennett government for not making sure we were not using Melbourne's drinking water to maintain the system. So I am very pleased that we have been able to make some changes there. As I said, the access to the passes and the reduction in the fines are all really about the Bracks government getting on with the job of mitigating some of the worst excesses of this infrastructure. I commend the bill to the house.

Mr PHILLIPS (Eltham) — I rise to speak on the Melbourne City Link (Further Miscellaneous Amendments) Bill, and of course I am following other speakers who have mentioned many points. Some have been reasonable; some have been stupid and ridiculous. However, we are all here to make a contribution in some way or another. I will certainly make a contribution as part of the opposition parties which are not opposing this bill.

The bill is all about trying to make something better. We on this side of the house believe City Link is a fantastic piece of road engineering. Yes, because it is a very innovative road, it has ended up with a few minor technical problems. But at the end of the day I do not believe if we had the opportunity over again that we would do it any differently. Today we have heard about having to pay tolls, the length of time of the contract — 34 years — and at the end of the day the community in some way, whether through taxes and charges, in this case a toll, has to pay for the road. The road has to be paid for somehow. The honourable member for Gisborne spoke about her constituents who were using the road previously, and other honourable members have talked about the use of the old Tullamarine Freeway which was the road they were using free of charge and paid for through their taxes and charges. Now, with the improvements to that road they are now

paying what they believe to be an additional charge through a toll system.

The honourable member for Gisborne talked about the saving of fuel and time and that is a reality — there is a fuel saving and a time saving. If you ask members of the community, Acting Speaker, what taxes and charges they support, they would say none. If you ask what new taxes and charges would they implement, they would say none. No-one wants to pay any more than they have to, but the road has to be paid for somehow. In this case the previous Kennett government believed the only way it could have this infrastructure built in Victoria at that particular time was through a toll system. Those now in government too easily forget — although we on this side certainly do not — that the whole reason for some of the decisions made during the Kennett years was the state that Victoria was left in after 10 hard, long years under the Cain and Kirner governments, when Victoria went from having a debt of around $11 billion to having a debt of $33-odd billion in 10 years.

Ms Duncan interjected.

Mr PHILLIPS — Here we go. Automatically she says — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Gisborne has had her opportunity and was heard in relative silence. She ought to extend the same opportunity to subsequent speakers.

Mr PHILLIPS — I am trying to be unexcited about this bill. Honourable members on the other side have had opportunities to tell us how good or bad it is. They are in government. If they do not like it they can do something about it. But they do not want to do something about it. They have talked about how bad a 34-year contract is. This organisation has spent billions of dollars investing in Victoria. It needs to get a reasonable return for its investment over a reasonable period of time. Thirty-four years is not a long time when you are spending billions of dollars. We are not talking about chickenfeed, we are talking about large sums of money, the billions of dollars that were squandered under the Labor government — from a debt of about $11 billion to a debt of $33-odd billion.

The bill talks about a number of changes that have been made. It talks about — these are not in order — the provision of a lower infringement penalty of $40. I think the honourable member for Gisborne spoke about how ridiculous the $100 infringement was for those people who do not buy a ticket. At some point in time there has to be an incentive. If the incentive of $100 was too dear, they are now in government and can make those changes, which they are doing. It also talks about making further provisions for a backdating of a temporary registration, and it accommodates a new weekend pass. I believe that is very good. I am sure the honourable member for Gisborne and members of the government would also think that is very good. I am certainly happy to acknowledge, and I know honourable members on this side are happy to acknowledge, the good points.

The honourable member for Gisborne also spoke about the problem with the water. I do not think anyone would disagree. Water is going to be an absolute gem in the state of Victoria, in Australia and throughout the world. I think it is an excellent opportunity. Maybe in hindsight we should have been wiser and should have made provision at that point in time for the opportunity that is taking place now, which is the use of recycled water. I think it is excellent, and I do not think anyone on this side would criticise the opportunity that is being taken by the amending of this bill. It also talks about changes to allow development — to use land at Burnley to allow the construction of a proposed four-storey administration building.

Previous speakers spoke about the leasing of land. I think there needs to be some assurance that with any leasing of land there will be a reasonable, fair commercial return for the use of that land. That is the only point the opposition has spoken about, and it has indicated it has concerns about making sure that that land is being used wisely and sensibly. I am sure those that are wiser in the government, if we can find any of them, will certainly insist that that take place.

A number of other points have been raised by other speakers in reference to the road. As I indicated when I first started, there are still a few problems with City Link, including where it starts and finishes. We have those problems on many of our major infrastructure and freeways. Out in my electorate of Eltham the community is divided over what is known as that missing link, or that part of the freeway structure throughout Victoria which is proposed at some point in time by some to go through Eltham. It finishes nowhere — at Greensborough — at this point in time. At the other end we have the construction of a freeway at Ringwood — and nothing in between.

There are problems, and decisions have to be made by those who are in government. It is not easy, because when you make them you are going to upset someone. Certainly those people who were using the Tullamarine Freeway, as has been indicated, are feeling

disappointed that they have gone from having a road they used without tolls and have received very little benefit. I think we spoke about the use of an extra lane. They are now paying for a road which they believed they had already paid for, so we can have some sympathy with that concept. Although I live in the northern suburbs in Eltham, it is certainly not a road that I use frequently, unlike those who live on that side, but on the odd occasion I have used it I have admired the engineering expertise and excellence in used in constructing that road. I have noticed there is a saving of time, which has been mentioned by previous speakers, and certainly a saving in wear and tear and fuel.

We on this side will not be opposing the Melbourne City Link (Further Miscellaneous Amendments) Bill, although there has been some concern, as mentioned, about the leasing of land. Certainly from my point of view I support the concept, as mentioned in the second-reading speech, of the installation of a reticulation system for the treatment of water. The use of recycled water for recharge purposes as mentioned is excellent, and I think it should be commended.

I believe anything we can do to ensure that people are using the road and paying for it is commendable. The suggestion of making further provision for backdating and for temporary registration to accommodate a new weekend pass is also very good. I will not, as part of the opposition, be opposing the bill. The points of concern have been raised by me in part and by other speakers; and other speakers will make further contributions. Overall, if I had my time again I would support the decision regarding the building of that road. It was a great initiative by the previous Kennett government and its followers.

Ms GILLETT (Werribee) — It is my pleasure to make a brief contribution on the Melbourne City Link (Further Miscellaneous Amendments) Bill. It is also my pleasure to follow the honourable member for Eltham, and I have been pleased to be able to sit here for some 10 minutes and listen to in the most part his glowing praise of this government and this piece of legislation. I think I heard him say ‘commendable’ on at least a dozen occasions in reference to the bill. I am so pleased that this piece of legislation has the overwhelming acceptance of the honourable member for Eltham.

I am somewhat befuddled — perhaps it is not me; perhaps it might be the honourable member for Eltham who is a little befuddled — in that while on the one hand he said he is wholly supportive of this piece of legislation on the other hand he and his fellow travellers of the past failed Kennett government would have done everything just as they did. I do not know how the statement about being happy with this bill and being wholly supportive of this legislation fits with the notion of, ‘Yes, and if we were back in government, we would do it all the same’.

Mr Phillips — Principle!

Ms GILLETT — Principle! Yes, that was not a word that was often used by the previous and failed Kennett government.

Mr Phillips — I did not think you would understand it.

Ms GILLETT — I can understand it, I can spell it, and more importantly, this government actually lives by it. We talk the talk and we walk the walk.

It is my pleasure in making a brief contribution on this bill to concentrate on an area of particular interest to my constituency and, in broader terms, to the whole of Victoria — and, as has been said by other contributors, to all of Australia — that is, the issue of land for water recycling. The background to this particular aspect of the bill is that the Bracks Labor government has been working very hard and consistently to heighten the community’s awareness about the preciousness of our water and the desperate need we have to save it. This has been particularly the case following five consecutive years of drought in Melbourne and having our water storage levels now at approximately 59 per cent of their capacity.

In the year 2000 the Bracks Labor government launched a major water conservation strategy, which included a $1 million investment in a water conservation campaign highlighting the need to value and conserve our water resources. As part of this campaign the government launched a new water conservation web site to provide information to consumers and manufacturers on practical ways they could save water.

In October 2000 the Minister for Environment and Conservation established the Melbourne water resources strategy committee to address how best to manage, conserve and develop Victoria’s water assets now and into the future. The committee was most ably chaired by Professor Nancy Millis. She is preparing the Melbourne water resources strategy, which will be presented to the minister in June or July this year.

In 2001 Melbourne Water increased its target for the use of recycled waste water from 1 per cent to 20 per cent within nine years. The intention of that is to use

recycled, treated waste water for agriculture and public land, and quite possibly for gardens.

For those in the chamber who may not be aware of it, one of the major infrastructure assets that is located in my constituency, and, Honourable Acting Speaker, soon to be located in your constituency, is the western treatment plant. The western treatment plant has an integral role to play in this particular strategy which has been adopted by the government and which has been adopted now by Transurban.

In November 2001 the Premier announced the Growing Victoria Together strategy, which identifies the environment as one of 11 priority areas for this government. Within this important category, water recycling and effective waste management is the main concern for this government. In February of this year the Minister for Environment and Conservation announced a pilot project to irrigate part of the King's Domain gardens using sewerage treated in a small treatment plant adjacent to the gardens. The water used to irrigate the gardens will be treated in accordance with Environment Protection Authority guidelines. The project is being undertaken by Melbourne Water in conjunction with the City of Melbourne and the Department of Infrastructure. If it is successful this project could be extended to other parks and gardens, and it would represent a major environmental breakthrough auspiced humbly by our communities into the broader community of Melbourne, which will help to protect and preserve our environment and a precious resource.

Consistent with its approach to conserving Melbourne's fresh water, the Bracks government has been extremely concerned about the use of Melbourne's most precious drinking water for ground water recharge purposes by City Link. Recharge is absolutely necessary to protect private and public property in the vicinity of City Link tunnels from ground settlement.

In October 2001 the Bracks Labor government and Transurban jointly announced a plan to establish a recycling plant and reticulation system to recharge the ground water aquifers around the City Link tunnels. Transurban will invest $1.12 million to set up a recycling plant and reticulation system to pipe the water up to seven points, where it will be injected into the aquifers. This will dramatically reduce the reliance on drinking water for recharge. The new water recycling plant will be built within the existing Transurban operations depot in Swan Street, Richmond.

Transurban obviously has to satisfy very strict Environment Protection Authority standards to ensure the recycled water does not contaminate the existing aquifers. The Bracks government has worked in partnership with Transurban, as is our wont and our way, to deliver a solution on this important environmental issue — an issue, it must be said, which was completely ignored by the past coalition government.

The new plant is expected to be in operation by July 2002. The work involved is complex, and the legislation presently before the house facilitates the operation of the plant through the reservation of land for the installation and operation of reticulation pipes. For its part Transurban will lay approximately 5 kilometres of pipe to carry the recycled water from the Olympic Park plant up to the seven recharge points I mentioned earlier.

The quality of the recycled water will obviously be monitored continuously. The proposed amendments will enable Transurban to fulfil its commitment to the government to deliver on the use of recycled water for recharge, and it will significantly reduce the amount of fresh water required for recharge, taking an enormous amount of pressure off Victoria's overall need to be careful and wary about its concerns with water. It is particularly important for areas in the western plains that I am responsible for that we can both conserve our freshwater resources and also use the most incredible infrastructure resource we have in the western treatment plant for the use of recycled water in appropriate and safe ways.

This bill will conserve certain Crown land under the Crown Land (Reserves) Act 1978 so that licences can be issued to Transurban over that land for the installation and operation of reticulation pipes. This will be very critical infrastructure if the use of recycled water is to become more and more common. Virtually all of the reticulation pipes will run through land to be leased to Transurban. However, Transurban has identified the need for two additional narrow strips of land which are to be reserved by this bill. These strips are situated on Crown land. One consists of unreserved and permanently reserved Crown land situated on the south side of the Yarra River between the river and Alexandra Avenue. The other strip consists of unreserved and temporarily reserved Crown land between the Yarra River and Batman Avenue. It is important to note that public access to the land to be reserved by this bill will continue. The public will gain an asset which will assist them in maintaining and meeting their very important environmental needs and standards, and they will not lose any access to that land.

The Bracks government has consistently addressed the issue of water conservation, including the development of alternative approaches to the use of precious fresh water for parks, golf courses, racecourses and other public gardens. Indeed, the Werribee golf course has been a major beneficiary of recycled water and that has been facilitated by the reuse of water from the western treatment plant. The agreement reached between the government and Transurban to use recycled water for recharge purposes represents another major achievement in delivering on this important water conservation policy.

In partnership with Transurban, the government is implementing an approach to water conservation that will not only be an important saving for the community, but also for the City Link concession period, which is a long period of 34 years. It will also form a permanent addition to a range of innovative measures that are expected to be implemented across Melbourne and Victoria. The project represents a significant capital investment by a private company which has demonstrated genuine goodwill to reduce its freshwater use. This has been encouraged, facilitated and provided by this government. Conspicuously, it was not provided, not facilitated and not encouraged — not even thought of — by the past failed Kennett government.

The use of recycled water for recharge purposes is a fantastic result for the environment and for the community and is a further demonstration of the Bracks Labor government's commitment to, in any way possible, building important principles for the judgment of any project: social value, environmental value and capital value for the economic benefit of Victorians — all of them! This piece of legislation and the actions the government has taken demonstrate the Bracks Labor government's commitment to something that is understood by some to be the triple bottom line. It is not one or two bottom lines, and not the myopic view that if it makes money it is good and if it does not make money it is not good. This government applies three criteria to any project: it must be good for the environment and add value to it; it must add value to our social capital as a community; and it also needs to demonstrate its economic capacity.

The other point I would like to make concerns the reduced fine for first-time offenders. Nobody happily receives a bill or fine in the mail. I notice the honourable member for Bellarine is back in the chamber. I need to address one of the issues he raised in his contribution regarding the speed limits on the Geelong road. I know the honourable member has to travel for longer distances than most on that road — but not more frequently than I or our constituents do.

Mr Plowman — What has that got to do with the bill?

Ms GILLETT — Perhaps you should ask the honourable member for Bellarine what it has to do with the bill, because he canvassed the matter widely in his contribution!

I wish to explain to the honourable member for Bellarine that the speed limit has been set at 60 kilometres per hour for a very good reason. Each day men and women work on the road to improve its safety for us and our constituents. The speed limit has been reduced to provide for the safety of the people working on the road, but it is important to note that the limit produces a nice cultural change. It is a pleasant experience to drive at 60 kilometres an hour on the Geelong road rather than dodging trucks at 100 kilometres an hour. I feel a lot safer — I do not know if the honourable member for Bellarine does — and there will not be a by-election in Werribee while the speed limit stays the way it is!

The reduced fine for first-time offenders is very fair. The City Link contract inherited from the failed former government set up a regime involving a hefty fine of $100 for people who travelled on City Link without being registered with Transurban through either obtaining a pass or having an e-tag account. It imposes an inordinate burden on those motorists who inadvertently find themselves on City Link without having made the appropriate arrangements. It is well known that if the Kennett government had had its way a $100 fine would have applied to first offenders from 31 December 2000.

The Bracks government has consistently maintained a policy of leniency in recognition of the newness to Melbourne of a fully electronic tolling system. The government and the Minister for Transport have worked tirelessly to make sure that enforcement takes place in a fair, sympathetic and commonsense way. From the outset of tolling the government obtained the agreement of Transurban to introduce warning notices for first-time offenders and reduced fines of $25 for the subsequent four offences. Warning notices were extended on three occasions and reduced fines were extended on four occasions. It is part of a process of cultural change — exactly the same as reducing the speed limit on the Geelong road while the roadworks are taking place. The reduced fines operated for a period of 16 months from January 2000 to April 2001. Thus the Bracks government can take considerable

credit for ensuring that many motorists did not receive $100 fines.

Warning notices were always intended as an introductory measure. Tolling has been in operation for more than two years on the western link and for over a year on the southern link. Now the majority of motorists appear to understand how they must pay for using City Link, with more than 99 per cent of trips accounted for by either an e-tag account or the purchase of City Link passes. Clearly the enlightened approach of the Minister for Transport, which focused on an educative regime, not a punitive one, has been extremely successful. That educative regime has yielded the benefits of a 99 per cent compliance rate. People understand the system. They do not feel tortured or betrayed by it, and they are encouraged to become familiar with it rather than frightened of it.

The system of enforcement that requires state support was agreed to by the Kennett government. The state has costs as a result of processing and distributing the warning notices, and there is no revenue to offset those costs. It is a public good. The Bracks government has obtained Transurban's agreement to introduce a discount fine of $40 for first-time toll offenders, which will apply from 1 June 2002. The adoption of a discount fine of $40 for first offenders achieves a balanced policy outcome of providing leniency and seeking reasonable cost recovery while maintaining an educative process for members of the community, enabling them to access the system and understand it without feeling damaged by it.

In all, this is terrific legislation. It helps to remedy the ills caused by the laxity of the former Kennett government. It is my pleasure to commend the bill to the house.

Mr DIXON (Dromana) — It is a pleasure to join this debate. Quite differently from members on the other side, I do not feel the need to filibuster for 20 minutes. I will say what I want to say and then sit down. I understand the government's need to do that, because the pickings from its business program are very slim.

It is a pleasure to follow the honourable member for Werribee. She referred to the western treatment plant, which is very dear to my heart, because the products from the eastern treatment plant flow out into the ocean by my electorate.

When we consider the loss of water because of the construction of the City Link tunnels and the need to recharge the water table it is important that we look at using recycled water. It is a crime that water, our most precious commodity, is just poured into the ground to recharge a water table.

The honourable member for Werribee said that Melbourne Water is looking at extending its recycling of water from 1 per cent to 20 per cent. I think that is rather myopic. We should be looking at a total recycling of all our water. We have the technology to do that, and we should make use of it and set our sights a lot higher. In our everyday water use, whether residential, industrial or agricultural, we should use far more recycled water. The recharging of the water table at City Link is a good example of using something we take for granted, because we pour our clean drinking water down into the water table.

The opposition does not oppose the bill. We have major concerns about what is not in the bill, yet we are allowing it to pass. We are talking about areas of land which will be affected by the bill, yet we do not know — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! There is far too much audible conversation in the chamber. I ask honourable members either to be quiet or to take their conversations outside the chamber.

Mr DIXON — They do not know what they are missing, Mr Acting Speaker!

It is very difficult to carry on a debate when much about the land we are talking of is not known. The plans are not available. Even though we are taking it on in good faith, we really have great concerns about it. The only piece of land we have been educated about is the land underneath the elevated roadway through Kooyong, which is adjacent to the Kooyong tennis courts and which could quite easily be used by the Kooyong Lawn Tennis Club, Vision Australia and Scotch College. That is fine so long as the arrangements are above board and transparent. The opposition does not have problems with that, but there are many other areas of land which we do not know the details of and about which I have real problems.

The main point I wish to raise, and I have heard much about this from government members, refers to the fact that people have been saying all along that the Monash and Tullamarine freeways were not tolled before but are now being tolled. Those sections that are now tolled, and they are only small parts of those freeways, cannot be compared with the way they were before they were tolled. They are really only the same in name and the routes they take; there are huge differences there.

We have seen massive changes in all aspects of the road engineering. In some cases the roads have gone from four lanes to eight lanes and they have wider and safer shoulders. All sorts of safety aspects of both those sections of freeway have been totally enhanced and they are now very safe roads. I am sure when you compare the accident figures for those sections of road before City Link to what they are now the accident rate would be far lower. They are far better pieces of engineering and far safer stretches of road. The noise attenuation along both sides of the road has changed completely. The roads are a lot quieter for the residents around them who have gained from that. The access and exit points on those roads are totally different; the roads are far more user friendly and where they begin and end is quite different. To say that these are the same roads they were before is ridiculous: they are completely different roads.

In conclusion, we need to go back to the basic concept of what City Link is about and why it has a toll. It has a toll because it was not built in stages but was built in one go. It was a piece of road infrastructure that was desperately needed by Melbourne. It has done wonders for Melbourne and it is doing wonders for Victoria and the wider state economy. It needed to be built in one stage and the only way the state could afford that was through the toll. People who do not use it do not pay for it and those who use it pay for it. It benefits the total Victorian economy and all people in Melbourne as those positive points flow through our state economy.

As a representative of the people on the Mornington Peninsula I can say that the City Link infrastructure has certainly opened up Melbourne and the northern suburbs to the people of the Mornington Peninsula. It has also opened up access to the tourist facilities and the wonderful Mornington Peninsula for the people of Melbourne. We totally and wholeheartedly endorse City Link and the original concept behind it.

Mr SEITZ (Keilor) — It is with great pleasure that I rise to support this bill and congratulate the Minister for Transport. It is not very often that a minister is congratulated and has the support of both sides of the house on a bit of difficult negotiation like the argy-bargy that took place to bring this bill before the house, particularly given the contracts signed by the Kennett government.

My constituents were very much affected by that. My constituency had the pleasure of using the Calder and Tullamarine freeways for all those years without any tolls. The only problem my constituents ever had — and still have now — is where the Calder and Tullamarine freeways join. If you go there on a foggy day in winter you will see that that is where the majority of accidents happen. I would congratulate the minister doubly if he could convince Transurban to fix the problem of that bottleneck; I notice the honourable member for Tullamarine is nodding in agreement.

When the Kennett government proposed this tollway and Alan Brown was in charge of it as Minister for Transport I raised the issue that that was the single most difficult intersection in that section of road and if my constituents had to pay to use it, it should be fixed. My constituents have had no benefit from it at all. All they have is more costs when they want to access the universities and go to the other side of town in that direction. That is a difficulty.

I congratulate the Minister for Transport for bringing down the fine for first-time offenders, people who inadvertently make a mistake, to $40. That is very important, not only for country people who come to Melbourne and are not aware of it because they do not use it every day but also for my constituents who use it at different times. It is particularly important for the retired people who do not have cause to go to the city via City Link every day or week. They would use it once in a blue moon for a medical appointment, usually at the Royal Melbourne Hospital or the Royal Children's Hospital because it is the quickest way to get there. They may forget and inadvertently not purchase a pass as they are more concerned about getting their child to the Royal Children's Hospital than about stopping at Bulla Road to buy a City Link pass.

Once again, I congratulate the minister for that initiative because it is a social improvement, and for introducing the weekend pass which has been developed to provide further access to City Link and the day passes that can be purchased the day after using City Link. Those very important steps should have been taken by the ministry of the gung-ho Kennett government and by all the legal eagles the government employed to peruse those contracts for the benefit of Victorians. Instead, so many times in these chambers we were told that it was good for Victorians to have to pay all over again for a road they had already paid for in their taxes.

Having made those opening remarks I turn to the bill, which also addresses the very important issue of water conservation, as was so eloquently explained by the honourable member for Werribee. I will not go over the same ground again, because the honourable member for Werribee has done a tremendous job of explaining that so succinctly that nobody could misunderstand the care the Bracks government has taken in water conservation, particularly in relation to drinking water.

We live on an island continent that has a shortage of water, in particular good quality drinking water. As the chair of the Environment and Natural Resources Committee, I am very aware of the importance of water. Our committee has just presented to this Parliament and to the minister a report on water resources and allocation, so I am fully aware that wherever possible grey water — that is, recycled water — should be used. The savings in economic terms that can be achieved by using grey water are not given sufficient importance.

It is hard to imagine that in my lifetime — in our era — a system was designed that actually uses fresh water to fill up the aquifer and keep the system going, when we all realise the importance of fresh water. It should have been acknowledged from the beginning and included in the engineering design and development of this City Link project that recycled water was to be used to refill the aquifers wherever possible.

Amendments have also had to be made to allow for access to Crown land by Transurban to establish a purifying plant. The public will have access to most of that land in spite of the easement and the pipelines running through it, and that is very important. As I said, the minute details and figures have all been put on the public record by the honourable member for Werribee, so I do not intend reading them out again.

However, I will say that this bill has been a long time coming and that the minister should not give up on improving the intersection where the Calder and the Tullamarine freeways join — for the benefit of everyone, including those constituents who use that stretch of road when they come down from Bendigo and further afield. I know that other speakers wish to talk on this bill, so I commend the bill to the house and wish it a speedy passage.

Mr BAILLIEU (Hawthorn) — As the honourable member for Mordialloc said, the opposition is not opposing this bill. Government is a funny thing and office changes people, but when the Minister for Transport, who was so opposed to City Link, gets up and moves a City Link bill it is extraordinary — as it always is — to hear that members of the government are still holding their grudges. For example, earlier in debate the honourable member for Gisborne said that she still does not see the benefits of City Link, and the honourable member for Melton advised the house yet again that he will oppose City Link until the day he dies. No-one would wish him any ill but I trust that eventually he will see the light.

City Link is an extraordinary project, an extraordinary asset for the people of Victoria and an extraordinary achievement for those who conceived and put the project together, those who built it and those in government who made the decisions. Decisions were a feature of the previous government, but they are not necessarily a feature of the current government which has not earned its reputation as a do-nothing government for no reason. A shortage of decisions is what holds back the current government.

It is interesting to reflect on the great planning decisions that have been implemented in Victoria and those responsible for them. I have had discussions recently with many people as to the 10 most successful planning decisions taken in Victoria in the last 100 or even 150 years. It is an interesting analysis. Almost everybody I have discussed it with says, quite rightly in my view, that City Link and the vision that it encapsulates is one of the greatest planning and infrastructure decisions ever taken in Victoria. I put on record that I concur with that view.

City Link has enabled Victorians to move across metropolitan Melbourne quickly and efficiently and it has made travel a pleasure in most cases, unless there is a lane down or some obstruction. City Link has achieved what it set out to achieve and has been adopted by Victorians and Melburnians in particular in an enthusiastic fashion. I agree with government members from country seats who have said that City Link has been welcomed and embraced by country Victorians as a real asset and something for which Victorians are very grateful to the previous government.

Nevertheless this government has been left with the management of City Link as it currently stands and in the spirit of sensible management decisions and adjustments the government has proposed some changes which I think fall into the category of useful additions to the City Link regime and I think there is some good in those propositions. They run to casual user charges and also to the level of a first infringement notice fine, whether it be $100 or $40. I note that no-one in government is advocating that there not be a first infringement notice fine, but certainly a reduction from $100 which is steep, particularly given that there is now much greater familiarity with City Link and more opportunities to access City Link ticketing, to a fine of $40 seems quite sensible.

I want to pick up the point so forcefully made by the honourable member for Mordialloc about the leasing arrangements proposed under this bill. This in effect constitutes an extraordinary land deal made under this

government with very little information supplied. We are told that some eight months will expire before the material is made available. I am not sure that the government itself even knows what leases it is talking about. I think it was evident this morning on 3AW when the Premier was asked what was intended in relation to these proposed leases. To be frank, the Premier indicated that he effectively knew nothing about it. He then went on to say, I believe, he was confident that the lease details would be available in the parliamentary library. I am sure searches of the parliamentary library today, tomorrow and over the next several months will probably reveal nothing.

These deals, as the honourable member for Mordialloc indicated, stand to significantly benefit the proprietors of these City Link arrangements and they need much greater scrutiny. That scrutiny has been promised as best we can between the houses and I suggest that the government should reveal its intentions and the detail as soon as possible because this may go down in the history books as one of the more extraordinary decisions of a government which has already made some pretty dumb decisions. This stands to add to those annals.

I also want to comment briefly on what City Link has achieved for the Geelong highway and access across metropolitan Melbourne. Mr Acting Speaker, as the honourable member for the Geelong region you would know a trip down to Geelong is a joyous occasion for many people.

The ACTING SPEAKER (Mr Loney) — Not at the moment!

Mr BAILLIEU — It has been for many years — and it has been somewhat less joyous in recent months. For those contemplating a trip to the football, I suspect that in the weeks ahead it will be an even less joyous trip. The consequences of delays of the Geelong Freeway reconstruction will affect all of us, particularly those who travel regularly to Geelong. The links to the West Gate and City Link network are important and the people of Geelong deserve better treatment.

Last Friday I had the privilege of being in Pakenham. Once the Pakenham bypass proceeds when the opposition becomes government we can rest assured that the Geelong Freeway will have been completed and one will be able to travel from Geelong to Gippsland uninterrupted. It will be an enormous achievement.

The one thing that bugs most Victorians is the application of speed limits in the City Link tunnels in particular. For those of us who are having trouble seeing, the distinction between an 80 and 60-kilometres-an hour sign is difficult. I urge the government and City Link to take steps to make the signage clear because far too many people are paying unnecessary fines not because they are intentionally speeding but because they are not aware of what are the speed limit changes in the City Link tunnels.

As the honourable member for Mordialloc said, the opposition will not be opposing the bill but will certainly be reviewing it while it is between this place and the other place. I have grave suspicions and concerns about the land deals associated with the leases. It is an extraordinary proposition that the government could introduce such a bill and be unable to explain the leases it is proposing with the City Link proprietors.

Mr STENSHOLT (Burwood) — The Melbourne City Link (Further Miscellaneous Amendments) Bill is not the first miscellaneous amendments bill because other amending bills have been introduced in previous years. This bill has a number of purposes relating to the government consulting and arrangements with City Link, with Transurban, and in due course the introduction of new forms of customer service and billing, dealing with the provision of land, corporate arrangements that Transurban was seeking to make and the development of land at Burnley.

A number of issues important in my electorate relate to the provision of the weekend pass and also how first-time offenders will be handled in future. I note that City Link is an important road system for people in my electorate because the Monash Freeway, which is on the southern border of my electorate and does not attract a toll, is used by many in my electorate either on a regular or occasional basis.

I commend the Bracks government for the efforts being made to engage Transurban to improve customer service and a range of options available in using City Link. Last week staff from my office took advantage of the special information day provided to electorate staff when they and staff from three other electorate offices attended that information day organised by Transurban and City Link. On behalf of my staff I thank the officials of Transurban for the information session and the briefing they provided. My staff found it valuable. I also understand that my staff, not being too shy, asked many questions during the briefing about the system, as would be expected, given Burwood's propinquity to the Monash Freeway.

I notice that clause 12 deals with the backdating of temporary registration. At first blush that does not appear to mean a lot, but it is very much part of the negotiations conducted by the government with Transurban to ensure better customer service through the City Link tollway.

One of the first improvements that the Bracks Labor government made in respect of Transurban and City Link was when it introduced a Tulla pass. I am sure my parliamentary colleagues whose electorates surround Tullamarine and those close to the city have spoken and will speak about that step more eloquently than I could. The pass will be of enormous value to people living in the area, because when they drive on one small section of City Link they will pay a far lower fee than would be expected had they been forced to buy a full day pass. The Tulla pass used to cost $2.50 and now it costs $3.15, whereas a full day pass now costs $8.80. That is a big difference. That introduction has been achieved through consultations between the government and Transurban.

The genesis of this change is the introduction of the weekend pass and the recent successful negotiations the government has had with Transurban to extend the weekend pass to ensure it covers motorists from midday Friday to midnight Sunday. There are a few tricks in its qualifications to ensure it covers more than just the two days. That is what the bill seeks to do — to extend the coverage of the pass not just for 24 hours but on particular days, according to clause 12(1) and (2), for three calendar days.

The occasional users of City Link in my electorate very much appreciate this move. Now they need not scrabble around to make sure they get day passes to cover them over weekends. The weekend pass will cover them from midday Friday until midnight Sunday. It is a valuable initiative.

The issue is felt strongly in my electorate because on 22 November 2000 I presented to Parliament on behalf of constituents a petition praying that a Monash pass for the southern part of City Link be introduced. I and they were looking for the introduction of something analogous to a Tulla pass to cover the occasional use of City Link by my constituents and constituents in electorates further to the east, including Bennettswood.

Often constituents need to travel to the city for short visits. For example, a constituent of mine needed to visit his sick brother in the Peter MacCallum hospital. He used to pay $8.80 for a day pass whereas it would have cost him far less — probably only half that — had his car been fitted with an e-tag and he used City Link regularly. It is a bit outrageous that just because people are occasional users they have to pay twice as much for the use of those sections of the tollway as those people who have an e-tag and use it for the two sections.

Occasional users of the tollway — such as those people who want to go shopping, watch football games at the Melbourne Cricket Ground, travel to the Olympic stadium if they are devotees of rugby league, watch basketball games when they are played in the city, or watch the tennis there in January — have to pay $8.80 rather than only half of that if they were regular users. The current tolling system discriminates against occasional users. There are many of those in my electorate, particularly elderly people who obviously do not work in the city, at the airport or in the industrial areas but only make occasional forays in those directions. It is grossly unfair; and clearly those occasional users agree with me on that.

I have raised this with Transurban and City Link. Indeed, I understand my staff raised the issue last week at the briefing session, and I raised it as late as this afternoon with Transurban staff. I have to say that I was very disappointed with the attitude displayed by Transurban to the suggestion that a far more flexible method of tolling be applied to people who are occasional users.

Mr Leigh interjected.

Mr STENSHOLT — That's your problem. You don't actually look after the ordinary people; you only look after the big end of town. We look after the ordinary people — the people who actually need things.

The occasional users were exactly who I was arguing for. The people who do not have a lot of money, who perhaps are on pensions and who go to hospitals or to football matches are asking for a fair deal for them as occasional users. But what was the response? The response in the past was, 'It's not possible because the software associated with the tolling system is not robust enough at this stage to accommodate a far more flexible tolling system'.

I can understand that, and I guess for a while I was put off by it, understanding that the computerised system was not able to cope with it. While it could cope with a Tullamarine pass over one section and a whole range of tolling arrangements over a series of sections, particularly on individual sections and on combinations of sections coming back through the tunnels, it could not accommodate people who were occasional users for a special pass on the first two sections of the tollway — the extension of the Monash Freeway.

I am now told by Transurban that it has taken back the software — I knew it had taken it back some months ago — and that there was no impediment in terms of the software to introducing far more flexible tolling arrangements. I was glad to see that we had made some progress there. However, when I said, 'You now have the flexibility of it', and I explained that there is quite a big difference between $8.80 and about $4.50 in terms of people using it, and asked, 'Why can't you introduce a flexible pass?', I was told, 'It's not on our agenda in the near future. It's not on the horizon'.

The reason it is not on the horizon is that by virtue of the contracts entered into by the Kennett government this is a company out there trying to get the maximum return from people in my electorate who are only occasional users — trying to get their $8.80 out of them rather than $4.50. Being fair minded I suggested a Monash pass of, say, $5.00 for the people in my electorate, but I was told, 'No, we've got to have regard to our bottom line. We've got to have regard to our profits'. I said, 'At the moment you are already making twice the profit out of the occasional user. You are making a windfall gain of over $4.40'. The Transurban people said they could not afford to change it, although if there were a subsidy from government they might be prepared to consider it.

At the very least Transurban is to be criticised, if not condemned, for its attitude to occasional users who do not go along the tollway all that often but who may use it to go to the football or to a hospital. It is prepared to rip the money from those people and make extraordinary windfall gains rather than bring in more flexible tolling arrangements, which it is quite capable of doing. I understand it is possible, and I urge Transurban to do it to look after its customers and, in particular, occasional users.

I do not wish to spend too much time talking about country users, because other members of the Labor Party represent regional and rural Victoria. I look after the people of Burwood, including people in the south-east and the east. People in Gippsland in particular are occasional users of City Link, and I am surprised that they are not talking about the confusing arrangements previously available to them.

The Bracks government has been able to negotiate customer improvements for those using the freeway. I understand that one can now buy 24-hour and weekend passes at 770 post offices. I commend the Minister for Transport and the other people involved in ensuring that those far more flexible arrangements are available now.

I urge Transurban to introduce more flexible tolling arrangements for people in my electorate and those who live further out, extending into Gippsland. I urge it to introduce a $5 Monash pass for occasional users who use the first two sections of the tollway and the extension of the Monash Freeway.

The other aspect of the bill is the lower infringement penalty for a first offence issued under section 80 of the act. The Bracks Labor government has been vigorous in ensuring that motorists who incur infringements are fairly and generously dealt with. A number of initiatives have ensured that people who infringe are given warnings rather than automatically getting $100 fines. The Kennett government looked to fine people left, right and centre, whereas this government is looking at a reasonable system to help people, particularly those who do not quite understand the system, especially country Victorians who do not use the system regularly but who use it inadvertently and are then faced with infringement notices. The bill introduces a fining system whereby the fine will be $40 rather than $100, which is currently provided for in section 80 of the act. This is clearly far more in tune with the needs of people using the freeway on an occasional basis than the rather draconian effort of trying to fine them $100 straight up in terms of — —

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The time for government business has now expired. The question is that the house do now adjourn.

Disability services: supervised transport

Mr LUPTON (Knox) — The matter I raise is for the attention of the Premier. James Creaton is a young boy who is disabled and requires supervised bus transport to get to his school.

In February I wrote to the then Minister for Education, the Honourable Mary Delahunty, about this matter. Follow-up phone calls took place, and on 15 February I got a letter of acknowledgment. On 18 February, because there was a matter of concern, I was advised that the Honourable Theo Theophanous in another place was the responsible parliamentary secretary and that he would be very good at expediting the matter quickly. On 20 February I was advised that a letter would be signed off on 22 February. There were then a number of phone calls between my office and Mr Theophanous's office, and on 27 February I was advised that the matter was being dealt with by the

office of the new Minister for Education Services, the Honourable Monica Gould.

It has gone on and on, and the phone calls have gone backwards and forwards. At one stage, between 4 and 7 March, six phone calls were made asking for something to be done. We had been advised that the matter was being dealt with by the current Minister for Planning; the Honourable Theo Theophanous; the Honourable Monica Gould, the Minister for Education Services in the other place; the new Minister for Education and Training, the Honourable Lynne Kosky; and now the Minister for Education Services again.

Eventually I got a response, but unfortunately the response was negative. When I advised the father, Mr Creaton, on this matter he informed me that some of the information he provided was incorrect. So I then wrote to Minister Gould on this matter. Lo and behold, I got a letter back some 12 days later referring to the letter I had written to Minister Kosky — now I had addressed the letter to Minister Gould — relating to the matter of the Creaton family. It says:

> The matter you raise falls within the area of responsibility of the minister for education services and youth affairs, the Honourable Monica Gould … and will be responded to in detail as soon as possible.

I ask that the Premier please investigate this matter. It is quite obvious that this department is staffed by incompetent people because they cannot even read and understand the difference between 'Gould' and 'Kosky'.

Geelong Arena

Mr TREZISE (Geelong) — I raise an issue with the Minister for Senior Victorians for the attention of the Minister for Sport and Recreation in another place. The issue I raise relates to the inept action, or inaction, of the City of Greater Geelong in purchasing the Arena basketball stadium in my electorate of Geelong. I must say that this inept action of the council has seriously jeopardised the purchase of the facility for the Geelong community. The action I seek is that the minister convey to the City of Greater Geelong his utmost concern with the council's inaction on the purchase of the Geelong Arena and that he seek council's full commitment to such purchase immediately.

For the information of the house, the Arena basketball stadium is essentially the heart of basketball in Geelong. It is the home of the Geelong Supercats basketball team and it caters for almost 3000 amateur and junior basketball players on a weekly basis.

Mr Mulder interjected.

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

Mr TREZISE — You are a goose, fair dinkum. Go home to Colac, will you!

The DEPUTY SPEAKER — Order! The honourable for Geelong will not respond to interjections.

Mr TREZISE — This vital community sporting centre is currently up for private sale, and it is absolutely essential that the Geelong Arena is purchased by the council on behalf of the local community. This is the only way Geelong can be guaranteed that the Arena basketball stadium will remain a sporting venue for the community. In recognising this fact the government has moved quickly and effectively by committing $1 million to the purchase of the facility.

The Minister for Sport and Recreation and the Premier are to be commended for their actions. However, the City of Greater Geelong, through its typical bureaucratic procrastination and lack of leadership, has seen the sale placed in real jeopardy. In fact as late as today the *Geelong Advertiser* reported that the owner has walked away from the negotiations with the City of Greater Geelong.

The sale has been an ongoing issue for more than 18 months. Yesterday the acting mayor, Cr Ed Coppe, was quoted as saying that the council could not be rushed on this issue, and that is of major concern not only for me but for the City of Greater Geelong. My concern is that the council's attitude is typical of its bureaucratic policy of dithering around in circles before it provides some type of decision on this important issue.

Insurance: public liability

Mr JASPER (Murray Valley) — I raise for the attention of the Minister for Finance the continuing problems experienced by organisations and businesses within my electorate of Murray Valley because of the continuing high costs of public liability insurance. I am very much aware of the representations which have been made to a large range of members in this Parliament, and indeed across my electorate of Murray Valley, about the huge increases in the cost of public liability insurance.

We need urgent action from the government. We have reached a critical stage in this issue where the government can no longer procrastinate. We have seen

organisations receiving quotes for public liability insurance which are hundreds of per cent higher than what they have paid in previous years. Organisations which have probably never had a claim for public liability against them are seeing huge increases.

You will recall, Madam Deputy Speaker, the debate in this place on Tuesday, 26 March, on the ministerial statement on public liability insurance. I responded at that time on behalf of the National Party and indicated the huge problems it was causing within my electorate of Murray Valley. Indeed I highlighted some of the organisations which had received huge increases. One organisation went from $2600 last year to over $30 000 for its first quote, which was reduced to $25 000 on the second quote. That organisation had had no claims whatsoever.

We have seen the government responding on the basis of a meeting held in Canberra of ministers from all states and the federal minister, seeking to reach conclusions. However, many issues need to be addressed, and I think the state government can look at this. Many concerns have been raised — no-claim bonuses that have not been applied and quotes that have been provided. We need to look at exempting volunteer organisations from being subject to public liability insurance. We need to look at the type of claims that are being made.

One issue that this government has not addressed is the 10 per cent stamp duty being applied to all public liability insurance. On a charge of $2000 the 10 per cent stamp duty is $200; on a charge of $20 000 the stamp duty is $2000. The government has a responsibility to address this issue immediately. It can do something about it. It is critical.

There are organisations within my electorate and across Victoria that will not and cannot continue to operate. They will not perform what we see as important functions within country areas and within my electorate. These organisations will not survive unless the government takes action now. We need the government to address this critical issue, not talk about it and not look at what other governments and the federal government can do. We want this government to look at what it can do. This government can look at stamp duty immediately.

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

Police: Chelsea station

Ms LINDELL (Carrum) — The Minister for Police and Emergency Services would recall a slogan used in the lead-up to the 1999 state election that cutting police numbers is a crime, which is exactly what the coalition government did — it cut 800 police from the ranks of the police force between 1995 and 1999. For my community that meant on average seven vacancies on every shift at the Chelsea police station.

That meant they were seven police officers short, shift after shift, day after day, week after week. During the election campaign the former Premier came down to Chelsea amid great fanfare and opened the police station — seven years after it had been promised — but that afternoon the police at Chelsea were unable to put the divisional van on the road because they did not have enough police officers staffing the brand-new police station. I ask every honourable member in this house: exactly how much softer on crime can you be than cutting police numbers? They were cut to such an extent that police in Carrum could not put a divisional van on the road in 1999. With this history we now have a scare campaign being run through the local media.

The honourable member for Mordialloc, a person who said nothing at all about the dreadful cuts to police numbers — —

Mr Perton — On a point of order, Deputy Speaker, the purpose of the adjournment debate is to ask for action by a minister on a matter of government administration. It is quite clear that the honourable member for Carrum has not addressed this government's administration, and I ask you to bring her to order.

The DEPUTY SPEAKER — Order! There is no point of order.

Ms LINDELL — As I said, the honourable member for Mordialloc, a member of the previous government who could have said something and could have stood up for the south-eastern suburbs but did absolutely nothing, has been running a scare campaign. I ask the Minister for Police and Emergency Services to take action to support the police officers in my electorate and the local community by debunking the nonsense and scaremongering by the honourable member for Mordialloc as reported in the local media this week.

I point out to the minister that the local police inspector has refuted the claims, but I ask the minister to further expose the claptrap and overblown assertions the honourable member for Mordialloc has made.

Police: retired officers re-employment

Mr COOPER (Mornington) — I ask the Minister for Police and Emergency Services to take action to

speed up the process of the Victoria Police re-employing retired police members. I understand that currently there are between 20 and 30 retired police members who have applied to rejoin the force. Their applications have been approved, and they have been waiting for periods of between 12 and 16 months for readmission to the force.

Most of this group have between 10 and 20 years experience and many of them are qualified up to the rank of sergeant. After a short retraining course of no more than six weeks they would be able to start work as fully operational and experienced police members. By contrast, new recruits who have graduated from the academy after a 20-week course have many months of on-the-job training ahead of them before they could be regarded as even basically skilled. Certainly there are no budgetary reasons — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Government members! This is a serious matter.

Mr COOPER — This is a serious matter. There are no budgetary reasons why these people are left waiting for such long periods of time. They have the skills and the experience that Victoria Police needs. They will be able to provide the type of presence out on the streets that the community is seeking, and all of this is being left to wither for no apparent good reason.

I ask the minister to investigate this matter and to take steps to ensure these experienced and keen individuals are admitted to Victoria Police as quickly as possible.

Insurance: public liability

Ms ALLAN (Bendigo East) — I seek urgent action from the Minister for Finance to protect pony clubs in my electorate and throughout Victoria from the threat of having to close down their operations because of an inability to secure public liability insurance after 30 June 2002.

In the past two days my office has received over 40 letters from members of my local community and that of central Victoria who are members of the Bendigo Pony Club. These people are quite understandably very concerned at the thought of losing the operation of their pony club because of this insurance matter. They obviously take great joy in participating in the pony club and it is an activity that many members of the family can share. It is another example of an important sporting and recreation organisation in the community that has been affected by the matter of public liability insurance.

The Bendigo Pony Club is a member of the Pony Club Association of Victoria which is faced with a difficult situation because its insurers, SLE Worldwide, will not renew its public indemnity insurance. Without this cover the Victorian Pony Club Association and therefore the Bendigo Pony Club will have to shut up shop on 30 June 2002 and this will have an impact on young people and their families who up to now have taken great joy in their recreational activity.

We have to examine the role of the insurance companies in this public liability disaster. It is interesting to note the results of a government survey of community organisations. This survey was a great initiative by the minister and the government to gauge what is happening out in the community. The results from over 700 organisations that have responded to the government's community survey show that 96 per cent of those organisations had not made a public liability claim in the past five years.

Mr Spry interjected.

The DEPUTY SPEAKER — Order! The honourable member for Bellarine is testing the patience of the Chair. I ask him to be quiet.

Ms ALLAN — Of the 4 per cent who did make a claim the total paid out by insurers has equalled only 3.5 per cent of the total premiums paid to insurance companies in one year. So quite clearly it is not the small sporting and community organisations that are causing premiums to increase. It is not a large amount of claims or money that has been paid out to these organisations that has led to the disproportionate increase in their public liability insurance which is impacting on many areas of the community.

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

Synchrotron project

Mr PERTON (Doncaster) — The matter I raise for the attention of the Premier is the concern in the business and scientific community regarding the viability of the synchrotron project. A growing body of press comment is emerging concerning the synchrotron project. On the Crikey.com web site this week an allegation was made that the project was already 18 months behind schedule without a sod having been turned. Financial advisers who will help source the $57 million in private sector money needed to complete construction have been appointed more than 10 months after the initial announcement. The press release for this was put out at the unusual hour of 6.00 p.m. on a Friday.

The contract will include work on the financial model for the project, encompassing whole-of-life costs; demand analysis, including identifying potential users and commercial opportunities; funding options and business planning based on them; risk costing and profiles; options for private sector involvement; and governance — in other words, none of this has been done. In January James Kirby of *BRW* tore the government's project to pieces and said:

> The synchrotron might be an exciting project but close inspection reveals a lack of accountability on the part of the Victorian government and a surprising lack of support for the project, even in the technology sector.

Tony Cutcliffe, the chief executive of the Eureka Project, has said it is 'a giant leap of faith to say this is the best use of public money'.

Brian Spicer, emeritus professor of physics at the University of Melbourne says, 'I am concerned about this project because I find it hard to see who will use it, apart from the medical science people. These are expensive facilities with huge maintenance costs'.

The Australian Chief Scientist, Robin Batterham, has acknowledged that 'There is potential to build real value. How long will it take? I cannot answer. Five years, 10 years … this project is at the brave end of the spectrum'.

Ignoring the question of the $2 million the state government wasted on the withdrawn bid for federal government funding, the millions wasted in Queensland and New South Wales on their bids and the $50 million in federal funding forgone by the minister, I refer the Premier to the answer he gave to a question on notice regarding the other $57 million. The Premier said that financial and commercial considerations will be second in line — in other words, the appearance of the building is more important than who will use it, who will pay for it, what call there is for it to be built and what the return on investment will be.

I call upon the Premier to release the business plan underpinning the government's decision to build the synchrotron and the evidence that the building will bring 700 new jobs, and to explain on what basis the government asserts that any Victorian company will use this facility.

Housing: tenant advocacy program

Ms BEATTIE (Tullamarine) — I wish to raise a matter for the Minister for Housing. I am asking that the minister take action to protect the rights of public housing tenants in my electorate of Tullamarine, and indeed public housing tenants Victoria wide. After 1997 public tenant participation in community matters and decision making was at an all-time low after the previous government slashed funding to tenant groups.

The Labor government was elected with a commitment to restoring tenants' voices in the public debate, unlike the honourable member for Polwarth, whose voice always rises after dinner. We seek a commitment to restoring tenants' voices in the public debate and providing more assistance to build strong local communities.

During Housing Week in my electorate of Tullamarine, and indeed in Sunbury, acknowledging the good work of the Sunbury housing group, the Office of Housing gave us a $2000 grant and we had a big barbecue on the village green. There were real clowns and jugglers there — not the sorts of clowns we have in this house but real clowns — doing tricks and getting into it with the public housing tenants and their children. It was a wonderful day that included all the community, and it was great to see local people there supporting public housing tenants.

To help deliver on the commitments of the Bracks government the government implemented the public housing advocacy program in July 2001. What a great initiative that was! This government has increased funding for that new program by $1 million to help increase tenant involvement in decisions affecting their lives and to encourage participation in community-building activities like the annual Housing Week celebrations. Once again I congratulate the minister on her initiatives. As I said, as part of Housing Week the Victorian Public Tenants Association hosted a tenant forum on 15 April. That forum included guest speakers and workshops for tenants on important matters such as security, safety, maintenance, landlord–tenant relationships and other issues. I know that members on the other side of the house have no belief in public housing. They have a dog-eat-dog attitude. They cut funding and are happy to see funding slashed.

Rail: Geelong–Warrnambool line

Mr MULDER (Polwarth) — I raise a matter for the attention of the Minister for Transport. The action I am seeking is for the minister to fund the urgently required upgrade of the rail line between Geelong and Warrnambool. In an article in the *Geelong Advertiser* on Friday, 5 April, the minister stated:

> The government was addressing the track condition and looking to list the works in future budgets — possibly this year.

Not 'possibly this year': this line must be upgraded this year. Complaints from rail passengers using the Geelong–Warrnambool line range from 'This is a rough ride' to 'It's almost like being on a stage coach heading into the west' and 'It's a ride from hell'. People who are moving from the snack car at the rear of the train are spilling coffee over themselves and over other passengers. They are bracing themselves to prevent themselves from falling and are suffering travel sickness in certain circumstances.

I understand that the complaints at this stage surround passenger comfort, but there are fears that this may further develop into passenger safety if the condition of the rail line continues to decline.

The only thing holding up the upgrade of this line is the fact that the Minister for Transport is sitting on a contract between his department and Freight Australia. He has been sitting on this contract for two years and has done nothing to resolve the matter. The previous Kennett government spent $10 million upgrading this line between Geelong and Warrnambool by welding a line through the entire track. What is needed is a stabilisation of the ballast and a realignment of the entire line. If that work is done, passengers on that line will have a very comfortable and safe ride. I call on the minister to provide the funds in the next budget to upgrade the line.

Local government: proportional representation

Mr CARLI (Coburg) — I seek action from the Minister for Local Government on the issue of proportional representation systems for local government elections. As the minister is well aware, there have been fairly fierce local government elections in Victoria recently, and particularly in inner Melbourne. For example, in the City of Yarra, where there are multimember wards, we have seen fierce contests between Independents, Labor candidates and Green candidates. What we have also seen is the use, in that case, of the exhaustive preferential system of voting, which means essentially that it is a winner-take-all situation, so that through the exhaustive preferential system candidates who often get very few votes but who are linked to candidates who get a lot of votes will often get elected.

The voting system does not reflect the vote of the community. Many councils are seeking or would seek a proportional representation system, so I ask the minister to take administrative action to ensure that proportional representation is an option for local government elections where there are multimember representations. Certainly what we have at the moment is a winner-take-all situation, and in the City of Moreland which I represent in the seat of Coburg, Labor did extremely well — it got 9 out of 10; the Greens got 1 out of 10. When you look at the vote itself you see that it does not actually reflect the will of the community where the Independents polled well, the Greens polled well and Labor clearly polled very well, and a proportional representation system would give a much broader representation within the council. It would certainly give Independents an opportunity also to enter the council.

Clearly, it is the choice of local government to decide which system is available, but currently multimember electorates — for example, in the City of Yarra — are forced to use an exhaustive preferential system. It is not a system which gives all candidates and the community the chance to seek an equitable representation. Essentially, the grouping that gets over 50 per cent, instead of getting a share of, say, three members for the ward, gets the entire three members. It is a system which does not particularly assist any group in that area, and clearly, if we are to continue to see, as we no doubt will, very strongly fought elections in inner Melbourne and different political groupings, it is important that we have a system which gives a strong democratic representation, and I think that is proportional representation.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The honourable member for Mordialloc has 2 minutes.

Libraries: funding

Mr LEIGH (Mordialloc) — I wish to raise the matter of the appalling behaviour of the state Labor government in the seat of Carrum. We have already heard tonight about the appalling crime statistics, police being used as revenue raisers and crime being out of control in that area. What we have now is another scandal where the state Labor government is donating hundreds of thousands of dollars to the Portland electorate for library funding.

Ms Campbell — On a point of order, Deputy Speaker, the honourable member did not identify which minister he wished to take action.

The DEPUTY SPEAKER — Order! The honourable member has a minute or so to identify the minister.

Honourable members interjecting.

Mr LEIGH — If you want to play this game we will do it, too! Can I say to the minister responsible for library funding, and unfortunately the coward is not here, that the people of Portland — —

Ms Lindell — On a point of order, Deputy Speaker, I do not believe there is a minister responsible for library funding, let alone whether that minister —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr LEIGH — The honourable member wants to raise frivolous points of order because she is aware that her community will not get library funding.

Ms Lindell — On a point of order, Deputy Speaker, the honourable member for Mordialloc called the minister a coward. Since the minister is not here and has no right of reply of his own, I ask the honourable member for Mordialloc to withdraw that remark.

The DEPUTY SPEAKER — Order! The honourable member cannot ask for a remark to be withdrawn on behalf of the minister. I did not hear the honourable member for Mordialloc say that.

Mr LEIGH — Because their local member thinks they all vote Liberal, the poor people of Carrum and Patterson Lakes are not getting the library facilities that they are entitled to. This member is so incompetent that she cannot get library funding, but the Leader of the Opposition can get library funding for the Portland electorate from the Minister for Local Government. I guess we would like to see the Leader of the Opposition come in — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired, as has the time for raising matters.

Responses

Mr LENDERS (Minister for Finance) — The honourable member for Murray Valley raised for my attention the issue of public liability insurance available in his electorate. The honourable member has raised a very serious issue, and I appreciate his comments on the ministerial statement I made in this place some weeks back.

Firstly, I will take the house and the honourable member through some of the public liability insurance issues that this government has been addressing with some urgency. However, one issue I take exception to is the honourable member's statement that this government has been procrastinating. On the contrary, this government has led the way in this country in dealing with the important issue of public liability insurance.

The honourable member for Murray Valley raised a number of issues. Firstly, as he correctly alluded to, on 27 March the nine Australian governments got together at a forum in Canberra, which was convened by the federal minister, Senator Coonan, to deal with the issue of public liability insurance. That issue dealt with seven specific areas which the Victorian government was instrumental in pushing forward. Some of these areas were changes to tax laws regarding structured settlements, reforms to claims costs and amendments to the Trade Practices Act and the various state acts that deal with high insurance claims.

Another area was group buying schemes. In Victoria we take particular pride in leading the way by putting in place a group buying scheme for public liability insurance. The Victorian state government, in conjunction with the Our Community group and the Municipal Association of Victoria, has put in place a scheme for not-for-profit organisations. This scheme deals with a number of the issues addressed by the honourable member for Murray Valley. Not only did the government put this scheme in place, but it has also been copied by other jurisdictions, because it is one of the first glimmers of hope for not-for-profit organisations in this country.

Mr Spry interjected.

Mr LENDERS — I invite the honourable member for Bellarine, who is barking in an inane fashion across the chamber and treats the issue of public liability insurance as a bit of a joke, to go to the web site www.ourcommunity.com.au and actually get the application form — the expression of interest form — for this form of insurance, which is now — —

Mr Spry interjected.

The DEPUTY SPEAKER — Order! The honourable member for Bellarine will desist! He is aware that interjections are disorderly. He is out of his seat, and I ask him to be quiet!

Mr LENDERS — A number of issues were raised by the honourable member for Murray Valley, and I again commend him for his interest in this area and his looking for solutions.

He argued that if state governments were to remove stamp duty from insurance premiums it would in some

way or other address the problem. Undoubtedly removing stamp duty from insurance premiums is something that a lot of people would like this state government to do, and in the example the honourable member for Murray Valley used of a community organisation, I think it was, whose premium went from $2600 to $30 000, the removal of duty would obviously offer some relief to that organisation.

However, the main problems that organisations are finding are, firstly, the exponential rise in premiums in hundreds if not thousands of percentage points, and secondly, and probably more importantly to the honourable member and his constituents, the issue of whether insurance is available at all. This government's agenda has been first and foremost to make insurance accessible and affordable, and in the longer term keeping those prices down is important to us.

I remind the honourable member of two other instances. Firstly, to make public liability insurance more attractive this government has tried to address the issues and make insurers lead the field. We have done this through the scheme we have in place with the Our Community organisation. Secondly, the government has put two rafts in place to deal with risk mitigation: one is a $300 000 package for community organisations, including arts and sports groups; the second is an amount of $100 000 to deal with adventure tourism, which was due to the active lobbying of the honourable member for Benalla in her work for her constituents.

In summary regarding the issues addressed by the honourable member for Murray Valley, the government is putting in place a series of sectoral packages to deal with insurance. The government has shown national leadership in dealing with insurance law reform, and that will continue.

The honourable member for Bendigo East also raised an issue of public liability insurance specifically relating to pony clubs in her electorate. The honourable member advised the house that she has received more than 40 letters from club members expressing their concern at the difficulty the clubs are having in renewing their public liability insurance policy come 30 June.

The honourable member for Bendigo East is an ardent lobbyist on behalf of her electorate. She tenaciously pursues ministers and government officials in this place to try to get answers for her electorate. She identifies problems, finds solutions and is incredibly hardworking. As I said, the honourable member has informed the house of the difficulties faced by pony clubs. As honourable members would be aware, pony clubs are strong community organisations. Last year was the International Year of Volunteers, and pony clubs are made up of volunteers.

Last week at the community cabinet meeting held in the Shire of Yarra Ranges I met with the leadership of the Pony Club Association of Victoria and some officials from my department to try to constructively find ways of extending the public liability insurance that they are concerned will lapse at the end of the financial year. The government is working with club leaders to bring insurers to the table so that they can continue their fantastic voluntary work in this community. The Pony Club Association has provided an example for all community organisations that are serious about getting insurance.

Mr Spry interjected.

Mr LENDERS — The association has gone out and sought the assistance of government and the insurance industry — and that in itself has been significant. Unlike the honourable member for Bellarine, who brays from the background, it is positively seeking solutions in this area. The government has gone through the clubs' organisational structures, their risk mitigation issues, their education of members and what they have done to address the concerns insurers have in issuing policies.

The Pony Club Association is a voluntary organisation. It has one part-time executive officer for the entire area. The government is working in a constructive manner, as we did with the Our Community organisation, to try to bring insurance back into this important field. The series of packages that we agreed to on 27 March at the ministerial summit in Canberra will assist in this area, but first and foremost state and federal governments, community organisations, insurance companies and local government must sit down together to deal with these problems and identify the main ways we will be able to assist.

My final point is that addressing this issue properly requires collaborative action by all governments. As the Minister for Finance, in every meeting with the insurance industry I have ceaselessly put forward its obligation, along with that of the state and local government, to assist in this problem, and it has been responsive. We have set up the heads of Treasury group, which is chaired by Adrian Nye from the Victorian Treasury, as part of a Victorian leadership initiative to get all the states and territories together to work on this problem. This is the way we address these

issues — sector by sector — and I thank honourable members for their interest.

The DEPUTY SPEAKER — Order! I call the Minister for Local Government to respond to a matter raised by the honourable member for Coburg. The honourable member for Mordialloc apparently attempted to raise a matter with the Minister for Local Government, but as he did not clearly articulate either what action he wanted or to which minister he wished his matter to be referred, I rule it out of order.

Mr CAMERON (Minister for Local Government) — I refer to the matter — —

Mr Leigh — On a point of order, I clearly sought advice from the minister as to what action he would take to fund the library in Carrum. I was not able to provide all the details in only 2 minutes, because the honourable member for Carrum tried to stifle me by taking frivolous points of order. I make the point that I seek from the minister an explanation of what action he proposes to take on behalf of the people of Carrum to fund the library facility at Carrum and Patterson Lakes when he is funding one in Portland.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. I listened carefully to the honourable member for Mordialloc. He did not address his matter to a specific minister, nor did he clearly ask for action.

Mr Leigh — On a further point of order, Madam Deputy Speaker, I sought library funding, which I think you well know is an issue for the Minister for Local Government. If you, Madam Deputy Speaker, sit in that chair during the adjournment debate and allow honourable members to make frivolous points of order — and the opposition generally speaking does not try to do that to government members — it is a bad thing to allow in this chamber. Unfortunately the honourable member for Carrum does not want the truth to come out, but no matter what you and the honourable member say, it will come out.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc is entering into the field of debate. I have ruled on his first point of order. His second point of order seems to me exactly the same as the first.

Mr CAMERON — The honourable member for Coburg raised the matter of local government representation and local elections and asked whether proportional representation would be administratively possible in the multimember wards. Proportional representation would clearly bring about a greater reflection of the local community at the local level, and if there are to be multimember wards, or indeed in some councils — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is too much audible conversation. I ask honourable members to be quiet so I can hear the minister.

Mr CAMERON — If there were proportional representation it would bring about that greater range of community views. That cannot be done administratively; it will require legislative change. It is a change which is sought by a great many people, including the honourable member for Coburg. Later in these parliamentary sittings we will be introducing legislation.

Madam Deputy Speaker, I have listened to the conversation between you and the honourable member for Mordialloc, and I would be more than happy to deal with that matter tomorrow.

The DEPUTY SPEAKER — Order! It was ruled out of order.

Mr Leigh — You should sit over there where you belong in this government, because that is what you are doing in the chair, and you know it. That is where you belong.

Mr Haermeyer — On a point of order, Deputy Speaker, that is a reflection on the Chair.

The DEPUTY SPEAKER — Order! The comments of the honourable member for Mordialloc are inappropriate. I ask him to withdraw his comments or apologise for his reflections on the Chair.

Mr Leigh — What comments? Would you like to refer to the comments?

The DEPUTY SPEAKER — Order! No, I do not wish to repeat them. They were clearly heard and I ask the honourable member to withdraw his reflections on the Chair.

Mr Leigh — On behalf of, I guess, the position of where you sit in this chamber, I withdraw, but I make the point that I believe it is — —

The DEPUTY SPEAKER — Order! I call the Minister for Police and Emergency Services to respond to matters raised by the honourable members for Carrum and Mornington.

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc should be aware that the Chair is on her feet. I ask him to respect the traditions of this house. The minister, to continue.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Mornington said there were some 20 to 30 retired police members waiting to rejoin the force. He expressed some concern about delays in them being able to rejoin. I will certainly investigate that. It is a reflection of the fact that not only are there record numbers of people wanting to join Victoria Police at the moment — we have had some 80 000 responses to the recruiting campaign — but also that since this government came to power there has been a significantly reduced attrition rate.

That has to do with the additional police we have been putting back into Victoria Police, with better equipment, and with a whole variety of factors, including a better system of police discipline and the binding right of appeal to an external body. It also has to do with the fact that we have given them a decent pay rise, and that we are paying them a decent amount of money. In the last pay rise they received 3 per cent a year over three years. It was a fairly miserable sort of pay rise, which was ultimately paid for through a managed attrition program, because to get their pay rise they had to cop cuts in numbers.

The government and Victoria Police are very keen to get back the experience of some of the officers who left the force in those fairly dark years. I will take up the concerns raised by the honourable member for Mornington with the chief commissioner, and he will get a fulsome response.

The honourable member for Carrum raised a concern about what I agree is a fairly shameless beating up of crime statistics and injection of fear into the local community by the honourable member for Mordialloc. It is quite clear that in the article the honourable member for Carrum referred to the comments made by the honourable member for Mordialloc were comprehensively debunked by Inspector Nevitt of Victoria Police.

Mr Leigh interjected.

Mr HAERMEYER — The police whom I ordered to do it? That is an appalling reflection on Inspector Nevitt.

An honourable member interjected.

Mr HAERMEYER — He does not understand the separation of powers.

The DEPUTY SPEAKER — Order! The minister should not respond to interjections, nor should the honourable member interject.

Mr HAERMEYER — Inspector Nevitt has certainly debunked the nonsense put out by the honourable member for Mordialloc. However, I might point out that Victoria has the lowest crime rate of any state in Australia, being 21 per cent below the national average. Members opposite, especially the honourable member for Mordialloc, go around talking about being tough on crime. They sat on this side of the house and deliberately cut 800 police — —

Mr Leigh — On a point of order, Madam Deputy Speaker, with the greatest respect to the Minister for Police and Emergency Services, who seems to have a problem with the truth, all I did was take the statistics for 1999 to 2001 and release them. If he cannot cope with it, that is his problem, not mine.

The DEPUTY SPEAKER — Order! There is no point of order; that was a point in debate.

Mr HAERMEYER — Despite promising 1000 extra police, the former government cut 800. It is no wonder that we had a significant kick-up in the crime rate over that time. The government has only just got to the point of restoring the 800 police that the previous government took out. This government is turning the situation around. Having the resources to do something and having the morale in the police force, the chief commissioner has now outlined — —

Mr Smith interjected.

The DEPUTY SPEAKER — Order! The honourable member for Glen Waverley!

Mr HAERMEYER — The honourable member for Glen Waverley, who used to hang around on the 10th floor of Victoria Police headquarters like a bad smell, knows absolutely nothing about the separation of powers.

I have some difficulty with how one gets tough on crime when one cuts 800 police out of the police force. We hear a lot of talk from the other side about lenient sentencing, but how are you going to get the crooks to the courts if you do not have the cops to make the arrests? It has me baffled.

I am relieved that we now have two policy commitments from the opposition. This is its idea of

being tough on crime and being a law-and-order government. The first policy commitment is that the Liberal Party will allow people to drive up to 10 kilometres an hour above the speed limit. That is a really good one; that is brilliant.

Mr Leigh — On a point of order, Madam Deputy Speaker, the minister is misrepresenting both the Leader of the Opposition and me. The only thing we are seeking is to have the 10 per cent tolerance put back, in exactly the same way as Bob Carr's Labor government and the South Australian government have done. He should stop misleading people! He is not telling them the truth — and he is not capable of it.

The DEPUTY SPEAKER — Order! There is no point of order. The minister was not referring to anyone by name as I heard him; he was making general comments.

Mr HAERMEYER — The second policy the Liberal opposition has now announced is that it is going to get tough on graffiti. It is going to stop young people from getting their drivers licence for two years for the heinous crime of writing graffiti! In response to 421 people dying on the roads the opposition thinks, 'Well, that doesn't matter. Police shouldn't be worrying about that. There are too many police out there trying to stop people from speeding'.

Mr Leigh — On a point of order, Deputy Speaker, one of my local businesses has a $3000 graffiti bill against it. The minister may think that is frivolous; I do not.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc knows as well as I do that that is not a point of order. The minister, concluding his response.

Mr HAERMEYER — The opposition does not want to get tough on the road toll, but it wants to get tough on graffiti. I agree that graffiti is a problem — it is a problem to businesses and it is a problem to property owners — but let us get our priorities right: the first prerequisite of any approach to law and order has to be police on the streets. That is something the Liberal opposition never did, and we know what it will do if it ever gets back into government again — it will cut police numbers!

Ms PIKE (Minister for Housing) — I thank the honourable member for Tullamarine for raising the issue of the voice of public housing tenants and how the government can facilitate their participation in decision making and encourage them to advocate on their own behalf to ensure that they live in high-quality public housing. The government is certainly very committed to ensuring that public housing tenants are well represented, that they have access to advocacy and that they are able to participate fully in the decisions that affect their own lives and those of their communities.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask members to cooperate with the Chair so that we can conclude the adjournment debate at a reasonable hour, but I shall not allow it to continue with this level of interjection.

Ms PIKE — Thank you, Deputy Speaker.

Mr Wynne interjected.

The DEPUTY SPEAKER — Order! The honourable member for Richmond!

Ms PIKE — In August last year the government actually provided the Victorian Public Tenants — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I again ask the honourable member for Richmond and other members to cease interjecting.

Ms PIKE — In August last year the government provided the Victorian Public Tenants Association with nearly $500 000 of funding over three years to commence formal operations and to employ staff. These voluntary tenant groups do an enormous amount to support and enhance their local communities. It is one thing to pay attention to the bricks and mortar — and let me reiterate that the Bracks government is building more housing and is providing more accommodation for Victorians than has ever happened before — but we are also ensuring that people live in sustainable communities; and part of having a sustainable community is having active tenant participation in the life of that community and giving people a say about things that affect their lives.

I am very interested in establishing a statewide advisory council of tenants which will be formally involved with the Office of Housing and will give advice on policy matters. I am also very interested in providing a structure through which government can get better feedback about the way that services are delivered to tenants.

It is fascinating that honourable members on the other side are raising questions about the performance of this government in the area of public housing. This

government is the first government in over 10 years to put additional resources over and above the commonwealth–state housing agreement into public housing.

This government is the first government to resource and encourage the participation of tenants — unlike the previous government, which dismantled every single semblance of decency, advocacy and opportunity for participation that tenants had by defunding tenants groups and deliberately stripping them of a voice, deliberately demoralising them, deliberately marginalising them, deliberately stigmatising them, deliberately undervaluing them, and ensuring that they had no meaningful place in the future of decision making.

I am very proud of the Bracks government's record to date in the area of public housing. We intend to do a lot more, because we are absolutely committed to the provision of affordable housing. We consider our public housing tenants to be enormously valuable members of our community, and we will work extremely hard to give them the opportunity to give voice to that value.

Ms CAMPBELL (Minister for Senior Victorians) — The matter raised by the honourable member for Knox about a constituent issue will be forwarded to the Premier, as will the matter about the synchrotron, which was raised by the honourable member for Doncaster.

The honourable member for Geelong raised a matter for the Minister for Sport and Recreation in another place about the importance of the Greater Geelong City Council getting actively involved with the state government, which has quickly invested $1 million in the Geelong Arena basketball stadium. I will be making sure that the minister contacts the council in relation to that matter.

The honourable member for Polwarth raised a matter for the Minister for Transport, and I notice that he is not even here to listen to the response. That will be referred to the — —

Mr Leigh — On a point of order, Madam Deputy Speaker, there are many members of this chamber who are frustrated that most ministers do not come in to respond. Why would you bother when half the time these clowns do not come in — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is no point of order. The minister, to conclude.

Ms CAMPBELL — The Minister for Transport will no doubt give the matter raised by the honourable member for Polwarth the due consideration it deserves, given that he is not here in the chamber.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.57 p.m.

Wednesday, 17 April 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PETITION

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

Libraries: funding

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 respectfully requests:

> that the Victorian government immediately invest substantially more in public library services for the benefit of all Victorians;
>
> that the Victorian government increase funding to public libraries for the purchase of books;
>
> that the Victorian government increase funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas.

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

By Mr LUPTON (Knox) (444 signatures)

Laid on table.

CONSTITUTION (PARLIAMENTARY TERMS) BILL

Introduction and first reading

Mr INGRAM (Gippsland East), by leave, introduced a bill to amend the Constitution Act 1975 with respect to the length of parliamentary terms and for other purposes.

Read first time.

Second reading

Mr INGRAM (Gippsland East) — By leave, I move:

That this bill be now read a second time.

The bill amends the Constitution Act 1975 to provide for fixed four-year parliamentary terms.

By removing the possibility that an election can be called at any time during the fourth year of the Assembly, this bill aims to bring greater certainty and stability to the benefit of the entire community and members of Parliament.

Fixed terms would facilitate better economic planning and policy implementation in the public and private sectors and would enable parliamentary committees to plan with more certainty. Another benefit is to provide a fairer democratic system that takes away the capacity for the government of the day to manipulate the timing of an election for its own political advantage.

This bill seeks to reach a balance between achieving a system that will encourage greater stability and certainty while recognising the need for some flexibility to dissolve the Assembly in exceptional circumstances.

Background and rationale

The charter that the three Independent members of the Legislative Assembly prepared following the September 1999 election sought a commitment from both major parties to amend the constitution to provide for fixed four-year parliamentary terms.

During discussions held in early October 1999, and in written responses to the Independents charter, both major parties agreed to amend the constitution to establish a fixed term of four years for the Legislative Assembly.

Since then the 54th Parliament has presided over two failed attempts to amend the Constitution Act 1975 to provide for a number of reforms including fixed four-year parliamentary terms.

This bill is a positive response to the lack of success in achieving reforms to date. This bill is limited to one issue on which everybody agrees.

Provisions in the bill

Section 8 of the Constitution Act 1975 enables the Governor to dissolve the Assembly early if:

> Three years have elapsed since the day of the first meeting of the Assembly after a general election;
>
> The Council rejects a bill of special importance;
>
> The Council rejects, or fails to pass within one month of its transmission from the Assembly, an appropriation bill for ordinary annual services; or
>
> The Assembly passes a resolution of no confidence in the Premier and the other ministers.

The capacity for the Assembly to be dissolved after three years is often used by the government of the day

to call an early election in Victoria. Speculation about whether the government will call an early election begins much earlier than that time — indeed, some pundits begin speculating about election dates as early as 12 months after an election. The three other circumstances provided for under section 8, which enable the Governor to dissolve the Assembly early, have very rarely, or never, been used.

Clause 4 of the bill removes the Governor's power to dissolve the Legislative Assembly at any time after three years has elapsed since the Assembly first meets after a general election. The three other mechanisms to dissolve the Assembly early — that is, no confidence in the government, rejected bill of special importance or blocked supply — are maintained.

Clause 5 substitutes a new section 38 in the Constitution Act 1975 to provide for a fixed day for the expiration of the Assembly. The new provision will require that the Assembly shall expire, unless dissolved early under section 8, 'on the fifth Saturday before the closest Saturday to the fourth anniversary of the day for taking the poll at the previous general election'.

The reason for this clause is that the Governor has up to 7 days from the day the Parliament has expired to issue writs for an election, and at least 25 days are required from the date the writs are issued before an election can be held.

Clause 6 inserts a new section 38A in the Constitution Act 1975 to deal with setting the election date of the Assembly. When the previous Assembly has expired the writs issued by the Governor must name the election day as 'the closest Saturday to the fourth anniversary of the day for taking the poll at the previous general election'.

The election day may, however, be delayed by up to three weeks to avoid public holidays, federal elections or other exceptional circumstances.

In the unusual event that the Assembly is dissolved early, the current provisions and time frames for elections following the dissolution of the Assembly as set out in the Constitution Act Amendment Act 1958 would apply.

The bill (except clause 7) comes into operation on the first sitting day after the next general election and will not impact on the duration of the current Parliament.

Clause 7 provides that the changes made by this bill will be amended consequentially on the passing of the Electoral Bill 2002. The commencement of clause 7 is linked to the commencement of the Electoral Bill.

I commend the bill to the house.

Debate adjourned on motion of Mr BATCHELOR (Minister for Transport).

Debate adjourned until Wednesday, 1 May.

MEMBERS STATEMENTS

Monash Freeway: barriers

Mr WILSON (Bennettswood) — I bring to the attention of the house the refusal of the Minister for Transport to allow Vicroads officials to meet with Mount Waverley residents to discuss proposed noise barriers on the Monash Freeway. The need for noise barriers on the Mount Waverley stretch of the freeway is well documented, and local residents eagerly await the commencement of the $5.75 million project. Current noise levels are seriously eroding the quality of life of the Mount Waverley residents whose properties abut the freeway.

My constituents wished to meet with Vicroads officials to discuss the noise barriers. I wrote to the Minister for Transport on 19 March 2002 and personally delivered the letter to the minister in Parliament. On 21 March an adviser in the minister's office contacted me to advise that such a meeting would not be appropriate. It is beyond belief that the Minister for Transport bans local Mount Waverley residents from meeting with public servants to discuss proposed expenditure of $5.75 million. Honourable members will be aware that Vicroads has a history of constructing faulty, inadequate or inappropriate noise barriers on Melbourne's freeways. The minister's actions will guarantee that the same will occur again in Mount Waverley.

Police: Oakleigh vehicle donation

Ms BARKER (Oakleigh) — It was a great pleasure to be present at the premises of Garry and Warren Smith Oakleigh on Tuesday, 9 April, when another new car was presented to Oakleigh police to assist them with their work with senior citizens in our local area.

This new car was presented to Senior Sergeant Mike Jenkins and Senior Constable June Plant of Oakleigh police by Mr Warren Smith and Dale and Leigh Smith. Also present to acknowledge this significant contribution to the local community by Garry and Warren Smith Oakleigh were District Inspector Brian Burton and Superintendent Trevor Parks.

Since 1994 Garry and Warren Smith Oakleigh have assisted the work undertaken by Senior Constable Plant in visiting, registering and providing a point of contact for senior citizens in the local community. Known as the senior citizens register, this very significant project has seen hundreds of local senior citizens given practical advice and assistance on safety and security in their homes, and there are currently over 1000 senior citizens on that register. The register is successful because of the strong commitment of Senior Sergeant Jenkins and the wonderful work by Senior Constable Plant, who has been the linchpin of the whole project.

I place on record the thanks of the Oakleigh community to Garry and Warren Smith Oakleigh, which has since 1994 worked in partnership with Oakleigh police to assist them in providing a very valuable service to older people.

I also thank Senior Sergeant Jenkins and Senior Constable Plant of Oakleigh police, who have continued their commitment to working with our local community in the Oakleigh area; and we are a lot better off with their presence at Oakleigh police station.

East Timor: fresh milk

Mr MAUGHAN (Rodney) — I wish to commend all those involved in a wonderful altruistic project to provide fresh milk for children in one of the world's newest war-ravaged countries, East Timor. Under a project that was convened by Kevin Ward of the Brighton Kiwanis Club, a dairy and milking machines were assembled and with 32 dairy cattle shipped to East Timor.

A group of calves from the Goulburn Valley was put together by Denis Wood on his property at Tongala. They were reared by the Geelong Christian College at Geelong and Ballarat, and then grown out and joined on Marie and Geoff Tinnings property at Tongala.

Kiwanis Club members from Echuca, Mooroopna and Shepparton, together with local tradesmen and milking machine technicians, dismantled a complete dairy and shipped it, together with milking machines, to East Timor. David Wood from Tongala accompanied the cattle on their journey by road to Darwin and then by boat to East Timor. Dhurringile farmers Robyn Tomkins and Brendon Read have volunteered to train East Timorese students to operate and maintain the dairy.

The project, which is estimated to be worth $500 000 in cash and in kind, exemplifies the very best of the Australian character, which is to help those less fortunate than ourselves. I express my admiration and appreciation to the many individuals involved in showing the East Timorese that we do care and that we are prepared to do something tangible to assist them in establishing their new nation.

Highlands Primary School

Mr HARDMAN (Seymour) — I rise to inform the house about the Highlands Primary School centenary celebrations and the opening over the weekend of the school's newly renovated hall. Highlands Primary School is a part of an extraordinarily strong community about 36 kilometres from Seymour and 20 kilometres from Yea.

At the weekend I had the pleasure of speaking at the centenary celebrations of the school. I was head teacher there in 1994 and 1995. The hall was renovated with the assistance of a government grant and with considerable effort by many committed members of the community. With the newly renovated hall, the Highlands has never looked so good; also, there is a park there now, and most of the roads are coming up to scratch. The school is in pristine condition. I have never seen it looking so great, which is a real credit to the strength of the community in getting behind the school.

The community is to be congratulated for its fantastic efforts. The fact that the community still has a school, despite the best efforts of the Kennett government to close small schools, and the way in which the roads and facilities have been improved, show the strength of that community.

I say 'Well done!' to the hall committee and 'Well done!' to the centenary organising committee, which had at least a couple of hundred people attend the school celebrations, when over its 100 years the school has probably had an average of less than 20 kids. It was a great effort, and I hope the school continues for another 100 years.

Government: performance

Mr ASHLEY (Bayswater) — It would be remiss of me not to acknowledge the influence of Irving Berlin upon my contribution this morning:

There's no business like Bracks and Co. business,
It's like no business I know.
Everything about it is self-serving,
Everything about it is so slow.
Parliament has lost that happy feeling,
While cabinet sniffs out that extra dough.

There's no people like Bracks and Co. people,
They smile when you are down.
They make you feel like turkey stuffed and sold,
As you are stamp-dutied into the cold

And tax whacked for a Treasurer's gold.
Still, let's go on with the go-slow,
Let's go on with the slow-mo.
Let's go on with the show.

The butcher, the baker, the grocer, the clerk
Are clearly unhappy folk,
Because the butcher, the baker, the grocer, the clerk,
Get slugged while they are kept in the dark.
So they'd gladly trade their investments goodbye
For a cameo role — and here's why.
If you get with the Bracks and Co. flow
You are a cert for a part in their show.

There's no business like Bracks and Co. business,
And I'll tell you it's so.
Then do we get on with the go-slow?
Do we go on with the slow-mo?
No, let's get shot of their whole dismal show.

Sacred Heart church, East Trentham

Ms DUNCAN (Gisborne) — I rise to speak this morning on the attempts by the people of East Trentham to save their local church.

Honourable members may have seen an article in the *Sunday Age* of 7 April last, which states in part:

> For more than a century, East Trentham's stately Roman Catholic church was the local community's heart and soul.
>
> It was built in 1890 with money from local farmers, the descendants of Irish migrants who settled the area in the 1840s.

The stated reason for proposing the sale of this church is the cost of repairs, estimated by a maintenance report to be about $309 000. The locals successfully negotiated a moratorium of four months on the sale of the church so they could prepare a business plan that would justify keeping it in community hands.

Local tradesmen and the local preservation committee estimate repairs and ongoing maintenance to be closer to $40 000. They are ready, willing and able to commit to a level of support to keep their church open. So far they have gathered 300 signatures, which is evidence of the level of support. I will write to Archbishop Hart to add my weight to their push to hang on to their church.

Anybody who has been to East Trentham on St Patrick's Day will be aware of what the church means to the area. I wish the people of East Trentham well in their endeavours and I hope Archbishop Hart will give the parishioners the opportunity to maintain their history and to continue to show their support for their local church, Sacred Heart at East Trentham.

Vicroads: OHS performance

Mr LEIGH (Mordialloc) — I speak about the chaos that is currently going on with the Melbourne–Geelong road: six months behind schedule; up to $120 million behind in payments that are necessary to build the road; and Vicroads has admitted that no occupational health and safety (OHS) people have been on the road for nine months. And what do the Minister for Transport and company do? Not a lot!

I call on the Minister for Workcover to undertake a serious investigation into the activities of Vicroads, not just on this project but also on other Vicroads projects, because I am assured that this is not the only project where OHS is being treated with utter contempt by this government. For a government that is supposedly interested in what happens with deaths in the workplace this is a classic example of, I guess, the poetry that was just recited by the honourable member for Bayswater. It is a do-nothing government. The Minister for Transport is a lazy minister who is not in control of the project — in fact, it is out of control!

If the Minister for Workcover wants to make a ministerial statement, perhaps it should be about the mess on the Melbourne–Geelong road and the reasons that occupational health and safety under this government is being treated with contempt.

Cr Barbara Abley

Mr LONEY (Geelong North) — I congratulate Cr Barbara Abley on her recent election as the mayor of the City of Greater Geelong. Cr Abley is the first woman to be elected mayor in the amalgamated city and, I understand, the first woman to hold the position of mayor of Geelong even under the previous council.

Cr Abley is a community-based person who hopefully will bring a much needed change of approach to civic affairs in Geelong. Geelong is desperately in need of a change from the high-rating, wasteful-spending, icon-driven agenda of the Liberal mayors of the recent past. A return to the provision of basic services, the addressing of ratepayer needs and ethical government is needed to ensure that Geelong can recapture its reputation as Victoria's best city. If Cr Abley can achieve this she will have achieved a tremendous stride forward for our city.

All councillors must support her in making this change, beginning with the task of making the council bureaucracy more responsive to its ratepayers — a task that was totally beyond the dumped mayor, Cr Kontelj. The damage caused by his reign must be repaired. I

wish Cr Abley well and look forward to meeting with her at an early time.

Year of the Outback

Dr NAPTHINE (Leader of the Opposition) — This year — 2002 — is the Year of the Outback. This is a real opportunity to promote rural communities and areas, particularly those outside our major cities in Victoria. Indeed, it is an opportunity to highlight the strengths and diversity of our countryside in places such as Dartmoor, Koroit, Casterton, Edenhope, Patchewollock, Wycheproof, Corryong, Omeo, Orbost, Mallacoota, Yarram and many more. Therefore I was surprised and appalled to learn that the lazy Bracks government has done nothing to join in the celebrations of the Year of the Outback.

On Monday I met with Mr Bruce Campbell, the founder and chair of the Year of the Outback, who advised me that New South Wales, Queensland, South Australia, Northern Territory, Western Australia and now Tasmania have all come on board with their premiers getting involved, with having a minister responsible for the Year of the Outback, and appointing full-time coordinators and steering committees to make sure that the Year of the Outback is celebrated within those communities.

But nothing is happening in Victoria. The Premier would not even meet with Mr Campbell when he was down here this week. The Premier of this state does not care about country Victoria. The Labor Party does not care about country Victoria. It does not understand the needs of country Victoria — and it certainly has dropped the ball on the Year of the Outback. I urge the Bracks government to advise who is the minister who will manage the Year of the Outback program. I urge the government to appoint a coordinator and a steering committee and to come on board with the rest of Australia — —

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

John Allely

Mr ROBINSON (Mitcham) — I record my sympathy to the family of Mr John Allely, who recently passed away. John was the director of Homestyle Products based in Thornton Crescent, Mitcham, a company which had established a very fine reputation as a poultry cuts processor.

John built the business up over the nine years in which he was a director, and particularly in the last three years, to the point where he doubled the company's turnover and doubled employment. He did it by carving out a niche in the industry, supplying many hotels and restaurants with high-quality poultry cuts. In particular he developed his own distribution network.

John Allely achieved much in his life despite a debilitating battle with cancer over a number of years which involved major surgery as recently as last year. He did not let that distract him; he was full of enthusiasm and optimism. Although he believed he was in remission, sadly the cancer struck again and he passed away last month. He will be greatly missed. I extend my deep sympathy to his family and his employees.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Shannon's Way Pty Ltd

Ms ASHER (Brighton) — I grieve for the state of Victoria and in particular for the culture of jobs for mates which has been developed by the Labor Party in recent times. If it is not Jim Reeves or James Cain it is Bill Shannon. You might ask, 'Who is Bill Shannon?'. He runs an advertising agency called Shannon's Way Pty Ltd, which ran the 1999 Labor Party election campaign. Bill Shannon is also treasurer of Progressive Business, which is Labor's major fundraising arm.

Of particular interest to me, and it is the matter I wish to discuss today, is that under freedom of information I have received a copy of an agreement for the supply of advertising services between the Victorian Workcover Authority (VWA) and Shannon's Way. It is a three-year contract starting on 14 May 2001 and going to 13 May 2004. Interestingly the contract was not signed by Bill Shannon until 5 September.

The contract is very broad and relates to strategic advice for Workcover, conceptual advice, campaign materials and advertising placements. The contract given by the VWA to Bill Shannon is particularly large. Beside clause 13 of the document headed 'Agency remuneration' there is a stamp with the words 'FOI text exemption'. The public has been denied access to how much this lucrative contract between the VWA, the government and Bill Shannon is actually worth. The opposition and the public are being denied 13 documents which have been either partially or fully exempted by the government from our quest to find out about the deal between this Labor mate Bill Shannon and the Bracks Labor government.

The reason the government has given for denying the public access to this information is the old commercial confidentiality. I turn to Labor's 1999 election campaign and remind members opposite that under its campaign slogan 'Restoring your rights' the Labor Party said:

> Labor will:
>
> Strengthen the FOI act.

It then goes on to say that Labor will:

> End the commercial confidentiality blanket that hides government contracts from the public.

End it? It is relying on it to stop the amount of money that Bill Shannon has received from the government being made available to the Victorian public. Furthermore, the government is also arguing that it is not in the public interest to release this material. This is a new twist on public interest! The government had the gall to argue before the Victorian Civil and Administrative Tribunal (VCAT), and I quote counsel Mr M. F. Fleming:

> No overriding public interest in releasing the documents exists.

There is an overriding public interest in releasing the documents simply so we can find out how much money this Labor mate has got from the government and the circumstances under which the contract was let.

I refer to the statement of evidence tendered to VCAT by Anne Randall, who is the director of marketing at VWA. In an extraordinary attempt to cover for Shannon's Way she argued:

> It would be unfair to, and disadvantage, Shannon's Way because it would disclose matters that are confidential as between Shannon's Way and the VWA. Contract terms providing for remuneration are typically regarded as commercial in confidence in agreements of this type

This is a bureaucrat within Workcover arguing for the government by saying that it would be unfair to Shannon's Way to disclose the amount of public money that this Labor mate has received. From the statement it is clear that Shannon's Way has consulted heavily with VWA on the matter of FOI.

I refer to a statement tendered to VCAT from Marie Ferris, who is the finance and administration manager of Shannon's Way, which clearly indicates that the VWA had consulted with Shannon's Way about which documents it would release to the public and which documents it would keep secret. Ms Ferris stated:

> Subsequently Shannon's Way was contacted by VWA officers and our views were sought in connection with three documents held by the VWA which were believed to be covered by the request —

that is my FOI request —

> but were Shannon's Way documents.

The Shannon's Way officer went on to say:

> The first was a 'credentials document' —

which Shannon's Way condescendingly consented to release. She then goes on to say that the only part of the documents:

> We —

meaning Shannon's Way —

> requested be denied access to were the details of remuneration to be paid by the VWA to Shannon's Way …

So right up front — absolutely brazen was this Labor mate — the government was requested to withhold details of payments from the government to Shannon's Way. She then goes on to say:

> It is Shannon's Way's opinion that disclosure of this information would be unfair, and disadvantage us as a business. It would be unfair to, and disadvantage, Shannon's Way because it would disclose matters that are confidential as between Shannon's Way and the VWA. Terms providing for remuneration are typically regarded as commercial in confidence in agreements of this type and Shannon's Way regards this information as strictly confidential between the parties in the present instance.

Further in this statement we find an amazing insight into this Labor firm, Shannon's Way, and how it views taxpayers' money. This person goes on to say that within Shannon's Way staff are required to sign confidentiality agreements as part of their contracts. She goes on to say:

> … the company treats information of this type as covered strictly by the requirement that it not, unless specifically authorised, be disclosed in any way to outsiders.

What an interesting term 'outsiders' is to use for taxpayers, and what an interesting term it is to use for the public. Shannon's Way refers to the public as outsiders. The public is outside this ALP club, which is now creaming off millions of dollars, it would appear, to Shannon's Way without any accountability to the public in terms of why this firm received the contract and how much money it actually received.

In terms of the facts of this contract, I wish to go through the documents I have been given. On 16 February 2001 Anne Randall, the director of

marketing of Workcover, wrote to Bill Shannon inviting his company to submit an expression of interest. That is a key question that needs to be answered. Why was Bill Shannon written to? Why was his company selected? It is a very small ad agency, some in the industry would even suggest a tin-pot ad agency. The critical question is: why was his singled out as one of the companies invited to express an interest in a very lucrative Workcover contract?

I go on to further documents. On 23 February 2001 Shannon's Way submitted what it termed its 'Credentials document' to the Victorian Workcover Authority for the advertising campaigns. It is this document which is particularly interesting. It contains a list of clients and states:

> Please feel free to contact any of these people for a first-hand opinion on our work.

These people are the Honourable Marsha Thomson, the Minister for Small Business in another place and — unbelievably — the Minister for Workcover. The Minister for Workcover is listed, and the document tells people to please feel free to contact him in terms of a contract being awarded by Workcover! We also see the Premier and Mr Tim Pallas, the Premier's chief of staff, listed as people those handling the tendering of Workcover could feel free to contact. This is an extraordinary way to conduct an expression of interest process. However, unfortunately it gets even worse in terms of the impact on the Victorian taxpayer.

When we come to the actual tender document dated 2 April 2001 — again it is signed by Bill Shannon, who wrote to Ms Anne Randall saying, 'Enclosed is our tender submission' — we see in the submission reference to Labor's 1999 advertising campaign, and a very nice picture of Steve Bracks — in the tender document for public money! — together with a list of referees. Who are these referees in the tender document? The first one is the Honourable Christine Campbell, the former Minister for Community Services. The second is Gary Weaven, who is listed as executive chairperson of Industry Fund Services Pty Ltd. The interesting thing about Gary Weaven is that he is president of Progressive Business, Labor's fundraising arm, and is providing a reference for Bill Shannon, the treasurer of Labor's Progressive Business. The whole thing stinks — the recommendations and the whole process.

I move on to make a couple of comments about the probity auditors, Paxton Partners. They, too, want their remuneration from government kept a secret. I note also that a principal of Paxton Partners, Ross Cooke, is being paid by the Minister for Health $420 an hour to administer the closed Mildura hospital — with no patients. The probity auditors are asking that their payments be kept a secret as well. I do not trust the probity auditors and I want the tender evaluation summary sheet, which the opposition has been denied.

There is a number of odd elements about this contract. One is that this very small company had to resort getting George Patterson Bates as a partner in the process, perhaps implying, which I certainly believe to be the case, that Shannon's Way has political access to taxpayers' money. But the really interesting thing is the advertising industry's view of this contract. I refer to a publication called *Ad News*, a respected publication in the advertising industry, dated 27 April 2001, and a little article headed 'Workcover "farce"'. This is what the primary journal of the advertising industry thinks about this contract:

> Melbourne ad agencies are disappointed to say the least that Bill Shannon, of Shannon's Way, won the Victorian government's $10 million Workcover account. Various agencies called the process of selecting government accounts a 'farce', a 'disgrace' —

I apologise for the language but it is in inverted commas —

> and a 'waste of bloody time'.

It then goes on to point out:

> Shannon did work for Bracks, before he became premier.

That is what the advertising industry thinks of this particular tender process.

I call on the Premier to hand over all of the documents relating to these Shannon's Way contracts that he is hiding. This is only the first Victorian Civil and Administrative Tribunal case of four regarding Shannon's Way. The firm has received a number of particularly lucrative contracts from the government. I call on the government in the public interest to release the details of all of its deals with its Labor mate, Bill Shannon.

Hazardous waste: Dutson Downs

Mr RYAN (Leader of the National Party) — I rise to grieve for Gippslanders with regard to two issues which are of pressing concern in our most magnificent area of the state. The first is Basslink, which of course is an issue that has received plenty of comment in this Parliament. It will be an issue for another day. The other, upon which I want to concentrate today, regards the proposals by the current Labor government to use the site at Dutson Downs for the purpose of establishing a waste facility. The proposal is presently under the

auspice of the Hazardous Waste Siting Advisory Committee, which was established by the current government in March 2001. It was a successor to a committee which had been conducted by the former government. When the hazardous waste siting committee, as I will term it, was established it set out to accommodate three primary issues with regard to hazardous waste. Its intent was to find new locations within Victoria to where hazardous waste can be conveyed to accommodate industry needs in particular.

Three stages are set out in the process being accommodated by the hazardous waste siting committee. The first is the establishment of a soil recycling facility. The second is the establishment of repositories aimed at enabling safe and appropriate storage and effective retrieval options for hazardous waste for which alternative technologies for treatment are on or near the horizon. The third is the establishment of long-term containment facilities aimed at safe and appropriate storage for hazardous waste requiring long-term and possibly indefinite storage due to the unavailability of appropriate treatment or reuse technologies. They are the three basic stages this committee is investigating on the storage of hazardous waste in Victoria.

For the first of these three stages the committee called for nominations of potential sites around Victoria, which is another instance of the government of the day failing to govern. Rather than going about its appropriate role of directly managing this matter it has handed across to the hazardous waste siting committee the unenviable task of calling for nominations from different locations around the state to host this facility.

In passing, in relation to a series of most-asked questions, a document appears on the web site that asks what are the risks of pollution of ground water and Port Phillip Bay. With great respect to the committee, in its initial work it obviously has a great concern to accommodate the concerns expressed in metropolitan Melbourne but not so much insofar as country Victoria is concerned.

On 2 November last year seven operators nominated 11 potential sites which could fulfil the goals of the hazardous waste siting committee. One of the nominees was Gippsland Water. Gippsland Water is a statutory authority which has responsibility for general water administration in the urban areas of the Gippsland region. In its submission of interest provided on 2 November 2001 it describes the site in Dutson Downs in the following terms:

> Gippsland Water freehold title accounts for approximately 50 per cent of the area of Dutson Downs — including the area proposed for the soils facility — with Crown land vested in Gippsland Water making up the majority of the balance. Unalienated Crown land and made, unmade and closed government roads account for the balance of the land.

In essence, this area encompasses some 8000 hectares located at a point about 250 kilometres east of Melbourne. As I have said, it is located in magnificent Gippsland in a truly beautiful part of our state.

In the course of its submission Gippsland Water, to its credit, made it perfectly clear that it is not only stage 1 dealing with soil recycling in which it is interested. The executive summary of its submission states:

> It is our aim to operate at the top end of the waste management hierarchy and we have commenced a major upgrade program at the site, which, under the new name of Resource Recovery Facility, will reflect best practice. Accordingly, this submission offers the Dutson Downs site as the location for a new soil treatment and recycling facility, a short-term repository facility, and a long-term containment facility.

It goes on to give descriptions of its capacity to fulfil the three roles contemplated by the committee's work. It does not want only the first level of soil recycling, which constitutes about 30 per cent of the hazardous waste issue.

Page 5 of the submission states:

> During phase 1 of the site development, contaminated soils and low-level contaminated soils will be treated —

and they go on to talk about that. Then the submission refers to phase 2 of the site and states:

> Phase 2 of development of the site will be to provide a short-term repository for soil residuals and other hazardous wastes enabling storage until suitable treatment technologies are developed.

That terminology bears a remarkable resemblance to the second of the three processes outlined in the proposals initiated by the hazardous waste siting committee. The submission continues:

> Phase 3 of the development of the site will be a secure long-term containment facility for stabilised or encapsulated waste materials for which destruction is not feasible and for which no treatment process currently exists.
>
> The facility is likely to be a concrete box-like structure above ground. Wastes would be segregated according to type and hazard, and a comprehensive monitoring and maintenance system provided.

In turn, those words closely pick up the verbiage used by the committee in its third stage of the process outlined on its web site.

The location at Dutson Downs is now one of the remaining three under consideration by the hazardous waste siting committee — Dandenong, Deer Park and Dutson Downs, which all goes to show that if the name of the place commences with a D you are in deep trouble!

We understand that Dandenong has been effectively ruled out and we are now talking only about Deer Park and Dutson Downs. The people of Gippsland do not want this hazardous waste site located in Gippsland. This matter should be looked at not only on the basis of this being the recycling plant. To its credit, Gippsland Water has made it clear that it wants the whole box and dice. It believes it can make a business out of this issue and it wants all three aspects of the facility located on site at Dutson Downs.

I am here to tell the house that Gippslanders do not want the facility to be located at Dutson Downs for a variety of reasons. Firstly, the location is immediately adjacent to the magnificent Gippsland Lakes. Lake Coleman is within the boundaries of Dutson Downs — it intrudes into the boundaries of the area of Dutson Downs which is actively under consideration.

Secondly, the location is between two wetlands areas which have international recognition. Again, it is quite inappropriate to locate the facility there. Thirdly, issues of water pollution arise. On a daily basis we hear about problems with the Gippsland Lakes, particularly over water degradation. Myriad issues exist with that important topic. In my view, what is proposed here represents a realistic threat to the issue of water pollution to both the Gippsland Lakes and the adjoining wetlands areas. Dutson Downs is located only about 5 kilometres from the ocean, which is a further factor involved.

Fourthly, dependence is being placed on a ground water study which was undertaken in the 1980s. There is not sufficient currency of information regarding those issues. In ground water matters generally there are enormous issues to contend with in Gippsland even as it is. We are already contending with the issues of subsidence arising from the offshore operations of the oil industry and the operations of the power industry in Latrobe Valley, the way in which the degradation or the aquifer system is being affected by those matters and the consequent impact upon Gippsland at large, not only the agricultural pursuits but the communities generally and the prospect that has at least been specified by people in various circles of the impact upon the coastline levels of Gippsland.

It is not a matter of probability, rather it is a question of concern in many people's minds. This issue is now being thrown into the mix in circumstances where ground water is of grave concern to Gippslanders. There is the further issue of the financial viability of the whole thing from the perspective of Gippsland Water. There is not enough detail available in the marketplace in relation to that. Gippsland Water has indicated that it will need partners to enable it to do what it wants to do on site, and that matter remains unconfirmed. Then there are other associated issues, including the prospect of this facility being established in an area which, on any view, is environmentally sensitive. As I have already indicated, it is not only a question of the Gippsland Lakes, it is also to do with the associated location of the wetlands and the immediacy of those very delicate environments.

Then we have the tourism industry. Gippsland is famous for its tourism industry, and governments of all persuasions have spent an enormous amount promoting this wonderful part of our state. We now have the prospect of a waste facility being located in the Dutson Downs area in Gippsland. Remarkably in the course of a public briefing about this only a few weeks ago in Sale, someone — not a member of the hazardous waste siting committee but an officer of a department, the nature of which I am sorry I cannot confirm — trotted out the fact that this could be a tourist attraction, that you could develop a hazardous waste dump and make it a tourist attraction. Isn't that an absolute ripper, Mr Speaker? Wouldn't it look great on the brochure? How would the photograph look, for example? Can you imagine it? You can just see those glorious pelicans sitting on top of a great concrete box housing hazardous waste. What a great seller. What a great way of alerting people to the beauty of Gippsland!

This absolute dill stood up and had the temerity to say in front of 100 people that they could use this as a tourist attraction. My God, you have to wonder! That is the train of thought that is hunting around in government ranks at the moment. It is absolutely ridiculous. But I will tell you the topper.

An honourable member interjected.

Mr RYAN — The interjection is that it was from Gippsland Water. I have to say, in fairness to the government, that that makes it even worse, but on the other hand it increases the pressure on the government to treat that comment in the way it ought to be treated. That truly is a comment which represents hazardous waste! I will tell you the topper though, Mr Speaker: the RAAF base at nearby East Sale uses Dutson Downs as a bombing range. Now I want to be fair to the

RAAF, and I can tell you that they hit what they are aiming for just about every time. But history would say that every now and then there's a slip betwixt cup and lip, as it were, and they do not quite make it. Who in their right mind would conceive of putting a hazardous waste plant in a bombing range? You may well ask, and I ask the question rhetorically.

This is an issue that will come back into the hands of government members. In the end, whether they like it or not, this is an area where they are going to have to make a decision, because while I appreciate that the nimby principle applies here, that I am in Parliament saying, 'Not in our backyard', the fact of the matter is that of all the places you would want to put a hazardous waste site, you would not put it here. In the end this committee is going to report to the government, which will have to make a commitment and a decision on it. I grant that it is a hard decision, but in terms of ruling out this location, it is not difficult at all.

This is absolutely as plain as a pikestaff. You do not put a hazardous waste site in the middle of a bombing range in Dutson Downs in magnificent Gippsland. It simply does not work, and they ought not do it. When the government comes to make its decision about this I hope that for once it gets this decision right and rules this nonsensical suggestion out of court.

Women: Liberal Party policy

Mrs MADDIGAN (Essendon) — I congratulate the Liberal Party on its contribution to the comedy arts today. First we had the poetry and then we had the fantasy story. I grieve for those residents who find sexist advertising in public places unacceptable. I particularly grieve for Liberal Party supporters, who may have hoped for some leadership from their party in this area but who have been sadly disappointed. The release of the *Portrayal of Women in Outdoor Advertising* report last week brought comment from a very wide section of the community, both in Australia and overseas. I will refer to that later. The great exception was the Liberal Party, from which there was a stony silence. The Liberal Party once again was silent on women's issues.

The Liberal Party is indeed a policy-free zone in the area of women's policy, as it is in most other policy areas, which I will refer to later. In fact, as I stand here I cannot recall any matter raised in this Parliament relating to women's issues or policy from the Liberal opposition. I am not even sure if it has a spokesperson for women's affairs, because we have certainly never heard from one in this place.

Mr Spry — It's probably a man.

Mrs MADDIGAN — I had the privilege of chairing the portrayal of women in advertising subcommittee set up by the former Minister for Women's Affairs, the Honourable Sherryl Garbutt, and released last week by the current Minister for Women's Affairs, the Honourable Mary Delahunty. Both these women are excellent role models for young women in leadership roles and excellent examples of what they can achieve. The work of this advisory committee extended over some time, and I congratulate its members on the outcome.

They were Tonya Roberts, a broadcaster from ABC Radio — those who listen to the radio on Saturday morning will know of her — who has recently completed some research on the portrayal of women's sport; Christine Barnes, the former managing director of Whybin TBWA, a Melbourne advertising agency, and a founder of a women in advertising networking group; Phil Treyvaud, who was previously an outdoor advertising manager and is a past Victorian chair of the Outdoor Advertising Association of Australia; Jo Pearson, who is director of media strategies and well known to television viewers of the news from previous years; Brandon Mack, the manager of public transport projects, Department of Infrastructure; and Lauren Reader, from the Office of Women's Policy, who was the committee's executive officer.

This committee met over a period of time and took part in a fairly extensive process, which I will relate in a moment. But firstly I would like to thank those members for the great work they put into that committee. Many of them undertook extra work beyond what they are required to do because of their interest in the topic, and all contributed very greatly to the preparation of this report.

We wanted this report to be about the community, and we wanted to give the community the opportunity to express its views. The terms of reference required the committee to provide recommendations to the Minister for Women's Affairs on the impact of outdoor advertising on community perceptions of women and strategies to improve the representation of women in outdoor advertising.

A discussion paper was prepared and put out for public comment. I must say I was surprised at the great response to that discussion paper. We had many, many submissions — in fact over 60 — including some from important women's groups and important advertising groups. I was also particularly pleased to see that a number of schools made submissions, including

Buckley Park Secondary College and Niddrie College. It was very good to have young women participating in such a project again.

The reason for setting up the committee was threefold. Partly it was to fulfil a pre-election promise made by the Bracks Labor government, based on the Victorian women's policy plan, which was its forward plan for 2002–03. I am glad to say the government has already achieved many of the programs outlined in this, and there has been a later document outlining future programs for women. At the launch of the second report I know that the women present were very pleased with what had already been achieved by this Parliament in relation to women's issues.

Following the receipt of the submissions we held a forum in Melbourne with advertising representatives. About 25 people from advertising agencies attended, including outdoor advertising agencies and general advertising agencies. We also had some market research undertaken. It was interesting to see that the market research, which involved groups that had no particular interest in this subject, came up with almost exactly the same views that we found through the public submission process.

This also came about because of the complaints made to the Minister for Women's Affairs about some of the outdoor advertising that was seen in Victoria two years ago. I will not bother to name the companies that were involved, but honourable members would recall that it attracted significant media attention, as well as a number of complaints.

The third area which had an impact on the study related to the Women's Petition. As honourable members will recall, last year the Women's Petition was presented to this house as part of the centenary of Federation celebrations. This petition was drawn up after a number of consultations with most local government areas and was auspiced by local councils. I think there were only three or four in Victoria that did not participate. From that there came a number of issues that women identified as being important to them. They were all brought together from the various meetings that were held in the local government areas, and the most important ones were tabulated. One of those related to the portrayal of women in advertising, particularly in relation to body image. So there was a clear view that there was a problem in this area.

After the submission and discussion process the committee identified a number of key issues in the community. The first one was about the choice to view. A number of people said, 'Why are you looking at outdoor advertising?'. A number of people saw it as being different to other advertising, because you cannot actually turn it off. It is out there in the public arena so everybody can see it. If you do not like the advertising on television, you can change the station, and if you do not like advertising in a magazine, you do not have to buy it. But public advertising is out there where everyone sees it, and particular concern was expressed by a number of people who spoke to us about the effect this has on young children.

The YWCA Victoria put forward a view that:

> There is … a problem with outdoor advertising, particularly billboards, because they are large and static and the viewer does not get the context for outdoor advertisement that you could get from a television or radio advertisement.

So it was seen as a particular problem by a number of people who made submissions.

The main area, though, that we got a response on involved adverse advertising images or community perceptions of women. A number of people made submissions, not only about the two terms of reference but particularly across the broader area of how women are portrayed in advertising. It was interesting that what came through was a much broader concern about how women are usually portrayed. I will quote from some of the comments we received. For example, S. Rogers said:

> Women are consistently represented by a stereotype which ignores the fact that we are not all white, able-bodied, heterosexual, thin, affluent and under 35.

The Women's Action Alliance said:

> We believe advertisements which are of a sexual, submissive or threatening nature are extremely problematic. They lower the status of women — —

Mr Perton interjected.

Mrs MADDIGAN — The honourable member for Doncaster treats this with the sort of respect one would expect from him. To continue:

> They lower the status of women and encourage the thinking of some people to believe that (a) women are sexual objects, (b) women do not have equal status, and (c) women do not have to give consent prior to sexual conduct.

The Access Training and Employment Centre made the comment that:

> While the issues of occupational segregation are complex, the role of outdoor advertising is one important contributor to the problem. Women are rarely portrayed in roles or images other than those that are traditionally 'feminine', such as mother, nurse, teacher, et cetera, or as an explicitly sexual being.

The National Union of Students women's department said:

> Women's interaction with men is also influenced by what young men have learnt about women through the media and advertising. A man who swallows the advertising industry's line that women are mere sexual objects is unlikely to form respectful, equal relationships with women, or treat women with whom he comes into contact as equal human beings.

Some people have said advertising is only one of many influences on people, which is true; but one of the submissions, from the University of Melbourne women's group, was interesting. The group quoted research showing that by the time you were 17 you had actually received 250 000 advertising messages. If you think of that, that really shows what a significant impact it can have on forming people's views, et cetera, and also about their perception of themselves.

The impact that that sort of stereotype advertising has on young women came through as one of the concerns. The submission from K. Hughes, N. Reimer and A. Spann put the view that:

> I think it puts unnecessary pressure on women and young girls to fit into a particular body image that advertises and portrays women as the most successful image. Young women in particular start to put too much importance on attempting to achieve a 'perfect' body and physical image rather than their studies and achieving financial independence.

I think that is particularly important. S. Fitzgerald from Feminist Lawyers said:

> Many of us have felt the frustration of being treated like a 'dumb blonde' or any number of other stereotypes that set women up as being intellectually disabled. As lawyers, we are acutely aware of the impact of these stereotypes on women's career prospects and advancement.

Body image and stereotyping advertisements are something I would like to see the government take further action on, because we certainly had a lot of submissions from young women. There was clear concern about the effects that sort of advertising has on body image and its association with diseases such as bulimia, and other eating disorders.

The other main thing that came through from members of the community concerned the positive things they would like to see. The Council for Equal Opportunity Employment said:

> It would be great to see 'real' women, professional women of various ages, women as they are, i.e. people with multiple roles and relationships that doesn't mean they are sexless — just normal and representative of the women who purchase products.

L. Schaper said:

> I would love to see more images of women in positions of leadership. Images that portray strong independent women, and ones that are not simply a 'token' effort by advertisers.

And this from K. Crinall at Monash University, Churchill:

> Not all advertising which uses sex to sell products is bad. But all advertising is potentially dangerous, particularly when it excludes the majority in the quest to construct an 'ideal' type. Women (and I believe men) respond positively to the celebration of the diversity and difference of women as people and in their life experiences.

Those views were echoed very strongly. There was an almost unanimous view on the issues that were raised.

The report was therefore released by the Minister for the Arts 10 days ago and received very broad coverage in the media. In fact, we had responses from as far away as the British Broadcasting Corporation in England which was interested in the report, and certainly from interstate. During the hearings we also had a considerable amount of interest from other states in Australia. No other state in Australia has tackled this area before. We would like to see the guidelines that we have suggested not only being a model for other states but also being endorsed by the commonwealth Liberal government. There is an opportunity here to have standards across Australia and ones that can be really important.

I therefore was very disappointed that the Liberal Party had no response to that at all. The issue was covered very extensively on radio, on television and in the print media; and I have a transcript of a number of interviews on radio. At no stage did the Liberal Party participate in this process at all. It certainly made no submission on the discussion paper and there was no response from the opposition at all when this report was released. I think people are concerned about whether this is another area of Liberal policy-free zone, because we have heard absolutely nothing from the Liberal Party in this area. When you think that the last census figures showed the population of Australia is 51 per cent women, you would think it would see the electoral advantage of developing some policies for women.

There are opportunities for women in various areas — and I know the Liberal Party has always opposed the Labor Party's policy of affirmative action for women in Parliament. The fact that affirmative action works is shown by the number of Labor women members and the very few Liberal women members in this house. Unfortunately, of course, there are no National Party women members in this house at all, although there is one — I am glad to say — in the upper house.

It is only by political parties endorsing positive approaches to women's issues that we can encourage more young women to take leadership roles, that we can encourage young women to think in a positive way about themselves, and that we can adopt and endorse policies that will improve the whole of society. In relation to this, I am glad to say that the guidelines we have drawn up can apply to men as well as women — they are to cross the whole of the community. I look forward to the government accepting the recommendations of this committee and leading the way through its advertising processes in this area.

Estate Agents Guarantee Fund

Mr PERTON (Doncaster) — The matter on which I grieve relates to a conspiracy to divert millions of dollars in funds from the statutory Estate Agents Guarantee Fund. The Estate Agents Guarantee Fund is a trust fund that contains money that belongs to hundreds of thousands of tenants and the moneys of tens of thousands of vendors and purchasers. The interest from the fund is primarily held to compensate those who suffer pecuniary loss at the hands of estate agents and which may also be spent on other statutory purposes, including assisting and encouraging home ownership.

The story I have to tell today mimics the film *The Italian Job*, with a bungled heist and a cast that includes: the Minister for Environment and Conservation; the Minister for Small Business, who was the Minister for Consumer Affairs and is now also the Minister for Information and Communication Technology; the head of Land Victoria, notoriously recently exposed for entering into a contract of $100 000 to lobby her own minister; and a cameo appearance by Mr John Cain, Jr, now head of the Law Institute of Victoria but then chairman of the Estate Agents Council.

In the early days of the Bracks government there was a hunger for cash by ministers and their ambitious public servants. In classic *Yes, Minister* mode, officers of Land Victoria led by its executive director, Liz O'Keeffe, and officers of the Department of Justice cooked up a scheme to raid the statutory fund, the Estate Agents Guarantee Fund, to the tune of $45 million. While this was subsequently found to be unlawful by the Auditor-General in his June 2001 portfolio report to Parliament, there was a much more serious conspiracy which verges on fraud, and is certainly a major breach of trust. Senior officers of Land Victoria and the Department of Justice would apply for more than $7.5 million over three years, in a round robin arrangement with the department, and in return departmental officials would facilitate Land Victoria's application for $9 million a year from the Estate Agents Guarantee Fund.

The first physical evidence of the scheme is a March 2000 memo which asks officers of Land Victoria to rack their brains for the names of projects which could be used to get departmental operating funds out of the statutory fund which they could not get through the normal budget process.

Over the following months, the scheme matured. In a 13 October 2000 internal government spreadsheet there is reference to the round robin project, listed for application to the Estate Agents Guarantee Fund with no benefits, unlike each of the other projects, and $7.5 million to be extracted from the Estate Agents Guarantee Fund over three years. This is proof again that the Minister for Environment and Conservation has created a moral vacuum, that these things are not just done on the quiet, they are actually in black and white — a round robin project.

Included in the spreadsheet is a relatively smaller project called survey reform, seeking a relatively modest $1.5 million from the Estate Agents Guarantee Fund. Some time between 13 October and 8 December 2000 Liz O'Keeffe sought high-level political approval and got it. The changes made by those more powerful than the director of Land Victoria were to accelerate the bid, only make an application for the first three years of the sting and hide the round robin project money in several projects — one being the now completely fraudulent survey project — and other money was hidden away in smaller applications.

In a memo in response dated 20 December 2000, Ivan Powell, assistant director of Land Records and Information Services wrote to those more senior in the department, and I quote:

> Keith Bell (the Surveyor-General) knows nothing of the so-called survey project. It is a creation of Steve McIntosh (manager of budget and finance, Land Victoria) for the $6 million round robin.

This public servant then goes on to say:

> The closer the scrutiny, the 'susser' it will get.

That demonstrates what a fraud the newly named survey project, the round robin project, was.

In a memo dated 22 January 2001 Ivan Powell wrote to the Surveyor-General, Keith Bell, and I quote:

> I have invented some benefits as a starter.

The question is: who told him to do it?

In a memo dated 20 February 2002 Ivan Powell again wrote to Keith Bell:

> Can you invent another layer of detail in the project …

From this point things began to slowly unravel. From 3 March 2001, the damning minutes of the land registry executive state:

> Still struggling with the survey project and getting it fully articulated. Department of Justice (DOJ) are not as 'gung ho' as previously.

In other words, Liz O'Keeffe's allies in Department of Justice are getting cold feet because they have been alerted to the involvement in investigation by the Auditor-General and Deloitte Touche Tohmatsu.

On 7 March, the Surveyor-General, Keith Bell, wrote to Liz O'Keeffe, director of Land Victoria, expressing concern about the round robin survey project and stated that:

> I have significant concerns about the potential impact on the performance of the SGs statutory responsibilities with this project.

Liz O'Keeffe wrote back to the Surveyor-General, a statutory officer, in the following threatening terms:

> You are accountable to the minister for the exercise of these statutory responsibilities and to the secretary through John and me for how you carry them out.

In other words, 'You participate in this fraud or we will discipline you'. The lies and deceptions then started to catch up. Deloitte called in the project managers and Ivan Powell, who I have referred to earlier, wrote by email on 8 March 2001 to several colleagues in the department in the following heartfelt terms describing his presentation to Deloitte:

> I met with Deloitte yesterday … I am not sure whether I am ashamed or proud at the way I responded.

In other words, we presume, this dutiful public servant had obeyed orders, hidden the truth well and was in agony as a result.

At this point the wheels of *The Italian Job* bus start to wobble more. On 4 April 2001, someone called Andrew wrote to senior officers of Land Victoria stating that the Estate Agents Board wanted to know about the round robin survey project, and the questions he asked were where is all the relevant information currently recorded, what are the specific benefits if this project is undertaken and who is the intended beneficiary?

On the evening of 4 April 2001 there was a meeting between Liz O'Keeffe and John Cain, Jr, the then chairman of the Estate Agents Board, the trustee of the fund. John Cain, Jr, was noted by an attendee at the meeting as 'having a wish list of sorts, and it is reasonably comprehensive'. He handed a letter over to Liz O'Keeffe. I do not know what was on the wish list and I do not know what was in the letter, but I assure the house that I will use the Freedom of Information Act to try to get a copy of the letter.

On 10 April an oral submission was made to the Estate Agents Board by Land Victoria. Two weeks later there was still no decision by the Estate Agents Board. The Department of Natural Resources and Environment was getting desperate and pressure was being applied to the Estate Agents Board for a positive decision, but by 31 May a decision had still not been made. On 31 May 2001 Deloitte asked for details on the survey project memo. On 1 June the director of land registry, John Hartigan, instructed all the senior managers of Land Victoria not to comply with Deloitte's request and I will quote from his email:

> No information is to be sent in response to this request from Deloitte.

Who was telling John Hartigan not to give the documents to Deloitte? In June 2001 in the report on ministerial portfolios the Auditor-General got involved. While noting that the Estate Agents Board had not yet approved the grant, and without knowing of the round robin fraud, he found that the use of grant money to fund the provision of basic government services could be seen as an inappropriate use of trust money — in other words, it was an illegal use of the money. Caught in the glare of the spotlight, and with *The Italian Job* bus now high on the cliff, the government pulled the plug on the whole $30 million Department of Natural Resources and Environment, Land Victoria and Estate Agents Guarantee Fund bid.

What have we found? From the documents from the Department of Natural Resources and Environment we have a blatant attempt at fraud played on the public of Victoria and especially the tenants, vendors and purchasers of real estate and their, not the government's, Estate Agents Guarantee Fund. You would think that the conspirators, the executive director of Land Victoria and her associates in the Department of Justice would be investigated and disciplined.

However, earlier I referred to Ms O'Keeffe's high-level political support on this issue. Indeed, the conspiracy goes to the highest levels of this government. The Minister for Small Business and the Minister for Environment and Conservation approved the plan.

They approved operation round robin in a meeting with Liz O'Keeffe in late 2000. They approved the scheme not only to take $30 million from the trust fund under the responsibility of the Minister for Small Business but they also approved the fraudulent round robin scheme and agreed to increase the funding application from $9 million to $10 million a year. This was so brazen that it was reported to Liz O'Keeffe's senior colleagues and is even referred to in the minutes of 8 December 2000 of the Land Registry executive.

Both the Minister for Small Business and the Minister for Environment and Conservation knew of the fraud. What is most alarming is that either they were co-conspirators from the beginning or on being alerted to this multimillion-dollar fraud the Minister for Small Business and the Minister for Environment and Conservation did not try to prevent it but actively sought more money from the fraud, and not less.

What are the moral standards that the Minister for Small Business and the Minister for Environment and Conservation have fostered? Last week the Minister for Environment and Conservation argued that it was morally okay for Liz O'Keeffe to spend $100 000 on a consultancy to lobby her own minister. It was not just a hidden consultancy — the environment in that department is so corrupt they even recorded it in black and white. This week it is clear that the Minister for Environment and Conservation and the Minister for Small Business approved a fraud to take trust fund money in this fraudulent round robin project — in other words, they are stealing $6 million from a trust fund of the people of Victoria.

A final question I pose is: what did the Premier know? After the Auditor-General's report did he question the Minister for Small Business and the Minister for Environment and Conservation and find out about the fraud? If he did so, did the Premier cover it up and instead of sacking the Minister for Small Business and the Minister for Environment and Conservation for attempting to defraud the budget process and a statutory fund did he choose to protect them? At the very least this fraud and conspiracy should bring down the Minister for Environment and Conservation and the Minister for Small Business today. In any decent government the Premier would sack both of those ministers after having found out about the fraud. Now that the fraud has been publicised and is open to the public the Premier should respond by sacking these two ministers and giving a personal explanation as to his precise role in this attempt to rip off $6 million from a trust fund for the people of Victoria.

Western suburbs: growth

Mr LANGUILLER (Sunshine) — The matter I wish to grieve about today relates to the way the Liberal Party treats the western suburbs and the types of stories that its leader, Dr Napthine, has been peddling in the local press. The Liberal Party and Dr Napthine continually push and peddle a number of myths in relation to the people of the western suburbs and the community in general.

The first myth is that educational levels in the western suburbs are low. My discussions with the Victoria University of Technology and PhD student Alexis Esposto, a Henderson scholar at the Centre for Strategic Economic Studies, revealed that the western region of Melbourne has been strongly influenced by the global knowledge economy and its people have been very quick to adapt to its demands. Mr Esposto also shows in his research that rising demand for education among people in the west has forced education systems to adapt rapidly and allow more people to study for longer and attain higher qualifications. The total participation rate for primary and post-primary education has been increasing steadily over the past few years, particularly under the Bracks Labor government in the light of and as a result of the policies its ministers have implemented in the western region over the past two and a half years.

The western region's share of school participation with respect to the Melbourne statistical division (MSD) — that is, the whole of the state — was over 17 per cent in February 2000. The total tertiary enrolment numbers in the western region rose by 1.5 per cent between 1999 and 2000. Tertiary enrolments in the west represented 13.6 per cent of the MSD total. According to Victoria University and Alexis Esposto, almost one in three workers in the west is highly qualified and in many respects this is higher than both the state and national averages.

Some weeks ago the Leader of the Opposition came to the west and attempted once again to run down the western suburbs and their people. He referred to the west in a contemptuous and disrespectful manner and put it down. Essentially the Leader of the Opposition is not interested in finding solutions for the western suburbs. He is not interested in talking up the region because he is not interested in attracting investment and growth and raising education levels in the western suburbs. The Leader of the Opposition is interested only in continuing to run this Liberal Party-free zone in terms of policies, populist ideas and wedge politics. He comes to the western suburbs and indicates that he will do everything he can to address some of these concerns,

but the fact of the matter is once upon a time he was a member of a government and what he and the Kennett government did was precisely the opposite.

Dr Napthine had every opportunity to deal with a number of these issues at that time but did not. He thinks he might be able to win this debate in the western suburbs, but I am confident that the people who mean well by the western suburbs, people who understand the western suburbs and people who are genuinely committed to the western suburbs and its wonderful working-class and industrial traditions, will see through the hypocrisy of the Leader of the Opposition and see the benefits that are increasingly coming to the western suburbs.

The second myth to which the Liberal Party and Dr Napthine refer on an ongoing basis relates to unemployment being rife in the west. I am happy to report to the house that the unemployment picture in the western region of Melbourne is quite dissimilar to that painted by Dr Napthine and some sections, and I qualify limited sections — —

The DEPUTY SPEAKER — Order! The honourable member for Sunshine should refer to the honourable member by his seat or as the Leader of the Opposition.

Mr LANGUILLER — The Leader of the Opposition and some sections of the local media should know that the picture is quite dissimilar to the one they have negatively presented and submitted to the public. The unemployment rate in the western region stood at 7.5 per cent in December 2001. This is 0.8 per cent above the national average and reflects the need for job creation programs in areas such as Sunshine and Maribyrnong; however, more needs to be done. It is also important to note that not everything in the west of Melbourne is bleak. Some parts of the west of Melbourne have unemployment rates that are almost half the national average. The lowest unemployment rates in the region are found in the City of Moonee Valley with 4.1 per cent, Williamstown with 5.8 per cent and the City of Wyndham with 5.85 per cent. These unemployment levels are well below the national average and represent some of the lowest unemployment rates in the state of Victoria and Australia as a whole.

I am happy to put on the record that about six months after the Bracks government came into office I had the privilege of being invited to open a very good company in the western suburbs, a company which determined that the best location for it was along the Western Ring Road in the vicinity of the Geelong road. I refer to a well-known courier company called Fedex which has its origins in the United States of America.

Some 25 years ago this company had of the order of 250 employees in the USA and approximately 25 aircraft. It has since expanded into a company which has of the order of 250 aircraft and about 20 000 employees. At the official opening of this company, I recall with pride how its national manager recorded the reasons why it had decided to establish itself in the western suburbs. I remember clearly and happily the national manager of Fedex indicating to the audience that if any company needed to strategically identify where to locate itself in Victoria, it was a courier company. He said that given his experience in the South-East Asian region, in the United States of America and in Europe, he would humbly have to be able to identify the site in the west. He said the west is the place to be. He said, 'You have the Western Ring Road, you have the Geelong road, you are in the middle of the two ports and it is an industrial area. One of the most important reasons we are located in the west relates to its people, because they happen to be the most important capital we have in the western suburbs, and indeed in the state'.

Mr Acting Speaker, the third myth I wish to grieve about today, which unfortunately is peddled time and time again by the Leader of the Opposition, is that crime in the west is rampant and increasing. This is a myth that really upsets many people and angers Bill De Bruyn, who is the district inspector at the Footscray police station. He dispels this myth with crime data which indicates that property crime in the city of Maribyrnong is four times lower than in the metropolitan area of Melbourne and nearly five times less frequent than in the rest of the state of Victoria. His data indicates that recorded offences of crimes against persons were 562 per 100 000 persons, compared to 663 per 100 000 for the whole of the state. Inspector De Bruyn enjoys highlighting that fact that the overall crime rate in Braybrook is often as low or lower than in Toorak, one of Australia's wealthier suburbs.

I highlight these statistics because if the opposition genuinely wanted to make a constructive contribution and not deal with the western suburbs and this Parliament in a contemptuous manner, instead of campaigning and propounding populist policies and politics concerning a region which it knows very little about it would be talking it up. It should be indicating to the Victorian public that the west is what it is and talk about the facts — that the west is a significant area with enormous opportunities for investment and industrial growth.

The fourth myth I want to dispel today is that the west is an old industrial rust belt and that the potential for growth and business investment is minimal. I refer to this myth because the reality is precisely the opposite. I am proud to say there are many reasons why the western region of Melbourne is one of the most dynamic regions of Australia. In fact this region is the second fastest growing in Australia and is Victoria's fastest growing. Its proximity to the port, airports and national rail, its accessibility from the city centre of Melbourne, and its excellent road infrastructure are second to none.

Large tracts of industrial and residential land suitable for future development make this region ideal for investment. The west contains almost 30 per cent of the occupied industrial land in the Melbourne statistical division, and the region has attracted high levels of value permits issued in the industrial, retail and hospital categories. For example, during October 2001 the total value of building investment in the west exceeded $126 million.

However, the west's biggest resource is its people. They are highly educated and skilled and possess a diversity of knowledge and abilities which makes the region one of the most exciting areas in which to live and work.

I proudly represent the western suburbs. I proudly represent the state's future in terms of industrial and residential growth and services. Each municipality in the western suburbs, Victoria University and the Sunshine Hospital to name a few — and indeed most if not all of its non-government organisations — are working together jointly and in partnership with the Bracks government through my representations and the representations of the honourable members for Keilor, Melton and Footscray to ensure that the west continues to grow.

I am happy to report to the house that Sunshine Hospital — which is one that we should be proud of and which was incidentally dreamed of by Gough Whitlam and Jim Cairns and delivered by the Bracks government — Victoria University, the City of Brimbank, the local parliamentarians, in close partnership with all the non-government organisations, are in the process of developing a joint Brimbank charter for social justice in the region. All of those organisations are working in partnership with the Bracks government, pushing in the same direction to make sure that the people of the western suburbs, and indeed all Victorians, remain proud of the enormous ways in which the western suburbs have improved over the last few years, in particular as a result and arising directly from the policies implemented by the Bracks government. Promises were made before the election, and since it came to office it is delivering day in and day out to the people in the west.

Housing: Loddon Mallee region

Mr SAVAGE (Mildura) — I grieve for the citizens in my electorate who are unfortunate enough to own properties and have to reside in the vicinity of transitional housing owned by the Office of Housing and managed by Loddon Mallee Housing Services. I have had more complaints about those properties in my time as the honourable member for Mildura than any other issue that crosses my path. Put simply, the program is not working and could be described by some as a disaster. No honourable member would put up with the terror, disruption and property devaluation that is caused by having permanently disruptive, destructive and dysfunctional families living next door.

It is certainly true that citizens who are homeless are deserving of consideration by our society. They deserve help and housing and they deserve consideration. But they have an obligation as well, to make sure that when they are given consideration like this they fit into the environment and do not cause significant disruption and distress. Everybody has an obligation in society to adhere to standards of behaviour that cause minimal discomfort and disruption to their neighbours. Some of the examples — and I will just list 10 houses — indicate the behavioural patterns that constituents of mine have had to endure. I will not mention the areas because it may be embarrassing to people who own properties there.

House no. 1 reported high levels of noise at unreasonable hours, a visitor to the home kicking on the front door of the premises, use of foul language in the street, the police being called three times to attend on one evening and domestic disturbances spilling onto the street. House no. 2 reported a stabbing in the front yard, police attendance was required on a regular basis, domestic disturbances, an additional and unauthorised tenant staying at the premises, use of foul language and noise disturbances. House no. 3 reported drug dealing from the property, ongoing disturbances of neighbour's peace and vehicles constantly blocking the driveway of other tenants. House no. 4 reported excessive use of foul language, running onto property of neighbours and noise disturbances. House no. 5 reported damage to neighbour's property, noise disturbances, domestic disturbances, fist fights and public brawling, use of foul language, litter blocking neighbour's property with beer cans and cigarette packets and once again blocking neighbour's driveway.

House no. 6 reported inter-neighbour fighting in the streets, unreasonable noise, use of foul language, police attendance and ongoing disturbance of other residents. House no. 7 reported constant disturbance of neighbourhood, use of foul language and noise disturbances. House no. 8 reported terrorising of neighbours, noise disturbances, domestic disturbances, drug abuse on premises, neighbour's garden plants continually being stolen, kicking of neighbour's dog and use of foul language. House no. 9 reported public drunkenness, domestic disputes, vandalism and police being called frequently. House no. 10 reported constantly asking neighbours for money, theft of a neighbour's wallet, domestic disturbances and noise disturbances.

A resident who lives in one of the streets said:

> … I am 81 years old and I am by myself. I feel I should feel safe and comfortable in my late years, but instead I am scared in my own house on many occasions. I have been afraid in my own house too.
>
> I was outside potting one day when a man jumped over my fence. I understand emergency housing is needed but why put them in a family environment …

if they cannot behave. She also said that she was now so scared that she rarely leaves her unit.

These are not isolated incidents. Significant problems have been experienced with a large number of properties managed by Loddon Mallee Housing Services in the transitional housing estate owned by the Office of Housing. One resident wrote to me and indicated that a transitional housing unit was used for 12 months more or less as a drop-in centre for unfortunate citizens. A lot of alcohol was present, loud and foul language was a problem, an ornamental pot plant was once thrown through their front window and they had their birdbath stolen. They had people backing over their drive and knocking over plants. There was an alcohol-related death at one of the units. People knocked on their door asking for cigarettes and to use the phone. Garbage which was left for months at a time in the carport piled up and became putrid. There was a unit nearby where an elderly lady of 95 years became so intimidated that she would not sit on her front porch. She has now gone into care. Recently the doorbell was rung continuously at 2.30 in the morning.

There has to be some review of the process and location with this type of transitional housing. It will obviously have a continual impact on my community and others elsewhere. Such housing should not be bought in residential areas to put dysfunctional and disruptive people in. These people do not suddenly show these signs; their track records are established over a period of time. We have to look at and have a significant review of the program.

I have had some further indications of the problems. I have had a large number of citizens visit me at my office, and on a number of occasions I have written to Loddon Mallee Housing Services. People have complained that 24 hours a day they feel unsafe and that their properties are being devalued. Some have gone to see people at Loddon Mallee housing, who have said that it is their responsibility to place homeless people in the transitional houses and that it is up to the social workers to determine their behaviour. That is not acceptable.

If people cannot be restrained, contained, and persuaded to live in a manner which is minimally disruptive, we have to look at a program under which they are placed elsewhere. Somebody who is dysfunctional should not just be moved out of a premises and put somewhere else so the problem can continue. The cycle just continues on. We must respect everybody's rights and entitlements. Unfortunately this program is not working, and it is timely that it be addressed with some urgency. The long-term indications are that nothing will change unless we continue to put pressure on Loddon Mallee housing and the Minister for Housing.

One resident who came to see me said they had been down to Loddon Mallee housing and had received some indication that the process was to be resolved. Unfortunately the limitations under the Residential Tenancies Act make it very difficult to place people in alternative accommodation if they do not want to go. It is time we looked at having a system of a charter of acceptance for residents of ministry of housing properties, which are managed by Loddon Mallee housing. New South Wales has a charter of behaviour, under which people accept there are certain conditions they have to comply with. Should they fail to accede to those conditions they are determined to be not deserving of transitional or emergency housing.

One family with six or seven children came to see me. They had come from Mount Gambier, where the South Australian ministry had built a special home for them. They left without notice and came to Mildura seeking emergency housing. That is obviously an abuse of the process and puts extreme pressure on the problem in Victoria of providing emergency ministry of housing properties.

Society has an obligation to ensure that everybody's rights are protected. We are obligated to assist where we can people who are in difficult circumstances and

who have housing problems through no fault of their own. At the same time we must endeavour to create a society which is orderly and ensure we do not disrupt people who are going about their normal lives.

Royal Melbourne Institute of Technology

Mr HONEYWOOD (Warrandyte) — I grieve for a great Victorian tertiary institution, the Royal Melbourne Institute of Technology (RMIT). In doing so I seek leave of the house to incorporate into *Hansard* a recent financial statement of the institution, which comprises two pages. I understand the Speaker and the government have agreed to their incorporation.

Leave granted; see financial statement page 949.

Mr HONEYWOOD — These documents were brought before a special meeting of the governing council of RMIT on 25 March this year. After listing income and expenses the RMIT group results show: for 2000, a $19.1 million overall loss; for 2001, a $12.4 million forecast loss, which magically became an actual loss of $23.5 million, just on double the forecast loss in 2001; and for 2002 a revised forecast loss upwards of $24.5 million. In the space of three financial years one of our leading institutions has lost something of the order of $60 million to $70 million rather than making a profit.

I understand that the university is attempting to camouflage some of these losses through the sale of so-called surplus properties. I further understand that a longstanding internal governing council requirement that the institution hold financial reserves of at least $23 million at all times has now been breached. How did it get to this situation? No doubt RMIT management will attempt to blame federal government funding challenges. However, to a large extent the buck must stop with senior management. Interestingly, no other Victorian university or TAFE institute management has closer links to the ALP, especially the current Bracks government, than that of RMIT. Let us look at three examples.

Firstly, the hand-picked director of TAFE of the Minister for Education and Training within the Department of Education and Training is Mr Kim Bannikoff. Apart from being a very close friend of the head of the Premier's department under Premier Bracks, Mr Terry Moran, Kim Bannikoff always lands top positions around Australia. Wherever Terry relocates to, Kim follows. He has done very well for himself. But Kim also has a special relationship with RMIT, which could almost be regarded as a conflict of interest in some quarters. Not so long ago Kim's wife, Carol Watson, scored a newly restructured position as director of people services. Where? RMIT, of course.

Secondly, the relationship with Ms Helen Praetz should be borne in mind. Helen Praetz, the current pro vice-chancellor, access and equity, and director of TAFE, was hand picked by the minister as the chair of her Victorian Qualifications Authority. Helen is a well-known refugee from former Premier Joan Kirner's education ideological mafia, along with Anne Morrow and Anne's well-known husband, John Power, each of whom has coincidentally done well from RMIT's payroll, either directly or indirectly, and who form part of the vanguard of ideological warriors who caused the Victorian education system so much pain and suffering in the early 1980s, from which we are still recovering.

The third interesting connection between the minister, the government, the Department of Education and Training and RMIT is Matt Boland. Late last year Matt was elevated to the position of chief of staff — in other words, head of the private office — of the then Minister for Education, the Honourable Mary Delahunty. Matt, a former Cain government adviser, came straight from — you guessed it! — his position as director of corporate relations at RMIT. Even worse, the RMIT culture of cronyism and closeness to the ALP has created an atmosphere in which senior managers who are not part of the cabal — the ALP mates network — are ostracised and often forced out against their will.

Over the past two and a half years RMIT has in rapid succession lost the following most senior people, which have caused devastating consequences for this once outstanding institution. Firstly, its deputy vice-chancellor, research and development has gone. Secondly, its deputy vice-chancellor, resources has gone. Thirdly, its director of finance and strategic planning has gone. Fourthly, its director of IT has gone. Fifthly, its director of human services has gone, the latter presumably to make way for Kim Bannikoff's wife. That is just to mention a few. Importantly, each of the people who held these crucial positions have subsequent to their unfortunate experiences at RMIT gone onto far more senior positions elsewhere, in which they have thrived. It was not the individuals who were the problem, but the culture they were subjected to of not being part of the ALP mates club, of not being part of the she'll-be-right network internally. Therefore in most cases, if not all, they were squeezed out.

Unfortunately during this period of self-inflicted institutional upheaval RMIT was also embracing a whole new computer enrolment system. After spending at least $8 million on what is called SAP, which is a human resource and financial system, they then chose

in controversial circumstances a Peoplesoft AMS computer enrolment system that was not well known in Australia. That is the least I should probably say about it.

According to the year 2000 annual report of RMIT this system from Peoplesoft would involve 'a total cost in excess of $12 million'. But this enrolment system has been an unmitigated disaster for student enrolments, staffing and the institution's financial liabilities which are just beginning to prove to be a major financial crisis.

I have it on very good authority that this disaster in RMIT's computer system is caused by three factors. Firstly, the current vice-chancellor allegedly handpicked an RMIT academic internally who, coincidentally, was a key National Tertiary Education Union office-bearer with strong ALP links. This individual was rapidly promoted to head up the AMS enrolment system implementation. By all accounts this appointment was not appropriate, but the vice-chancellor was too close to the appointment to fix it up. There we have a problem of leadership.

Secondly, another problem with AMS was that at least other tertiary institutions faced with the implementation of a whole new computer system right across the board have engaged in parallel testing. Again, I have it on good authority that the holus-bolus testing of this new system was left until too late in the day. It was left until late in the year, when enrolments were about to come in and when glitches could not be ironed out in time. For example, other institutions have chosen to do a whole year of parallel testing with both their old and new systems working hand in hand to ensure that all glitches are ironed out before the crucial enrolment period begins. That was the second major problem with RMIT.

Thirdly, there is the problem of cronyism, which I have already detailed only in part. That cronyism culture, that ALP mates network, got rid of the only internal critics in senior management. It forced out the only internal critics on hand to question senior management at the highest levels to ensure that this situation was ironed out before it imposed the disasters it has.

Therefore, what we have is this unfortunate internal arrangement where nobody is questioning what is going on at the top, where multimillion-dollar systems are imposed that are untried in Australia except in one other instance, as I understand it. The Minister for Education and Training has said nothing. When questions were raised by students who early this year discovered to their horror that their records had been lost in the computer system and they could not enrol elsewhere, the current minister informed them, 'Don't worry; RMIT is looking into it'.

Compare that with the fact that this same minister has been incredibly interventionist with the University of Melbourne. This same minister has required that university to go through any number of hoops and reviews to publicly uphold questions over its management. This same minister has relied on her factional ally Senator Kim Carr to constantly brief the media about what this minister is doing to the University of Melbourne and to justify her interventionist approach.

With RMIT it is hands off! Do not touch the mates network. This same minister, who claims university management is a federal government problem, has only recently implemented a total review of all eight Victorian universities' governing council arrangements and administration. She can do it to the University of Melbourne, she can do it in a macro sense to every university in the state, but she cannot touch RMIT! What worries me is that when students have complained they have been given the fob-off.

In the past the vice-chancellor of RMIT has done the right thing by me. She has informed me of both her approach to and views on university administration. Unfortunately, I have not been told the whole story. At the start of this year when I made polite inquiries about the AMS system I was told that only four students were affected. Through the drip-feed arrangements I have since found out that hundreds of students have been affected in their enrolments, fee paying and access to Austudy payments. Because of this incredible computer system disaster young people who are struggling on the breadline to go to university and do their studies are affected by this culture, this cone of silence that has descended.

Why will the Minister for Education and Training not appoint a full and independent investigation into RMIT's management and into what has happened in future liabilities to Victoria and to students and staff when it comes to the AMS computer system? We now know why. She is too close to the action, too close to the administration, and there are too many mates on the payroll of the Bracks government to compromise if a thorough external investigation was conducted. I challenge the minister to indicate to Parliament and in the public arena why she has been willing to stand by and allow students to not get their Austudy payments and why she has been willing to wash her hands of any investigation.

Only recently this same government trumpeted its awarding of a $31.5 million loan it approved as the government responsible for universities in this state. In a media release dated 14 March it indicated that it had approved a loan of $31.5 million to RMIT to embark on an interesting venture in Vietnam. I have no problems with our universities exporting education but the government cannot have it both ways. It cannot claim credit on the one hand whilst doing nothing about internal management on the other.

We have had external consultant after external consultant. Not only has the system had a blow-out of well over the $12 million implementation cost, but we have recently had a report by Gartner Consulting as to what has gone wrong; and a team of SMS consultants costing apparently $12 000 a day has been there for weeks on end looking into the system. Importantly, many staffing positions which were meant to be shed as a way of justifying this new system coming into operation have been kept on, many of them at great cost to the institution.

Therefore in sum, apart from over $60 million in accumulated losses, we have, according to RMIT's own documents incorporated today in *Hansard*, potentially a further $30 million in revenue losses and who knows what else in terms of the tens of millions of dollars that are going to be spent to fix up what senior management knew about but attempted to hide from the public of Victoria — and the government has probably known about it all along.

Greater Bendigo: electricity report

Ms ALLAN (Bendigo East) — I grieve for country Victorian households and businesses that are paying far more for their electricity than Melbourne households and businesses because of the privatisation of the Victorian electricity industry inflicted upon country Victorians by the former Kennett Liberal–National Party government.

The hard fact is that country people are paying far more for their electricity because of the former government's privatisation regime. This has been uncovered by a report produced by the City of Greater Bendigo and the Bendigo manufacturing group that shows quite clearly — and this cannot be denied by honourable members opposite — that the western Victorian region, which includes the City of Greater Bendigo and my electorate of Bendigo East, along with the electorate of my good colleague the honourable member for Ripon, has the highest domestic price and the fourth-highest business electricity price of all regions in Australia. I repeat: country people in western Victoria are paying the highest domestic price in Australia for their electricity.

The report clearly illustrates that manufacturing companies have much higher bills than similar businesses — their direct competitors — in metropolitan Melbourne. The simple reason for this is the privatisation of Victoria's electricity system by the former government. Let's look at the warnings given at the time. I know that you, Mr Acting Speaker, will remember very well the many warnings about privatisation leading to country people paying more for their electricity. There was a warning in the editorial of the *Bendigo Advertiser* of 2 September 1994, around the time the bill to privatise electricity was passing through Parliament. The editorial warned that after 2000:

> … Melbourne consumers will surely end up paying less for electricity than we will …

The editorial went to label the privatisation 'unfair, discriminatory and undemocratic'.

It is interesting to note that the warnings were not only coming from country newspaper editorials, members of the Labor Party and other concerned country people. There was a warning from the National Party itself. I refer to a report — which of course was not put into the public domain but was leaked — that was believed to have been produced by the federal member for Gippsland, the Honourable Peter McGauran, who at the time was the federal opposition energy spokesperson. That National Party report argued against the Kennett government's decision to abandon the uniform electricity tariff, which, I remind honourable members, had for 75 years ensured that country people paid not 1 cent more for their electricity than city people. The report warned the Kennett government that its ideological pursuit of privatisation and the driving up of electricity prices in country Victoria by abandoning the uniform electricity tariff would be disastrous for country people and would cost the jobs of 7000 country Victorians.

A report on the leaked McGauran report in the *Age* of 19 September 1994 contained the following quote:

> Without retention of the uniform tariff for electricity there will be undeniable economic and social dislocation in rural areas with negative effects on long-term regional development.

The report goes on to say that:

> … moves to discriminate between rural and urban consumers will contribute to the creation of an underclass with heavy penalties for not living in the city.

It is sad to say, and honourable members opposite might not realise it, but those warnings have come true. We have a separate system in country Victoria, which means that we are paying more for our electricity.

Mr Wilson interjected.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Bennettswood is out of his seat and disorderly. The odd interjection may well be allowed, but a continuous stream of interjections, as he well knows, is not.

Ms ALLAN — Let's look at the role of the National Party. It had a report from its own federal spokesperson in this area, the Honourable Peter McGauran, warning that privatisation would be disastrous for country Victoria. Yet, as we saw time and again on this issue, whenever National Party members had to decide between representing their constituency and sticking up for country people or rolling over on the Liberals' agenda, they chose the latter. They always rolled over in favour of the Liberal Party.

Let's look at another media release, again from 19 September 1994, issued jointly by the office of the Premier and the office of the Deputy Premier. It states that Mr Kennett and Mr McNamara said rural consumers could expect further reductions in prices as they benefited from full customer choice in a competitive electricity market after 2000. They went on to say that the electricity reforms would have significant benefits for all Victorians and reduce electricity costs for industries in regional Victoria. That has not come true.

Honourable members opposite might joke and scoff, referring to comments made in 1994, but what we are seeing is that in 1994 country Victorians received promises from former government and National Party members and those promises have not come to fruition, with the result that they are paying more for their electricity. If we are to believe the reports of the time, the National Party attempted to extract some concessions from the Liberal Party in return for its support on the bill. These concessions, however, sold out country Victorians. The National Party did not have the guts to stand up to the Liberal Party and vote against privatisation, nor did it have the guts to say, 'No, we know the impact this will have on country people'. These supposed concessions provided cold comfort to country Victorians.

Let us look at the concession that the uniform tariff would stay in place until the end of the decade. It was reported again in September 1994 that Pat McNamara had decided that he could not be the first National Party leader around Australia to see uniform tariffs scuttled, and he convinced the party leadership to back him. We know quite well what happened: that he was the Leader of the National Party who saw the uniform tariffs scuttled. He just deferred it for a small period of time, and we have seen that once the uniform tariff had gone prices went up. These concessions to the National Party and to country Victoria were tossed out at the whim of the Liberal Party and were only a very short-term attempt at sweetening what was to be a very sour impact on country Victoria with the privatisation of our electricity system.

Let us look at the outcome of these supposed concessions: the outcomes have gone; the benefits, if there were any, have gone; but we are forever left with a privatised electricity system which means that country people pay more. I would think that the concessions that were tossed out by the Liberal Party were merely bones tossed to its National Party colleagues in an attempt to keep them on side.

Let us look at what our own local representative for the National Party, one of the members for North Western Province in the other place, the Honourable Ron Best, has said on this matter. In the last two weeks he has said more about privatisation and its impact on country people than he ever said in the previous nine years, and more than he ever said in the seven years that he was part of the government that introduced privatisation.

If you look at *Hansard* from the 1990s, you see he did not speak on the bill that privatised Victoria's electricity system. When he did touch on the issue in other speeches he said:

> I totally support the restructure of the SEC, because it will provide far cheaper electricity for small businesses; it will provide the same opportunity for people in those business districts as is provided in the metropolitan area.

That has quite clearly now proved to be wrong. He continues to speak glowingly and to be a champion for privatisation. In the year 2002, when we have had this report from the City of Greater Bendigo showing the impact of privatisation on businesses and households, the honourable member for North Western Province continues to be a champion for privatisation. He continues to be out there waving the banner as part of a cheer squad for privatisation of our electricity system. In the *Bendigo Advertiser* of 6 April this year, in the face of the evidence against privatisation, he is quoted as saying:

> It has brought many benefits to all Victorians.

Quite clearly he has been proven wrong, and now he is trying, in a very feeble attempt, to lay the blame at someone else's feet. The fact is that the honourable member for North Western Province and his National Party colleagues rolled over and supported the Liberal Party in its push to privatise Victoria's electricity system. That is a fact that he and his National Party colleagues cannot deny, and it is a fact that country people know exactly who is responsible for their paying higher prices for their electricity.

Let's also look just briefly at what was happening at the same time that the former government was privatising Victoria's electricity system with the support of the National Party. The former government was continuing its program of wrecking across country Victoria. It closed 176 country schools, 12 country hospitals and 5 country train lines.

In Bendigo it privatised the former Bendigo railway workshops — a privatisation move that ultimately led to its demise and resulted in the closure of the railway workshops early last year. The former government scuttled the shift of the agriculture department's head office to Bendigo as soon as it came to office — and importantly, at the moment we are seeing more and more jobs lost at ADI Bendigo, a company privatised by the federal Howard government. Who was one of the cheerleaders for privatisation of ADI? The former Premier, Jeff Kennett. He was one of the cheerleaders pushing for ADI to be privatised, and now again we are seeing more jobs lost because of a bungled privatisation regime.

Let's compare what happened in country Victoria under the former government with what has been taking place under the Bracks government in the last two and a half years. This is a government that reopens train lines. This is a government that employs more teachers and nurses than ever before. This is a government that is bringing fast trains to the regions of Bendigo, Ballarat, Geelong and Gippsland. One of the key things this government is doing is relocating government authorities to country Victoria.

I was very proud to be in Bendigo last Friday with the Treasurer when he announced the relocation of the Rural Finance Corporation head office out of Collins Street to Bendigo — a great shift to Bendigo, which will provide more jobs for our community.

To touch back on the issue of electricity privatisation, it is a very interesting issue for this government to approach. This year we have seen the government introduce a $118 million special power payment for country people to try to minimise the impact of electricity price rises.

The City of Greater Bendigo, members of the Bendigo manufacturing group and I are on Friday meeting with the Minister for Energy and Resources in the other place, the Honourable Candy Broad, to talk about some of the local issues — about the impact that privatisation has had on manufacturing businesses, about the fact that before privatisation they paid not 1 cent more for their electricity but that now they are paying far higher prices than businesses in Melbourne.

The City of Greater Bendigo works continually to attract industry and jobs to Bendigo. It works very well in partnership with the state government. There are many attractions in establishing or expanding businesses in Bendigo. If you look at the positives, Bendigo has a stable work force, cheaper land and houses and a lower cost of living than metropolitan Melbourne.

I believe people in Bendigo have a far superior lifestyle to the lifestyle in metropolitan Melbourne. We have wonderful schools, facilities and local services. However, we are faced with this difficulty of higher electricity prices for households and businesses because of the privatisation of the electricity system. It is a difficult issue for businesses to approach. However, the government and the City of Greater Bendigo continue to work hard to attract industries to the city. Bendigo and the central Victorian region have many positives for businesses to come and establish in our community.

In conclusion, if you look at the legacy of the Honourable Ron Best, an honourable member for North Western Province in the other place, the National Party and the Liberal Party, you can see that they have left the Bracks government and country Victorians with the rotten egg of privatisation for forever and a day. The member for North Western Province is now demanding that the Bracks government try and unscramble his rotten eggs while he walks away and disowns any responsibility for the role that he played in the privatisation of Victoria's electricity system.

As I said, the facts are that the Liberal and National parties privatised Victoria's electricity system. We have lost forever the fact that country people and city people pay the same for their electricity. Country people know who is responsible for their paying higher prices, whether it be a household or business. They will always remember that it was the Liberal and National parties that turned their backs on country Victoria and inflicted the privatisation of the electricity industry on them.

Minister for Transport: correspondence

Mr ASHLEY (Bayswater) — It is with real regret that I join the grievance debate this morning. I am not one who is given to grieving. I am a fairly patient person, maybe even long suffering, but I am glad we have such opportunities in Parliament when there are matters that are genuinely irksome, that are adverse, that press down upon and are distressful to those we represent.

The situation I wish to grieve about this morning concerns a consistent and long-term failure within the office of the Minister for Transport to respond adequately or even inadequately to matters that are put before him or through him by members of Parliament, in my case especially. The best that I can say is that except for two occasions, every time I have put matters to the Minister for Transport through his office in the last nearly two years the only response that I have received is, 'Your correspondence is receiving attention and a response will be forwarded as soon as possible'. You would not want to hold your breath!

I do give him credit and thank him for responding to my letter of December 2000 on the need to extend Dorset Road — although that reply did take six months — and for passing my letter on, because he said he believed it provided useful background information for the study. So that is a feather in both our caps.

I thank him too for the speed with which he responded to a letter I sent in January this year on behalf of a constituent on the issue of recidivist bad drivers. That reply came back in just six weeks. But what could have possibly happened to my 8 August 2001 letter on the pressing need to redesign the left-turning lane from Mountain Highway into Bayswater Road? I had a response from the City of Knox, which said:

> Thank you for the copy of your letter to Peter Batchelor, Minister for Transport, requesting urgent funding for a double left-turn lane on Mountain Highway–Bayswater Road intersection at Bayswater … The project is one which needs to proceed and with council's focus on Bayswater would complement other works in the area.

What makes that an urgent issue is that in the most recent two or three years vehicles have been banking up in the turning lanes, and some run the very serious risk of being caught between the boom gates as they come down. That is no idle point that I am putting; that is a very real risk. The response to that:

> Your correspondence is receiving attention and a response will be forwarded as soon as possible.

What about my letter of 10 August which had to do with a turning lane from High Street into Mountain Highway in the centre of Bayswater? At the time the federal government had brought forward some funding from its black spot program to deal with right-turning lanes from Mountain Highway into High Street and into Valentine Street. The point of my letter picking up the City of Knox's views was that here was an opportunity to deal with the whole intersection in one bite, and not to have to come back and waste extra moneys to do the thing twice over. Unfortunately, all I got was:

> Your correspondence is receiving attention and a response will be forwarded as soon as possible.

So the commonwealth part of the project has been finished. This issue is important because the roadway from High Street across Mountain Highway and into Valentine Street is a dogleg. Therefore, many drivers cannot see oncoming vehicles in many of the situations they find themselves in when trying to do right-hand turns.

And what has happened to my 13 July letter on the urgent need to widen the narrow bridge on Wantirna Road, Heathmont, after a truck crashed over into the Dandenong Creek? That was an accident waiting to happen, and it happened. It has not been dealt with; all that has happened is that the fence has been repaired where the vehicle went over. Both the City of Maroondah and the City of Knox are concerned about the narrowing of that roadway caused by the footpath that sneaks down the side of the bridge. It forces vehicles unexpectedly to divert into the centre of the road and, in the case of this vehicle, the driver diverted, overreacted and then overreacted in correcting his overreaction and found himself plunging down onto the cycle path under the road bridge by the Dandenong Creek. It was miraculous that there was no pedestrian or cyclist at the point where the truck went over.

Those are the issues from the middle of last year. But even more disturbing is the fact that I have had no response to my letter suggesting the necessity and the prime opportunity for the creation of a modal interchange station in Ringwood at the point where the Eastern Freeway will become the Scoresby freeway and where it crosses the railway line from Heatherdale into Ringwood.

The point I was making to the Minister for Transport is this: the City of Knox and road users — and even as far as Doncaster — are concerned about the movement of north–south traffic. East–west traffic is bad enough, but out in that part of the world north–south traffic is a real quagmire.

Indeed the minister admitted so in passing on my letter of December 2000 about the study on the extension of Dorset Road. I had made the point that the flow of north–south traffic in the outer east is impossible because it is all disconnected and broken up by the Dandenong Creek.

My point to the minister was that there is a once-in-a-lifetime opportunity to deal with the north–south traffic given the legitimate and strong support from the public for a public transport system up the spine of the Scoresby freeway and into Ringwood. I said it was a once-in-a-lifetime opportunity to take north–south traffic straight from the freeway into the station itself, literally onto the platform, and to keep it away from the east–west flow of the Maroondah Highway and other areas which are now totally congested — and as a consequence the Ringwood station is simply not able to cope with the flow of passengers. Its centre platform is quite dysfunctional and does not even have a toilet, despite two or so years of campaigning for it.

The only response I have had is:

> Your correspondence is receiving attention and a response will be forwarded as soon as possible.

Furthest back is my letter of 30 June, 2000 acknowledged on 5 July, about the need to extend zone 2 for trains running beyond Ringwood. The main reason would be to cut the unnecessary traffic which converges on Heatherdale station, making it a dangerous place to be every morning and evening. It bears the load of people who come from Lilydale, Croydon and Ringwood East, as well as people coming from the Bayswater and Wantirna side. All that traffic is converging because people do not have to pay for zone 1, 2 and 3. That is a crazy situation.

The way to deal with it is to change the end of zone 2 at either Ringwood East or Croydon on the Lilydale line, and at Heathmont or Bayswater on the Belgrave line. If that is done Connex will reap bigger support and patronage, and it will have the effect of taking a whole lot of unnecessary traffic out of the centre of Ringwood and off Heatherdale Road, which is dangerous, unnecessary and polluting.

For all those reasons I am stunned that I have not had a response to my letter of 30 June 2000, except to be told that:

> Your correspondence is receiving attention and a response will be forwarded as soon as possible.

Those are the important historical ones, but the most recent is equally disturbing. It concerns a letter I wrote on 31 January 2002, acknowledged on 4 February 2002. It has to do with a request from the City of Knox for funding for and discussions around the redevelopment of the forecourt of Bayswater station, including the front-of-station facilities that enable buses and taxis to get out onto Station Street.

In my letter I said:

> It is both council's view and mine that the adjacent Station Street intersection with Pine Road requires the construction of a roundabout. In council's words, a 'roundabout is considered an appropriate treatment (given) the accidents that have occurred in the recent five years and (the fact that it meets) black spot program requirements'.
>
> Council's professional view is that the benefits of upgrading vehicle exit facilities from front-of-station into the busy thoroughfare of Station Street with its adjacent T-intersection can only be achieved if both treatments are undertaken concurrently.

I also said:

> I am writing on behalf of the whole Bayswater community to draw your attention to a remark made by manager, engineering, office of the Director of Public Transport, in correspondence dated 17 October 2001 to Knox council. Referring to earlier correspondence from council on this project Mr David Bailey commented, 'At this time no government funds are available for the redevelopment of the Bayswater station interchange'.

So I said:

> As your government, the previous government and the City of Knox have all accorded priority to the Bayswater revitalisation project, I ask you to take the necessary ministerial actions to overcome whatever would loom as a major impediment to the project's success. Given modern demands, Bayswater's transport interchange is quite inadequate. It forms a core infrastructural deficiency with major deleterious flow-on effects for commuters, local residents and many of those who work or shop in Bayswater.
>
> As the Bayswater project is now on the starting blocks, your support at this point in time is crucial. I realise that the road and traffic issues I have raised are difficult to describe. It would be of tremendous value, therefore, if you could visit the site at a convenient time in the next two or three months so that council officers and I might be able to more adequately brief you.

All I have received is this:

> Your correspondence is receiving attention and a response will be forwarded as soon as possible.

Government: performance

Mr STENSHOLT (Burwood) — Today I grieve for the loss of services and the lack of services and consideration that my constituents suffered under the previous government. It is a well-known fact that many services were run down during the term of the previous

government and that the needs of many citizens were ignored. These services included schools, health and police and community safety. Even small business was given little consideration by the previous government, which sought to govern not for the many or for the small people but for the big end of town.

The facts are well known. Many schools were closed; thousands of teachers were put off; hospitals were starved of funding or closed; there was little or no new investment in public housing; and, as we heard yesterday, police numbers were cut.

Fortunately the Bracks Labor government is turning this state around and repairing the trail of destruction and devastation wrought by the previous government in terms of the services provided and the consideration given to citizens in this state. Make no mistake, the damage wrought on our basic services was severe and will take years to repair. However, the Bracks Labor government is firmly on the path to repairing the damage that was done here in Victoria. I would like to give the house some examples of what is happening, with particular reference to my own electorate of Burwood.

First of all I will talk about community safety, which my constituents regard as being very important. On Monday I attended a regular lunch of the Camberwell business group. I commend the work of this group which does a fine job of ensuring that the small businesses in the Camberwell area get together on a regular basis to hear about and discuss issues of concern to them and the wider community. At the lunch on Monday we heard from Boroondara council officers about the feedback they receive in terms of community concerns and issues. They have taken some work from the Swinburne University of Technology, looked at the qualitative and quantitative data and found that issues of community safety are very high on the agenda of the citizens of Boroondara, a number of whom live in my electorate.

The Bracks Labor government has provided the Boroondara council with a $50 000 grant towards its community safety program. I should note that the council will next Wednesday morning launch a home safety program at the Ashburton pool in the Burwood electorate. I would like to commend Cr Keith Walter and his community safety committee for the work it is doing in this regard.

What was the community safety situation in Burwood and Victoria under the previous government? We all know that police numbers, which are very much at the heart of providing community safety, were run down. There was a promise to increase the number of police in Victoria by 1000, but a cut of 800 police was delivered. Morale plummeted, there was a high separation rate and a loss of confidence in the government by rank-and-file police. In my electorate of Burwood the Ashburton police station was down to four staff. The Camberwell police station, a 24-hour station, was down to 19 police when its normal complement is 32. The previous government had a program of closing local police stations, and all the police stations in Boroondara were due to be closed and replaced by one station.

What has the Bracks Labor government done to repair the damage? In the past week we have heard that we now have an extra 800 police back on the streets. That was promised to be done over the lifetime of the first Bracks government — up to four years — but it has been done within two and a half years. We have an extra 800 police back on the streets and morale in the police force has been restored. As I have already mentioned, a great indicator of that is the separation rate, which is now below 3 per cent and far below the rate seen under the previous government.

What is happening locally? I remember standing outside the Ashburton police station with the Premier when he said that under a Labor government there would be more police at the Ashburton police station. I am very pleased to record that instead of the four staff who were there in 1999 we now have seven. I have been a frequent visitor to the local station and I can attest to the morale there. The 24-hour police station at Camberwell, which services a large part of my electorate although it is just outside the electoral boundary, now has a full complement of 32 officers instead of 19 officers. The government is delivering on community safety in Burwood.

The government is also funding new police stations and upgrading existing police stations at a cost of close to $100 million. This is a great investment in community safety. I am pleased to announce that the upgrading of the Camberwell police station will be extended at a cost of $1.25 million. This means that the Camberwell police station will effectively be doubled in size. That is fantastic news for the local community. It is a real vote of confidence in policing in the area and a real contribution to what is seen as a major concern for local people — namely, community safety.

The Camberwell police station is an historic art deco building. For those who are into architecture, art deco is making a bit of a comeback these days and the Camberwell police station is an excellent example of it. In the budget last year it was announced that $700 000 would be put aside for upgrading and refurbishing the

station. I visited the station and talked to the police — I visit all the police stations in my area — and I recommended to the Minister for Police and Emergency Services that that was not enough and that we needed to look at a much more comprehensive upgrading of the station. As a result of that and consultation with the police, funding has been increased to $1.25 million to finance the expansion.

Mrs Fyffe — Mr Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr STENSHOLT — The government is turning it around in Victoria. It is correcting the damage and destruction caused by the former government particularly in the area of community safety. The government intends to deliver to the community a great refurbished Camberwell police station. All the local police have had a strong input into the redesign process and the final plans have just been wrapped up.

That station will have a larger uniformed muster area, a new office for the operational sergeant, interview facilities, a holding room, conference facilities, a charge counter area and upgraded total facilities. It will be a major change and a major factor in improving community safety in and around my electorate. That refurbished station will be a positive and tangible indication that the government is turning things around in Victoria particularly in the area of community safety. Victoria now has 800 extra police and some will be delivered to Burwood. They will be out there supporting the community. I commend the Bracks Labor government for doing that.

ALP: Victorian membership

Mr MULDER (Polwarth) — I grieve for the future of the Australian Labor Party as a political organisation and for the decline of the ALP in Victoria because of the risk that poses to political organisations across the state. If we do not have strong political organisations with sound political structures Victorians will not have the opportunity to exercise a democratic right to support a party and bring about the best results for Victoria.

It is common knowledge that after the last federal election Labor was battered and knocked about to some extent. To that end a committee was set up and submissions invited to be sent to former Labor Prime Minister Bob Hawke and former New South Wales Labor Premier Neville Wran. The idea was for the ALP to do some soul-searching to understand what was going wrong with the organisation.

The best summary I have seen in relation to the problems that exist in the Victorian ALP is contained in a submission headed ‘If not now, when?’. The submission was made in February 2002 to Bob Hawke and Neville Wran by Lindsay Tanner, the Labor member for the federal electorate of Melbourne. In his introduction Mr Tanner refers to the fact that Labor had just recorded its lowest primary vote since 1906. Any political organisation would have to be worried about a scenario that shows in 2001 it recorded its lowest primary vote since 1906. In his introduction Mr Tanner states:

> We have to think how we organise ourselves, not just how we present ourselves. Our problems are structural, not cyclical. A new coat of paint might help, but restumping is the main priority.

Mr Trezise interjected.

Mr MULDER — The honourable member for Geelong is in the chamber; I suggest that if somebody has to be restumped, the first would be the honourable member for Geelong!

Mr Tanner further submits:

> In spite of occasional limited reforms, Labor is still encumbered by a structure, culture and organisational approach which reflect the old world. In the short term we have been propped up by incumbency, the electoral system and public funding of political parties, but the signs of decline are everywhere.

He then refers to membership and what Labor politicians generally think of the people who support them — that is, members of the Labor Party. He states:

> The best way to understand the value that Labor attaches to party membership is to examine the level of resources we have committed over the years to membership recruitment, development, training and service. We do little to attract members to join, we offer them virtually no fulfilment and influence, and we do little to develop their political skills. To add insult to injury key party figures sometimes engage in branch-stacking exercises which turn the entire concept of membership participation into a mockery.

This is what one of the government’s federal members thinks about the Victorian ALP and the whole process of the Labor Party. He talks about what they think of their own members. He further says about membership:

> For those without political ambitions who simply wish to make a contribution, rank and file membership of the ALP is profoundly unappealing.

I remind the house that that is what the ALP people say about their own organisation:

> The average ALP member:

> does not enjoy the right to vote in elections for senior party office-holders
>
> has little if any access to forums of decision making and policy debate
>
> has participation options restricted largely to an often boring and alienating monthly branch meeting and occasional hack work in election campaigns.

This is what Labor members think and say about their own membership. No wonder you are all in decline! Mr Tanner further states:

> As a result Labor members around the country are voting with their feet and staying away.

They are staying away from Labor! Mr Tanner further comments about party membership:

> Recent reforms, necessary though they have been, have all been about stopping people from joining the Labor Party.

Do you or do you not want members? He says the ALP reforms are stopping people from joining the party. He then says:

> Long overdue efforts to tackle branch stacking appear to be having some effect. It's now time we did something to encourage genuine members to join.

Mr Trezise interjected.

Mr MULDER — Are you going to get rid of the non-genuine members? Are you saying all the members you now have in the ALP are not genuine? You say you want to get rid of them and bring in genuine members. This submission is what somebody from within the ALP — a federal member of Parliament — thinks about the Labor Party. This is great stuff! He wants to get rid of all the non-genuine members and get genuine members. Heavens above, no wonder you are in decline!

It gets even better because Mr Tanner talks next about what he wants to do to improve membership. He says he wants:

> … liberalised branch rules which allow members to form branches around any theme which is compatible with Labor's platform and objectives, not just local geography.

He wants to liberalise all your branches. However, it gets even better because he also wants:

> … automatic rights to participate in policy committees for all members.

He should come down to a Liberal Party state conference and look at membership participation; he could go to a policy assembly with the Liberal Party and look at membership participation. We involve our members within our organisational structure. I understand you need to liberalise the ALP, but come and have a look at some great examples. You will not need to create your own set-up! He further states:

> At present, apart from one or two small state-territory branches, party members do not directly elect party officers, administrative committee members and national conference delegates. Virtually every trade union member has the right to vote for the equivalent positions in their union. Labor's collegiate electoral systems ensure that members are totally remote from party decision-making processes.

Why do you have members? He further states:

> Elsewhere things are different. British Labour Party members get to vote in national executive elections, and to elect the party leader. Even the British Conservative Party gives its members a vote in leadership elections. The ALP could introduce direct membership voting for key internal party positions easily without altering the level of input of affiliated unions. I have advocated this reform for over a decade, with little effect.

Nobody wants to take notice:

> It is now more necessary than ever … If each member still has only one vote in internal party ballots based on residence there is no reason why such a liberalised branch structure should engender increased stacking.
>
> …
>
> Labor should also conduct a genuine national membership survey —

he wants a survey of genuine members, not the non-genuine members —

> with serious questions aimed at eliciting the true picture of membership attitudes and aspirations. The survey should be random, run by a professional opinion polling organisation, and the results should be made public.

I would love to see the results of that opinion poll made public! The submission gets even better because it turns to party culture, which is what government members in this place are all about. Mr Tanner states:

> The ALP's longstanding internal culture could perhaps best be described as Masonic-Leninist. Byzantine structures, unfamiliar jargon, exclusionary attitudes and an atmosphere of secrecy characterise Labor's organisational culture.

Who, on the opposite side, fits that description or process?

Honourable members interjecting.

Mr MULDER — This submission is what your own people think about your party:

> The first is to make a genuine effort to foster debate within the party. Policy debate is often talked about, but it actually doesn't happen very often. Our structures make it difficult,

and everybody is usually much too busy fighting the Liberals or fighting internal battles.

This is why the Labor Party is in demise.

A conscious effort is required to ensure that genuine wide-ranging debate becomes the norm.

As well as opening up its policy committees and liberalising branch structures the ALP should restructure its National Conference to provide for much greater membership participation.

In other words the members get locked out and we make all the decisions inside without membership participation. It goes on:

The second change which would help to improve Labor's culture is to start to become more realistic about our past. Although, as some Liberals have pointed out, our possession of a past littered with heroes, myths and legends is a significant advantage, it can be overemphasised. We tend to romanticise and sentimentalise our past too much, and to indulge past leaders with a degree of reverence which is not shared by the general community.

This is what Mr Tanner is saying about his Labor leaders of the past:

Some celebration is appropriate, but beyond a certain point this can make us appear backward looking and out of touch.

Once again Mr Tanner, who is a federal member, is pointing out that there has been far too much romanticising about the contributions of past prime ministers to the Australian people. It goes on:

We also have a problem with the narrowing of occupational background and life experience of Labor MPs. The number of MPs who could be described as Labor movement professionals has increased substantially.

The honourable members for Keilor and Geelong would no doubt fit into that particular category. Mr Tanner goes on:

As someone who has the same background I can hardly complain too loudly, but we need to make a collective effort to increase the diversity of background in the Labor caucus. Having managed to achieve substantial progress on the gender imbalance problem, it should not be beyond us to tackle the diminishing diversity problem.

One solution to candidate quality problems which has become more common in recent years is the 'star import' approach.

The star import approach! Please point them out on the other side of the chamber. We have had a few come in under the star import banner and then move sideways within a very short period of time. Obviously the star import process for the Labor Party has been a total failure. Mr Tanner goes on to say:

The ALP should not allow itself to become a kind of job agency for aspiring parliamentarians in the general community. Party membership and involvement is not the only way a person can demonstrate political skills and commitment to Labor ideals, but it is a pretty good one.

It is a pretty good way, he says, but it is not the exact way you do it.

I will conclude on a couple of issues relating to trade union affiliation. Mr Tanner says:

The key question with our union connection is very simple: should it be retained? I believe it should and I believe that most Labor members and supporters think so too. Trade union affiliation ensures that Labor retains a mass base, even if the connection is indirect. It provides a source of connection with the work force and the general community which our tiny membership base does not provide. It gives Labor a substantial organisational and resource base —

which of course is dollars from the trade unions —

and a level of stability and continuity which is sometimes taken for granted.

It takes its members for granted. Obviously it does not take the trade unions for granted, because that is where its finance base comes from. He goes on further to say:

We should not allow important issues like unfair dismissal laws to become hostage to a perceived need for Labor to distance itself from its union base. Occasionally we will disagree with the trade union movement on a particular issue. When we do so it should be a genuine disagreement, not a false position driven by a need to be seen to be disagreeing.

So we have genuine members and we have non-genuine members. We have genuine disagreements and we have need-to-be-seen-to-be disagreements. This is the way that the organisation and structure of the Labor Party works. It is no wonder it is in decline. It is no wonder it is going backwards. It is no wonder that a party which takes its membership for granted is in rapid decline. I am sure that anyone who is a paid-up member of the Labor Party would be interested in viewing this document, which shows how they are treated, how they are viewed by parliamentarians within the Labor movement. It is a true indication of exactly where the Labor Party is headed — and that is nowhere.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Keilor has 1 minute and 15 seconds.

Rail: St Albans station

Mr SEITZ (Keilor) — I am disappointed because I thought there was an understanding that I would get 5 minutes. It was done by arrangement so I am deeply disappointed that the honourable member for Polwarth has not given me the opportunity to have my time. I cooperated last night when I was requested to do the

same thing and I afforded the opposition that courtesy and made available the time. I am deeply disappointed by that sort of attitude from the opposition and I will remember it for the future! Those issues need to be placed on record. The opposition should not come and ask me or get its whip to ask the government's whip to give extra time in the future. When a commitment is given in such circumstances, it is to be honoured in the house.

It is typical of what I was going to say: how the Liberal Party and the former Premier are trying to rewrite history saying it was going to put the St Albans railway station underground. I asked the question in the house, but he never had a commitment to it. Now he is on his radio program trying to rewrite history — —

The ACTING SPEAKER (Mr Kilgour) — Order! The time for raising matters on the grievance debate is concluded.

Mr Seitz interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Keilor has had the time for his debate. I ask him to cease interjecting.

RAIL CORPORATIONS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Rail Corporations Act 1996 in relation to the rail access regime and for other purposes.

Read first time.

STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to make further miscellaneous amendments to the Duties Act 2000, the Land Tax Act 1958 and the Payroll Tax Act 1971 and for other purposes.

Mrs SHARDEY (Caulfield) — Would the minister give a short explanation of the purpose of the bill?

Mr HULLS (Attorney-General) (*By leave*) — The bill makes further miscellaneous amendments to the Duties Act, the Land Tax Act and the Payroll Tax Act.

Motion agreed to.

Read first time.

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Guardianship and Administration Act 1986, the Mental Health Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

Mrs SHARDEY (Caulfield) — Would the Attorney-General please give a brief description of the bill?

Mr HULLS (Attorney-General) (*By leave*) — This legislation extends the consent regime for procedures to take place on people suffering from a disability. As you know, there are current consent procedures that are required for people suffering from a permanent disability. The bill extends those for people suffering from a disability that is not permanent.

Motion agreed to.

Read first time.

FISHERIES (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Fisheries Act 1995 and for other purposes.

Mrs SHARDEY (Caulfield) — Would the minister please give a brief description of the bill?

Mr HULLS (Attorney-General) (*By leave*) — I am more than happy to. The bill amends the important Fisheries Act which was proclaimed in this house in 1995.

Mr McArthur — On a point of order, Mr Acting Speaker, I think by now it is well established that there is the capacity for honourable members who are seeking a little explanation of what a bill contains to do so at this first reading stage. It is incumbent on the minister moving the first reading to have some understanding of the bill. Clearly the Attorney-General has some understanding of legislation for which he has

responsibility. If he is not prepared to give a brief explanation which is other than re-reading the title, then he should not be moving the first reading motion of the bill and he should get the minister responsible for doing it. To do otherwise is contemptuous.

Mr HULLS — The honourable member for Monbulk is clearly on a fishing expedition.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order.

Motion agreed to.

Read first time.

JEWISH CARE (VICTORIA) BILL

Second reading

Debate resumed from 28 March; motion of Mr HULLS (Attorney-General).

The ACTING SPEAKER (Mr Kilgour) — Order! The Speaker has examined the Jewish Care (Victoria) Bill and is of the opinion that it is a private bill.

Mr HULLS (Attorney-General) — I move:

> That this bill be dealt with as a public bill and that fees be dispensed with.

Motion agreed to.

Mr WYNNE (Richmond) — I rise to support the Jewish Care (Victoria) Bill. It follows a number of these so-called private bills that have come into the house over the last few months including the Roman Catholic Trusts Act, the Anglican Trusts Corporations Act and the Scotch College Common Funds Act, which aim to streamline the arrangements for many benevolent organisations that receive public funds and have had to restructure their particular circumstances.

As honourable members would be aware, Jewish Care (Victoria) provides an extensive range of community-based services to the Jewish community, including employment assistance, in-home care, counselling and case management, disability services, child and family services, financial aid and advocacy.

A much as any other, certainly in Victoria, the Jewish community has an extraordinary record of providing a suite of wonderful support structures across the community, not only for the aged but for youth and right through to nursing homes and hospitals. They are fantastic structures.

On 1 February 2001 two organisations amalgamated to form Jewish Care — the prestigious and extremely well-known Montefiore Homes for the Aged and Jewish Community Services. Both these organisations have a long and distinguished history of responding to the needs of the Jewish community in Victoria. As we know, they have assisted Holocaust survivors, Australian-born Jews and migrants from all over the world.

Jewish Care still provides assistance to the children of Holocaust survivors. However, its scope of activities and focus has changed significantly over time.

All the services previously provided by Jewish Community Services and Montefiore Homes for the Aged are now being provided under the new umbrella organisation called Jewish Care (Victoria). This organisation now brings together the long histories and established commitment to social and community welfare of those previously separate Jewish agencies.

Bequests have always played a large role in supporting not only the Jewish community but the many welfare organisations that have sought this form of legislative cover. The support provided to these organisations by the Jewish community has been immense over a long period of time. They are part of the core financial base which we now know as the organisation Jewish Care (Victoria).

The previous two organisations have ceased to exist since the amalgamation. This has created a problem in administering those moneys or trusts bequeathed to the now non-existent agencies. Clearly we need to fix this anomaly so that people's bequests to Montefiore Homes or Jewish Community Services are appropriately channelled to the new organisation.

The bill addresses this serious problem for Jewish Care (Victoria) by providing for the vesting in Jewish Care of certain property and certain trust funds.

Clause 1 clearly sets out the purposes of the legislation. Clause 3 defines 'property' as:

> … any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description …

That clearly clarifies what is meant by the gifting of estate.

The bill provides that trust funds may be applied as if they were created in favour of Jewish Care for a purpose corresponding or similar to the charitable purposes for which they were originally created. For instance, if a bequest was originally declared in favour

of Montefiore Homes, it would be used by Jewish Care for aged care services. Often people who find themselves in the care of prestigious organisations like Montefiore Homes and who will see out their lives in their care seek in their wills to offer bequests of funds, or in some cases properties, as an acknowledgment of the ongoing care being provided to them or in recognition of the support those organisations have provided and will continue to provide to the general community.

In this circumstance a bequest that has been made to Montefiore Homes would be transferred to Jewish Care, but it would specifically be hypothecated to the aged care services aspect of it. Essentially it is about trying to capture the essence of what a person was seeking to do with their bequest.

Jewish Care is heavily reliant on bequests and gifts for the funding of its activities in the Jewish community, and I understand that a large number of wills still name Jewish Community Services or Montefiore Homes as benefactors. Without the proposed act, Jewish Care would be required to make individual cy-pres applications to the Supreme Court to gain the value of each bequest made out to the previous agencies. Obviously it would be a costly and time-consuming exercise for the organisation to have to go to the Supreme Court in each case to have what are essentially administrative matters clarified and dealt with. No doubt it is important in the context of the individual bequest, but it seems a waste of the time and resources of both the organisation and the Supreme Court.

Having to engage in repeated proceedings to gain access to bequests would obviously erode their value, which could have been appropriately hypothecated to the charitable purposes for which they were intended. This legislation is aimed at assisting the organisation to maintain the value of the trusts and bequests, and obviously through that to continue their incredibly valuable work.

As I indicated at the outset, Jewish Care is a prestigious and highly valued organisation in our community, as is a range of other organisations of a similar nature for whom we have sought to resolve these administrative problems, namely — as was indicated by the honourable member for Caulfield — Anglicare, the Catholic Church Trust and Scotch College. This is merely one in a suite. As I indicated in a previous contribution, over the next couple of years we may well see a few more of these come through the Parliament as religious and charitable organisations seek to consolidate their structures into a more streamlined form.

With the bipartisan support of both sides of the house Parliament is now in a position to clarify the required administrative and legal structures to ensure that the bequests that were previously made to Montefiore Homes and Jewish Community Services will now be directed to Jewish Care (Victoria). Clearly this bill enjoys the support of both sides, and I wish it a speedy passage.

Mrs SHARDEY (Caulfield) — It gives me enormous pleasure to support this Jewish Care (Victoria) Bill. As some honourable members may remember, when the bill had its second reading the opposition was more than happy to give it a very speedy passage through the house; it was prepared to support the bill to go through the house on that very day. The government did not wish that to happen, which is a pity, but given the circumstances it gives many of us who have great interest in the organisations in the Jewish community the opportunity to make a contribution on the bill.

As most honourable members would realise, outside of Israel my electorate of Caulfield probably has the highest proportion of Holocaust survivors per head of population in the world; therefore, a very high proportion of my constituency is of the Jewish community. Within the electorate of Caulfield a large number of Jewish peak body organisations reside at Beth Weizman Centre. The headquarters of Montefiore Homes and Jewish Community Services lie just outside my electorate, but I have a number of their facilities within it. Because I have such a strong affiliation and have worked so strongly with these organisations, it gives me enormous pleasure today to speak about them a little.

The government, through the honourable member for Richmond, has outlined the technical aspects of the bill and the fact that it provides for gifts, trusts of property, et cetera made in favour of Jewish Community Services and Montefiore Homes to be vested in the new organisation, Jewish Care. Jewish Care was incorporated in February 2001, bringing the former Montefiore Homes and Jewish Community Services under the one umbrella. Jewish Care will continue to provide all the services formerly provided before the amalgamation of those two organisations. It is intended that Jewish Care and the Jewish community generally will benefit from property given for charitable purposes to trust funds created in the name of Jewish Community Services and Montefiore Homes.

A long period of consultation led to the formation of Jewish Care. It took about one and a half years for the process to occur. I was in discussion with both board

members and the chief executive officers of those organisations about how this could all come together. As has been made clear, this Parliament has dealt with similar bills, including the Anglicare bill, the Scotch College bill, et cetera, all of which were done with the full support of the Liberal Party.

While Jewish Care is in receipt of both state and federal government grants for recurrent funding, it is also heavily reliant on gifts and bequests from the community. The Jewish community would be one of the most generous communities in terms of giving to such organisations. I will recount a little: there is an absolute principle of philanthropy within the Jewish community and giving is a part of one's responsibility in life. A particular word is used: to give is called performing a mitzvah, and it is something that people look up to. Another term describes a person who gives very much to their community and stands out as a community leader. To be called a mensch is a huge compliment, and it is something that the community supports very much. As has also been said, the bill is necessary because the two organisations, Montefiore Homes and Jewish Community Services, as such, now cease to exist and the new organisation of Jewish Care must be recognised.

These organisations are needed because our Jewish community has grown very much over time. Jewish people came to Australia on the First Fleet, but it was not until a little later in the earlier part of the 20th century that the size of the Jewish community started to grow with migration, mainly because of the pogroms occurring in Russia and Poland at the time. Many people came to Australia seeking a safe haven and to live under democratic institutions.

I quote briefly from a book entitled *A Serious Influx of Jews*:

> The effect of the inflow of Jewish migrants was most profound from the 1930s. In three decades from 1933 the Jewish population of Victoria, as measured in the census of those who declared their religion as Jewish, more than trebled from 9500 persons in 1933 to 29 232 in 1961. During the same period the Jewish population of Victoria grew from 40 per cent of the total Jewish population of Australia to over 50 per cent of the total. From 1901 to 1961 the Jewish population of Victoria grew by more than five and a half times; by comparison, the New South Wales growth was just over four times.

The 1986 census showed there were some 32 387 people who were prepared to declare that they were Jews, rising to 33 882 in 1991. It is believed, although there is no absolutely accurate measure, there are some 50 000 Jewish people now living in Victoria, and a high proportion of those people live in my electorate of Caulfield.

In latter years a very large number of people have come from both the former Soviet Union and from South Africa. Probably the greatest influx of Jews occurred after the Second World War. People who had been the subject of enormous persecution and who were fleeing the effects of the Holocaust — in Hebrew the word is 'shoah', which is a word used very much in our community — came to Australia. Many of these people have special needs, particularly as they age. As people age invariably they start to relive the persecution they experienced during those times, times in which 6 million Jewish people lost their lives, including 1.5 million Jewish children. Today many of those people are now moving into their 70s and 80s and are often undergoing great stress. Places like Montefiore Homes are able to cater for that particular type of person who often experiences periods of severe depression.

I will say a little more about the services offered by Jewish Care. It provides care for the frail and aged in homes and for some 500 residents in purpose-built residential and nursing facilities. Specialised programs are offered for those suffering from dementia, including support for family groups. The Fink Family Wing specialises in this challenging field and the exceptional programs provided are often used as a point of reference for other aged care facilities both nationally and internationally. Jewish Care also offers a comprehensive range of community services including counselling, family services, group support, advocacy, youth support services, migration support and resettlement services, disability services including supported accommodation and a schools integration program, financial aid and job search.

Jewish Care today has activity centres that cater for some 200 people, recreation programs, regular outings for older people and a large and coordinated network of volunteers assisting in most programs. So we can see that Jewish Care offers an enormous array of services for people with disabilities, those who are ageing, the young and those who are seeking employment. In particular it has provided enormous service in the form of settlement for people who came to Australia for resettlement, needing particular assistance. Jewish Care in the form of Montefiore Homes and Jewish Community Services has always had strong government support. Melbourne, as I have said, has the highest population of Holocaust survivors, particularly in my electorate of Caulfield but both organisations, as we have also heard, have enormous support from within the community. I mention the family names of

Pratt, Smorgon, Besen, Gandel and Gutnick. Of course there are very many others who have given enormously to these and other organisations.

The current chief executive officer of Jewish Care is Nancy Hogan who used to work for Malvern Elderly Citizens Welfare Association known as MECWA. She is a person with enormous skills in relation to aged care and all the other services. I will talk briefly about Montefiore Homes in particular, because it has a long history. Montefiore Homes was not called that in the early days. It started in 1848 as the Melbourne Jewish Philanthropic Society and is one of the longest continuously operating philanthropic organisations in Victoria. There was a very small population of some 200 Jewish people living in Melbourne in 1848 but they identified the need to assist the poor and elderly of the community with money, medical care, food and clothing.

Although the colony of Victoria was only in its infancy at that time there was a growing number of elderly and unemployed people so the founders of the organisation were instrumental in the establishment also of a number of non-Jewish organisations to assist the sick and the needy. These included the Freemasons Hospital and the Melbourne hospital, now known as the Royal Melbourne Hospital. The Jewish community has always included members and strong supporters of Freemasonry. The Melbourne Jewish Philanthropic Society was first given an annual grant of £300 by the Victorian government in 1862, and by 1869 enough money had been saved to build what they called almshouses in those times. The building of these was a testimonial to the society's secretary, a Mr Levy, and led to a grant of Crown land on St Kilda Road where we now see Montefiore Homes, now called Jewish Care.

At that time St Kilda was a very popular seaside suburb with a Jewish population of some 350. Many of the society's supporters lived in the area and were members of the St Kilda Hebrew congregation. The foundation stone for what became Montefiore Homes was laid in 1870.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the massive union problems that have plagued the construction of stage 1 of the $400 million, 2000-job proposed Saizeriya food investment project at Melton and the damage that it would do to Victoria's international investment reputation to lose this project, and I ask: can the Premier guarantee that stage 1 of this facility will be finished by the revised 31 August deadline?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. In this matter I share the concerns of the opposition leader about the action that has been taken at Saizeriya. If you remember, Mr Speaker, in answer to a previous question in question time in this house I indicated that the national union should take action against one of the state unions involved. That has been happening, and it is under investigation currently.

Separate from that, this government has done everything possible to work with the company to make sure this project is up and running on time and on budget, and it will continue to do that. It will not stop until this project is up and running, on time and on budget. This government will continue to work with the company. It is an important investment for the state.

I am very pleased, and I know the honourable member for Melton is also very pleased, that this has been secured for Victoria — and in his electorate as well. We will do everything to stand by the company to make sure we see this matter through.

Marine parks: establishment

Mr RYAN (Leader of the National Party) — I ask the Minister for Environment and Conservation whether it is the government's intention to compensate commercial fishers for the substantial loss of value of their licences, which will be the inevitable result of their exclusion from the proposed marine parks.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for his question. The National Party so far has provided no practical suggestions at all on the implementation of marine national parks, despite the exposure draft and despite the proposal paper. It has simply not addressed the issue at all. Apart from a second-rate blueprint put out by the National Party last year, there has been not one practical suggestion.

The government's proposals are built on a 10-year process by the Environment and Conservation Council and its predecessor, including six periods of public consultation and 4500 public submissions. The National Party has attempted to replace that entire body

of work, opting for its own dodgy little process. It simply will not work.

The government has recognised that marine national parks will have an impact on the seafood industry. Had the Leader of the National Party taken the time to read either the proposals paper or the exposure draft he would have seen that built into this there is a very fair system of compensation for the industry to help it adjust to the marine national parks. As for the industry and recreational anglers, 95 per cent of the coast will be available for commercial and recreational fishing.

Mr Ryan — On a point of order, Mr Speaker, the minister is debating the question, which related entirely to issues to do with compensation for commercial fishers. I ask you to have her address the question.

The SPEAKER — Order! I do not uphold the point of order. I am not of the opinion that the minister was debating the question.

Ms GARBUTT — Save for what is in the exposure draft, which the honourable member could have read had he taken the time, fishers of rock lobster and fin fish will be assisted. They will be able to redirect their efforts, of course, and a panel will be established to assess their claims. The abalone sector will be the primary beneficiary of a 75 per cent increase in extra enforcement to take out the poachers so that that fish is available to our licensed fishermen, so that simply will not cause overfishing.

In addition, the government has proposed a $1000 grant to help people with their paperwork and to assist them to make those claims. So very clearly we have recognised and put into the bill both that the commercial industry will be impacted and that assistance will be provided. That is in the bill for all to read. If the Leader of the National Party has any practical suggestions, now is the time to put them up or go quiet.

Marine parks: establishment

Ms LINDELL (Carrum) — I ask the Premier to provide the house with an update on the government's plans to introduce marine national parks and to advise the house on the support for these plans.

Mr BRACKS (Premier) — I thank the honourable member for Carrum for her question. I also thank the National Party for assisting us with our theme today as well. I am grateful for that.

I can advise the house that yesterday at the Victorian coastal conference, which was held here in Melbourne, 180 delegates from right around Australia unanimously passed a resolution supporting the marine parks legislation in Victoria. Not only that, but they urged this Parliament — in this house in these sittings — to adopt the legislation and to proceed with it forthwith.

That certainly is what this government will do when the legislation is brought into the house as it moves from the exposure draft. The key issue is whether we will receive support for that. I hope for the good of the environment that the opposition stands up on this matter and supports the government on this piece of legislation.

I remind the house that in creating the marine parks legislation we are implementing, as the environment minister just indicated, the recommendations of the Environment Conservation Council (ECC) — after 10 years of work and 4500 submissions received. We are implementing the outcome of that work undertaken by the council.

It is worth noting historically that if you look at all the recommendations of the forerunner of the ECC, the Land Conservation Council — which was established under a previous Liberal administration by a previous environment minister, Mr Bill Borthwick, who set up the original legislation, and I congratulate him and his government on that — and its successor, the ECC, 98 per cent of those recommendations have received bipartisan support in this house. It is therefore important as this legislation moves from a proposal to template and draft and exposure draft legislation to legislation that we have the support of other parties in this house for it to succeed.

The time is now here for decisions to be made. The key decision to be made is a decision of the opposition parties, particularly the Liberal Party, to stand up for the environment — to stand up and say it will support this legislation.

Mr Perton — I have a point of order, Mr Speaker, on the question of debating. The minister was asked a question about the government's administration and the government's policy. Whilst I always enjoy a discussion about the Liberal Party and its policies, I am afraid it is not within the standing orders.

The SPEAKER — Order! I am not prepared to uphold the point of order at this point in time.

Mr BRACKS — That is one so far who has stood up! What we want is for the honourable member for Doncaster to win the day in the Liberal Party room and get support for this bill. The key question is: can he carry it, can he get it through his party? Will the Leader

of the Opposition support him, or will he do what he has done on farm dams and let it flip-flop around with all sorts of discussions and debates.

It is time for the Liberal Party to stand up. We will see this legislation through. The community wants it, we want it — it is now up to the Liberal Party.

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — My question is again to the Premier. I refer to two emergency meetings held between senior government officials, including the Premier's own chief of staff, and Saizeriya — one at the Hilton Hotel at Melbourne Airport on 28 February, the other at Treasury Place last Thursday — where Saizeriya expressed major frustration at the union disruption plaguing the construction of stage 1 of its food manufacturing plant. Can the Premier advise the house what was discussed at these secret meetings, and can he guarantee that stages 2 and 3 will be built at Melton in Victoria and not in New Zealand?

Mr BRACKS (Premier) — I welcome this question. It actually builds on the answer I gave to a previous question, which said that this government is doing everything it can to work with the company to make sure that the stage 1 development of Saizeriya is completed on the time schedule that we have reconfirmed with the company. Yes, we are having meetings with them. Yes, we are doing everything we can, not only through the Premier and the chief of staff of the Premier but also through Industrial Relations Victoria. Yes, we stand by the company and are working with the company.

I am glad the Leader of the Opposition has helped to illustrate how this government supports companies and stands by those investments, working with them until their completion. I thank him for illustrating it for us.

Dr Napthine — On a point of order, Mr Speaker, the question I asked was whether the Premier would guarantee stages 2 and 3 for Victoria. He has refused to answer that question, and I ask you to bring him back to order.

The SPEAKER — Order! The Chair has indicated on numerous occasions in the past that it is not in a position to direct a minister to answer a question in a particular way. As long as the Premier remains relevant in his answer, I will continue to hear him.

Mr BRACKS — I reiterate that this is a government that stands by investment in Victoria. We will do everything possible — attend every meeting and make every effort we can.

Dr Napthine interjected.

Mr BRACKS — I am reminded by the interjection of the Leader of the Opposition that we joined with a company in the Australian Industrial Relations Commission on this very matter to support the company. If the Leader of the Opposition did his research he would know that. The government wants to see the investment get up and will work with the company to make sure it gets up.

Rivers: health

Ms ALLEN (Benalla) — Will the Minister for Environment and Conservation inform the house of the action the government is taking to improve the health of Victoria's rivers and advise of support for this action?

Ms GARBUTT (Minister for Environment and Conservation) — The government clearly believes that the health of our rivers is absolutely vital to regional economies, jobs, the community and the environment. We have shown an unprecedented and historic commitment to improving the health of our rivers right across the state.

The figures are quite alarming: currently only 22 per cent of our major rivers and their tributaries are in good or excellent condition; and 34 per cent are in poor or very poor condition. That is a reflection on and an absolute condemnation of the previous government, which did nothing and ignored the health of our rivers.

This government has taken decisive action. Already we can point to a draft river health strategy, which is important for the future management of all our rivers, but that was greeted with deafening silence from the opposition, including the shadow minister. We worked very hard to get the farm dams legislation through this Parliament — legislation that the opposition opposed six times. We have made historic commitments to improve the flow of the Snowy River, and we have taken part in the Murray-Darling Basin Council to make an historic commitment to improving the flow of the Murray River. We have committed $1.9 million to establishing stream flow management plan committees to involve local communities in decisions about their local rivers, including how to improve their condition.

Today I am pleased to announce the allocation of an additional $100 000 to improve the health of the Ovens River, one of the most pristine rivers in the state. Under the Victorian river health strategy the Ovens River is recognised as being of particularly high value for all

Victorians. For the communities living along the river, whether in Bright, Wangaratta or Myrtleford, to name just a few, the river's health is absolutely vital, and so is the ongoing health of the Murray cod and the whole catchment right through the Ovens River valley. This government is demonstrating its commitment to that. We are turning around the health of our rivers right across the state, while the opposition, including the shadow minister, is absolutely silent. He has gone missing!

Forests: Strzelecki Ranges

Ms DAVIES (Gippsland West) — The Strzelecki Ranges biodiversity study has confirmed the existence of areas of high conservation significance within the former Victorian Plantations Corporation (VPC) forests privatised by the previous government. I ask the Minister for Environment and Conservation to outline a time line and a commitment to enabling the establishment of permanent reserves in those key high-value areas.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for her question and for her commitment to conservation and protecting forests in the Strzelecki Ranges.

This government has a very strong commitment to protecting our forests, and we demonstrated that in the recent reform announced in the Our Forests Our Future package. The honourable member for Gippsland West is quite right to be concerned following the actions of the previous government in selling off all the plantations in the Strzelecki Ranges. The previous government had an appalling record when it came to forests, whether they are now private or public. It ignored concerns about the sustainability of timber harvesting and simply sold off plantations, including, as I said, those in the Strzeleckis. We know the previous government was obsessed with privatisation and left a number of privatisation time bombs ticking across the state.

Mr Perton — On a point of order, Mr Speaker, on the question of debating the question, your guidelines clearly indicate that the minister must refer to government administration and policy. It is not exactly a question without notice: the minister seems to have her script well marked. In this instance I ask you to ask her to answer the question according to the standing orders, not according to the mission she has been given by the Premier.

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the minister to come back to answering the question.

Ms GARBUTT — This government made a commitment to protecting conservation areas in the Strzelecki Ranges. A working party recently presented a report examining the biodiversity values left in the Strzelecki Ranges. That report has now been received by the department. I have not been briefed on those findings, but I will be considering them and will respond to them once they have been properly analysed. I will get back to the honourable member with further details in the next couple of months.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! It gives me great pleasure to welcome to our gallery Otto Rivero Torres, the Minister for Youth Affairs in the Cuban government. He is accompanied by Sicilia Fernández Dominguez, the Consul-General of the Republic of Cuba. Welcome.

Questions resumed.

Mr Thompson — On a point of order, Mr Speaker, standing order 122 deals with written questions. There is a procedure available to the house under which questions on notice are to be asked. They are to be delivered to the Clerk and then to be answered in *Hansard* on a subsequent date. It appears that the question posed by the honourable member for Gippsland West was not a question without notice but rather a question on notice. Could you, Mr Speaker, clarify the appropriate procedure to the house?

The SPEAKER — Order! The honourable member for Sandringham has taken a point of order in regard to questions on notice. They are covered by standing orders. The house is currently dealing with questions without notice. The Chair calls the next question.

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — I refer to the massive union problems hampering the construction of Saizeriya's $400 million proposed investment in Victoria. Can the Premier confirm that the government has agreed to use taxpayers' money to underwrite this deal, including agreeing to pay this Japanese firm around $6.5 million per month for each and every month the factory is not operational after 31 August?

Mr BRACKS (Premier) — The Leader of the Opposition should get his facts right; he is absolutely and totally wrong. Firstly, he is calling the company by the wrong name — it is Saizeriya, but that is a minor matter. Secondly, the Leader of the Opposition is talking about stage 1 being a $400 million project when it is a $40 million development. He has that wrong as well. Thirdly, it is no secret that the government offered this company financial incentives under the investment attraction program; of course it did! The government attracted the company from Queensland. It could have gone to Queensland or New Zealand, but it has come to Victoria. The government is very pleased about that.

As I mentioned, the government stands by this company — —

Dr Napthine — On a point of order, Mr Speaker, the question was very specific about whether this government is going to spend $6.5 million of taxpayers' funds a month if stage 1 of this project is not finished by 31 August, yes or no?

The SPEAKER — Order! The Chair has been indulgent in allowing the Leader of the Opposition to take his point of order when he merely repeated his question. The Premier was being relevant in his answer, and I will continue to hear him.

Mr BRACKS — Apart from the assistance it has given this company historically, the government stands by the company in the completion of this plant. I have made that clear in two answers already. The government will work with the company to see that stage 1 of this project is completed. It will do everything possible to ensure that that occurs.

Hospitals: nurses

Mr ROBINSON (Mitcham) — I refer to recent claims that care for our sickest children at the Royal Children's Hospital would be compromised by the government's strategy to reduce reliance on private agency nurses. Can the Minister for Health advise the house of the success of the government's policy?

Mr THWAITES (Minister for Health) — I thank the honourable member for his question. When the Bracks government started its nurse agency strategy in January this year its target was to recruit an extra 500 nurses to public hospital nurse banks. I am pleased to advise the honourable member and the house that the government has not only met that target but has doubled it. Public hospitals have now recruited more than 1000 nurses into public hospital nurse banks and reduced their reliance on costly nursing agencies. I am sure the house would acknowledge that this is a major achievement in less than three months. I am also pleased to advise that the government has been able to recruit 104 extra nurses for the nurse bank associated with the women's and children's hospitals, in addition to the extra permanent nurses the government is attracting.

Today I met with the chair of the Royal Children's Hospital, Mr Peter Bartels, a person who has made a great contribution to this state. I met with him together with patients — children and young people — and nurses at the hospital. All of those people — the chair, Mr Bartels, the nurses and the children — support what the government is doing. They told me that it was much better for young people to have permanent nurses working in the wards — people they are familiar with, that they know and respond to — rather than agency nurses, who may well be strangers. Mr Bartels made the point that they do not want to have a situation where children feel there are strangers around the wards.

As the honourable member for Mitcham indicated in his question, claims have been made that the care of these children has been compromised by the government's nurse agency strategy. Those claims have been made by the honourable member for Malvern and these private nurse agencies. In many cases the honourable member for Malvern has been the mouthpiece for these private nurse agencies. The Royal Children's Hospital has indicated that it is very concerned about and upset by the claims made by the honourable member for Malvern.

Honourable members interjecting.

Mr THWAITES — They are saying 'who?'. The chief executive officer, Professor Glenn Bowes, appointed under the previous government — —

Honourable members interjecting.

Mr THWAITES — The honourable member for Bennettswood seems to be saying that Glenn Bowes is a hack. That is what he called him — appointed by their government. He is one of the most esteemed professors in this state. Is the honourable member saying the same thing about Peter Bartels? Is he a hack? No!

In an article headed 'Hospital hits out at state Liberals', Professor Glenn Bowes said that:

> … the hospital had not experienced any problems arising from the ban on agency nurses.
>
> He said there had been no bed closures or surgery cancellations, and none were expected.

Professor Bowes indicated that Mr Doyle's comments were potentially distressing to parents of children at the hospital. He went on to say that:

> We are very concerned that parents and families with sick children might be troubled by these statements, which are most untrue …

It is quite clear that the opposition is trying to put fear into the hearts of parents of sick children. That is what they are trying to do. What we see here is a pattern on the opposition side where the honourable member for Malvern — —

Mr Perton — My point of order, Mr Speaker, is the same as the one I made earlier on the question of debating. The minister has been asked a question about government administration. Clearly he does not have a good story to tell and he is spending his time debating the Liberal Party's policies, and I ask you to bring him back to order.

The SPEAKER — Order! I remind the honourable member for Doncaster that when he takes a point of order he should stick to taking the point of order and not continue making the remarks that he did in the latter part of his point of order. I ask the minister to come back to answering the question.

Mr THWAITES — I am responding to the question which related to these false and misleading claims that have been made.

Mr Perton — On a point of order, Mr Speaker, yesterday you almost had to take six strikes on the Minister for Police and Corrections. The Minister for Health is also flouting your ruling and I ask you, in the event that he continues down this path, to either sit him down or suspend him. There is a clear pattern arising where ministers are using answers to questions as an opportunity to attack the opposition, despite your ruling that they are debating the question. This minister is guilty of that on this occasion.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster. The minister, in making his comments after I had asked him to come back to answering the question, was referring to the question that was asked; he was not debating it.

Mr THWAITES — It is totally inappropriate to try to put fear into the hearts of parents. The Royal Children's Hospital has made this clear and what we see is a pattern. The honourable member who made these statements is trying to either imitate or outdo the Leader of the Opposition in making reckless statements with no policy.

Mr Perton — On a point of order, Mr Speaker, the minister is debating. This is precisely the argument he was using when you told him to return to answering the question. He is now going back to attacking the honourable member for Malvern and attacking the opposition. His responsibility is to answer questions on government administration and policy. This is the third time, Mr Speaker, and I ask you to use your authority on behalf of this house to sit him down and to suspend him if he continues to debate the question.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster. I am of the opinion that the minister was not debating the question. The minister was providing information to the house on what occurred in one of the hospitals that he referred to. I will continue to hear him.

Mr THWAITES — The government is getting on with the job of employing extra nurses in order to provide better care for patients. That is because it stands for something and it has a policy. The opposition has no policy and stands for nothing.

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — I refer to the government's shabby handling of the industrial relations mess surrounding the construction of stage 1 of the Saizeriya investment at Melton and I ask: can the Premier advise the house why his government, through third parties, is spending almost $60 000 a week of taxpayers' funds in secret and illegal deals to stop union workers sabotaging this plant and this investment?

Mr BRACKS (Premier) — That is absolute and utter rubbish. Let me go through some of this in detail. In January 2002, assisted by the Victorian government, Saizeriya and the Australian Manufacturing Workers Union entered into a formal deed of release in relation to the dispute and associated litigation — that is, the AMWU relinquished its rights over the work force and the construction and conduct of Saizeriya.

The government negotiated that, and therefore it negotiated the passage of this construction and this site at Saizeriya for the future. In return, Saizeriya will discontinue all legal action provided the deed is not breached by the union and the plant is completed and fully operational by 31 August. That is an important breakthrough, and I am pleased that the government was able to negotiate it.

I cannot work out what the opposition is talking about; it is rubbish. But I can indicate that a major focus of the assistance we have provided to Saizeriya is industrial relations expertise to the parties to facilitate those arrangements. As I indicated, this government stands by the investments in the state. It stands by this investment and is working with Saizeriya. It is keen to complete stage 1 and is working on the deed of arrangement it has with the company. It is therefore of no surprise to anyone that the government will work with the company to ensure its smooth passage and completion.

Workcover: government strategy

Mr LONEY (Geelong North) — Will the Minister for Workcover advise the house on the success of recent developments within the Victorian Workcover Authority?

Mr CAMERON (Minister for Workcover) — I am pleased to report that as a result of the December 2001 valuation of liabilities, the government reduced the unfunded Liberal Party liabilities that it inherited by over half a billion dollars during the course of 2001. It was done in an environment where Victorian employers pay the second lowest premiums in Australia.

The government also made improvements to the Workcover scheme for injured workers. For the six months to December, the write-down in liabilities from where they were expected — that is the actuaries said there was a release — was $28 million. That is only the second time ever that there has been an actuarial release in Workcover. The first time was in June 2001. The year 2001 was the best year ever. Of course there is still a long way to go. The government inherited over $1 billion in Liberal Party liabilities and there is still over half a billion dollars to go. The government is continuing to turn Workcover around.

The government also wants to raise the issue of awareness of health and safety, and in recent times that has been done by Shannon's Way Pty Ltd in a strategic alliance with George Patterson Bates. We have seen positive community awareness campaigns about strains and sprains with over 80 per cent public awareness. There has been a Workcover fatalities campaign with over 90 per cent awareness, and 83 per cent of people believe that the campaign was effective. Recently we have seen a return to work campaign commence and we want to see its continued success. Those advertising campaigns are integral to turning Workcover around.

It should be noted that as part of the government's strategy it is important that the authority regularly briefs the opposition so that it is also aware of developments and initiatives that take place. I understand that at the most recent briefing, attended by the Leader of the Opposition, questions were raised about the Shannon's Way appointment. The opposition was carefully briefed around the contract by the chairman of the Victorian Workcover Authority, Mr James McKenzie, who was appointed by the Honourable Alan Stockdale to head the Transport Accident Commission. I understand the Leader of the Opposition indicated to the chairman that he was satisfied with the explanation and he accepted the undertakings regarding the probity of the process.

Notwithstanding, yesterday the opposition made false and inaccurate claims because it is divided and there is no leadership. While the previous government trampled on the rights of workers, this government has been able to turn Workcover around, and its aim is to continue to do it.

JEWISH CARE (VICTORIA) BILL

Second reading

Debate resumed.

Mrs SHARDEY (Caulfield) — In my contribution prior to the lunchbreak I was talking about the fact that the foundation stone for what is now Montefiore Homes was laid in September 1870. Some time later it was called the Montefiore Home after Sir Moses Montefiore, the great British philanthropist.

The St Kilda Road site has expanded over many decades. That includes the opening of the Jacob Danglow wing by Sir Robert Menzies in 1963 and the Kraus wing by the then Treasurer, William McMahon, in 1968. In 1979 the Ashwood Private Hospital was purchased to further establish a nursing home to meet the expanding needs of the ageing Jewish community.

Very happily for me, in 1998 a new facility was built in Northcote Avenue in the heartland of my electorate. The facility, a beautiful, modern-day nursing home, was opened by Sir William Deane, and much of it was paid for by Joseph and Stera Gutnick. On a number of occasions I have returned to that nursing home for group meetings with residents. I have to say that although they are very frail physically, the elderly I meet with are a very intelligent group whose mental capacities are not in the least bit diminished, so we have very exciting and interesting conversations.

The person responsible for much of the modern-day strategy of Montefiore Homes was its second last chief executive officer (CEO), a man by the name of Kerry Klineberg, whom I would like to pay tribute to. I would

also like to mention some of the modern-day presidents of the board of Montefiore Homes. Of course Alan Schwartz is the new president of Jewish Care, but prior to that the Montefiore Homes board comprised people like David Fonda, vice-president Keith Nathan, a man I went to university with, Barry Fradkin, Graham Slade, Roy Tashi, David Southwick and Val Smorgon — and I could go on naming people whom most members would recognise as being very important in the Jewish community. The previous foundation chairman was of course Jack Smorgon, who has made a major contribution to Montefiore Homes and many other institutions in the Jewish community.

Jewish Community Services started back in 1938. Its story has been successful as a result of the efforts of men like Leo Fink, Walter Lippman and Laurence Joseph, who was the CEO for many years, as well as many others including Anton Herman, Michael Dubs, the previous chairman, and Miriam Suss — and many members would know Miriam. A number of outstanding people have worked for that agency, which provides the huge number of services I have already listed.

I have been happy to support Jewish Community Services on many occasions, and I would like to offer my thanks to Laurence Joseph, who as the CEO involved me as a local member in many of its activities. Its offices were first opened in 1938 and consisted of just two rooms in Queen Street. But over 60 years later, Jewish Community Services owns its own building in Alma Road, and its aged care services unit is at Herbert Street, St Kilda. The organisation now has some 400 volunteers, some 30 staff and a budget of over $5 million.

The book *A Serious Influx of Jews* says, and I quote:

> This is a story of an organisation which grew out of a number of informal organisations created to help immigrant Jews settle in Australia.

The people who should be thanked for their huge contributions as president include Michael Dubs, Jeffrey Appel, Avran Zeleznikow, Phillip Shulman, Rodney Benjamin, Geoff Green, Walter Lippman, Leo Fink, Alec Masel and Isaac Boas.

Jewish Care is an organisation which I know will continue to contribute enormously to the wellbeing of Jewish people — the elderly, the disabled and many others, particularly those who come to our shores as migrants.

Over the last week, while there has been celebration of the formal recognition of Jewish Care (Victoria) in this Parliament, the Jewish community has recognised and remembered those who lost their lives in the Holocaust. That memorial is called Yom Ha Shoah. The memorial called Yom Ha Zicharon recognises the many thousands of Israeli soldiers who have lost their lives. Last night, of course, we celebrated Yom Ha'atzmaut, which marks the anniversary of the creation of the state of Israel.

Despite the fact that in Israel today we are seeing a situation which saddens the world and certainly saddens all of us in Australia, including the Jewish community, I was pleased to see the community celebrate the existence of the state of Israel. I wish the Jewish community well, and I am sure we all hope Israel continues to exist within safe borders in peace and harmony.

Mr LEIGHTON (Preston) — In his contribution the Parliamentary Secretary for Justice, the honourable member for Richmond, made a comment about Holocaust survivors and their children. With an invitation like that, I cannot resist speaking.

As the Attorney-General and the honourable member for Caulfield have both pointed out, there was an enormous increase in the Jewish population as a result of the migration that occurred between the 1930s and 1960s. Many of those people, such as my father, were Holocaust survivors who came here either during or at the end of the Second World War. Those who are still alive today need the services, particularly the aged care services, of Jewish Care (Victoria).

Jewish Care is a new organisation that exists after the amalgamation of Jewish Community Services and Montefiore Homes. Both those organisations were held in high regard, particularly within their community, and Jewish Care is also held in high regard. Appropriately the two organisations that amalgamated to form Jewish Care are the subject of many bequests. It is understood that many wills have named either Jewish Community Services or Montefiore Homes as the recipients of bequests.

This bill seeks to recognise Jewish Care as the successor in law to those two organisations. It will enable that to happen automatically, instead of Jewish Care having to go to the Supreme Court to take out an order for each individual bequest that names either Jewish Community Services or Montefiore Homes. I think that is appropriate and sensible. At the same time it requires Jewish Care to ensure that where either of those previous organisations has been named as a recipient, the bequest is spent in an appropriate area of the new organisation. For instance, if a will provides a

bequest to Montefiore Homes, there is a requirement that Jewish Care spend the money on aged care. Likewise, if Jewish Community Services has been named, there is a requirement that the bequest be expended in an area previously covered by that service, such as disability services.

I want to say a little about the two organisations that make up Jewish Care, which until 1998 were separate. In fact, Montefiore Homes has a long and proud history. It was established in the 1800s as the Melbourne Jewish Philanthropic Society and initially provided residential care. It started off as a hostel and then branched out into both nursing home and day care. As well as receiving government funding it also attracts a lot of financial support within its own community. The community has supported Montefiore in all sorts of other ways. For instance, this morning I spoke to an old family friend who is the same age as my parents — late 70s — and he goes to Montefiore Homes once a week to read in Yiddish to the residents. There is a proud tradition of the community providing practical as well as financial support.

One of the former organisations that makes up Jewish Care (Victoria) is Jewish Community Services, which had that name for 15 years. Before that it was known as the Jewish Welfare Society, and when it was founded in the late 1930s or early 1940s it was named the Jewish Welfare and Relief Society. That organisation had two main purposes, the first of which was to welcome and resettle immigrants, particularly those who came as refugees following the Second World War. The second role of the then Jewish Welfare and Relief Society was to provide financial aid and loans to those in need.

Following that, over the next 50 years it developed various community services. It described itself as providing services from cradle to grave. It was an accredited agency for adoption and foster care, and it provided family counselling and residential services for children by operating three family group homes. It also provided disability services for children and adults, psychiatric services and aged services. As a separate organisation there was a demarcation with Montefiore Homes, so Jewish welfare services or Jewish Community Services operated three blocks of flats for independent living and also subsidised accommodation for elderly persons who were more independent. That was because with Montefiore the emphasis was on nursing home care. Jewish Community Services also provided a range of employment services.

After a long period of discussion the two organisations, Jewish Community Services and Montefiore Homes, agreed to amalgamate, particularly because it would enable them to pool their resources and be more effective in the process. As the honourable member for Caulfield pointed out, a new chief executive officer was appointed last year. The new organisation, Jewish Care (Victoria), has gone through a period of restructure and reorganisation which presents all the normal challenges one would expect.

Jewish Care is now a new entity that draws on the strengths and reputations of both Jewish Community Services and Montefiore Homes. It operates from the old Montefiore premises at 609 St Kilda Road, Melbourne. It also provides many services out of group homes, and its community services division is based in Alma Road, St Kilda.

Jewish Care requested this bill, which makes sense, rather than having each application go to the Supreme Court. The bill requires Jewish Care to respect the terms of the bequests and ensure that the money is expended in the areas the individuals intended it to be spent. It is an excellent organisation that does much worthwhile work and enjoys enormous support from its community. In this small way we as a Parliament are also supporting Jewish Care and its work. I wish both the organisation and this bill well.

Mrs ELLIOTT (Mooroolbark) — It is a pleasure to speak on a bill which has bipartisan support. As the honourable member for Caulfield said, Jewish people arrived on the First Fleet, and since that time Victorians have been the beneficiaries of the successive waves of Jewish immigrants and refugees who have come to this state.

I have only to mention a few names that are merely the tip of the iceberg to demonstrate this. I refer to Sir John Monash, who was such a successful general and a great engineer in the First World War, and Sir Zelman Cowan, a former Governor-General, with whom my father was at school. My father remembers Sir Zelman as being the last boy at Scotch College to wear knickerbockers to school. He was a very distinguished Governor-General and a distinguished jurist. Currently there is Justice Alan Goldberg, who also went to Scotch College and who said he was the only Jew in a kilt at the school. In the arts, I refer to Shellie Lasica, dancer and choreographer; Gideon Obarzanck, the artistic director of Chunky Move; Michael Hirsh, who made *The Castle* and *The Dish*. In the philanthropic sector I refer to businessman Richard Pratt; the Myer family, which has Jewish antecedents; and the Besens and the Gandels. They have all made significant contributions to community life in Victoria.

The bill is about the amalgamation of two organisations, the Montefiore Homes and Jewish Community Services, which have been amalgamated into one entity, just as Anglicare is an amalgamation of three previous entities and Uniting Care is an amalgamation of various other entities within the Uniting Church. Jewish Care provides a range of services to aged people, people with disabilities and families, all within a Jewish cultural setting.

Obviously the Jewish community has particular problems, challenges and issues, and as the honourable member for Caulfield said, many of its members who are Holocaust survivors are ageing, but ageing with their memories. Their children are the inheritors of that experience. There are more recently arrived immigrants from South Africa, from the former Union of Soviet Socialist Republics and from Israel, who have all in varying degrees experienced discrimination and have come to Australia and Victoria to seek a better life.

In relation to Montefiore Homes for the Aged, I remember a former honourable member of this place, Walter Jonah, whose mother was a long-time resident of Montefiore Homes. Walter used to visit her regularly every week and was a great supporter of the homes. Unlike the honourable member for Caulfield, I do not have many Jewish constituents, but I was interested to read about Jewish Care (Victoria) and the range of services it provides. What struck me was that the web site for Jewish Care pointed out that the Jewish community is not immune to the problems that afflict the rest of society — problems related to ageing, disability, family violence, psychiatric disease, low income and poverty.

Jewish Care provides its services within a particular cultural setting: kosher meals for ageing people and provision of help for them to observe Jewish rituals and services; aids for children with intellectual or physical disabilities to enable them to go to Jewish day schools; Bingo games for older residents who need social interaction conducted simultaneously in Yiddish, Russian and English, which I think would be enormous fun to go to.

Interestingly, 13 per cent of the Jewish population has a combined family income of under $400 per week. Orthodox Jewish families tend to have very large numbers of children and are often poor. The women in those families have trouble meeting the demands of raising a large family on a small income and of committing to the ritual observances that are part of Orthodox life. Montefiore Homes and Jewish Community Services did a wonderful job supported by their own and the wider community. Had this bill not been brought into the house every individual donation, particularly through bequests in wills, would have had to be the subject of a Supreme Court case because there would have been no entity to receive a donation made to either of the original entities. This bill will enable Jewish Care to accept gifts to both Montefiore Homes and Jewish Community Services and apply them to the causes intended by the donors without the need for further legal steps which would obviously eat into the value of the bequests.

Just reading about Jewish Care gives one who is not part of that community a great insight into its richness, its emphasis on family life and looking after its own, its provision of services at all stages of life, and the sense of enormous commitment to its diverse community, with people from so many different backgrounds and countries all united under that overarching umbrella of being Jewish. I have had occasion in the past few months to speak at a Jewish function, and I was impressed by the warmth and the hospitality of that community. This bill obviously has the support of everybody in the house. I wish it a speedy passage.

Mr NARDELLA (Melton) — I also rise to support the Jewish Care (Victoria) Bill. The bill is about assisting an organisation called Jewish Care (Victoria) that is an amalgamation of a couple of other organisations that came together in 1998 — the Montefiore Homes for the Aged and Jewish Community Services. As the honourable member before me has said, the bill is also about protecting the assets and financial bases of those organisations and making it possible for bequests and donations to Jewish Care to be dealt with more expeditiously.

It deals with property used for charitable services provided by Jewish Care and trust funds for those services. Jewish Care has money and property gifted to it through wills and charitable donations and this clears those funds, as the honourable member for Mooroolbark pointed out. Jewish Care provides quality services to a range of people within that community — and they are quality services; they are fantastic services. It provides services to people of all ages and to people with disabilities. Certainly the work and services provided by Jewish Care at Montefiore Homes for older people is of the highest standard of care found anywhere within Victoria, if not Australia.

People show through wills or donations their gratitude for the level of care and service provided to them in their latter years, or throughout their lifetimes, by Jewish Care. It is greatly appreciated.

Jewish Care provide a highly sensitive and relevant level of culturally aware services and care by dedicated and professional people. I had first-hand experience of this in 1995 in my capacity as shadow Minister for Aged Care when I visited Jewish Community Services, as it then was. The honourable member for Preston just confirmed for me that it was in Alma Road, St Kilda. That was and is part of the consultative process that you undergo as a minister, but certainly as a shadow minister, to understand the communities, the role you play and the various organisations that are involved within your area of responsibility. The people at that organisation showed me the valuable services that they provide and continue to provide in their community. I cannot remember their names, but I met with, from memory, the chief executive officer at the time and members of the board of directors and the community of management.

We went through the premises and talked to the workers, who explained to me their role within the community. We also did a site visit of some homes that they have responsibility for within their community. This was explained to me on the day, and in further discussions that I had with people within my party, and people involved with Jewish Community Services explained to me as well that they deal with some very frail people and also some very damaged people — people who suffered appalling treatment during the Second World War under the Nazis and who survived the Holocaust — and their siblings, their sons and daughters, who have to deal with the effect of that horrendous situation, something that I do not think any of us can understand fully. But that is a situation they have had to deal with within their lives.

Those providing the services did it extremely well. They were culturally sensitive. They understood the things they had to do with these families and dealt with extraordinary situations in a very compassionate and understanding manner. They were, and still are, a fantastic group of people providing the highest and most professional level of service to their community. I cannot express my deepest gratitude to the workers and the people who ran Jewish Community Services at that time and who continue to run Jewish Care under this legislation.

Honourable members would understand that the Jewish community has been targeted for many generations. It fought for its existence during the reign of Ramses II and when Moses led his people to the Promised Land. It has suffered the pogroms leading up to the Second World War, the Holocaust and throughout European and world history. Even today there is the terrible situation the Jewish community faces with racism in maintaining its cultural and personal identity. Again, I do not think most of us can understand the real battle for survival that is being fought out there in this community.

Jewish Care deals with aged care accommodation, including aged care in home services. In 1995 the house discussed the obvious need then, and the continuing need, for additional funds. That community, like other communities in our society, is ageing, and the organisation was attempting to cope with the demand for services.

Jewish Care deals with day care and respite services for people, employment services, disability services and child and family services. The honourable member for Mooroolbark referred to the importance of these types of services — family community services — especially for disadvantaged and needy people within the community. Drug referral services are another aspect of what the organisation does. There is also housing assistance and advocacy for disadvantaged people within the Jewish community.

The people at Jewish Care are committed to the betterment of their community and society as a whole. They were, and continue to be, fantastic people as both officers and administrators within the organisation. They did back then and continue to work long hours to look after their community in that compassionate and committed way. Not only do they involve their middle-aged and older people as volunteers and workers within their organisation, but when I visited the organisation, now seven years ago, it was also bringing through the younger people within the Jewish community. That was again one of the fantastic things about Jewish Community Services at the time: that commitment and understanding was being passed on to their younger people. They were doing a fantastic job in looking after the previous generations, or the people in need, and doing that extremely well, and they were being trained in that area. That was terrific to see because they were doing a marvellous job.

Honourable members understand that it is important to make sure that Jewish Care can continue to operate effectively, efficiently and into the future. I am glad that we as a Parliament and as a society give this legislation our overall support — and unanimous support certainly within this house — so that Jewish Care can continue to provide the highest level and quality of service that it does for their community. I wish Jewish Care all the best for the future, and I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I stand to speak in support of the Jewish Care (Victoria)

Bill. This bill is very similar to previous bills such as the Scotch College bill and the Anglicare bill, which had bipartisan support. While Jewish Care (Victoria) is in receipt of both state and federal grants and recurrent funding, it also relies heavily on gifts — on money from the community — to meet the needs of its members.

In the past the money and gifts have gone to two other organisations — Montefiore Homes for the Aged and Jewish Community Services — which have since amalgamated, forming Jewish Care. It is interesting to note that when this bill was introduced into the house two weeks ago, the opposition supported it and wished it to be debated and passed. Unfortunately, at the time the government decided to wait for two weeks, and having looked at the legislation this week I can understand why it wanted to wait for two weeks before this bill was discussed.

We all agree here in Victoria that there is a requirement that we must meet the individual needs of all Victorians. It is also vital that we provide the services that are culturally and linguistically sensitive to the needs of all residents. Indeed, it has been shown that the best level of care is provided by community ethno-specific organisations, and organisations like the Australian Greek Welfare Society, Fronditha Care, CoAsIt, and in my area the North Eastern Jewish War Memorial Centre, just to name a few. These organisations have been instrumental in meeting the needs of all Victorians.

Now we have Jewish Care, which has been formed due to the amalgamation of Jewish Community Services and the Montefiore Homes for the Aged. The origin of Jewish Care goes back many years; in fact, it goes back to 1848. It was named the Melbourne Jewish Philanthropic Society, and I wish to read from a book entitled *A Serious Influx of Jews — A History of Jewish Welfare in Victoria*.

> In early November 1848 a circular to the Melbourne Jewish community called a meeting to be held in the Rainbow Tavern at midday on 19 November in order to form a Jewish Charitable Society. At the meeting it was resolved to form 'the Melbourne Jewish Philanthropic Society' that would:
>
> > assist the poor and distressed in cases of sickness with medical aid, medicine, and a weekly stipend to maintain themselves … and secondly, to afford temporal aid to deserving objects who may require it …

Today Jewish Care has continued to serve the community, it has continued to grow, and it has gained the respect of all residents and members of the community. There are about 40 000 people of the Jewish faith in Victoria, and the number is growing, with new migrants coming from South Africa and the former Soviet Union.

It is very important that individuals are able to access services to assist them to participate in everyday life, and this is exactly what Jewish Care does — and does well. It also continues to provide the services that were provided by the other two organisations before the amalgamation. According to its web page, the mission of Jewish Care is

> … to protect, support and enhance the wellbeing, the independence and the dignity of members of the Jewish community of Victoria.
>
> Our prime objective is to alleviate acute distress through social service programs and to develop preventative strategies. In doing so, we aim to produce positive change in the Jewish community and in the wider Australian community.

Jewish Care achieves this by migration support and resettlement. Other services include job search, aged care, financial aid and disability and advocacy services. It is doing a wonderful job, and we in this house should support it. We should try to cut away the red tape to make it easier for it to look after its members rather than spend time and money going to the Supreme Court. It is a good, sensible bill, and I wish it a speedy passage.

Ms BEATTIE (Tullamarine) — I am pleased to join this broad-ranging debate — much more broad-ranging, Mr Acting Speaker, than the last time I spoke when you were in the chair. That was on the bill dealing with the Governor's salary, which was a very tight bill and very narrow in focus. This bill is broad ranging. It is the result of Jewish Community Services and Montefiore Homes for the Aged coming together to create Jewish Care (Victoria), which was established on 1 February 2001. Unlike a lot of honourable members, I do not have a large Jewish community in my electorate, but service providers and the care of elderly people is a cause that is near and dear to all our hearts regardless of the make-up of our electorates.

Last Saturday night I chanced upon a television program on SBS of recently discovered footage of the Adolph Eichmann trial. It was harrowing. To see the footage of the trial with witnesses absolutely distraught at seeing things that no human should ever have to bear witness to was very distressing. It is perhaps small wonder that some people in the Jewish community need a great deal of care, and Jewish Care provides this service very well.

When the Jewish community was formed in Melbourne it had similarities to but important differences from

other communities. Usually when a new community is formed a family structure supports the community members. As many honourable members know, sometimes victims of the Holocaust came to Australia and to Melbourne and were the sole survivors of their families. They had no family structure so the community structure became very important to them, more so than for other communities. Because of those traumatic times many people wished those services to continue after they had gone and provided bequests and trusts to the predecessors of Jewish Care.

Most honourable members would have elderly parents and we all know how important it is to carry out the wishes of our parents and grandparents when they depart from this earth and to make sure the implementation of their bequests, gifts or wills reflects their true wishes. I would hate to see either Jewish Community Services or Montefiore Homes for the Aged have to go to the Supreme Court every time a bequest came in. It is important that the bill fix up the housekeeping so Jewish Care is recognised as the amalgamation of the two parent bodies.

Jewish Care is heavily reliant on bequests and gifts for funding and provides a large range of activities within the community. One of those early assistance programs was migration support and resettlement, but beyond that the organisation now also offers employment assistance and placement, home care and personal care, respite care for older people, care management and case management brokerage, housing assistance for older people, hostel and nursing home accommodation for older people, counselling and family services, financial aid and low-cost loans, disability services including supported accommodation, a school integration program and advocacy on behalf of members of the Jewish community most in need.

We can all typecast people as coming from wealthy backgrounds, but some of these people came to Australia and built this country. They formed one of our first communities. They tended to go into groups where they supported each other and that is an honourable thing, and they still have the strong social fabric that provides for its members.

The bill is necessary due to the amalgamation of the two previous organisations. I talked about bequests before and often those bequests will be set out in a will which may not have been changed for some time. Wills are not something you run out and change because an organisation has had a name change. Making a will can be expensive and time consuming. It can also be distressing. I urge all honourable members to encourage people to have a will so that their families are not left in distress as to their wishes. You do not need to change a will every time an organisation changes its name, and in this case the legislation will fix that.

I am pleased to see the legislation has bipartisan support. Jewish Care requested the bill to ensure that those bequests made to Jewish Community Services and Montefiore Homes are used for the purposes of those two original organisations — for example, where a bequest was originally made for the benefit of Montefiore Homes for the Aged, this bill provides that the bequest be used specifically for the aged care services provided by Jewish Care.

Montefiore Homes enjoyed a very high reputation for the quality of its care for the Jewish community and it must be great comfort for the Jewish community to know that that care and compassion will now be provided by Jewish Care. The government has introduced the bill to ensure Jewish Care is able to gain access to those bequests made in favour of both Jewish Community Services and Montefiore Homes.

In conclusion, this bill is supported by both sides of the house. The bill is very important to Jewish Care. Although in many ways it is just a housekeeping bill, we must not forget that these organisations came out of the flames of genocide during the Holocaust. These organisations must be protected. Those belonging to the Jewish community should feel that Jewish Care is now protected and that this bill has the support of both sides of the house, which is terrific to see in cases like this. I commend the bill to the house and wish it a speedy passage.

Mr ASHLEY (Bayswater) — It is a special pleasure to be involved in the passage of bills like this through the house, especially when they are supported by everyone. The Jewish Care (Victoria) Bill 2002 is somewhat part of a tradition which goes back to the Anglican Welfare Agency Bill of April 1997. It is in a good tradition, a tradition that sometimes takes organisations that were highly competitive with one another and sometimes slightly in conflict with one another and brings them together into new forms and arrangements under new managements which allow for new efficiencies and new visions of what they might do for the people for whom they have care and responsibility.

When I spoke on the Anglican Welfare Agency Bill I pointed out that there are three broad strands to what we call care. These strands have characterised the various Christian denominations, and at least two of the three have characterised the Jewish community in the way it has supported its own. I said the first was the form of

care involved in supporting people in their homes and neighbourhoods. The second was involved in moving people from their homes and neighbourhoods into some type of shelter or sanctuary where they might be better supported. That is somewhat of a monastic form of care; it has its origins in monastic orders and then was taken over in the 19th century by denominational forms of institutional care.

The third form of care is a kind of compromise, a halfway house between what might be termed neighbourhood care and the institutional mode of care. It is a fairly modern form because it relies on the presence of what we now regard as forms of multidisciplinary support. It is that multidisciplinary support — part paid and part volunteer — that enables people with psychiatric, intellectual and physical disabilities to remain in the community of their choice, be it a physical community or a community of people, and to avoid the estrangement and ennui, the Gulag consequences, associated with so many old-style asylums and infirmaries.

It is fascinating that Montefiore Homes for the Aged should be part of the bill. The Montefiore family was a Jewish family which became very prominent in the United Kingdom before some of them migrated to Australia. It is interesting that one of the Montefiores actually became a Christian and ended up as a very classy New Testament scholar.

The first strand of care that we can identify predates the New Testament but is well described in the letter of James. It gives one of the earliest descriptions of what might be called practical and applied faith. For James it all boiled down to two things: personal integrity and a responsibility for the care of widows and orphans. That sounds a bit strange to us but visiting orphans and widows was shorthand for child and family welfare. It is exactly that; that is what it meant in those times. The care that was provided by small New Testament communities, many of which were Jewish communities, was to some degree at least formalised and systematised within each congregation in much the same way as it was in the contemporary Jewish synagogues that were spread throughout the Roman empire of the 1st century.

Caring for orphans and widows was about providing ongoing support and involvement in the lives of those struggling to survive following setback, accident and tragedy. Those of us who have a Christian heritage should acknowledge that we borrowed that from a Jewish tradition, which at the very least goes back, if not as far as Ramses II as the honourable member for Preston suggested, as far as the return from Babylon and the re-establishment of Jewish communities in Judea.

As they were minority communities I do not believe that Jewish communities had a lot of the heavy, institutionalised forms of care that we had from the 15th and 16th centuries up to the 20th century, when they began to implode because of moral decay from within. However, Jewish groups have done much to build that intermediate form of care, the halfway house, based on the modern form of part supported, part volunteer activity in pursuit of forms of residential care and outreach which help keep people's lives together. It is based on compassion but also on accumulated wisdom. That is the new mode of care.

From my point of view, when I visited the United Kingdom to study the way some of the Brits have gone about looking after the residential care of people with intellectual disabilities the two stars were Brookvale in Cheshire and Ravenswood in Berkshire. Ravenswood in particular is an extraordinary organisation. I commend anyone associated with Jewish Care (Victoria) who is looking for inspiration in how to care for their intellectually disabled people as children and adults and in aged care to make a visit to Ravenswood in Berkshire, to come back inspired, to teach their own and help to teach us the kinds of sophisticated care that can do great things in the lives of people who have various forms of disabilities.

In coming to my conclusion I want to stress that there is a particular heaviness of responsibility in the context of what many Jewish people have experienced as a result of concentration camps and the Holocaust. There is a old Jewish saying, in fact it is part of the Old Testament, that the sins of the fathers are visited on the children for four generations. It is equally true, if not more so, that the sins committed upon some by others are visited on the fourth generation of children of those who suffered as innocents. I think that is particularly pertinent to the needs of the current Jewish generation in our community. We must take a deep breath from time to time and accept that as children and grandchildren many of their lives are seared, not to the same extent as the original migrants or refugees but nevertheless are significantly seared and harmed by the events that befell their grandparents and great-grandparents.

One of the most profound theological or spiritual statements I have heard was from an elderly Jewish lady now living in Australia, possibly in Melbourne, who said she could not pray to be rescued during the time she was in a concentration camp because if she were rescued it would mean somebody else would die.

That is a profound statement. A person like that deserves to be honoured in our community with the right kinds of supports.

In conclusion, as we celebrate the passage of the bill I look forward to the arrival of a single combined agency with a client base of up to as many as 15 000 or 20 000 of the 40 000 Jewish people who live locally. Jewish Care will be able to put a single voice to Parliament and the community and be equipped to be effective into the 21st century. It will be an organisation that will be able to keep its costs to a minimum while delivering high-quality care through economies of scale. It will have the confidence of being the sole successor in law for all the trusts, bequests and associated assets of the organisations that will amalgamate to form Jewish Care. I wish the bill and the Jewish community in Victoria every success.

Mr STENSHOLT (Burwood) — I support the Jewish Care (Victoria) Bill and its purposes as set out in the bill. It is designed to cope with the amalgamation of two Jewish care services: Jewish Community Services and the predecessors thereto, the Jewish Welfare Society and the Australian Jewish Welfare and Relief Society; and Montefiore Homes for the Aged and its predecessor, the Melbourne Jewish Philanthropic Society.

In this particular case those welfare associations are fine examples of institutions in Victoria that care for the people in our community and provide a wide range of services, for which I commend Jewish Care. Its services include caring for older people as well as people with disabilities in the Jewish community. Both groups are the more vulnerable in our community.

In terms of services for older people it is not just a matter of providing homes as the title Montefiore Homes may imply but about providing a wide range of services. In particular Jewish Care is to be absolutely commended for its leadership in this area by its provision of community-based care for older Jewish people. The emphasis is to provide support for older people to remain living independently at home for as long as possible and to give people independence and security and an extended quality of life.

In order to achieve that, Jewish Care provides a wide range of programs including, for example, recreation programs. I conducted research on those organisations. They provide a drop-in centre, the Jack Kronhill Centre, where people can get together. It is important that while older people are still mobile they get out to meet and socialise with other people. Social interaction is such an important psychological health issue. People are able to go to drop-in centres and, for example, play chess or cards, watch videos, talk and participate in cultural activities. We are fortunate that Jewish Care runs a centre in St Kilda that operates five days a week. In Elsternwick it has a Tuesday club that provides lunch and entertainment in the Yiddish and Russian languages. It also has a Monday coffee club that provides a similar service in St Kilda.

One of the interesting programs of the organisation, particularly as older people become more frail and find it hard to get about, is the organisation of a telelink system where people get together on a conference call regularly to talk to each other and share ideas. While they cannot move about with any great freedom at least they can stay connected with the community. The social connectedness in that service is of important psychological relevance and they can participate from the comfort of their own homes.

Jewish Care also organises a range of outings and has people visit the frailer members of the community. From time to time it organises professional carers to visit or transport the people so they can participate in activities. Those common programs are found in various community organisations that do marvellous work in supporting the elderly and the aged. Jewish Care has pulled these services together in a comprehensive program. It also operates, for example, a day activity centre where people can have minor employment or work, with remuneration attached, in a caring environment that understands the needs of the people who are participating. They are the kinds of services they provide for elderly people.

Jewish Care also provides a wide range of social work services, which is an important backup to people to assist them in their emotional and accommodation needs. It provides information about security and other community support and helps organise social activities. They are all aimed at helping older people remain as independent as possible within the Jewish community to ensure their dignity so they can have more than one thing to do — that is, to provide choice in their lives as well as providing the normal social work services of counselling, family therapy, group support and, where necessary, advocacy. One of the important aspects offered through that particular service provided by Jewish Care is grief and bereavement support. I am sure all honourable members would agree that is important in providing individual and group emotional support for people at an emotional time of their lives.

Jewish Care also provides support for widow and widower groups that meet. It also has a carers' relatives group because we know from discussions in the house

on a number of occasions that carers and relatives play a major role in supporting our aged community. They are often taken for granted, but they need support as well as access to respite services. I am happy to say that Jewish Care provides such respite facilities through its Bluestar Home services. It provides a comprehensive range of personal respite and home care services. As has been mentioned by other honourable members, it provides a Holocaust survivor program in its wide range of services that include counselling, community education, support groups and volunteer support services.

One of the major services it provides is housing, as honourable members would have deduced from the previous names of the organisations that will be combined to form Jewish Care. It recognises this as a major issue within the Jewish community of Victoria and regards its objective as the provision of affordable and secure accommodation close to main community resources.

The original living care units were built in 1963 with assistance from the commonwealth government. As I understand it, in the St Kilda area they have five blocks of flats containing 131 units. They are available to elderly members of the Victorian Jewish community at a low maintenance fee. The people living in them are well looked after with the provision of a daily caretaker and a 24-hour personal alarm system. They also have a housing program support service, the Elsie Ehrenfeld housing program, which provides information, helps people fill out documentation and forms, which can be very difficult for the frail aged, and develops individual accommodation plans. It is a complete service for the elderly within the Jewish community who are looking for accommodation.

Another program for the elderly provided by Jewish Care is known as Kesher, which develops community support services. Kesher helps to plan, implement and monitor a range of services for the frail aged and the disabled. Another area of Jewish Care provides comprehensive, across-the-board services for people with disabilities that are similar to the services for the elderly that I have already mentioned. It provides some residential services and manages five residential units, which cater for approximately 19 or 20 adults with a range of physical and mental disabilities.

Jewish Care also offers respite services, which are important for those relatives, carers and parents who need time out from the enormous task of looking after children with disabilities. This includes assistance during school holidays for those who are caring for children and adults with physical and intellectual disabilities. Psychiatric outreach programs and recreation programs are also available.

Another interesting initiative is a school integration program. Jewish Care does not simply place children with disabilities in special schools, it works very hard to integrate these children into Jewish day schools. There is a large Jewish day school next to my electorate, and it does magnificent work. I commend the work of Jewish Care (Victoria) in supporting the more vulnerable within the community. It does an excellent job.

This bill ensures that Jewish Care will not have to go to the Supreme Court and make a cy-pres application every time it receives a bequest made out to one of its former entities. This will save money on expensive court proceedings, which would erode the value of bequests that have been made for charitable purposes. From that point of view I commend the bill to the house.

There have been at least two similar bills before the house in the last two years, if my memory serves me correctly. Some of these organisations date back to the 19th century, so many of them have a long history. There was a Roman Catholic trust bill and an Anglican one, and I gather there have been a number of others. This bill is about a brand new one — it does not have a 100 years of history behind it — in terms of Jewish Care being an amalgamation of two previous services.

I must admit I thought about this and the bills that have come before the house in the past. Since they had a history of 100 years or so I thought it seemed to be a longstanding practice. But now we have a new bill which also seeks not to go to the Supreme Court to make an application. It seems to me there must be another way of handling these matters, and perhaps this is a matter that the Attorney-General, the legal profession and the courts might look at to come up with a simpler and less cumbersome way of dealing with these matters, whereby associations and charitable trusts can avoid the need for coming before Parliament each time there is a name change to ensure the integrity of the bequests that have been made to them.

A commissioner for trusts or someone like that could be established to handle such matters, and if there were any further problems then perhaps an appeal to the Supreme Court could be made available after a judgment was made by some legal entity that the state might set up. The process is shrouded in history, but we are making history here with a new entity. Neither I nor the government have a problem with it, but it has struck me personally that perhaps there may be a more

expeditious way of handling these matters in the future. I commend the bill to the house.

Mr WILSON (Bennettswood) — I welcome the opportunity to make a contribution to the Jewish Care (Victoria) Bill. As other honourable members have commented, the bill enjoys bipartisan support, and so it should. The same bipartisan support has been demonstrated in recent times when the house considered the Anglican Trusts Corporations Act, the Roman Catholic Trusts Act and the Scotch College Common Funds Act.

As honourable members will be aware, Jewish Community Services and Montefiore Homes for the Aged amalgamated on 1 February 2001 to form Jewish Care (Victoria). The bill before the house is designed to assist the new organisation and its charitable purposes. Jewish Care has requested passage of the bill so that bequests made in favour of the former Jewish Community Services or Montefiore Homes for the Aged are used for the purposes of the two organisations now enshrined in Jewish Care (Victoria).

The minister's second-reading speech tells us that the new organisation's services will include employment, assistance and placement; in-home care, personal care and respite care for older people; counselling, case management and housing assistance for older people; hostel and nursing home accommodation for older people; counselling and family services; financial aid and low-cost loans; disability services including supported accommodation, and a school integration program; and finally, advocacy on behalf of the members of the Jewish community most in need.

In a former career I was chief of staff to the Honourable Rob Knowles, who was the Victorian Minister for Aged Care between 1992 and 1999. He was also Minister for Housing between 1992 and 1996 and finally Minister for Health between 1996 and 1999. I was well placed to observe the good work of the two former organisations. I recall that on a number of occasions the former minister would attend Montefiore Homes to assist in the launch of its financial appeal. I also recall that each year there seemed to be a problem in the minister obtaining a cheque — firstly, from the Department of Health and Community Services up until 1996 and thereafter the Department of Human Services — on behalf of the Victorian government to launch the appeal by Montefiore Homes. Each year it seemed that the department had a new excuse not to readily offer the minister a cheque for $10 000 to take along to Montefiore Homes. It would seem that Montefiore Homes did not satisfy all of the department's criteria.

The attitude of the minister at the time was that the work of Montefiore Homes spoke for itself and at all stages was deserving of a Victorian government contribution to its appeal. In the end, the cheque was forthcoming and Montefiore Homes enjoyed an excellent relationship with the former government and has continued to have a similar relationship with the current government.

My reflection on Jewish Community Services is through my friend Anton Hermann who for quite some time was the chief executive officer of that organisation. I was able to work with Anton on a number of projects for that organisation and again I was able to observe what a terrific organisation it was.

As a member of Parliament I am delighted that Mount Scopus Memorial College is located in my electorate of Bennettswood. All honourable members would agree that Mount Scopus is an outstanding school which plays a very important role in the life of the Jewish community both in Melbourne and Victoria. Each year the school achieves magnificent academic results and I am certain that many former Mount Scopus students would be generous donors and benefactors of the two former organisations and now the new amalgamated organisation Jewish Care (Victoria).

Honourable members will appreciate that the Jewish community is a relatively small community in Australia. However, it is a community that cares for its own like no other. Anyone who has been able to observe how the Jewish community looks after its own people can only be impressed. Therefore, for Jewish Care (Victoria) to ask the Parliament to give passage to this bill can only be seen as fair and reasonable, and I wish it well.

Mr SEITZ (Keilor) — I am pleased that there is bipartisan support for this community services bill, because it is important that these types of developments be encouraged. One of the main things that needs to be said is that to get two organisations to amalgamate to provide a service for one ethnic community is in itself important, particularly since they have been in existence since the early 1960s and come from humble beginnings.

When you look at the Jewish Care Internet home page you see that its mission is to:

> … protect, support and enhance the wellbeing, the independence and the dignity of members of the Jewish community of Victoria.

That is a very broad mission statement. It goes on to say:

> Our prime objective is to alleviate acute distress through social service programs and to develop preventative strategies. In doing so we aim to promote positive change within the Jewish community and the wider Australian community.

Those aims and objectives are commendable. Therefore it is fitting that although this is a private bill Parliament has declared it a public bill and is paying the associated expenses rather than the Jewish community paying, which is also commendable.

It is important to realise that the forerunners of Jewish Care started before the 1938 situation. Being among the postwar influx of migrants and other displaced persons from Europe, I am fully aware of the issues affecting the people involved. As happened with me, members of the Jewish community lived in different camps and different locations and were displaced in situations handled by the various agencies at the time. Many went from Europe to England and then to Australia, and some came directly from Europe from the different displaced persons camps. Those people were fortunate to have come to Melbourne, Australia.

It is important to understand that they had different languages and nationalities. Too often we think of the Jewish community as having one identity. But when you look at the members of the Jewish community, particularly those who migrated here after the war, most of whom who were displaced persons who went through horrendous life experiences, you see that they have had different nationalities. They identified with and felt part of the countries they lived in, whether they were from Hungary, Poland, Russia, Holland, Germany, Austria or anywhere else in Europe, and they spoke the native language. So when they came to this country it was a matter of taking account of all the various backgrounds, nationalities and cultures that they had grown up with, many of them in over 200 to 300 years of their families living in those European countries.

Then there was the economics of those countries. In Poland the Jewish community was very important in running commerce, as was the case in Germany and Holland and right through Europe. When I migrated to Australia and to St Albans back in 1956 a substantial community of Jewish migrants from different backgrounds was established there. The local butcher was a Hungarian, the chemist was a Ukrainian, the doctor was a Russian, and the furniture shop owner was Polish — all from Jewish backgrounds. Despite all their horrendous life experiences, they had survived and were picking up the pieces and building and developing a new life and a new township. It was very prosperous. In fact one of the real estate agents and builders in our community, Strerlinger and Eisner, assisted people coming out by boat by establishing them in St Albans in partially built houses and becoming involved in other activities like that.

The Jewish community has always expressed a concern for others, not only of their own nationality but also in the general community. In the early days of its development in the 1950s, St Albans was nothing more than a refugee camp transferred from Europe to Victoria. The Jewish community participated in and provided a service to everyone in that area, and it helped most postwar migrants from Europe make a new life and a new start.

Of course then came the need for welfare. Those who have not lived through such traumatised situations must understand how emotions, memories and other things affect people as they get older. The community started a service to care for its own people with accommodation, social welfare agencies and counselling. Before the social worker syndrome was fashionable, and before social workers were produced from university, people who simply had the ability would volunteer their time to help their fellow man by providing counselling services.

I congratulate the forebears who started the whole organisation. In those days the next group that followed in a similar way was the Ukrainian community. Those postwar migrants were on track very early, taking similar action to help their own people.

Coming back to Jewish Community Services, I indicate that this legislation is important. As has been said, it is a new piece of legislation, and many other postwar migrant communities should take a lead from the government on how to operate and establish such services. I dare say the usual red tape — having to comply with government regulations, meet various business standards and pay the GST and other taxes — would have been forced on Jewish Community Services, particularly regarding the elderly. Once all these services were charitable organisations; now they are all treated as businesses, and government agencies and bureaucrats are interfering.

With computerisation the paperwork became as big as ever, so the legal profession got involved. Even when someone bequeathed something to someone, the legal profession cashed in. This bill will alleviate those hassles by not requiring an application to be made to the Supreme Court on those issues, which is excellent.

I commend the bill to the house, because to me it is very important. It has a story to tell to future migrant

communities, including the recent arrivals who will establish themselves and follow down this same track. It is important that they have legislative protection. The bill means that people who bequeath money will know it is covered. By setting up a proper legal system it will make the administration of bequests a lot easier and reduce the costs and expenses of the organisation that benefits from them. So many times bequests in wills are challenged by people who say, 'Too much money is being handed over', or, 'The person was not of sound mind when this happened'. This bill will set things out legally and will make it simple for Jewish Care to carry out its functions.

The previous organisations and their predecessors have all been put into one place. To me it is very important to have one community organisation looking after all the aspects of its people's needs.

We know that the community has many dedicated people who work for hours and do not worry about the pay; rather they meet the needs of their own community, which is important. The community — and a nationality — that has suffered over the millenniums continues to develop. Today we still read in the news that it is fighting for its survival. In a small way the Victorian Parliament is assisting this community and people of that origin in this state to have better days. Staff will be able to concentrate more of their time in running their programs, which are commendable. Many organisations and caregivers should take a leaf out of that community's book for their own programs.

Jewish Care (Victoria) provides many exciting activities and recreational programs for elderly people. The objective of the aged care recreational programs is to maintain people's active lives. Recreational workers provide information about other recreational activities available in the Jewish and wider communities and the mainstream services available. Recently I have been approached by people of different backgrounds in my electorate about the importance of access to cemeteries by different cultures. Unfortunately the Keilor cemetery is not accessible by public transport. Jewish Care provides a bus for outings, which again I commend. A Monday coffee club is conducted, as is a telelink chat club, which offers a weekly friendship group over the phone. Chat and Chew is an outing-based social group that provides an opportunity for older people to enjoy a healthy, appetising and low-cost meal together at a variety of restaurants and cafes.

I commend Jewish Care for the activities it is providing for its own community. I encourage other nationalities to amalgamate their organisations and provide the same sorts of services to gain the maximum benefit for people in their communities. Other communities should seek similar legislation to make it simple and easy for people who make donations to know where the money is and that it is properly recorded. It is important that people know there is an organisation to turn to when they have a family crisis such as drug abuse or the need for aged care services. I commend the bill to the house and wish it a speedy passage.

Ms BURKE (Prahran) — It is with pleasure that I speak on the Jewish Care (Victoria) Bill. I represent both organisations dealt with in the bill in my electorate. The proposal for the formation of Jewish Care (Victoria) was endorsed on 28 November 2000 and it was officially created in February 2001. The big moment was that night of 28 November 2000. Both services have been extremely relevant to the Victorian Jewish community and will continue to be because of this merger.

The Montefiore Homes for the Aged are well known and easily recognisable by their commanding site on St Kilda Road. Today's modern buildings replace the original Jewish almshouses that were erected on the site in 1870–71. The expansion and development of the Montefiore Homes reflects the growth of Melbourne's Jewish community and its determination that the homes should offer care and assistance to the elderly in an environment of the Jewish faith.

Montefiore Homes gives an intriguing glimpse into the changes in Melbourne's society and its attitude to charity and old age care over almost 150 years. From somewhat shaky beginnings with petty squabbles among early committee members, unusual methods of fundraising and queries at times about finances, the homes grew to be a respected Melbourne institution with an international reputation of being at the forefront of care for the aged.

One of the interesting things about Montefiore Homes for the Aged and Jewish aged care is the fact that they are a clear example to all of us of the dignity of old age and how to care for our community. Before the amalgamation David Fonda was the last president of Montefiore Homes and made an excellent contribution to the Jewish community. Kerry Klineberg was the chief executive officer (CEO). He was very keen and drove many of the changes for choice in aged care. Jack Smorgan was the foundation chairman and should be congratulated for his incredible work and fundraising efforts for the community. Anton Herman was the last CEO of Jewish Community Services. He was an excellent CEO, as was Laurence Joseph before him; he laid the ground for Anton to carry on those services. Michael Dabs was the president. Today Jewish Care

has a new president in Alan Schwartz, and Nancy Hogan is the new CEO. Nancy has a fine reputation in aged care and was with the Malvern Elderly Citizens Welfare Agency, or MECWA, prior to moving into Jewish Care.

These two associations coming together is the most significant event facing the community since the associations were formed in the 1800s. The merger takes place at a most appropriate time. It recognises the incredibly increasing need for good aged care and also the changing nature of this new century and the way in which our elderly people are cared for. The choices are there for those who want to be in institutions at different levels of institutionalisation and those who wish to be cared for at home.

The most impressive thing about the whole new Jewish Care service will be that across the state members of the Jewish community will be looked after at all stages of their lives, from services for the difficult stages of adolescence and the challenges of parenthood and immigration through to services for the elderly community, including through Montefiore Homes. All of this will be available in the broader society, offering services to Jewish families to enable them to keep their traditions and their faith and of course to add to the wonderful dignity of people growing old.

Many in this house have spoken on the bill, which is a fine example of the goodwill of honourable members towards members of the Jewish community and the good work they do to look after their own. The way they raise funds and work with government in partnership to make sure their community members, from the day they are born to the day they leave this earth, are well and truly looked after is a fine example for all of us. I wish Jewish Care every success, and I thank all those involved in the merger. It was a visionary change, and it is obviously going to be very productive. I wish them all well, and I wish the bill a good passage through the house.

Mr LANGDON (Ivanhoe) — I am very pleased to support this bill, which is one of many bills that have gone through this house with bipartisan support. That is because many equate it to a parenthood bill that you would not oppose in any circumstance. There have been many speakers on this bill, and I will add a brief contribution. This is a bill that, as has been outlined to the house, formalises the amalgamation of Jewish Community Services and the Montefiore Homes for the Aged, which occurred on 1 February 2001.

Jewish Care — and I use that expression as a summation of everything — started in Melbourne in the 18th century and has continued on, obviously getting bigger and becoming more important, particularly after World War II and the emigration of the Holocaust survivors. Its services expanded because they were greatly needed during that time, and like most of the civilised world we in Victoria and Australia tried to help out as much as we possibly could. I believe the Jewish population in Victoria trebled from 1933 to 1961, which shows how many immigrants had escaped from the Holocaust at that time. Europe was basically left devastated, and many people who followed the Jewish faith tried to come out to Australia, resulting in the federal government issuing an immigration policy.

Beyond immigration support and resettlement assistance, the services Jewish Care provided included help with employment and placement. Obviously, if you bring people out here you must also provide for their resettlement. You also need to give them income and employment assistance. That occurred, together with the provision of home care and personal aides, respite care for elderly people, counselling, case management, brokerage, housing assistance, and hostel and nursing places — and the honourable member for Prahran spoke about the nursing home centre. There are also family counselling services, financial aid, low-cost loans and all those things. Disability services, supported accommodation and school integration were part of the process. Advocacy too played an important part.

This bill has been supported by all parties, being last debated before Easter. It will conclude in part today — I believe there are very few speakers left — and it will then go to the upper house. I said I would not speak for very long, so I commend the bill to the house and look forward to its speedy passage.

Mr SMITH (Glen Waverley) — I also wish to support the Jewish Care (Victoria) Bill, which is indeed a most important bill as far as the Jewish community and the general community are concerned. The Montefiore homes are themselves some of the best run within our community. They provide excellent services, particularly in caring for the elderly, the disabled and the generally less fortunate. Montefiore Homes has some of the best facilities available. I am fortunate to have within my Liberal Party branches in the Glen Waverley electorate a number of presidents who are Jewish friends. Over the years I have become very familiar with the contributions which the Jewish community makes to the overall Australian community.

For example, Dr Joe Feldman, the president of one of my branches, is also the part-time medical director of a recently opened facility in Glen Waverley, the Waverley Valley Nursing Home, which is run by Noel

and Geoff Thompson. They also provide these excellent facilities, and as a result of my association with my Jewish friends, I have come to know the value of this particular Montefiore home in St Kilda Road.

It is a great privilege to be able to work with members of the Jewish community. When we were in Israel two years ago we made the usual contribution to the Jewish Red Cross through my 10-year-old daughter, and since then we have received an enormous amount of correspondence backwards and forwards. Through the local Jewish charitable organisations we have seen the incredible way in which the Jewish community supports the aged, the less fortunate and the elderly.

I know a number of speakers are to follow. I just want to add my strong support for this bill, which I know has universal support throughout the Parliament. I wish it a speedy passage.

Mr THOMPSON (Sandringham) — I am pleased to make a brief contribution on this bill, which gives effect to the intent of a number of members of the Jewish community who wish to make a bequest to either Jewish Community Services or Montefiore Homes for the Aged, which were bodies succeeded by Jewish Care (Victoria).

It is a practical bill and will enable the intent of testators to take effect. It is noted in clause 4 that with a gift, disposition or trust of property that before the commencement has been or is taken to have been made or declared — whether by deed, will or otherwise — to, in favour of or for a charitable purpose of Jewish Community Services or Montefiore Homes is taken not to fail merely because those bodies no longer exist. It goes on in some legalese to clarify with some degree of certainty that gifts and bequests made in the case of a trust or property will not fail as a consequence of the merger of these two organisations.

The Jewish community has made an outstanding contribution to both Victorian and Australian community life in legal circles, in commerce, in the arts and cultural arenas, and in the wider community life of Victoria. A number of outstanding members of the Jewish community have made contributions in the field of law, an area with which I am more familiar: Professor Louis Waller, with his work on ethical issues and in criminal law and evidence at Monash University; Arie Freiberg, in the area of criminology; and the outstanding contribution at a practical level of Henrietta Liebmann, who came originally from Lodz, Poland, and was in a concentration camp at Auschwitz.

In her later life she had made a number of bequests in her estate to probably over a dozen Jewish welfare organisations, both in Victoria and Israel. She was very concerned to make sure that her estate was distributed in accordance with her wishes. It was interesting that as a person she had been through much suffering in her life. She had the stamp of Auschwitz on her forearm, and with the resolve that she and her sister had generated as a result of their own life experiences, she was very determined to make sure that the assets she had were properly bequeathed and entrusted to benefit other members of her community in the future.

The intent of Jewish Care (Victoria) today is to ensure that those wishes are carried into effect and are able to benefit the community service work of the Jewish community in Victoria.

Along with my many colleagues on this side of the house, I am delighted to support the legislation.

Mr HULLS (Attorney-General) — I would like to thank all who contributed to this very important piece of legislation. As we all know, Jewish Care (Victoria) was established on 1 February 2001. I think many speakers said it came about as a result of an amalgamation between Jewish Community Services and Montefiore Homes for the Aged. At the time of that amalgamation Montefiore Homes primarily provided services to the aged, including the operation of a number of aged care facilities as well as the provision of day care and respite care — very important services indeed, I am sure we all agree. Jewish Community Services provided a range of community-based services, including aged care services, employment services, disability services, child and family services and drug referral services.

Jewish Care now carries out the same charitable functions as those formerly undertaken by Jewish Community Services and Montefiore Homes. Jewish Care (Victoria), as many members of this house would understand, is heavily reliant on bequests and gifts for the funding of its activities within the Jewish community. These are very important activities. It is understood that quite a substantial number of wills still name Jewish Community Services and Montefiore Homes as beneficiaries.

This bill will ensure that gifts, dispositions, trusts and trust funds made or declared in favour of Jewish Community Services or Montefiore Homes will now be vested with Jewish Care. That is why the bill is so important, because without the bill it would be necessary for Jewish Care to make individual cy-pres applications to the Supreme Court on every single

occasion that it wished to seek the benefit of bequests for which Jewish Community Services or Montefiore Homes were named as beneficiaries.

Proceedings in the Supreme Court can be very expensive, and for applications to be made on a case-by-case basis would have the effect of eroding the value of bequests for charitable purposes. That would have an adverse impact upon beneficiaries and would tend to undermine the purposes for which the bequest had been made.

The bill provides for Jewish Care to use bequests received pursuant to the bill for a purpose corresponding with or in fact similar to the purpose of the original organisation to which the funds were originally bequested.

I am pleased that the bill has bipartisan support, and I certainly wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (DNA DATABASE) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 2, line 2, omit "17(2)" and insert "21(2)".

2. Clause 2, line 5, omit "17(2)" and insert "21(2)".

3. Clause 5, page 6, line 30, omit ", 464T or 464U".

4. Clause 6, omit this clause.

5. Clause 7, line 26, omit "person; and" and insert "person.".

6. Clause 7, lines 27 to 34, omit all words and expressions on these lines.

7. Clause 7, page 9, lines 1 to 10, omit all words and expressions on these lines.

8. Clause 7, page 9, line 11, omit "(3D)" and insert "(3B)".

9. Clause 7, page 9, line 16, omit "or waiver".

10. Clause 7, page 9, line 19, omit "waiver" and insert "consent".

11. Clause 7, page 9, line 23, omit "or waiver".

12. Clause 8, lines 9 and 10, omit all words and expressions on these lines and insert —

    'In section 464ZE(1) of the Principal Act —

    (a) after "(4)" **insert** "and section 464ZGO";

    (b) in paragraph (d), for "464ZGE; or" **substitute** "464ZGE.";

    (c) paragraph (e) is **repealed**.'.

13. Clause 10, page 11, line 2, omit "10" and insert "12".

14. Clause 12, after line 21 insert —

    '( ) in paragraph (a), **omit** ", 464T(3), 464U(7) or 464V(5)";'.

15. Clause 15, page 28, line 28, omit "15" and insert "18".

16. Clause 16, lines 6 to 8, omit sub-clause (2).

17. Clause 18, after line 19 insert —

    "(1) Section 464R of this Act as substituted by section 6 of the **Crimes (DNA Database) Act 2002** applies to all forensic procedures conducted on or after the commencement of section 6 of that Act and any application made under section 464T, 464V or 464W as in force immediately before that commencement that has not been determined before that commencement is deemed to have been withdrawn.".

18. Clause 18, line 20, omit "(1)" and insert "(2)".

19. Clause 18, line 25, omit "(2)" and insert "(3)".

20. Clause 18, line 26, omit "12" and insert "14".

21. Clause 18, line 29, omit "12" and insert "14".

22. Clause 18, line 30, omit "(3)" and insert "(4)".

23. Clause 18, line 31, omit "15" and insert "18".

24. Clause 18, page 31, line 1, omit "(4)" and insert "(5)".

25. Clause 18, page 31, line 2, omit "16" and insert "20".

26. Clause 18, page 31, line 5, omit "16" and insert "20".

27. Clause 18, page 31, line 6, omit "(5)" and insert "(6)".

28. Clause 18, page 31, line 7, omit "17(1)" and insert "21(1)".

29. Clause 18, page 31, line 10, omit "17(1)" and insert "21(1)".

30. Clause 18, page 31, line 12, omit "(6)" and insert "(7)".

31. Clause 18, page 31, line 12, omit "(4) and (5)'" and insert "(5) and (6)".

32. Clause 18, page 31, line 16, omit "16 or 17(1)" and insert "20 or 21(1)".

33. Insert the following new clause to follow clause 5:

'A. ***Substitution of sections 464R to 464X***

For sections 464R to 464X of the Principal Act **substitute** —

"464R.Forensic procedures

(1) If there are reasonable grounds to believe that a forensic procedure on a person would tend to confirm or disprove the involvement of the person in the commission of an offence specified in Schedule 8, sections 464K to 464M apply to forensic procedures as if —

(a) a reference to the taking or giving of fingerprints were a reference to the conduct of a forensic procedure; and

(b) a reference to an authorised person were a reference to a person authorised under section 464Z(1); and

(c) a reference to an indictable offence or a summary offence referred to in Schedule 7 were a reference to an offence specified in Schedule 8; and

(d) a reference to fingerprints were a reference to a forensic procedure or evidence obtained as a result of a forensic procedure.

(2) A member of the police force must inform a person on whom a forensic procedure is to be conducted that the person may request that the procedure be conducted by or in the presence of a medical practitioner or nurse of his or her choice or, where the procedure is the taking of a dental impression, a dentist of his or her choice.".'.

34. Insert the following new clauses to follow clause 7:

'B. ***Execution of order for mouth scraping***

(1) In section 464ZA(1) of the Principal Act, for —

"If a court makes an order under section 464T(3), 464U(7) or 464V(5) for the conduct of a compulsory procedure, or an order under section 464ZF for the conduct of a forensic procedure" —

substitute —

"If a forensic procedure is to be conducted under this Subdivision".

(2) In section 464ZA(3) of the Principal Act —

(a) for "If the Children's Court makes an order under section 464U(7) or 464V(5)" **substitute** "If a forensic procedure is to be conducted under this Subdivision on a child";

(b) for "a compulsory procedure" **substitute** "the forensic procedure".

(3) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".

(4) In section 464ZA(5) of the Principal Act —

(a) **omit** "compulsory or";

(b) after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".

(5) In section 464ZA(6) of the Principal Act —

(a) for "an order under section 464T(3), 464U(7), 464V(5) or 464ZF is executed" **substitute** "a forensic procedure is conducted";

(b) after "the order" (wherever occurring) **insert** ", if any,".

(6) In section 464ZA(7) of the Principal Act, **omit** "compulsory or".

C. ***Forensic reports***

In section 464ZD of the Principal Act, **omit** "in accordance with section 464R, 464T(3), 464U(7), 464V(5) or 464ZF(2) or (3) or sections 464ZGB to 464ZGD or otherwise".'.

35. Insert the following new clause to follow clause 14:

'D. ***Safeguards***

In section 464ZGE of the Principal Act, for sub-section (11) **substitute** —

"(11) This section does not prevent a member of the police force causing a forensic procedure to be conducted, in accordance with this Subdivision, on a person who has voluntarily given a sample under sections 464ZGB to 464ZGD.".'.

36. Insert the following new clause to follow clause 15:

'E. ***Supreme Court — limitation of jurisdiction***

In section 464ZI(a) of the Principal Act, for ", 464T(1), 464U(3) or 464V(2)" **substitute** "or under that section as applied by section 464R".'.

Mr HULLS (Attorney-General) — I move:

That amendment 1 be agreed to with the following amendment:

Omit "21(2)" and insert "18(2)".

This is simply a consequential amendment, as are a number of these amendments, but to try to foreshorten things and make it simpler for honourable members who are listening in their rooms to this very important debate, can I say that this bill has come before the Legislative Assembly, it has been passed and it has gone before the upper house which has moved a

number of amendments. The government in the upper house has moved amendments which have all been agreed to. The opposition in the upper house has moved some amendments which will come up shortly, and the government in the lower house will not be agreeing to them.

In summary, the opposition introduced house amendments in the Council that the government believes have the effect of providing that the taking of forensic samples is equivalent to the taking of fingerprints. Presently, as I am sure honourable members would know, if a suspect refuses to provide a forensic sample, police must apply to a court for an order authorising the compulsory taking of a sample. The opposition, as I understand it, believes this safeguard is unnecessary and that police should be able to forcibly conduct a forensic procedure on a suspect without first requiring a court order. Those of us who have any experience or interest in DNA would know that the definition of forensic procedure is very broad. It includes the taking of blood samples, the taking of samples of pubic hair, swabs taken from the external genital or anal region of a person, and dental impressions. The procedure can be very intrusive. There is a substantial flaw in equating the taking of fingerprints with the taking of forensic samples.

Firstly, fingerprints are different from DNA material because DNA reveals much more information about a person than a fingerprint, which reveals nothing more than a person's identify. That is why the safeguards in place for taking fingerprints are not as stringent as those for taking DNA samples. DNA material contains, in effect, an individual's genetic blueprint. Privacy concerns mean that DNA samples should only be taken where there are strong reasons for doing so.

Secondly, the procedure for taking a forensic sample is much more intrusive than that for taking fingerprints, as I am sure all honourable members would agree. For example, the taking of a blood sample or conducting a physical examination of a person's genital region is much more intrusive and intimate than the taking of fingerprints. Where a suspect refuses to provide a forensic sample, the requirement for court authorisation provides an important safeguard to ensure that forensic samples are only taken compulsorily where there are reasonable grounds to believe that the person has committed an offence and the taking of the sample will assist in the investigation.

The opposition's amendments will have the effect of making Victoria the only jurisdiction in Australia that does not distinguish between the taking of fingerprints and the taking of DNA samples. The opposition's amendments mean Victoria would be the only state in Australia that made no distinction between the taking of fingerprints and the taking of DNA samples.

Mr Wells interjected.

Mr HULLS — All other states want consistency between jurisdictions. They believe it is critical to the operation of the national DNA database. It is my hope that the opposition supports a national DNA database. In this regard the opposition amendments are ill conceived.

I note the interjection of the shadow Minister for Police and Emergency Services, who says it is a matter of being tough on crime. It is important to be tough on crime and the government is tough on crime. You have to be tough on the causes of crime and get the balance right. It is always a very delicate balance between being tough on crime and tough on the causes of crime. The government believes that to put in place for the taking of DNA samples only the safeguards that are in place for the taking of fingerprints does not get the balance right. We believe that because of the intrusive nature of the taking of DNA samples it is important to have the safeguards that currently exist. The opposition's amendments are ill conceived and would serve to frustrate the passage of this important bill and the setting up of a national DNA database.

I do not need to remind honourable members that there are over 3500 unexecuted orders for the taking of forensic samples. Police have not been able to execute these orders because of an oversight in the legislation. By moving these amendments it appears that the opposition will further delay the authority of Victoria Police to execute these orders and build up Victoria's DNA database.

The introduction of the self-sampling provisions of the Crimes (DNA Database) Bill will also assist Victoria Police in executing outstanding orders for the taking of DNA samples. Enabling a person to take their own sample rather than requiring the sample to be taken by a doctor or nurse will enable the police to collect more samples more efficiently.

The amendments introduced by the opposition depart significantly from the scheme for the taking of forensic samples introduced by its colleagues in the commonwealth government. I do not know if there has been consultation between the federal Liberal government and the state Liberal opposition, but I know because I attend meetings of SCAG — the Standing Committee for Attorneys-General — with the Honourable Daryl Williams that the federal

government is keen for the national DNA database to go ahead and also believes that appropriate safeguards should be in place for the taking of DNA samples.

Every Australian jurisdiction makes some distinction between the taking of forensic samples and the taking of fingerprints. No jurisdiction allows a blood sample to be taken from a suspect who does not consent to the procedure unless there is a court authorisation, and the government believes that is appropriate. It is absolutely appropriate that if a person does not consent to the taking of a blood sample, court authorisation for that sample to be taken is required because of the intrusive nature of the taking of that sample. However, the opposition's amendments would remove those safeguards.

Under the national DNA database system Australian jurisdictions will be able to enter into arrangements with other Australian jurisdictions where the laws are defined to correspond. That is why consistency is so important and that is why it is being pushed by all states and supported by the commonwealth government. As I said, SCAG has sought to achieve national consistency. SCAG requested that a criminal code officers committee prepare model legislation for the implementation in each jurisdiction for the taking of DNA samples and for the exchange of information derived from DNA samples.

Police ministers, privacy commissioners, members of the legal profession and the public were widely consulted in the development of that model legislation. The Crimes (DNA Database) Bill as introduced by the government in the spring 2001 sittings is consistent with the approach recommended by the Model Criminal Code Officers Committee. The importance of national consistency has also been recognised by police ministers. I think it is important that the shadow Minister for Police and Emergency Services understands that police ministers around the country want national consistency in relation to DNA. The police ministers have expressed concerns about issues surrounding inconsistent state DNA laws that could jeopardise the operation of a national DNA database. One can understand why the police ministers want consistency. This bill was developed with a view to achieving national consistency and, as I said, extensive consultation took place with Victoria Police.

The Bracks government's legislation is a very important step toward achieving a nationally consistent approach. The changes introduced by the opposition remove important safeguards and may compromise Victoria's ability to participate in a national scheme. Changes which remove safeguards and create inconsistency between Victorian laws and those of other jurisdictions mean there is a real risk that Victoria will not be recognised by other jurisdictions as having corresponding law. That would hamper the efforts of police to catch criminals. If we are not part of a national DNA database scheme we cannot share information with other states. It would mean that Victoria would be known as the state that is soft on crime.

We are soft on crime if we are not prepared to join the national database. It is important that the opposition understands that. The amendments it has moved would brand this state as one that is soft on crime because we would not be part of a national DNA system, we would be out of step and there would be no exchange of information between states. I am sure the last thing the opposition wants to be part of is the undermining of a national scheme. That has the potential to make Victoria a haven for criminals because they would not have their DNA tested as part of a national approach.

The government believes this legislation is an important step forward in achieving a nationally consistent approach. The changes introduced by the opposition remove important safeguards and create inconsistencies between Victorian laws and those of other jurisdictions. It must be remembered that the efforts of Victoria Police to investigate serious crimes would be hindered and the safety of Victorians would be compromised if the opposition amendments were agreed to. Therefore, the Bracks government supports the bill introduced in the Legislative Assembly and the house amendments moved by the Minister for Sport and Recreation but does not support the amendments moved by the Honourable Peter Katsambanis in the other place.

It is interesting to note that the police have been supported by Liberty Victoria in their opposition to a DNA database of police officers. Senior police in several states wanted to collect samples from operational police so they could be eliminated if suspect DNA was found at a crime scene; a proposal was put forward in Tasmania and other states to compulsorily take DNA samples from police. The police themselves are opposed to that. They believe it is inappropriate to compulsorily take samples from people. The police say it is inappropriate for compulsory samples to be taken from police and yet the opposition says the taking of DNA samples is no more involved than taking fingerprints and therefore no safeguards are necessary.

The government believes this bill gets the balance right. It is a bill that is supported by other states and the commonwealth. We want to be part of a national DNA database and this bill will ensure that that occurs. Any further holding up of this bill will place Victoria's

participation in the national DNA database at risk and as a result will jeopardise the security of Victorians. I urge the opposition to think twice about these amendments and to enable Victoria to be part of a national DNA database scheme, to enable Victoria to be a safe place to live and to enable Victorians to live in the full knowledge that the police have powers with appropriate safeguards to take DNA samples and those samples are part of a national DNA database. Going down the path of the amendments would preclude Victoria from being part of that database and put Victorians at risk.

Dr DEAN (Berwick) — I must admit that I am not big on blackmail: pass this or else; if you do not pass bad law or agree to good amendments, then the world will fall apart and you will be responsible for this and that. The most important thing in this place is we get legislation right and do it properly for Victoria.

I have news for the Attorney-General: the opposition agrees entirely with the DNA bank and thinks it is an excellent idea, although it believes some thought should be given in the future to separating the storage and accessibility as they do in the United Kingdom. The opposition believes the real danger to civil liberties in the future lies not in its amendments in relation to unnecessary court proceedings but, as Liberty Victoria has said, in DNA data storage without proper confidentiality and sufficient restrictions and protections against the misuse of that data. If the Attorney-General wants to talk about the civil liberties aspect of data storage that is where he should start because that will be the danger in the future. I would be very happy to work with the Attorney-General to ensure that DNA data storage is protected and safe.

The bill was introduced to achieve a number of objectives in relation to assisting with DNA data collection. As I said when the bill first came before the house, this is the DNA data bill which the previous government introduced and which the then opposition was vehemently against. It is enlightening and encouraging that not only is Labor now not against the DNA legislation but it is actually strengthening it with its amendments. That is a good thing to see. The transition that takes place between opposition and government when the light of day strikes and you have to do things which are right for the community is amazing.

The opposition heartily agrees with some of the strengthening things Labor has done to the previous government's DNA data crimes bill. The government has broadened the number of offences for which DNA samples can be taken. That has been done to include false imprisonment. I think that is a good inclusion; false imprisonment is another form of kidnapping and a very serious crime. The government has including giving assistance or aiding and abetting the commission of a forensic offence which is also a good inclusion. To increase the impact and capacity of the DNA database to be effective the government has included hoax offences such as razor blades in the washing powder and so forth. These are horrific offences for which there should be access to DNA sampling by the police.

They have fixed up a problem in the bill by ensuring that if a DNA sample was taken because a person was suspected of a crime, then convicted and jailed, the DNA sample could be kept. There is an argument that because there are two separate reasons for obtaining DNA samples — one is if you are reasonably suspected of a crime and the other is if you are in jail as a consequence of a crime — this was not sufficient to ensure that if you went to jail the DNA sample could be kept. This has been fixed up and that is a good thing.

The government also introduced amendments in relation to videotaping the taking of a DNA sample and the capacity to have an independent person present. Those amendments that the government introduced as house amendments in this bill were withdrawn by the time it got to the upper house. The government is going down the right line — it is strengthening this DNA protection bill because DNA is one of the most potent weapons that we have against crime, and in my previous speech I listed a number of advantages which showed the extraordinary reach of DNA in catching criminals.

The government did the right thing in strengthening it, but then it put in these other two provisions — that is, the presence of an independent person and videotaping. However, those provisions were mysteriously removed when the bill went to the upper house.

Why were they removed? It is absolutely clear why they were removed — and I am sure the Attorney-General will agree: because the Police Association said, 'This is adding further barriers to the use of DNA, this very strong criminal-catching device, it is adding costs, and as a consequence we do not think it should be in there. It is going to take an enormous amount of expense and time which will inhibit the use of the device, and to any extent that you inhibit the use of the DNA device you allow guilty people to go free. Criminals escape if your devices for catching them are not being used to the extent that they could or should be'.

The government saw the error of its ways. It agreed with the Police Association. It said, 'Yes you are quite right, this is an inhibition to the use of DNA samples and this mechanism'. What is most extraordinary is that that is the very base upon which the opposition has moved its amendment — that is, to say you have to go to court if someone says they will not give a DNA sample, and by the way, if you look at the statistics that is seen to be pretty much a rubber stamp exercise, is costly and expensive and is an inhibition on the use of this criminal-catching device.

You would have thought, 'Well the government says, "You are quite right, we have agreed with the Police Association that these are barriers and we should get rid of them", but when the opposition puts forward an amendment on the same basis of getting rid of this barrier and bringing us into the modern world by using DNA in the same way we do fingerprints' — which were perfectly okay, and we do not hear in relation to people with clenched fists refusing to give fingerprints and being forced to do so, which I understand is often the case, an outcry that this interferes with civil rights — 'there is an opportunity for the government to follow through, but it did not'. Why did it not? Because it was the opposition that introduced the amendment — in other words, the good and proper government of the state is being inhibited by petty politics.

It is interesting to note that the Attorney-General says the Police Association would not agree with the removal of a court process before a DNA sample can be taken. We will see about that. Everything that I have heard and seen from the Police Association indicates that it would agree because this would enable its members to get on with the business of catching criminals without unnecessary baggage around the process. It is incredibly expensive. We had the situation where at least these things could be done in chambers, but unfortunately, as a consequence of some, shall we say, creative argument by a lawyer in court to say that the legislation did not allow it to be done in chambers, we now have the situation where whole groups of these court applications cannot be done in chambers — 'Yes, looked at them, bang, bang, bang, away you go' — but have to be done in open court. It is part of the court process.

You would have thought the government might say it would compromise and make it a bit easier and a lot faster, but there is no such thought. Why? Presumably because the amendments have been introduced by the opposition. We will see what the Police Association says about it. I hope it will be supportive.

I turn to DNA technology and the rape and murder of Mandy Carter in a taxi in Tasmania, for instance. At the time, some 15 or 16 years ago, the science of DNA sampling was not sufficient to place Mandy in the taxi using the samples the police had. It was not even sufficient to get the blood group of the taxidriver. But the evidence was stored away, science started to get better and after 14 years the police had the ability to go back, look at the samples and isolate out Mandy Carter and her blood group. They were able to say to the court that as a consequence of scientific developments, there was one chance in a million that Mandy Carter was not in the taxi. As a consequence, the taxidriver was convicted and went to jail.

There are many other examples of how important it is to have this procedure streamlined and treated in a modern context because it is the modern form of fingerprinting, and I will come back to that in a minute. There have been a number of other examples of the same thing. For example, in Britain DNA technology has doubled the rate at which burglaries are solved. In Australia, DNA sampling helped catch Raymond Edmunds, Mr Stinky, and backpacker killer Ivan Milat. There have been situations stretching back 44 years of a person eventually being caught as a result of their DNA coming across a screen.

I am pleased about that, but you have to ask why, if the government agrees that this is not only the modern form of catching criminals but the most potent weapon in the world, it would continue to attempt to put barriers in the way of its use. Why would it firstly put the barriers in and then, when it is told the barriers are being taken out, not take out this one, which is absolutely unnecessary.

Mr Hulls — There is a difference between a barrier and a safeguard!

Dr DEAN — Are you saying you did not put the videoing and the independent person provisions in as safeguards? They were in the bill as safeguards and were removed. The opposition wants to get rid of safeguards that are inappropriate.

The Police Association has said publicly that there is a huge problem with the DNA process at the moment because there is a desperate shortage of funds. There are delays of something like six months in individual cases, not because the DNA sample has not been taken or they do not have the facts but because when the sample gets to the laboratory there is not sufficient funding and resources for it to be processed and returned — and by the way, magistrates and judges are now commenting on this.

The government needs to get its act together on DNA. If it agrees with the opposition that it is the most potent weapon, then having 6 to 12 month delays in analysing DNA samples is a disgrace.

This is one example where countless man hours and dollars could be saved by going through what is really only a rubber stamp process, because all the safeguards that are in place for fingerprints are also in place for DNA samples — and I will come back to that in a moment. Hundreds of thousands of man hours and dollars could be saved, but the government will not do it either for political reasons or because its processes are simply too clogged up for it to realise that this is now not necessary in a modern environment.

If you want to go to the heart of democracy, you go to the United Kingdom, because that is where we got our democratic system from. They have abolished any process of going to court for DNA samples. Not only that, a compulsory DNA sample can be taken for any crime.

The United States of America is now looking at changing its law following the events of 11 September. It is a modern, creative and progressive democracy, and it realises that fingerprints are yesterday's mechanism. DNA is today's mechanism, and they should be treated on the same basis.

What safeguards are there? As with fingerprinting you are not allowed to request or require a DNA sample unless you have a reasonable suspicion that a person has committed what is called a forensic offence. They do not have the term 'forensic offence' in the United Kingdom; all offences are the subject of DNA sampling. That is the first-level test, which is also the test for fingerprints.

But with respect to DNA sampling a further barrier has been placed in the legislation, which we have maintained — that is, not only must there be a reasonable belief that a forensic offence has been committed, but there must be a reasonable belief that the DNA sample would help to solve it. In other words, there are two barriers for the police to get over.

Now you could say we do not trust the police — and maybe that is what the government is saying. Maybe it is saying, 'We do not trust the police; they will not wait until they have a reasonable suspicion, they will just do it anyway'. Why would you say that? Because there is not one example that I can recall in modern history where that argument has pertained to fingerprinting. The police have treated fingerprinting with the proper respect that it is due — that is, that they have not attempted to take fingerprints from people unless they have a reasonable suspicion that they have committed an offence. And why would they? Because it is a process that requires time, energy and money, and you do not take samples that require time, energy and money if you do not think the person has committed the crime, so that protection is in there.

The opposition also believes that it is appropriate that court procedures remain for children, but we say there is no logical difference between a DNA sample and a fingerprint sample, and that once the court has granted the right to do it, force may be used. Some people think that somehow by having the court process in there force does not have to be used. That is nonsense.

To my understanding, virtually no applications are refused. So all applications are agreed to, and therefore with all applications force can be used. Usually what happens is that when people know it is compulsory and that they must do it, they do it; but if force has to be used, it has to be used. As I said in my previous contribution, if you were to hold your hands together and refuse to open them for fingerprints it would take two or three policemen on the floor to get those fingers open and put them onto a pad. Now that is force.

For DNA you can use hair, a saliva sample or the little machine diabetics put on their fingers two or three times a day. They push a button, there is a click, and it produces a blood sample. This apparently is force. I suggest that if someone said, 'I am not going to cooperate', and force had to be used, less force would be used to get a DNA sample than to get a fingerprint sample.

All this cannot be seen because this government has the creativity of, I don't know, an ancient mariner, or whatever. It just cannot seem to say, 'Let's look at things afresh and in a modern way and let's not get trapped by the fact that because it is there it must stay'.

I ask the government to think seriously about this. If there is a way the government and the police can save some money with DNA sampling and put it into what is such a problem at the moment at the scientific end and get those scientific matters seen to and much more quickly, people who are criminals will be caught. There is one thing we can be absolutely certain of — that is, that having a potent weapon like this, and there being a barrier to using it, will result in criminal prosecutions that should take place not taking place. The result is that criminals are committing crimes and not getting caught, because you are not using a device you have to the maximum.

Mr Hulls interjected.

Dr DEAN — It does not matter how much the Attorney-General wants to divert the debate to something else; I still ask him, genuinely, to think about the proposal we have put up.

I suggest one more thing. It is probably about time the DNA legislation was looked at afresh. I could jump up and down and try to do it myself, but I am offering this to the government. How old is the DNA database legislation now? Probably 9 or 10 years old? The scientific discoveries and things that can now be done have gone out of sight. There is no doubt in my mind that soon from a DNA sample you will not just be able to say whether it matches somebody else's sample, you will be able to tell the characteristics of the person. You will probably be able to say, 'This person is 6 feet tall and has blond hair and blue eyes. That is the person we are looking for', and, 'Oh look, his name is Robert' — no, it would not be that. It is a possibility that we — —

Mr Hulls interjected.

Dr DEAN — All right, it will be Robert Hulls, okay? You want me to finish it off? Give the man an inch and he takes a mile.

If that is to be the case, let us look at the DNA legislation afresh. I think the government ought to talk to the police about this. Maybe it would even include the opposition — and it would be happy to be included.

But let's get with it; let's get modern. Let's not have communities in the United Kingdom, the United States of America, and now in other states of Australia pass us by while we hang onto a requirement which at the time seemed right because it was new and different but is now just part of the normal procedures of policing. Let's get on and take a modern approach to DNA sampling.

Mr WYNNE (Richmond) — I support the amendments moved by the Attorney-General and oppose the basic proposition by the shadow Attorney-General, the honourable member for Berwick. Essentially the opposition's proposition is that what the government proposes is a barrier to the taking of DNA samples, when in fact, as the Attorney-General so eloquently put in his presentation, it is seeking to provide reasonable safeguards.

At the end of the day, if you boil this debate down to its essence, that is what it is really about. We all fundamentally agree with the power of DNA as a crime fighting tool. Indeed it was this government that when we sat in Bendigo, I recall, introduced legislation to ensure that the backlog arising from a court case which threw into question the DNA sampling was quickly resolved in favour of the police undertaking the important tests of people who were already incarcerated.

That is the fundamental essence of the debate and the difference between the position taken by the opposition and that taken by the government. The government's position is that it supports the notion of there being reasonable safeguards put in place with the taking of these samples.

I hark back to the first signal of this by the shadow Attorney-General, which was in an article in the *Herald Sun* of Friday, 25 January 2002. In part it states:

> Dr Dean said the red tape involved in police getting DNA from crime suspects meant that in many cases they simply didn't bother.

That seems to me to be to some extent in conflict with the position put today by the shadow Attorney-General. The article goes on:

> Obtaining a DNA sample should be no different to obtaining a fingerprint …
>
> This would finally mean this century's most potent weapon against crime could be free to be used by police to solve crime without artificial barriers.

It is a rather extraordinary proposition to suggest that if they thought they had a suspect for a serious crime, the police would not go down the path of taking fingerprints and accepting a person's identity, and that if they thought it was a serious enough crime they would obviously seek to take a DNA sample.

Dr Dean interjected.

Mr WYNNE — Well, there is clearly a conflict in the position the shadow Attorney-General has put here.

This goes to the fundamental difference between the opposition and the government on this matter. The article goes on to report the shadow Attorney-General as saying:

> Whatever the civil libertarians might say, there is sufficient protection to stop abuse of the system.
>
> My point is that the only difference between fingerprints and DNA is in one case your hand is forced onto a pad and in the other there is a little pin prick or a swab in the mouth.

There is a world of difference between the two, and I will come to that in my contribution. The opposition introduced these amendments in the Legislative Council, and they have the effect of asking whether the taking of forensic samples is the equivalent of the

taking of fingerprints. Clearly, it is not. Presently if a suspect refuses to provide a forensic sample the police must apply to the court for an order authorising its compulsory taking.

The opposition believes — fundamentally, I think, and this is the difference between us — that that safeguard is unnecessary and that the police should be able to forcibly conduct a forensic procedure on a suspect without first obtaining a court order. The opposition seeks to say that this is no different to rolling your hand across the ink pad and having your fingerprint taken. There is a fundamental difference between the taking of a fingerprint, which acknowledges only the person's identity, and the taking of a DNA sample, which goes to the question of acknowledging a person's genetic identity. It is quite different. When a person's DNA is taken it may not — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! The level of noise coming from bay 13 is too high. Robust parliamentary debate is acceptable and enjoyable, but I ask honourable members to allow the honourable member for Richmond the opportunity of saying his piece.

Mr WYNNE — Thank you, Mr Acting Speaker; I am battling under duress this afternoon. There is a fundamental difference, because the genetic make-up of a person is identified. The other aspect of the issue is the taking of the DNA sample. The shadow Attorney-General seeks to say, 'You could not get my fingerprint if I closed my fist, so you would have to exert a reasonable amount of force'. But think of the circumstances outlined by the Attorney-General when a blood test is forcibly taken from a person or a forensic sample is taken from a person's genitalia because of the nature of the crime the police are seeking to investigate. Don't tell me that is not a more intrusive — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! Opposition members are being far too noisy. The honourable member for Richmond does not need help during his contribution.

Mr WYNNE — Opposition members know that they are demonstrably different forms of taking samples. They might say it is just about taking a pinprick from your finger or a bit of a swab from your mouth, but there is a world of difference. The opposition is suggesting to the government that the taking of these samples is no different to taking a breathalyser sample. Turn it up! There is a world of difference.

The government is seeking to provide a reasonable safeguard by requiring people to go to court. What is wrong with that? The shadow Attorney-General indicated in his contribution that most if not all the cases that would go to court would undoubtedly be approved. Surely it is not unreasonable to have some checks and balances involved in the process of taking from people what in some cases are intimate samples. It is not just about a swab in the mouth, and the opposition knows that.

My contribution will not be long, because we have 36 amendments to deal with before the dinner break. This is another attempt by the shadow Attorney-General to reposition the opposition in relation to this so-called getting tough on crime. We need to look at the government's track record. The opposition talks about the government being soft on crime, but it was the former government that ripped resources away from the police, who are the frontline investigators.

Honourable members interjecting.

Mr WYNNE — Opposition members do not like it, but they cannot get away from the fact that they did not invest in Victoria Police — end of story. The former Chief Commissioner of Police engaged in an unseemly debate with the former Premier, Mr Kennett, about who did what and who cut the budget. It is clear that the government supports Mr Comrie's position that the cuts forced upon the police were made by the former government.

Dr Dean — On a point of order, Mr Acting Speaker, the amendments are extremely narrow. They are not just about DNA but about specific parts of DNA sampling. A rambling discussion about police numbers and who did what many years ago is irrelevant to this narrow debate about DNA and DNA sampling.

The ACTING SPEAKER (Mr Phillips) — Order! I do not uphold the point of order. The indication from the previous occupant of the chair was that he had already ruled on giving a little latitude to the first two speakers on amendment 1. From then on it starts to narrow and becomes very specific. The honourable member for Richmond has been relevant most of the time, but I ask him to speak through the Chair.

Mr WYNNE — I was attempting in my contribution about the police to indicate the genesis of these opposition amendments and to counterpose the government's position which is a clear and

unambiguous one: the Bracks government supports the police, with 800 extra police officers. When the issue came up of the difficulties that arose out of the court decision about the taking of DNA samples we immediately moved on the matter — in fact, with the support of the opposition. The proposition before the house is simple. It goes to the question of whether it is not unreasonable to have a safeguard in place when samples are being taken of DNA.

That is the simple proposition for which the government seeks the opposition's support, and clearly it is not going to get it. The opposition would seek to ramrod this through: 'Let's have these DNA samples, never mind any form of judicial oversight of it'. The government does not accept that. An article in the *Herald Sun* of Friday, 1 March 2002, entitled 'Police to fight DNA bid' states:

> Police will fight any attempt to establish a database of police DNA by forcing them to provide samples. Police Association secretary Paul Mullett said yesterday the proposal was a breach of human rights. Talks between senior Victorian police and the association on the issues involved in a DNA database are due to begin this month.

Forcible samples — —

Mr Clark interjected.

Mr WYNNE — You cannot have it both ways. What we are seeking is very simple: that there be a judicial overseeing of the requirement to compulsorily acquire DNA samples. That is the position of the government and the Attorney-General. I sincerely hope the opposition will not continue to play games with this bill and grandstand on this issue. It is important that we have a very clear position on the taking of these important samples. The opposition has already recognised the importance of DNA as a crime-fighting tool. Let's ensure that we get this sorted out so that the police have the appropriate powers with checks, balances and safeguards in place so that they can get on with crime fighting in this state using that most important and powerful tool of DNA.

Mrs FYFFE (Evelyn) — I am pleased to rise to support the shadow Attorney-General on the amendments he has put forward and which he so elegantly expressed in his speech today. This is a bill that is based on and is part of a Liberal Party concept. It is interesting to look back and see how Labor members kicked and screamed in 1993 when DNA evidence was introduced. They kicked and screamed again in 1998 when amendments were made. And so we come to the present and see how they have spoken in support of DNA testing. Yet they still hold back and will not fully grasp the concept of how good DNA is in securing results and identifying suspects and, equally importantly, in assisting to clear innocent persons from suspicion.

Following the honourable member for Richmond, I am a bit bewildered and confused. He seems to believe that for DNA sampling to work you must match blood with blood, hair with hair and semen with semen. He seems to think that you have to match exactly the same part of the body for testing, particularly in talking about testing genitalia. DNA testing can be done from any part of the body. You do not have to test someone from just that part of the body. You do not have to test every orifice. You just take a sample of blood, or hair, or skin, or a swab from the mouth for a sample of mucus. That is how DNA testing is done and I am a little surprised and even concerned that the honourable member was giving the wrong impression in his speech.

The Attorney-General spoke about other states, and said that if he accepted the amendments brought in by the shadow Attorney-General it would make Victoria different from other states. Yet I have sat here this last couple of years and heard him sound very proud of introducing things before the other states had thought of them, and of having done things that put Victoria in the forefront, of being the leader. Yet on this point that is something so logical and practical he is reluctant, and I cannot understand it.

The amendments proposed by the shadow Attorney-General would have brought us close to the British system. In England any adult reasonably suspected of a crime under the law is able to be DNA tested, exactly the same as with fingerprints here in Victoria. That law has been brought in under the Blair government for which I have already heard admiration expressed in this house.

A recent successful example of the system in England came to light and was reported last week. In England, as I said, a DNA sample is taken of anyone reasonably suspected, and then it goes through a routine computer check. What happened a year ago, as reported last week in the *Evening Standard* and the *Times* in London, was that a person was picked up for a minor crime, a routine DNA sample was taken and it went into the system.

An honourable member interjected.

Mrs FYFFE — They can do that. It actually took a few months to come through — four months to be processed by the computer — and what happened? Lo and behold, the DNA sample matched a sample that was taken at the crime scene where a 14-year-old girl was murdered 20 years ago. Imagine how those parents

and the brothers and sisters will feel to finally know what happened! Hopefully if he is convicted he will tell them why and how it happened, so they can bring a closure to it.

DNA testing is not only solving crimes but also proving people's innocence. The Honourable Peter Katsambanis in another place quoted an example given to him when he was in the United States of a victim and three other people physically identifying a man who was subsequently charged with sexual assault. The victim and three other people said, 'Yes, he was there. Yes, he is the one who did it'. So a routine DNA was done, and guess what happened? When the DNA sample came back it proved he could not possibly have committed the assault. As it turned out, it was another person who looked just like him.

Years ago, before DNA samples came in, he would have been sentenced because he had been clearly identified by four people — the victim and three others — as the person who had committed the assault and had been there at the time and the place, yet DNA testing proved that he was not. DNA testing also brings comfort to victims of crime who have lost loved ones. For instance, the case I quoted in England will help to bring closure for the parents and other family members.

The amendment moved by the shadow Attorney-General is supported by the Police Association. It does not want police time tied up in going to court, with all the paperwork involved. DNA testing is simply the modern equivalent of fingerprinting. The requirement that police attend open court to testify to DNA samples is expensive, time consuming and clumsy. What the government wants to do will eat into the police budget and eat into the time of police who could and should be out on patrol.

The government agreed with the Police Association request to withdraw the use of videos and the requirement to have an independent person present. That is a good step, because you could imagine the hours that would have been wasted while police sat around twiddling their thumbs waiting for an expert or an independent person to be available. They would have been kept away from their jobs. I urge the Attorney-General to rethink the rejection of our amendments. We must also consider the time the police will be putting into this.

Innocent people will not mind having DNA samples taken. Innocent people will see it as a way of getting themselves cleared of any crime they may be suspected of. It is important that the DNA samples are stored separately and that the samples taken from people who have not committed crimes are destroyed, just as fingerprints are now destroyed. That is a very important safeguard. But we must always look at ways of making police work easier, of helping victims and of not spending as much time as this government does in supporting criminals by making things easier for them and making it easier for the lawyers to get them off. What really matters is that the people of Victoria want law and order. They want to know that the police have every modern tool at their disposal and that they are given the skills they need to do their job properly.

Mr STENSHOLT (Burwood) — What hypocrisy for the opposition to talk about giving the police every support! The last lot promised 1000 more police but cut police numbers by 800. The hypocrisy is absolutely breathtaking!

The Crimes (DNA Database) Bill is extensive. It has already been debated in this house, when we rejected a range of amendments put up by the opposition. The Legislative Council in its supposed wisdom made amendments and sent them back to us, and at least one of them — amendment 33 — is substantial. In effect it tries to make the taking of forensic samples equivalent to the taking of fingerprints. At the moment if a suspect refuses to give a forensic sample there has to be an application for a court order authorising the compulsory taking of such a sample, which is Victoria's safeguard as part of what is an intrusive procedure.

I understand that the definition of 'forensic procedure' is broad. I know we have been talking very much about scraping the inside of the mouth for DNA samples, but forensic procedures can be intrusive and may include blood samples and samples taken from other parts of the body, as well as taking dental impressions.

The opposition seeks to equate the simple taking of fingerprints with forensic procedures. In Victoria we are happy to keep up with modern advances, but we also need to match the advancement of science with the rights of the citizen. It is a process which requires careful consideration of the scientific, legal and ethical matters involved in the implementation of new scientific procedures, particularly in the application of technology to take DNA samples.

Taking fingerprints is a way of uniquely identifying a person. There are other types of identifiers, including the iris, which are unique ways of revealing the identity of a person. But DNA material discloses far more, because it can reveal the whole genetic blueprint of an individual. Because it is far more comprehensive, to date the Victorian legislature has been far more careful

about this matter, requiring police to apply for a court order to authorise any taking of such a sample.

The opposition proposes that this be done willy-nilly and that it be just like fingerprinting. The *Age* of 25 January this year noted in its editorial that DNA evidence is a powerful tool for criminal investigators — we accept that, and we would like this bill passed so we can deal with the backlog — but that it needs to be handled carefully. The issue has also been raised by Liberty Victoria.

Complex issues have to be examined. One has to be careful in dealing with the new legal and ethical questions that they raise. There is the issue of how the procedure is handled, particularly when the police would have control of every step in the process. It also means that the compulsory taking of DNA samples could infringe people's right to not incriminate themselves.

On the other hand we have to acknowledge that the unfairly convicted might miss out on the benefits that the DNA evidence could well provide, so there are many questions. For example, the *Age* states it has long supported the inclusion of a bill of rights in the constitution — realistically it is many years off — and the need to deal with the rights of people affected by the application of scientific discoveries and techniques.

I note on 21 November 2001 that the Legislative Council — remember that these are the amendments coming from the Legislative Council — provided a reference for the Law Reform Committee. That reference talked about the collection, use and effectiveness of forensic sampling and the use of DNA databases in criminal investigations, with particular emphasis on identifying areas and procedures which would more effectively utilise forensic sampling and improve the investigation and detection of crime.

This is an issue that the Council itself, which is dominated by the opposition, asked to be investigated substantively and substantially by the Law Reform Committee. Where is the Law Reform Committee on this particular investigation? This is the report of 1 April of the parliamentary committee's progress on the investigation. The activities during March 2002 include the position of legal research officer being advertised, future activities being the employment of a legal research officer and the engagement of two consultants to prepare background papers on the technical, practical, legal and ethical aspects of DNA databases.

I am a member of this committee, and although it is not for me to reveal the committee's progress, it is in the process of examining the technical and practical aspects and legal and ethical aspects of this matter. This amendment, which was moved by the same Council that gave the reference to the Law Reform Committee, is trying to beat the gun — it is trying to pre-empt the conclusions of its own proposed investigation before it has hardly begun. I think it is an outrageous use of the Legislative Council to try to forestall, and indeed pervert, the investigation which it set up.

I do not mind investigating these things. As I have said before, any new technical and scientific advances need to be tested in terms of their technical merit and application and in terms of their legal aspects and ethical dimensions, taken in the widest sense to include how they might affect people's rights and society's understanding of this and its application.

But the opposition cannot wait to be properly informed. It cannot wait to ensure there is a proper investigation of these things. It goes for the knee-jerk reaction and tries to put into legislation the most extensive use of this particular scientific technique that is possible to equate it with fingerprinting.

But it is not just the scientific aspect of DNA testing; in the proposed amendment the opposition is also doing it in the widest possible way in terms of forensic procedures. As a member of the Law Reform Committee, I really feel it puts me in a difficult position, because we have an inquiry in regard to this, and I would prefer obviously that the inquiry took place. The committee will take evidence from a wide range of people from the legal profession, from ethicists, from the scientific area and from the police. It has to learn what the practice was in other jurisdictions and come down with a considered report to be looked at by the government and by the Parliament before we rush off with this knee-jerk reaction provided in amendment 33.

As I said, the *Age* has said that there are rights and wrongs to be looked at; it has to be carefully considered. Others have quoted articles from other papers earlier this year. The *Herald Sun*, for example, on 2 March, says under the heading of 'Flak for police DNA bid':

> Fierce police opposition to a DNA database of officers has been backed by civil libertarians.

There are clearly aspects here that have to be looked at and carefully considered rather than rushing in with a virtually across-the-board omnibus handling of this

matter without any considered and in-depth consultation and looking at it.

I am in favour of having a proper look at these matters and having a proper examination of them. I do not resile from that. I am quite happy for us to look at these matters and make a judgment on the basis of the facts, but I believe it is improper for the house to accept this amendment as proposed by the Legislative Council and go ahead and change the powers and the protections which are there for people who object to the compulsory taking of a sample. If the police have to apply to the court, the court is able to test the evidence and the particular circumstances regarding that order for the compulsory taking of the sample.

I have made these comments in a genuine attempt to look at the merits of the case here, and I feel I must support what the Attorney-General is proposing. I commend his proposition to the house.

Mr LUPTON (Knox) — I am in a bit of a quandary in relation to this legislation. I find the barriers being put up by the government to be quite strange in this case. It has been admitted and said many times in this house that fingerprinting was basically the tool to fight crime in the 20th century; DNA is going to be the tool to fight crime in the 21st century. It is far more powerful than fingerprinting ever was. I go back to the middle 80s, when this Labor government, which was here then — —

Mr Cooper — The Middle Ages?

Mr LUPTON — It was the middle 1980s, when a Labor government introduced the 6-hour limit, which many people will recall. The 6-hour limit was only there to protect one thing, the criminal, because it tied the hands of the police quite dramatically. To me this legislation the government is putting before the house does exactly the same thing.

The Attorney-General claimed he wanted reasonable safeguards. The honourable member for Richmond talked about it being intrusive. Let's face it, you have to give a couple of bits of hair! Do government members find that intrusive? They probably drop more on the bathroom floor when they blow-dry their hair every morning.

Mr Wynne interjected.

Mr LUPTON — That is a point, yes — when you put the Grecian on you probably lose more hairs!

With the swab out of the mouth, government members are talking about scraping it out of your mouth. For heaven's sake, it is not even a scrape. And a blood sample — let's be realistic. If you want to turn around and take it to the nth degree you can classify it as being intrusive, but for heaven's sake, in the real world it is nothing. For the honourable member for Richmond to come out and say that for some swabs you have to go and take it from, and I quote, 'genitalia', is a load of rubbish!

An honourable member interjected.

Mr LUPTON — You read *Hansard*! If you are going to investigate a rape, you look at either the hair, blood or the swab of the mouth. Go back to that town last year, I think it was in New South Wales, where they asked every male in the town to provide a swab of the mouth. That was in a rape case, and they did not go around ripping down their strides to do the things the honourable member was suggesting. Let's get facts. Let's be honest about the whole situation.

An honourable member interjected.

Mr LUPTON — They got a conviction too.

Mr Wynne interjected.

Mr LUPTON — They still got the DNA. I really and truly have a problem in accepting the fact that under the government's legislation you have to go before the court to get these samples. I do not give a damn whether the police have samples of my fingerprints, my blood, my hair or a swab from my mouth. I do not care! The only thing we are doing with this legislation from the Labor government is protecting one group of people — criminals! We are protecting people who have something to hide. I do not believe that we in this Parliament should be trying to foster and look after those people who are protected by such legislation or who have civil libertarians arguing for them.

Let us look at the crime rates in the last 12 months in relation to crime against the person. Homicides increased by 25.6 per cent; rape went up by 5.5 per cent; non-rape sex crimes have gone down by 1.7 per cent; robbery is up by 26.5 per cent; assault by 10.2 per cent; and abduction and kidnap by 11.9 per cent. I could go further and give other examples, but the fact of the matter is that crime is increasing in Victoria. We should do our utmost to provide the Victoria Police with every possible tool to fight crime so that they can do so to the best of their ability.

I believe the amendments proposed by the government will block, restrict and hinder the Victoria Police in performing their duties. I do not believe there is any

person here or around the streets who will have any problem about providing a DNA sample, unless they are guilty of an offence — or perhaps are members of the Labor Party! The things that we are arguing for and that have been brought forward by the shadow Attorney-General are commonsense, state-of-the-art things which will enable Victoria Police to fight crime more effectively.

The honourable member for Richmond indicated that DNA samples provide the genetic make-up of a person. Surely to heavens, under this legislation those DNA samples can be suitably protected so that they are not available to everybody. If they provide the genetic make-up of anybody, so what? I do not care. As I said, they can do that to me and it is not a problem. But we seem to have a situation where we are going overboard to protect the rights of certain people. I cannot find that the taking of a hair sample, a swab or a blood sample is intrusive. I really and truly cannot. I find the arguments put up for reasonable safeguards to be excessive, and I honestly believe Mr and Mrs Victoria want whatever tools are necessary to be provided for the Victoria Police.

Mr Wynne — We support it!

Mr LUPTON — The honourable member for Richmond says they support it, but creating a situation where you have this barrier to hinder the Victoria Police — —

Mr Hulls — A safeguard!

Mr LUPTON — It hinders! It is not a safeguard; it is a barrier which hinders the Victoria Police in the performance of their duties to protect Mr and Mrs Victoria.

Mr HOLDING (Springvale) — It is a great pleasure to contribute to the debate on the Crimes (DNA Database) Bill and the amendments the house is considering this evening. It was very interesting to listen to the contribution of the honourable member for Knox. The basic tenet of his argument seems to be that ordinary Victorians want the obtaining of DNA samples to be as simple and as quick as possible, and that this in some way would improve the criminal justice system and promote law and order in this state.

The truth is that if this house were to accept the amendments being proposed by the opposition, then Victoria would find itself way out of line with every jurisdiction across Australia. Victoria would be in the position of running its own system for DNA databases and would have a system and a set of standards that were completely out of sync with standards that have been established in other criminal justice jurisdictions throughout Australia. Rather than making things more convenient in Victoria, as the honourable member for Knox asserted, it would have the effect of putting Victoria out of sync with the rest of Australia and making the system in Victoria more complex and more out of keeping with the standards and safeguards that have been put in place in other jurisdictions.

The government is seeking to ensure that a DNA sample can only be obtained from a person who withholds consent in circumstances where a court order has been obtained. It is a reasonable measure which is consistent with measures in place in other jurisdictions and which recognises that obtaining a DNA sample is completely different from obtaining, for example, a fingerprint. The opposition has attempted to draw a parallel or analogy between the two, but the truth is that obtaining a DNA sample is a much more intrusive procedure and has far more significant consequences, and because of the definition of 'DNA sample' contained in the legislation, is a completely different procedure from those required to obtain a fingerprint. I think, and the government certainly believes, that obtaining a fingerprint is a completely different situation from the procedures and safeguards that should exist in relation to obtaining a DNA sample.

The house finds itself presented with two possibilities. The first is supported by the government, which says that in order to obtain a DNA sample from a person who is not willing to give it, the police are required to obtain an order from the courts. The opposition would prefer to have a set of procedures in place which would mean that force could be used on a person who is withholding consent for a DNA sample to be taken in the same manner in which force can be used to obtain a fingerprint.

The government believes that the measures it is moving are sensible. We believe that obtaining a DNA sample, because of the broad definition contained in the legislation, is not the same as obtaining a fingerprint and therefore a different set of more stringent safeguards should be in place. The government believes that an appropriate set of safeguards should be in place for obtaining a DNA sample from a person who withholds consent and that a court order should be required. That is something that is consistent with the practices in and the relevant legislation existing in other jurisdictions.

I am very pleased to be able to rise in support of the measures that are proposed by the Attorney-General. They are eminently defensible and will ensure that appropriate safeguards exist to make sure that before

such an invasive procedure occurs, proper judicial oversight exists in relation to these arrangements. The proposal of the Attorney-General recognises the more intrusive nature of the forensic procedures that exist in relation to obtaining a DNA sample when compared to those for obtaining a fingerprint. It will require court authorisation for the compulsory acquisition of a genetic sample when there are reasonable grounds to believe that the person concerned has committed an offence and that the taking of the sample will assist in the investigation of such cases.

These are two important elements necessary to meeting that test. The first is the requirement for reasonable grounds for believing that the suspect has committed an offence; the second is that the court is satisfied, prior to authorising compulsory acquisition of a DNA sample, that that will assist in the investigation — that is, the obtaining of the sample must be relevant to contributing to the investigation of the offence. It is a relatively straightforward test but nevertheless it is an important safeguard that will ensure there is proper judicial oversight of the obtaining of such samples.

I have already mentioned that if the opposition's measures were accepted it would have the effect of putting Victoria out of line with other jurisdictions. That is an important point. Ordinarily I would not say that just because other states and territories have a particular measure in place Victoria should follow suit, but it is important when we are attempting to create a national DNA database that Victoria's standards for obtaining DNA samples are consistent with the standards set in other jurisdictions. The measures proposed by the Attorney-General will ensure that consistency but the measures proposed by the opposition will create inconsistency. That is another, although not the most compelling, reason for rejecting the opposition's measures.

I also make the point that, as I understand it, at the moment, because of an oversight in the existing legislation, there are 3500 unexecuted orders for the taking of forensic samples. The action of the opposition would serve to further frustrate the passage of this legislation which will ensure that those unexecuted orders can have action taken on them and be processed. Members of the opposition claim to be tough on crime, and say that they form the law-and-order party and that they would be tough on crooks when in fact they are seeking to ensure establishing a process that would frustrate the passage of these measures and the collection of those 3000 unexecuted warrants and would delay enabling law enforcement agencies to obtain court orders to ensure that proper DNA samples are obtained as expeditiously as possible.

The opposition says it is about protecting the community, but by its actions here and the measures it is taking to frustrate the passage of this legislation it is proving that it is weak on crime, it is not the law-and-order party, and it is not the party that is tough on crooks. In fact, the Leader of the Opposition has given people a green light to speed. We know that is the opposition's policy. Any opportunity to win votes, regardless of whether it is sound public policy, is the standard it has set.

The government believes it is important to action those unexecuted orders. It is important to obtain, as quickly as possible, DNA samples, but there should be judicial oversight where a person withholds consent. I am more than happy to support the legislation. I wish it a speedy passage. I hope the Attorney-General's measures are supported by sufficient other members both in this house and the other place that they become law.

Mr COOPER (Mornington) — The house is dealing with 36 amendments in toto, but we are really talking about one, and that is the way in which DNA samples can be obtained. Some extraordinary arguments have been put forward today in defence of the government's position — extraordinary arguments that are really furphies. The honourable member for Richmond seems to have some really weird ideas of how DNA samples are taken. According to the honourable member, its almost as if you have to strip off your gear and every orifice in your body will be invaded in order to get DNA samples. We all know, even those of us with a cursory knowledge of the way DNA samples are taken, that this is not so. I do not know why the honourable member for Richmond advanced that extraordinarily irrelevant and ignorant argument, but he certainly did not do himself any favours with regard to his credibility, particularly on this bill.

Then the honourable member for Springvale said we should not be out in front but we should be trailing the rest of the states and that somehow the way in which the opposition is putting this will delay the compilation of a national DNA database. For the life of me I cannot work that one out either. Somewhere in the recesses of the honourable member for Springvale's tiny little mind he has the paranoid theory up and he has advanced it to the house today. Having done that he has rushed out of the place, no doubt to consult the oracle to find out whether or not what he said has any credibility. I can tell him right now that it has no credibility at all.

The amazing part is that nobody yet from the government side has mentioned what the police want to do and what will be best for the police. As the

honourable member for Knox said, what will be best for the quicker apprehension of criminals? Which is the way they want to go and which is the right way for the community? The Police Association, on behalf of serving police officers, has made it quite clear: it supports what the opposition has put forward.

The Police Association is not known these days for always being on side with the opposition, but it is strongly on side in this matter. It says this is the way to go. Of course, it says that because its members have been and seen the experience in the United Kingdom and the United States of America and the way modern police forces use DNA, the way modern police forces approach the subject and the way in which the quick apprehension of offenders can take place when you do not have unnecessary logs rolled in the way of members of the police force doing their job. That is really what this is all about. Will we allow delays to be put in front of the police, or will we allow them to get on with the job?

The argument that has been advanced by the government is that somehow or other what the opposition is proposing will be a major blow to the civil rights of people who are asked to give a DNA sample. There is nothing further from the truth. The honourable member for Knox said it quite clearly, and I believe the views he expressed would be shared by the vast majority of the Victorian community — that is, if you have nothing to hide, why would you not want to give a sample? Whether it is a hair sample or a scraping from under the fingernails, or even a blood sample, why would you not want to do that? Why would you say no? The only reason you would say no would be that you have something to hide.

It is interesting to note that the bill does not repeal the compulsory blood sampling that is already required from road accident victims. If you are admitted to hospital after a road accident you are required to compulsorily give a blood sample. The government is saying that is quite okay, yet why would anybody say no to a compulsory DNA sample, a hair off the head? I admit that the honourable member for Richmond and I would have difficulty in this regard, but nevertheless we can give samples in other ways. Why is the government saying no to that?

This is opposition from the government to a sensible amendment that is being provoked and pushed by the civil liberties lobby that has somehow got this government under its spell. How can they do that at a time when crime is increasing in this state — and crime is increasing in the state no matter what arguments are put forward. In those circumstances we need to give our police all the powers possible to address those issues. In my electorate alone crime has risen. According to the last police report on crime statistics, in Mount Eliza crime increased by 23 per cent; in Mornington by 19.4 per cent; and in Mount Martha by a staggering 51 per cent. The community in my area is saying, ‘Do not hold the police back on things such as DNA powers’. This is needed to assist in addressing crime and to arrest offenders.

Other things need to be addressed by the government. We have heard arguments of almost an esoteric nature in opposition to this very sensible proposal by the Liberal Party. The government is arguing this out but denying organisations such as Crime Stoppers any reasonable funding. For a miserable amount of $500 000 a year Crime Stoppers could be operating all over the state. The community could be out there assisting the police as well in the apprehension of criminals. DNA is a very important crime-fighting weapon, and that is what the bill is all about. It is about assisting with the apprehension of offenders and dealing with crimes that have been committed, just like Crime Stoppers does. The $500 000 a year which is denied by this government to Crime Stoppers may well result in it having to close its doors.

The government argues all the time that it is strongly pro police, strongly in favour of a reduction in crime and all things necessary to protect the community, yet it argues against a basic power for the police, a basic power which the police want and which the community says the police should have — that is to be able to go out — —

Mr Wynne interjected.

Mr COOPER — The honourable member for Richmond can shout all he likes, but at the end of the day — —

Mr Nardella interjected.

Mr COOPER — And so can the Foghorn Leghorn from Melton; he can shout all he wants. But at the end of the day the government is arguing that it does not want the police to have the power to compulsorily acquire DNA samples from possible offenders, DNA samples that could either convict an offender or alternatively acquit an offender — one or the other.

At least a DNA sample will decide whether or not charges should be laid or whether the person was not the one who committed the crime that is being investigated. That is what the government is arguing against — giving the police those powers — but the opposition is saying it is wrong and immoral for the

government to argue that way. We now say to the government that it should seriously consider its position rather than just giving a blanket no. In denying the police the power and in opposing the opposition's amendment, the government does its credibility no good with the community or with serving police officers.

Ms DUNCAN (Gisborne) — I have great pleasure in rising to speak on the Crimes (DNA Database) Bill amendments. I would like to address a couple of the issues raised by the honourable member for Mornington, who suggested that the police wanted these powers. I would be interested to know where and when they made this claim.

Mr Cooper — In writing!

Ms DUNCAN — As I understand it the police are not clamouring for this additional power, and I would be happy for the honourable member to table the letter if he has it. He walks away again, which is part of his method of operation. I do not think the honourable member for Mornington is unintelligent or does not know the truth; rather I think he chooses to mislead. He walks away laughing, saying, 'I have it in writing', but when he is challenged to produce the document he leaves the chamber. That speaks volumes.

The other claim is that the government does not want DNA samples to be taken. That is not the case. The government is committed to DNA sampling and to the DNA database, and it has shown that on a number of occasions with previous legislation. We recognise that DNA sampling is a powerful tool for fighting crime and assisting in police investigations. The government fully supports DNA sampling as a means of fighting crime.

Mr Haermeyer interjected.

Ms DUNCAN — The Minister for Police and Emergency Services, I understand, has just confirmed that there has never been a request from the police to forcibly take DNA samples without a court order. I say to the honourable member for Mornington that we are all keen to see him table the letter he has from the police requesting the power to forcibly take DNA samples from unwilling suspects.

The government is about national consistency, and we are committed to the DNA database. As we understand it — this seems to have been lost on the opposition — if Victoria had a different regime it would potentially put the national DNA database at risk and put our role in it at risk. So despite the claims of the opposition, the opposite is true. The government is committed to being part of the national DNA database, and we fear that if these amendments go through that would be put in jeopardy.

The opposition's amendments would have the effect of making Victoria — this does not seem to concern the shadow Attorney-General — the only jurisdiction in Australia that does not distinguish between the taking of fingerprints and the taking of DNA samples. That distinction is already reflected in our courts. Police prosecutors do not easily go to court to seek an order for DNA sampling. It is always in conjunction with other evidence against the suspect. The government says that if members of the police force wish to forcibly take a DNA sample from a suspect they have to justify their reasons and convince the court that it is a reasonable request, and the court will approve it. That is all the government says — not that samples cannot be taken but that it should be for the courts to determine, not individual police officers.

Consistency between jurisdictions is critical, and the lack of consistency potentially puts in jeopardy Victoria's involvement with the national DNA database scheme. As mentioned by the honourable member for Springvale, the amendments are also frustrating other parts of the government bill and will see 3500 orders for the taking of forensic samples unexecuted.

To go back to the point of Victoria being consistent with the rest of Australia, every other jurisdiction makes the distinction between the taking of forensic samples and the taking of fingerprints. No jurisdiction allows a blood sample to be taken from a suspect who does not consent to the procedure unless there is court authorisation, and that is all the government is seeking.

Under the national database system each Australian jurisdiction will be able to enter into arrangements with other jurisdictions where their laws are defined to be corresponding. This is the point that has been lost on the shadow Attorney-General, and that is why consistency is so important. We need to be sure that our laws are corresponding laws, otherwise we risk our involvement in the national database scheme, which all honourable members agree is critical to the ongoing fight against crime in the state. I commend the bill to the house.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Ms McCALL (Frankston) — Honourable members have before us amendments returned from the Legislative Council in relation to the Crimes (DNA Database) Bill. Since this bill was first introduced in this house it has been to and fro between houses a couple of times, and it has now come back from the

Legislative Council with 36 amendments. What is significant about that is that half of them have been agreed to by the government. From our perspective, that means the opposition is halfway there. Perhaps if it goes to and fro two or three more times, we might end up with all the amendments put forward by the opposition being agreed to. Whoever knows?

I will talk about some of the amendments and also some of the concerns raised by the honourable member for Richmond and the objections he had to the opposition's proposed amendments. One of the major concerns he raised was the apparent intrusiveness of the taking of forensic samples. I am not sure what his perception of intrusive is but I would like to clarify a couple of issues for him and for the house.

If a person involved in a motor vehicle accident is taken to hospital and if there is reason to believe that the person is culpable — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! If members on the opposition benches wish to have a conference they may leave the chamber!

Ms McCALL — A person involved in a motor vehicle accident who is taken to hospital is required under the current regulations to give a compulsory blood sample. I would argue that that is a fairly intrusive procedure, because it is not taken in the same way as a swab would be taken under forensic procedures, which would involve a mere pinprick or the taking of a buccal swab or a piece of hair. It is, in fact, an extensive blood sample. I would argue that even if some people were in a position to object after a motor vehicle accident it is unlikely that they would. Let's clarify this: it is a DNA sample that is part of a forensic procedure. A buccal swab is a very unobtrusive manner — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The same rules apply to members on the government benches: if you want to have a conversation, leave the chamber or sit down!

Ms McCALL — They have obviously had a good dinner, Mr Acting Speaker; that is perfectly all right. The introduction of the buccal swab to collect a DNA sample as part of a forensic procedure is non-intrusive. Overseas experience has demonstrated that it can be done by four swipes on either side of the mouth with what is equivalent to a cotton bud by yourself or another person, be it a police officer, a nurse or whoever. If you are under suspicion of a crime — in the United Kingdom in particular it is any crime, not merely serious crime or what we call 'crimes covered under forensic procedures' — that is not considered intrusive.

I note that the honourable member for Burwood has raised his concerns that with the opposition amendments this legislation would seem to be pre-empting the terms of reference given to the Law Reform Committee by the Legislative Council. As a fellow member of the Law Reform Committee my argument against those concerns is that this piece of legislation has no direct bearing on the terms of reference before the Law Reform Committee. We could introduce the first part of this to facilitate Victoria's participation in the national DNA database system without interfering with any terms of reference before the Law Reform Committee. Provisions to amend procedures for the use and retention of forensic samples have been introduced by the government. The government will understand that if that is going to interfere with the potential recommendations of the Law Reform Committee then maybe it should not have done it.

Like, I am sure, everybody in this chamber I have a concern that we give members of the Victoria Police and those responsible for the solving of crimes every available tool. The facility of DNA sampling for forensic procedures is moving at an exceptionally rapid rate. That means that we cannot afford to put in barriers, or safeguards as the government calls them, that impede the progress of the taking of DNA samples and forensic procedures for the solving of crimes. On the many times this debate has been held in here my colleagues on this side have given examples of where the taking of a DNA sample has resulted in a hit on a DNA database and enabled a crime to be solved. That can enable a family to put their minds at rest because the perpetrator of the crime has been charged and subsequently found guilty. We all know that a DNA sample does not solve a crime in itself. However, we all understand that by the time the matter gets to court it can be the clincher, the deciding factor as to someone's innocence or guilt. The important thing is their innocence can be proven just as easily as their guilt.

We have to stop being oversensitive about the protection of people when we are dealing with something as new as genetic procedures and DNA sampling. There are many ways of judging someone's DNA sample which do not under current circumstances betray that person's genetic identity. I know that at the moment there is one part of the 9 or 13 procedures they do under DNA sampling that can define whether

someone is a natural redhead. However, at this stage that is one of the few cases where a genetic identity may come from a straight DNA sample. There are already scientific safeguards because we are only using potentially 9 or 13 procedures to judge the genetic compatibility or genetic match of an individual.

I think we have to be very careful we do not get too sensitive too early, and by becoming oversensitive deny Victoria Police and our crime investigators every tool available to them. I therefore commend the opposition's amendments. I support the amendments as handed down from the Legislative Council. I am delighted that they are back here to be debated yet again. Eighteen out of the 36 having been agreed to — I am a born optimist and would not be a member of Parliament if I were not — I am optimistic enough to suggest that we might get the other 18 agreed to if we persist a little longer.

I therefore congratulate the government for moving on DNA database information. I suggest to government members, however, that they re-examine the other 18 amendments that have been introduced and ask them to reconsider them with a view to passing them in this chamber.

Mr McINTOSH (Kew) — I rise to support the opposition amendments to this worthwhile bill — a bill that we supported on a previous occasion.

The amendments the opposition has proposed are very sensible additions to the armoury the government has so wisely taken up in relation to DNA. Honourable members on both sides of the house understand the significance of DNA testing and the value it can have in the solving of serious crimes — and indeed in some cases in absolving those suspected of crimes or of any form of criminal liability.

I will tell a story to show the truth about some of the mythology being developed by a number of speakers on both sides of the house about how intrusive DNA testing can actually be. The simplest form of testing is to take a short swab of the cells inside the mouth. The preferred course, however, is to take a sample of blood. The blood testing that I have seen done involved the three great sooks on the opposition benches: the shadow Attorney-General, myself and the Deputy Leader of the Opposition in the upper house. With some degree of trepidation, together we went down to the forensic laboratories at Southbank in the company of Professor Olaf Drummer to determine precisely how an appropriate DNA test was carried out. We were shaking in our boots in fear and trepidation as we approached the whole process, feeling that we would be violated in a variety of fairly draconian ways.

What actually happened was that we took a poll and the shadow Attorney-General was nominated as victim. He wrote his last will and testament, leaving most to me and the Deputy Leader of the Opposition in the upper house. He was asked to produce his index finger — like this — and a little piece of equipment made a slight pinprick. He screamed blue murder, of course, but then professed there was very little pain. Three drops of blood were taken for three different samples, and that was all that was required to take a complete DNA profile of the shadow Attorney-General. Red lights started to go off when it went through the machine and things like that, but the actual test was no more intrusive than that.

We asked Professor Drummer if any further blood than that would be required, and the answer was no. That would be a sufficient amount for all purposes of analysis in normal circumstances. It would only be in the most adverse circumstances that some other form of test might be required. The thing I find amazing about this is that I understand we are talking about civil liberties and all those sorts of things.

The government introduced legislation, which we supported, on drug-driving. After a police officer decided that a driver was driving erratically and after alcohol consumption had been eliminated, by breath testing, as a cause for the erratic driving, the driver could be taken to the police station. On the say-so of a police sergeant the driver could have three ampoules of blood — not just a pinprick on the end of a finger — compulsorily taken, with or without their permission, from their arm. That is a far more intrusive test than what I saw happen to the shadow Attorney-General.

What is the fear? Honourable members have been talking about drug-driving. Everybody understands how significant and serious the road toll is and that measures must be introduced to deal with that toll. One measure is to address of the drug-driving problem. But surely, serious crimes such as murder, manslaughter, rape and sexual offences of other descriptions warrant the use of all our technical skills to deal with the matter.

All the opposition is doing through its amendments is suggesting that DNA testing should be dealt with in the same way as a fingerprint — that is, if you do not provide the sample it can be compulsorily taken from you on the say-so of a police officer with the rank of sergeant or above at a police station. It is nothing else; no more, no less. It is just about the removal of the slow and turgid process of having to get a court order that says you can have blood taken to enable DNA testing to be conducted.

It seems an appropriate amendment to the legislation. It seems appropriate in this day and age to enable this sort of testing to be done because it is part and parcel of the armoury of the police. It should be able to be done as expeditiously as possible. If you are dealing with children, as with fingerprinting, of course you would go before a court.

We also have the same processes for the elimination or removal of that sample if it does not lead to conviction or to some form of trial at some stage. There are in-built safeguards in the fingerprinting legislation. I do not see that there should be any major distinction between fingerprinting and DNA testing.

As the shadow Attorney-General has said on a number of occasions, when you come down to it DNA testing is modern fingerprinting. We have the wonderful technology that enables crime to be solved, and we have all sorts of other avenues. Previously I have spoken about how DNA could be used in identifying the victims of the 11 September disaster in New York.

DNA is a powerful tool in the hands of police, and it should be allowed to be used as a powerful tool in the hands of police. I certainly commend the amendments to the house.

Mr ROWE (Cranbourne) — I commend the amendments to the house. I relate to the comments of my colleague the honourable member for Kew in relation to fingerprinting. When I was in the police force there was nothing like DNA. We only had fingerprinting. At that time other methods were used to obtain fingerprints and at that stage certainly restrictions were in place on how the police could take fingerprints. When I went through the police academy we were instructed that it was in the best interests of solving crimes that we obtain fingerprints in all cases. If an offender or suspect did not want their fingerprints taken, we had to get a court order to take them. Today DNA is the modern form of fingerprinting.

Years ago the criminal known as Mr Stinky was caught because prior to the compulsory system being introduced in Victoria, New South Wales police were able to compulsorily take the fingerprints of suspects. It was only because the offender was arrested in New South Wales and fingerprinted for wilful and obscene exposure that the fingerprints taken from the car in which a couple was murdered in Shepparton were matched and eventually that criminal was brought to justice and sentenced to a long term of imprisonment. That showed the benefit of compulsory fingerprinting.

Today the police must be able to utilise the modern tool of DNA testing because of many circumstances. For example, last week honourable members read about the unfortunate death in Queensland when a young British girl was murdered. Police were able to recover tissue from under the fingernails of the victim and will use the DNA sample to crossmatch it and either eliminate the suspect they have in custody or confirm that he was the murderer.

To make the collection of DNA samples in Victoria more readily available to police will certainly assist in solving many crimes. I cannot understand why the government would shy away from that because it claims to be a government that supports law and order and the police force. I would have thought that allowing police access to this tool will give them an extra weapon in their armoury not only for solving crimes but also for proving that people are innocent.

Mr Hulls interjected.

Mr ROWE — Not as easy as they should have. In an ideal world perhaps you would take DNA samples from all the newborn.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! Discussion across the table is disorderly and it is rude to the honourable member on his feet.

Mr ROWE — It has been said in the past that those who fear fingerprinting and DNA sampling are only those with a guilty mind or with something to hide. I believe 99.99 per cent of Victorians are innocent of any crime and are not afraid to have a DNA sample taken. It would go a long way to solving the riddle of where the honourable member for Narracan came from if DNA samples were compulsorily taken!

It is pleasing to note that the government has agreed to 18 opposition amendments, but the Attorney-General, having returned to this house happy, smiling and a more relaxed man — —

Mr Hulls interjected.

Mr ROWE — I did not need it; I have a safe seat. It is good to see a smile on the face of the Attorney-General. It is a shame that he did not have a reason to smile two years ago because he would have been a much more pleasant chap, but now he is a lovely guy and we all get on well with him.

I am sure the Attorney-General would like to have a DNA sample taken because he has nothing to hide, and

I am sure that the Minister for Health would also like to have a DNA sample taken to have it on the record to clear up all those crimes in Albert Park!

I wish the bill a speedy passage, but would be more pleased if the Attorney-General would allow the police force to have easier access to taking DNA samples and I commend the opposition amendments to the Attorney-General.

Mr SMITH (Glen Waverley) — It is interesting when we talk about things like whether we should take — —

An honourable member interjected.

Mr SMITH — I will wind up in a second, thank you. It is interesting that when you get involved in this issue you think about victims of crime. I became a victim of crime last Sunday week when our house was broken into and we had to go through the various processes that people think about but unless it has happened to them they do not realise what happens to the ordinary person in the community. We were extraordinarily lucky in our case because I rang the police and they came very quickly. We had detectives around the next day, and the insurance arrangements worked out well. But my point is that people who have been victims of crime want to ensure that the hardest possible — —

An honourable member interjected.

Mr SMITH — It is all very well for Labor Party members to laugh, which is their normal way with victims of crime because they do not care; they are more interested in the other side of the coin. The interesting thing is that once people have become victims of crime themselves they adopt an even tougher line than the one they would have taken before. The line that the shadow Attorney-General has put here in taking DNA samples is certainly one that I subscribe to. Interestingly enough, the police at the working level subscribe to it too, because it is one of the things that I managed to talk them about.

People like Senior Detective Mick Keane, who came out and investigated this crime for us, and Shirley Golden from AAMI, who also came out, agree that we should be tougher on crime. These people are doing this every day and they are saying that the number of crimes is going up. Of course the Labor Party again does not care. There are 49 000 robberies a year of the type that we had and the number is going up. I cannot remember the weekly figures that they quoted but that figure stuck in my mind. We need to send out a message that victims of crime want to have the hardest possible test. Part of getting the hardest test is to ensure — —

Mr Hulls interjected.

Mr SMITH — You do not care, you have never cared because you are on the other side. You are more interested in looking after the crims. For the sake of the record I indicate that the Attorney-General is interrupting the debate at this stage. The Attorney-General in his usual way is interrupting because he does not care about victims. I am not putting myself forward as any great victim; what I am saying is that unless the government starts looking seriously at what victims think, it will lose the next election.

The latest crime statistics show that burglaries are up by 44 per cent. This is something on which we should take the hardest line we can. At the moment the crims committing these burglaries think they can get away with it; otherwise they would not try it. We have just bought a new house — it is actually an old place in Glen Waverley. The front door was smashed down when we got home. This is the way they do it. They get in and out quickly, they pinch the televisions, they pinch the electrical equipment — —

Ms Beattie interjected.

Mr SMITH — The honourable member would know all about it! She is probably friendly with them. Who knows! The point is the government think this is funny. They do not realise that the community is getting to the stage where it is sick to death of it. The police are in the same boat. They are saying give us tougher lines, give us better powers. Part of giving them better powers is what the shadow Attorney-General has introduced as amendments: to be able to take the samples, not worrying about what the civil libertarians want, which is what the Attorney-General wants. He is more interested in them. The point that I am making here tonight is we need to start thinking about the victims of crime.

Mr Hulls interjected.

Mr SMITH — What was that?

Mr Hulls — You're soft on crime!

Mr SMITH — We're soft on crime? This is what he needs to do. One of the measures we want to see in place is the tougher line that the shadow Attorney-General is trying to take. The Labor Party thinks it is a great joke — that it is all very funny. Let us put that into the record: the Labor Party thinks that the victims of crime are a joke. We have had the

Attorney-General laughing and carrying on. He and the Deputy Premier think it is funny.

It is interesting that 49 000 people — those who are part of the 44 per cent increase — do not think it is funny. Until we start to be terribly serious about this issue the community generally will not feel safe and people will not feel safe in their own places.

I will conclude with this point: the police are keen to have these extra powers. We hear the police minister saying, 'Morale's up'. The police that I became involved with over this particular incident said, 'Morale is rock bottom'. Morale is not as high as the government thinks it is; morale is rock bottom at the moment under this government.

When the government does not pursue the line that we are asking of it at this particular stage, it is soft on crime — not us!

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 2 be agreed to with the following amendment:

Omit "21(2)" and insert "18(2)".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendments 3 and 4 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendments 5 to 11 be agreed to.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 12 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 13 be agreed to with the following amendment:

Omit "12" and insert "11".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 14 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 15 be agreed to with the following amendment:

Omit "18" and insert "16".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendments 16 to 19 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 20 be agreed to with the following amendment:

Omit "14" and insert "13".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 21 be agreed to with the following amendment:

Omit "14" and insert "13".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 22 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 23 be agreed to with the following amendment:

Omit "18" and insert "16".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 24 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 25 be agreed to with the following amendment:

Omit "20" and insert "17".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 26 be agreed to with the following amendment:

Omit "20" and insert "17".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 27 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 28 be agreed to with the following amendment:

Omit "21(1)" and insert "18(1)".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 29 be agreed to with the following amendment:

Omit "21(1)" and insert "18(1)".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendments 30 and 31 be disagreed with.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 32 be agreed to with the following amendment:

Omit "20 or 21(1)" and insert "17 or 18(1)".

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 33 be disagreed with.

House divided on motion:

Ayes, 46

Allan, Ms
Allen, Ms (*Teller*)
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 40

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Wells, Mr
Wilson, Mr

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendment 34 be disagreed with but the following amendment be made in the bill:

Insert the following new clause to follow clause 7:

'AA. ***Execution of order for mouth scraping***

(1) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".

(2) In section 464ZA(5) of the Principal Act, after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".'.

Motion agreed to.

Mr HULLS (Attorney-General) — I move:

That amendments 35 and 36 be disagreed with.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 16 April; motion of Mr BATCHELOR (Minister for Transport).

Mr STENSHOLT (Burwood) — I rise to continue and conclude my remarks on the Melbourne City Link (Further Miscellaneous Amendments) Bill. I urge Transurban to introduce a Monash pass, which would be of great benefit to the occasional users in my electorate. I very much insist that Transurban adopt this far more flexible approach to the tolling for occasional users. Indeed, this bill provides some flexibility, and I urge that Transurban go further.

There is a range of provisions in the bill which other speakers will talk about. I am very much in favour of the approach in terms of the $40 infringement fine. I commend this bill to the house.

Ms ALLAN (Bendigo East) — Like many of my colleagues on this side of the house, I welcome the opportunity to speak on the Melbourne City Link (Further Miscellaneous Amendments) Bill. This is a bill that covers, as we have already heard, a number of areas to do with the operation of City Link. However, I will confine my comments to a couple of areas in this bill that impact directly on motorists in my electorate of Bendigo East and more broadly on the motorists of central Victoria.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! I ask the house to come to order. It seems to be very boisterous and noisy, especially on the opposition side. It is discourteous to the honourable member on her feet and it is very hard for Hansard to record things. If honourable members want to carry on a conversation I ask that they leave the chamber.

Ms ALLAN — As I said, I welcome the opportunity to speak on a bill concerning the operations of City Link. The bill covers a number of areas; however, I will confine my comments this evening to just a couple of changes the bill is proposing which impact most directly on motorists in my electorate of Bendigo East.

As I sat in the chamber last night to listen to the honourable member for Mordialloc I realised that it is important when debating a bill of this nature to look at the history of City Link. Members on this side of the house understand quite well that City Link is a privatised road network and that the former government introduced tolls on it. Motorists in central Victoria particularly understand that they are now paying a toll on a road that was privatised by the former government, a road that they travelled on for decades without having to pay and on which they now have to pay to enter Melbourne. Effectively motorists in central Victoria who travel down the Calder Highway and on to the Tullamarine Freeway are paying a toll for a road they travelled down for decades for nothing. They have to pay an entry tax just to get into their capital city.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! If the noisy debate and discussion continues in the house I will stop the clock and the honourable member for Bendigo East will have her time to speak when she can be heard. I ask honourable members to either leave the chamber or lower their voices.

Ms ALLAN — As I said, motorists in central Victoria, and indeed all motorists who feed from the Calder Highway on to the Tullamarine Freeway into Melbourne, including motorists from the northern and western suburbs in electorates such as Pascoe Vale and Tullamarine, have to pay an entry tax on a road that they have travelled on for a number of decades for free. I claim that this is an incredibly discriminatory system of road tolling that impacts most directly on country motorists, including motorists from my electorate of Bendigo East. It also places an added impost on motorists who are infrequent users of the City Link system, as we heard earlier from the honourable member for Burwood. He gave a really good example of the way the City Link system discriminates against the infrequent user.

However, it is important to note that the infrequent users are often the motorists from country Victoria because they are the ones who do not necessarily have an e-tag. They do not regularly travel into Melbourne; they go in only in times of emergency or for family occasions or sporting events, so they do not need an e-tag but they do need to rely on the day pass system. At the moment the day pass costs $8.80 to enter Melbourne — as I said, on a road that motorists from my area have travelled on for decades for nothing.

It is also interesting to note that the current contract that was negotiated by the former government — the secret deal stitched up by the former government with Transurban — allows for the company to increase the cost of the day pass annually at a rate either commensurate with the CPI or 3 per cent, whichever is the higher. At the end of the life of the City Link contract — at the end of 34 years, which is what was

signed for — it can be calculated that motorists will be paying around $32 for a day pass to enter Melbourne. That really puts into perspective the cost to the infrequent users of City Link and how much they have to pay if they want to go into Melbourne.

Motorists in my electorate and from across central Victoria regularly contact my office and express their anger at the unfairness of the City Link system, whether it is to do with the tolling, their inability to pay or Transurban's inflexibility in selling day passes or late day passes. I commend the minister and the government on their pursuit of the government's election commitment of a fairer deal for motorists on the Transurban system. We have achieved this in a number of areas — for example, by extending the availability of the Tulla pass through Australia Post offices — an announcement was made only in the last couple of weeks — and the 24-hour pass. I note that this bill provides even more flexibility for users of City Link, this time with the introduction by legislation of the weekend pass arrangements — another example of how the minister and the government have negotiated a fairer deal for motorists forced to use City Link.

Another important part of the bill is the introduction of a reduced first-time offenders fine of $40. It is important to look at the contract and the history of this matter. The government inherited a contract that was signed by the former government and delivered to Transurban that had enshrined in it a $100 fine for first-time offenders. So for the 34 years of this contract, first-time offenders would be slugged with a $100 fine. That was to apply from the very beginning of the City Link operation in early 2000.

Again the government has negotiated a fairer deal for the early part of the City Link operation with the introduction of warning letters for those first-time offenders. The government was able to have that system extended on another three occasions to date. However, now we are faced with the situation where Transurban wants this system to end. It wants this fair system to end, and it has the contractual ability to do that, and to introduce $100 fines for first-time offenders. First-time offenders would not get a warning letter or a reduced fine; they would be slugged $100 for their first-time offence. It is pleasing to note that the government has been able to negotiate with Transurban a reduced fine of $40.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly and when members are out of their place they are doubly disorderly.

Ms ALLAN — As I said, Transurban wanted this fair system to end and it has the contractual capacity to make that happen. I am pleased to note that the minister has been able to negotiate a fairer system for first-time offenders on City Link. It is not great, I acknowledge, but we have to acknowledge that the former government locked this state into a 34-year deal with City Link that locked in people who offended for the first time on City Link to being slugged with a $100 fine.

I am very disappointed that Transurban wants to end the fair system of first-time warning letters that we had in place, because this impacts on the infrequent users who are mostly country people and are unsure of the system and the products.

I note that the legislation provides that the capacity for Transurban to issue warning letters will remain for use at its discretion. I would like to urge Transurban to pursue ways whereby it can be more flexible in a number of areas for infrequent users including country people who are forced to pay to use its system.

In conclusion, I commend the minister for being able to negotiate a fairer deal for motorists on City Link. As I said, I am disappointed that at times Transurban remains rather inflexible in its approach to the users of its system.

Mr KILGOUR (Shepparton) — I am pleased to rise tonight to speak on this bill, and all the more pleased to follow the honourable member for Bendigo East who, since she has been in this place, has done nothing but grizzle and carp and carry on about her poor constituents who have had to pay to use the Tullamarine Freeway. I know that the honourable member for Bendigo East is the youngest person in the house — —

Ms Allan interjected.

Mr KILGOUR — And a very nice young lady she is, too, I might say — and I might tell you I was 56 yesterday! While the honourable member talks about us going back into history, it seems to me that she is so young that she does not understand the real history of why we had to have tolls on our freeways.

The honourable member for Bendigo East does not remember the members from her area complaining bitterly that when they drove to Melbourne they had to park on the freeway! They had to spend hours on a freeway and the traffic was not going anywhere. People got to Flemington Road, the traffic did not move, and they complained bitterly. 'Something must be done!', said the honourable members from Bendigo.

'Something must be done!', said the people from the Bendigo area — and probably the people from Maryborough, too. So something was done. It took guts for the previous government to say, 'We have to put in the biggest infrastructure that has ever been put in place in this state'. But bad luck about the coffers, folks! What had happened to the coffers? We had been bankrupted by the Cain and Kirner governments. So there was no hope of the previous government doing what needed to be done to move traffic from one side of the city to the other.

On the subject of bankruptcy and car parks, what about the Monash Freeway — the old South-Eastern Freeway? It was a worse car park than the Tullamarine Freeway. So what did the Cain and Kirner governments do? They sold the reservations that had been purchased to build the crossovers for Burke Road and for the other major intersections that caused the car park. What did the coalition government do? It had to turn around and buy these areas back so we could get traffic moving again. It was absolutely disgusting the way that traffic was treated under the Cain and Kirner Labor governments. And what happened under the coalition government? The biggest infrastructure project ever undertaken in this state to move traffic from one side of the city to the other was begun.

I cannot believe that the honourable member for Bendigo East does not realise that there is no fairer system than for her constituents in the country to pay tolls when they use the road. What the honourable member for Bendigo East, and no doubt the honourable member for Ripon, are going to be proposing is that we should not have tolls, and that her people should be charged taxes whether they use the road or not. I understand that the honourable member for Bendigo East was quite rightly talking about people who only use this road occasionally.

According to her, these people were being treated unfairly, but the fact that you might only use the road twice a year means you only pay for it twice a year. What could be fairer than that? All the people in my electorate who only come down three or four times only pay 10 bucks a year to use the thing. Those people who use it a lot should quite rightly pay for its use. Those people who use it on a daily basis and those who use it for business should pay. There is nothing fairer than the user-pays system on these roads.

I bought myself an e-tag, and I think that is the way to go, because you never have to worry about it. As for the concern about these people in Victoria who use it, and perhaps wrongly, for the first time, quite frankly they seem to have grown up in a different world if they do not know where these freeways are and do not understand that we have tolls in Victoria, the same as they have had on the Sydney Harbour Bridge for years and years.

The honourable member for Bendigo East should consider the people who live in her electorate very lucky indeed that they do not have to pay taxes to keep these roads going and to maintain them in the future because they do not use them. But if they do use them, they will pay. Considering she earns a considerable amount of money and no doubt wants to move across the city quickly, I hope the honourable member for Bendigo East uses the freeway, and I hope she has an e-tag. That is the way to show people the right way to go. You get your e-tag fitted to your car and you move from one side of the city to the other.

Not too long ago my wife and I visited the city of Frankston where we saw the honourable member for Frankston. On our way back I said to my wife, 'You know, this trip is going to be quite different to that we would normally take going from Frankston to Shepparton'. We noted when we reached the Princes Highway where it comes onto the Monash Freeway that it was 3 o'clock in the afternoon. By twenty to four we were having a cup of coffee at McDonalds in Broadmeadows. It took 40 minutes, and we were not speeding, as the honourable member for Springvale suggested. We drove at the correct speed limit or thereabouts and not too far over it. Maybe it was 2 or 3 kilometres per hour over, which was less than I was doing on the way to Hamilton the other day when the police picked me up.

It was 40 minutes from Dandenong to Broadmeadows. That is an incredible thing to do on a Sunday afternoon. Why? Because we were able to go through City Link, through the tunnels, across the Bolte Bridge, onto the Tullamarine Freeway and the Western Ring Road, out to Broadmeadows and up to Shepparton. At times I need to cross Melbourne to attend various things. I do not use City Link on the way to Parliament because it is easier for me to use Sydney Road and then Nicholson Street, but if I were coming from a place like Bendigo — —

Ms Beattie — Wait till you see the Craigieburn bypass!

Mr KILGOUR — I will be thrilled to see the Craigieburn bypass! And I tell you what, I would not mind paying a toll on it, quite frankly, because I came down to the football the other night to the Melbourne Cricket Ground to see the Collingwood and Carlton game, unfortunately — I am not going to talk about the

result! It took me 3¼ hours to get from Shepparton to the MCG, when it normally takes 2¼ hours, because the road was absolutely choked right out past the Ford factory, all the way along Nicholson Street, and when you got to East Melbourne it was worse. So I cannot wait till the Craigieburn bypass is built.

I pass on to the minister hearty congratulations for trying to ensure that Vicroads puts the Craigieburn bypass on the front burner. We need to get that road to join up with the Western Ring Road as soon as possible so that people from northern Victoria and from New South Wales are able to have a reasonable run into the city. It was very nice to see some construction people starting to move onto the job and we look forward to getting that done.

The bill represents some housekeeping work that needed to be done with the conclusion of the bypass and tunnels. It is good that the house is able to debate and pass these amendments so that licences can be issued for the installation and operation of reticulation pipes. Things that have happened during and following the construction of the tunnels, et cetera, also enable Transurban to honour an agreement to use recycled water for recharging purposes. It was necessary to include those amendments in the legislation to make provision for that to happen.

The temporary registration to support the new extended weekend pass will be good for those people who do not use City Link often enough to need to get an e-tag, although many country people who shy away from buying e-tags will find themselves much better off when all of a sudden they have to come to Melbourne when they did not expect to. They will not have to worry about what happens when they get down here and they will not have to come off the freeway to buy a weekend pass. I commend the government for what it is doing in this way. This will certainly provide greater flexibility in the leasing of land to Transurban.

Also with the new infringement notice deal, I agree with the honourable member for Bendigo East that a $100 fine for a first-up offence was a problem for some people, particularly older people who have not realised that the road they were on finished up on the freeway and they got flustered when they found themselves there. It is very reasonable to say that the first time this happens it will cost you $40 rather than $100, and then it goes back to the normal fine later on. I am pleased to see that we are able to continue to pass legislation that will make this a better and easier operation.

I know thousands of people who use that facility daily are extremely thankful for the opportunity to use the Bolte Bridge, the tunnels and the Tullamarine Freeway. Even those who were using the Tullamarine Freeway free of charge enjoy the fact that they no longer have to stop 100 times on the way into town because the traffic is banked up. It now gets away.

I look forward to the Minister for Transport and this government showing a bit of guts, like the previous government did, by extending the Eastern Freeway to join up with the Tullamarine Freeway. I would be happy to pay a toll on that if I used it. If people want to use these connecting roads they should be happy enough to pay the tolls on them. Compared with the wear and tear on brakes and clutches and the concern and the time involved in not using it, quite frankly I never have a problem paying City Link tolls if I use the freeways.

I hope the legislation will continue the success of this wonderful project in Melbourne. I hope we have learned from that success and that we will continue to make it better for Melbourne motorists to get around in the future.

Mr HELPER (Ripon) — It gives me pleasure to support the Melbourne City Link (Further Miscellaneous Amendments) Bill, and even greater pleasure to follow the honourable member for Shepparton. I say that because at this relatively late hour we have seen an historic declaration of what I presume is the National Party's position — that is, that it would implement tolls on roads willy-nilly, readily, and in many places. That is a revelation to the Victorian community, particularly to country communities. I have seen evidence of the National Party cowering away from its association with the former government and with City Link, but this is a magnificent revelation to country Victoria. I genuinely thank the honourable member for Shepparton for his honesty in indicating that to us.

Given the lateness of the hour and the lack of calibre of the opposition shadow spokesperson on transport, I will keep my remarks relatively short. I commend the considerable efforts by the minister to negotiate with City Link to bring the first-time offenders fine down from $100 to $40. That is clearly of great benefit to people from my electorate. Many of them are infrequent users of City Link, and a greater proportion may make the mistake of travelling on City Link and not being able to wend their way through the myriad difficulties associated with getting a casual access pass to City Link. They are more vulnerable to being first-time offenders not because of some dishonesty on their part but simply because the system negotiated by the previous coalition government is so complicated

that to a large extent it leaves occasional users perplexed.

I congratulate the minister sincerely on behalf of my constituency for negotiating the fine down from $100 to $40. I will leave my remarks there, and I commend the bill to the house.

Mr BATCHELOR (Minister for Transport) — In winding up this debate I acknowledge the varied and mixed contributions made by some 18 members of this chamber, including the honourable members for Mordialloc, Swan Hill, Coburg, Box Hill, Essendon, Bellarine, Melton, Warrnambool, Gisborne, Eltham, Werribee, Dromana, Keilor, Hawthorn, Burwood, Bendigo East, Shepparton and Ripon.

The City Link bill has generated a range of interests from across both the geographic spectrum and the intellectual spectrum. Some of the contributions made this evening lacked a degree of intellectual rigour and understanding of what the bill is about, but that is not unusual given the lazy approach that is demonstrated by the opposition in this chamber.

The bill has a number of elements. It is a sextuplet, if you like — it has six purposes or elements and they have been canvassed with various degrees of integrity by honourable members. They relate to the agreement that the government has entered into to require the use of recycled water in the recharge of the water table and the ground water management system and various changes that are required to provide for the installation and operation of reticulation pipes.

Not long ago Melbourne was in the grip of a drought. It was highlighted that the water recharge process associated with the City Link project was being undertaken with potable water which could have been used for drinking and other purposes. The government entered into a constructive and meaningful negotiation with Transurban and has come to an arrangement whereby in the future Transurban will maximise the use of recycled water in the process of recharging the water table. Amendments in the bill facilitate that. The provision shows the commitment of the government through negotiation with Transurban to find a more environmentally sustainable approach to the requirement to recharge the water table.

The second purpose of the bill flows from the restructure of the corporate entity. It restricts the acquisition of unit holdings in Transurban Holding Trust and imposes a 20 per cent unit holder restriction on the Transurban City Link unit trust. This provision stems from an undertaking in an agreement between Transurban and the government to provide development opportunities for the state of Victoria which necessitated a restructure of the company and changes to allow the 20 per cent restriction to apply in these circumstances.

The third area relates to extending the period available to people to purchase the new extended weekend pass. An enormous contribution has been made in the chamber tonight on the efforts this government has made, together with Transurban, to improve the flexibility and appeal, particularly to casual users, of the various products available. As far as this state is concerned casual users are primarily people from country and rural Victoria. A large number of members from the Labor side of the chamber have talked about the importance of looking after country Victorians, in stark contrast to some of the country representatives from the other side, who supported the previous regime, which was much harsher and more draconian.

This government is proud of its achievement of being able to negotiate with Transurban to get a better outcome. It will continue to do that. Wherever it can the government will try to improve the products that are available to the citizens of Victoria, whether they are from the metropolitan area or from country Victoria, because all those people know it is under this government that these sorts of changes and improvements have been able to be achieved — in stark contrast with the previous regime, in which the honourable member for Mordialloc played such an important lead role in developing former Premier Kennett's political agenda.

The honourable member for Mordialloc boasts about the important role he played in developing transport positions under the Kennett regime. People need to be reminded that it is not only Mr Kennett who has a lot to answer for — the honourable member for Mordialloc also has a lot to answer for.

The fourth purpose of this bill is to provide greater flexibility in leasing land to Transurban. Over the life of the 34-year concession deed there will be times when Transurban will be able to make available for a variety of uses small, isolated and separate parts of the land that comes within the City Link blueprint. It has been foreshadowed that the Kooyong Lawn Tennis Club is interested in getting access to a piece of land that is part of the City Link project under the Monash Freeway and which has been neglected and not used for many years.

The leasing provisions in the bill provide for shared access to these very isolated and small parcels of land for which it is difficult to imagine alternative uses. The

Kooyong tennis club has indicated an interest in taking over this part of the land, improving it, providing the infrastructure upgrade and doing it in a way that will not interfere with the long-term requirements of Transurban in its 34-year commitment to operate and maintain the City Link project.

The fifth purpose of this bill relates to providing a legislative regime that would allow for the construction of an office building for Transurban on land that it leases in Burnley on the former Richmond abattoir site. This is a special arrangement entered into by the previous government which binds subsequent governments. The Bracks government is bound by the actions of the previous government to facilitate this construction, and it is doing that in order to prevent the potential of the state being subject to a claim for compensation under the material adverse effects (MAE) provisions. I need not remind you, Mr Acting Speaker, that the state is already struggling with the burden of MAE claims left behind by the previous government in relation to Wurundjeri Way.

The government understands the nature and the operation of the City Link contract, it understands the nature and the operation of both the concession deed and the act, and it is cognisant of commitments that, once made, bind the state and then bind future governments. The fifth element of this bill which provides for the building of an office building in Burnley relates to that commitment.

The sixth and last purpose of this bill concerns the parts of the act that relate to infringement notices. This area of the bill has received the most attention, particularly from the Labor side, where people are concerned to try to inject some fairness into the operation of this private tollway.

A strategic element of the contractual setting is the enforcement regime. Under its contract the Kennett government required people to be fined $100 in the first instance if they used City Link without having an e-tag or having purchased a day pass. As we know, many people might do that deliberately, but there are even larger numbers of people who would do that accidentally and unintentionally. Through negotiations over a long time this more compassionate government was able to put a regime in place whereby warning letters were provided to people who were inadvertent first-time offenders. The way it was supposed to work under the former Premier and the honourable member for Mordialloc was that the contractual arrangements and concession deed required people to be fined $100. This government has come to some agreement with Transurban and incorporated in the bill a provision to reduce the fine for first-time offenders to $40. That is the best the government could do; it is far better than the Liberal Party $100 fine.

One wonders why the Liberal Party insisted on the $100 fine in the concession deed. I for one voted against that when we were in opposition. The honourable member for Mordialloc voted for people to be given a $100 fine for their first offence. The contrast could not be starker: we have the Liberal Party spokesperson whose record was to set in place, vote for and insist on a provision that people be fined $100 the first time they inadvertently used City Link, in stark contrast to this government, which shows a degree of compassion and has negotiated a $40 fine rather than the Liberal Party preference of $100. The government would prefer a smaller amount, but $40 is far better than the Liberal Party $100 fine.

In summary, this is an important bill. It covers a large range of individual items. I thank the members for their contributions. In particular, I would like to thank the members of the Labor Party for their compassionate contributions and their continued interest in trying to make the City Link contract and concession deed more compassionate, fairer and easier to understand for all motorists.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr LEIGH (Mordialloc) — This bill has come about over a period of time and with various amendments, and the minister says he has done a good deal for Victoria.

I remind the minister that part of this bill came out of things like the changing of the agreement about the Burnley and Domain tunnels so that they could not be tolled until they were both open. The minister changed that arrangement with the result that between the time the Burnley Tunnel opened and the time the Domain Tunnel opened Transurban made $40 million. The company was not allowed to toll on those tunnels until both tunnels were open. That was the agreement, so that they could not succeed and make money out of the arrangement until both tunnels were open. What did this minister to? He gave in to them to the tune of a $40 million Christmas present.

Moving on to today, let us look at such things as the trust arrangements, which we will come to as part of our consideration of these clauses as well, and the leasing arrangements. The minister says there are bits, parcels and pieces of land, but the fact is he does not know. I do not want to give him a copy of what his own Premier has said; I could recite it to him, but I would be boring the house.

I remind the house, however, that page 21 of yesterday's *Daily Hansard* records what I raised about what the Premier said on 3AW yesterday. He said there was money in this. If there is money in it, what is in it for Victoria? There is a measly weekend pass, good as it may be; but could there have been better arrangements? We do not know.

The minister is quite right, there are pieces of land such as at the back of acoustic sound barriers, where people have crept up by removing their back fences down to the sound barrier. Clearly Transurban needs access to those sorts of places. There is no disagreement on that.

There is no problem about what the Kooyong Lawn Tennis Club wants to do — we do not have a problem with that — but this is not simply about what happens to Kooyong. It is about what happens to every piece of land that was deliberately excised from this arrangement by the former Liberal government and Vicroads for one reason — because we were not sure of what the land was worth and we wanted to find out.

The one last, important job to do was to find out those sorts of things. What did this minister do in one of his previous amendments? He abolished them, so we do not know. He says, 'We are resolving it'. There was also the issue of the single-purpose entity, which I will come to in a moment.

Just to remind the minister, the Premier said yesterday on 3AW, when challenged by Neil Mitchell about whether the government was aware that for the next eight months it would not know what land it was going to be handing over to Transurban, 'Oh! We would never do that!'.

But what does his own staff, the bureaucracy, say? The bureaucrats hope the minister will not be slapping them around — and if he does he will be dealing with me on another day. They say in emails that the minister is welcome to have copies and that they actually told the truth. What they say is that they will not know for eight months.

Mr Helper interjected.

Mr LEIGH — It is okay for this chardonnay socialist who sits on the other side of the chamber to talk about this whole arrangement. He should go and ask the people of Sydney what happened with their city link and its tolling technology. They will tell him that they hate their four different tolling technologies in four different sections, they hate the buckets on the Sydney Harbour Bridge, and they would have loved, and still want, our arrangements. All the arrangements that the minister has chucked in to Transurban it has gained from.

What happened to the Transurban share price the day the minister got up and crowed about the $10 million — big deal! — he was going to get over three years from Transurban? The value of the shares went up by $49 million, and over the following week it went up by over $112 million, and there was not another single thing in that same period of time to affect it. I can establish that Transurban has played this minister for a sucker. It has got $150 million out of him, and what has he got? A weekend pass for the people of Bendigo! Big deal! As good as that may be, the other things he could have achieved he sought not to.

He talks about the issue of the recycled water. Yes, that is a great idea, but when you have not got a tunnel and you have not got water flowing you cannot have a recycling facility. Until you have the tunnel and some idea of the flow of water that goes through it you cannot actually establish these things. Certainly the opposition is delighted that the government is doing that and following up with what we would ultimately have done. Why was tap water used? It was used because the Environment Protection Authority requested it because the quality of the Yarra River water was not good enough to be used.

I am happy for the minister to take the bits and pieces. Transurban can throw this minister a crumb, and he comes in here with the bunch of chardonnay socialists who sit behind him to tell honourable members that it is fabulous. If it is so fabulous why did he have to have a party meeting last night to put the ranks down because they found out the truth?

People who came into this chamber last night babbled on about what they thought was wrong. I can remember the honourable member for Melton being honest and saying he was against Transurban from the day it started, and he is still against it. I remind the committee that when that road was built, Victoria was bankrupt. When that road was built, $2.1 billion was injected into the state that would not have otherwise existed.

Ms Allan interjected.

Mr LEIGH — The honourable member has participated in subsidising Transurban to the tune of $150 million.

Ms Allan interjected.

Mr LEIGH — Do not believe me; look at what happened on the stock exchange.

Ms Allan — We don't believe you.

Mr LEIGH — No wonder the government can get away with what it does. I remember what Frank Wilkes, a former honourable member for Northcote, said to me many years ago: 'The thing you have to remember is who is the enemy of democracy? The executive'.

The CHAIRMAN — Order! I remind the honourable member to return to clause 1 of the bill.

Mr LEIGH — I am on the bill. That is what the executive was talking about on this bill.

The CHAIRMAN — Order! This is not a debate about the bill but about clause 1 and the purpose of the bill.

Mr LEIGH — And the purpose of clause 1.

The CHAIRMAN — Order! I ask the honourable member to return to clause 1.

Mr LEIGH — I know what clause 1 is about, thank you very much.

The executive has rolled its backbench on clause 1 regardless of whether it happens to be about leasing, the single-purpose entity or anything you like. This bunch of suckers have been played for a bigger bunch of suckers by Transurban. I do not disagree because Transurban is able to do that.

In closing on this clause, I have a press statement from the minister about Transurban claiming $35 million. I understand where the negotiations are at the moment; they are about halfway through. I spoke to somebody today who might know a little about this. They say this government is going to hand over potentially up to $20 million to Transurban to get out of what they say is this north–south road arrangement. Honourable members are sitting in the chamber tonight debating a bill that is giving things to Transurban but the state gets nothing back other than a handful of weekend passes! In a few weeks' time the minister will hand over millions of dollars to Transurban and he will say, 'It was that awful Liberal government that did this, it was that shameful Liberal government that mismanaged this, those shameful people did this'. Yet this is a man who should know about shameful things, above all else. He is the man who sold off the Eastern Freeway reservations when he was ALP state secretary. He is the man who was involved in a whole range of other things. This man has a record!

The CHAIRMAN — Order!

Mr LEIGH — I am on the clause.

The CHAIRMAN — Order! Clause 1 is quite clearly related to the purposes of the bill. I ask the honourable member for Mordialloc to address the purpose of the bill, not go to matters that are quite outside clause 1, which he is currently doing.

Mr LEIGH — Thank you, Madam Chairman. You are the honourable member for Essendon and closely involved with the legislation, so I can understand your concerns about these leasing arrangements and the single-purpose entities. Your constituents have been dudded. Perhaps you should be going back to your party room and asking questions about what is going on or what is happening. It will be very interesting to see what the minister is prepared to say about this.

Mr BATCHELOR (Minister for Transport) — It is hard to know where to start when you respond to a contribution from the honourable member for Mordialloc. He makes a contribution that is largely based on falsehoods and inaccuracies. He misrepresents the picture and clearly demonstrates that he has no understanding of what the bill is about. It will take me some time to address some of the issues and I apologise to honourable members for that.

The first thing is he says that we, the government, gave $150 million to Transurban. That is a lie. It is simply untrue. We have not given $150 million to Transurban. The fact that the spokesperson for the Liberal Party can get up in this chamber and say things that are palpably untrue demonstrates that the Liberal Party in this chamber has no credibility whatsoever. I wonder why the Leader of the Opposition personally chose the honourable member for Mordialloc to be — —

Mr Leigh — On a point of order, Madam Chairman, I would like it made known to the house that what I provided the minister across the table with are press releases over seven years against Transurban.

The CHAIRMAN — Order! There is no point of order, but I ask the minister to address clause 1.

Mr BATCHELOR — In addressing clause 1 I will refute absolutely the charge that the government gave Transurban $150 million. We did not do that. The honourable member seems to impute that the share value has increased in relation to decisions of this government. That is not true either. The poor tragic honourable member for Mordialloc cannot win a trick — he is beyond redemption! I have in my hand a graph which is a little hard to describe in *Hansard*, but I will give it a go. The graph charts the share price of Transurban and compares it to the all-ordinaries index.

Mr Leigh interjected.

The CHAIRMAN — Order! The honourable member for Mordialloc has had his turn and I ask him to desist.

Mr BATCHELOR — The share price for Transurban between July 2001 — perhaps a little earlier than that — and late October 2001 increased. After 19 September the share price increased, and it seemed to go down after Melbourne Cup Day. Therefore, according to the logic of the honourable member for Mordialloc, something happened on Cup Day 2001 that caused the share price of Transurban to drop by the biggest amount that it ever has. We understand the honourable member for Mordialloc lost at the Melbourne Cup, and when he loses at the Melbourne Cup this causes the share price of Transurban to drop by the largest amount in living history!

Mr Clark — On a point of order, Madam Chairman, the honourable member is quoting from a document and I ask that in the normal course he make a copy available to the committee.

The CHAIRMAN — Order! The minister is quoting from a document, and I ask him to make it available to the committee.

Mr BATCHELOR — I am not quoting from a document, I am referring to a document and explaining it. The real point is that the share price of Transurban is now lower than when we made the announcement on 19 September. When you analyse the share price of Transurban between when this announcement was made and today when the honourable member for Mordialloc came into this chamber and made his great revelation, you can see that it has gone down. Amazing! The graph shows no relationship between the share price movements in Transurban and the share price movements in the all-ordinaries index. I suggest the honourable member for Box Hill, who has some understanding of economics, should give a lesson to the honourable member for Mordialloc to explain that the construct that he has put on this has no credibility, like the honourable member for Mordialloc — no credibility whatsoever!

The leasing provisions of the bill deal with six areas and require some detailed explanation. The leasing provisions apply only to land that is required for the purposes of the City Link project, hence they will be released by the state to Transurban and in accordance with the obligations on the state as set out in the concession deed voted for by the honourable member for Mordialloc, voted for by former Premier Jeff Kennett, and voted for by the honourable member for Box Hill. It is their concession deed, and the government of the day will lease land to Transurban in accordance with the requirements that the opposition when in government imposed on future governments in the concession deed.

Some small parts of this land, the parts that will be leased to Transurban, sensibly have a shared use. They can be used by Transurban for the purposes of the project, as set out under the concession deed, and perhaps by a third party who could use the land, subject always to the requirements of Transurban. We have heard the suggestion put forward tonight by the Kooyong Lawn Tennis Club and even the honourable member for Mordialloc agrees that that is an acceptable and understandable use.

However, the bill does not cover City Link surplus land — the land that is surplus to the physical requirements of City Link. This bill is not talking about the surplus land. It is only talking about the land narrowly defined by the footprint that will be required for the successful operation of this project according to the Liberal Party's concession deed. The surplus land is not covered by that. There is an established process for dealing with surplus land, and it is worthwhile examining that surplus land.

Any land that is surplus to the operational requirements of City Link is returned to the government, which will do a number of things with it. Firstly, the land can be returned to the agency that was responsible for it in the first instance before it was required for the City Link project. Alternatively, the land can be transferred to the Victorian Government Property Group for commercial sale. There is nothing new or revelatory about that; it has been in place for a long time.

There is a third way that the surplus land can be dealt with. It can be transferred to the most appropriate state

agency. For example, it could be transferred to the Department of Natural Resources and Environment for use as public space such as a park. What a revelation! What a shocking use of surplus land, according to the Liberal Party. The Bracks government thinks it is appropriate the land should be returned to a government agency that is capable of managing it.

Notwithstanding this longstanding process in the public domain, there has been a certain amount of innuendo that this government was giving land to Transurban. Nothing could be further from the truth. As I set out previously, the leasing provisions this bill deals with only apply to small parcels of land that are both required for the project and have a shared alternative use. It does not deal with surplus land.

With regard to the surplus land, confusion has arisen in the mind of the honourable member for Mordialloc because he has an evil mind and when you have an evil mind you develop an evil construct, and this is the way he thinks. He is suggesting this by innuendo, by leaking information to journalists through intermediaries and trying to con the likes of Neil Mitchell when he knows that the previous government entered into an arrangement to provide some of this surplus land to Transurban for commercial purposes so that it can be leased and can generate income for Transurban.

The land in question is in Lorimer Street. Part of this land has already been used by Transurban for the construction of its customer service centre. The balance of the land was made available to Transurban under an agreement for it to develop it and earn the revenue. We understand that McDonalds has expressed interest in this land. That came about through an arrangement that was initiated and set in place by the previous Liberal government.

I have a letter here dated 20 July 1999 and addressed to Kim Edwards, the managing director of Transurban, from the then Minister for Planning and Local Government, Robert Maclellan. Might I remind you he was the Liberal planning minister. In this letter of 20 July 1999 the former Liberal planning minister commits the state to a number of processes. What does that mean? It means he committed not only the Kennett government but the subsequent government and the 10 following governments to the arrangements in this letter.

One of the arrangements that he committed the government to was the commitment to provide land for an office building down at Burnley for Transurban. Another thing he committed a future government to do and in so doing obligated the state of Victoria — and we stand in the shoes in that instance on the commitments that this government previously made — is to hand over land in Lorimer Street for commercial purposes.

Did it restrict the purposes for which that land could be used? No, it did not. Did it put any limitations on what that land could be used for? No, it did not. In the interregnum Transurban has gone out and canvassed the commercial market as to what it could do with that land. In the intervening period along came McDonalds — —

Mr Leigh — On a point of order, Madam Chair, the Minister for Transport has been quoting extensively from a letter from the former minister responsible for major projects.

Mr BATCHELOR — No, I haven't — I've referred to it.

Mr Leigh — Yes, you have.

Mr BATCHELOR — You're a dill!

Mr Leigh — Dear me. Given that this was a $2 billion project, for which obviously some quid pro quo was given, perhaps the minister might like to make the letter available to the chamber, as he has been quoting from it.

The CHAIRMAN — Order! The Chair does not uphold the point of order because the minister has not been quoting from the document.

Mr Leigh — So you don't want to hand it over?

Mr BATCHELOR — I do not need to hand the document over because you have already got it. If you have not got it, ask the current honourable member for Berwick and he will give it to you.

Mr Leigh — I may have the letter but I may not have the version that he has.

The CHAIRMAN — Order! The statement of the honourable member for Mordialloc is a frivolous point of order.

Mr BATCHELOR — It is very appropriate that the honourable member for Mordialloc does admit that he has got a copy of this letter and understands this deal which, until today, has been kept secret. The honourable member for Mordialloc thought that he could come into the chamber tonight during the committee stage and try to embarrass me, when the embarrassment falls all over him.

There is the vernacular that I am tempted to use — that is, that he has tipped a bucket of shit all over himself! That is what he has done, and that should come as no surprise. He has been trawling around the media saying, 'We've got this secret deal that we're going to expose' — and it is a secret deal that the former government did! It is a deal that the former Liberal Party entered into with Transurban and which it has kept secret until today — and the honourable member for Mordialloc declared and admitted that he has the documentation to cover it. It may well be that Transurban enters into a commercial arrangement. Transurban could enter into a commercial arrangement with Yasser Arafat or with a brothel — who knows? No restrictions were placed on it by the previous government.

The honourable member for Mordialloc — the hand-picked person representing the Leader of the Opposition — comes into the chamber tonight with the support of the leadership aspirants who want to take over the leadership job of the opposition who have come in to support the honourable member for Mordialloc to expose not the government but the honourable member for Mordialloc. I have never had a more enjoyable evening in all my life!

Going into the committee stage of a bill I have never felt more threatened or worried in my short parliamentary career and for the — —

Mr Plowman — On a point of order, Madam Chair, you ruled before about sticking to the clause before the committee. You said once before in your ruling that the honourable member for Mordialloc had strayed. I believe the minister has strayed just as far or further and I would ask you to rule on that point.

The CHAIRMAN — Order! I do not uphold the point of order because the minister was responding to some matters raised by the honourable member for Mordialloc in his contribution. However, I think it would be appropriate for the minister to return more directly to the provisions of clause 1.

Mr BATCHELOR — There is a provision in the bill which allows Transurban to deal with areas of land like those underneath the part of City Link that is the Monash Freeway and provided as a community service. If Transurban subleases or passes leases onto third parties, there are provisions in the act that protect the public interest. That is in absolute stark contrast to the parcel of surplus land that the former government has obligated this government to make available to Transurban.

It is beyond belief that the opposition could be so ill prepared. I do not know why the honourable member for Box Hill is prepared to come in and give succour to the honourable member for Mordialloc in such a sham and inappropriate response. This bill does not deal with surplus land: it only deals with the very narrow land for the infrastructure to sit on. The surplus land, at least in the particular instance that we are talking about in Lorimer Street, has already been dealt with by the previous Liberal planning minister who signed up the state and committed the previous government, this government, the future government and the following nine governments after that — governments for the next 34 years — to make this valuable piece of land between Lorimer Street and the West Gate Freeway available to City Link to enable it to lease it out for commercial return, without any restrictions at all.

During its stewardship of infrastructure in the state, this government will require that proper planning processes are followed. Vicroads has already looked at the McDonalds proposal. All through his speech the honourable member for Mordialloc said that McDonalds was going to do it. He has primed —

Mr Leigh — On a point of order, Madam Chair, I am quite happy for the minister to have heaps of latitude, but in fairness I have never said that McDonalds would be there. I ask him to be a bit more careful with the truth. I was simply pointing out that the leasing boundaries for City Link are not finalised but are eight months away. It is documented from his own government and I would ask him to stick to the truth.

The CHAIRMAN — Order! The honourable member for Mordialloc's contribution was in fact a point of debate not a point of order.

Mr BATCHELOR — We have asked Vicroads to have a look at this proposal and essentially I do not think it will stack up, even under the planning processes. McDonalds want an off-ramp from the City Link project diverted straight into McDonalds. It would be an off-ramp off an off-ramp. Vicroads doubts whether the proposal is able to proceed on safety grounds. One wonders why the Liberal Party is going around the community saying that there is a great scandal afoot with this project, when it was generated, started and entrenched by the former Liberal government. It is yet another example of this government having to clean up the mess of the Kennett government.

Debate interrupted pursuant to sessional orders.

The CHAIRMAN — Order! The time has come for me to report progress to the house.

Progress reported.

The SPEAKER — Order! The question is:

That the house resolve itself into committee again tomorrow.

Question agreed to.

Mr Leigh — On a point of order, Mr Speaker, given that the word 'tomorrow' can mean tomorrow, in a month's time or never, I seek from the minister whether it is his intention to bring this bill back on in committee tomorrow; and if not, why not?

The SPEAKER — Order! The house has just carried a motion along those lines. I do not think there is a point of order.

ADJOURNMENT

The SPEAKER — Order! I am now required under sessional orders to put the question that the house do now adjourn.

Schools: crossing supervisors

Mr HONEYWOOD (Warrandyte) — The matter I raise is for the attention of the Minister for Transport, and it is wonderful to see he is in the chamber this evening ready and willing to investigate my concerns.

The matter I wish the minister to investigate — he is now rapidly leaving the chamber — is the vexed issue of school crossing supervisors, or lollipop people as we call them, whom this government has chosen not to increase funding for in the last two budgets.

As a result of the state government not meeting its side of the deal a number of councils right around the eastern metropolitan region are now seriously examining not funding a number of the school crossing supervisor positions.

I am reliably informed that the 37 school crossing supervisors in the Manningham City Council area are costing the council some $200 000 per annum, for which the state government's contribution is only $88 000 per annum. Only five years ago the Manningham council's contribution was more like $150 000.

Right around Victoria local councils are having to pick up the tab for this state government's refusing to meet its side of the agreement, which is, surely, to be an equal partner because the service was initiated by and, when it came to being, was fully paid for by the Cain government. But over time Premier John Cain, then Premier Joan Kirner and now Premier Steve Bracks have washed their hands of this vital community service.

The Minister for Education and Training might be able to lobby the Minister for Transport to ensure that in the forthcoming budget some increase in real terms is given to the school crossing supervisor program. However, I am not that hopeful because the current Minister for Education and Training, when she was in opposition, went around every TAFE institute promising that she would give the same public transport concession card deal to TAFE students that any primary or secondary student got, but when she became a minister she quickly forgot that promise and TAFE students are still paying through the nose for transport concession cards compared with secondary school students.

I ask the Minister for Transport to talk to the Minister for Education and Training and try to resolve the issue so that the state government meets its side of the budgetary commitment to ensure that in the City of Manningham, in the City of Knox and in many others throughout metropolitan and regional Victoria those wonderful school crossing supervisors who protect our children on their daily trips to and from school are valued and financially supported in a partnership approach by the state government, which was always meant to be the case.

Agriculture: wheat breeding

Mr DELAHUNTY (Wimmera) — I raise with the Minister for Agriculture a matter that concerns the wheat breeding program at the Victorian Institute for Dryland Agriculture (VIDA) based in Horsham and Walpeup. Grain growers in Western Victoria have heard that the government is planning through the Department of Natural Resources and Environment to sell out of its wheat breeding role in Victoria. The action I request of the minister is that he explain to this house and to Victorian growers why more than 100 years of Victorian government investment in wheat breeding is coming to an end at VIDA.

Growers in western Victoria want to know how, if this happens, growers and Victoria will benefit and not be disadvantaged by this move. The history of VIDA is that it was established in 1967 as a joint undertaking between Victorian wheat growers and the then Department of Agriculture and was opened in 1968 as the Victorian Wheat Institute. VIDA now has two major campuses, one in Horsham and the other at the

Mallee Research Station at Walpeup, and there are nearly 200 employees.

The Wimmera has long been recognised as Australia's premier producer of wheat, known as the golden grain. Growers today are innovative and adaptable and now grow not only cereals but also pulses and oilseeds. VIDA has also adapted and is well recognised for its pulse and oilseed programs but cereals — wheat and barley — are still grown on more than 50 per cent of the land sown to grains.

Growers have contacted me and even the VIDA advisory committee has voiced concerns that western Victorian growers — particularly those in the higher rainfall areas — will be forgotten in this process. I am aware that trials for the longer growing seasons of south-west Victoria are not likely to happen this year. Growers in western Victoria want guarantees from the minister that the future of wheat varieties will not be lost to Victoria. They want to know where they will come from in the future, how much say the Victorian growers will have on the wheat breeding program in the future and whether the high rainfall areas will be catered for.

Growers support the view that there must be greater cooperation between breeding centres but peer competition is healthy. There is a major concern that Victoria will not have a voice at the table to influence decisions on wheat breeding, particularly for Victorian growers. Will the minister give growers a guarantee that they will not be disadvantaged by the proposed move and explain how? What will be the relationship between the Grains Research and Development Corporation and the government? We know that the GRDC collects levies and in the future there could be possibilities of royalties, but growers are concerned that the GRDC will be just another company, another loss of a voice, for Victorian growers. I ask the minister to take action on these matters.

Police: Frankston

Mr VINEY (Frankston East) — The action I seek from the Minister for Police and Emergency Services is that he ensure that police continue to be adequately resourced in the future in order to continue their excellent work in Frankston. I raise this matter in the context of a very interesting article in this week's *Frankston Standard* entitled 'Cop shop is well stocked'. As honourable members are well aware, these are issues I have raised in this place before. Indeed, the issue of the severe lack of police numbers was significant in the lead-up to the 1999 election in Frankston. It was an issue because police numbers and resources there had been severely run down in the lead-up period to the election.

The article in this week's *Frankston Standard* indicates that in September 1999 under the former Kennett government things had got so bad that the station had just 2 senior sergeants, 8 sergeants and 48 constables and senior constables.

The article also says:

> Today, the station has 2 senior sergeants, 13 sergeants and 74 constables and senior constables.

The resources available to the community through the Frankston police station as a result of this government's commitment to community safety and to recruiting additional police to serve the needs of our community have almost doubled. The article then states:

> The CI unit has three new detectives and an extra detective sergeant.

Inspector David Pike is quoted as saying:

> I think now we can make a real difference in the area: the number of police we have now is appropriate for the area.

Inspector Pike said that there were always two police on patrol in the Frankston business area, which is in stark contrast to the period in 1999 before the election when you struggled to see a police officer anywhere. Crime prevention officers now patrol the Frankston railway station car park identifying unlocked cars and writing to the owners to warn them of the problems in that area. That is great news for Frankston, and I seek the action of the minister.

Karingal Secondary College site

Ms McCALL (Frankston) — I raise an issue for the Minister for Education and Training, and in her absence I raise it with the Minister for Housing, who is at the table. I am happy to submit any documents that may be required.

Some problems have arisen in the community over the status of the old Karingal Secondary College site. There are two lots on that site — the old Karingal secondary college buildings and an oval which has been used by the community in that part of Frankston for well over 30 years. It is where members of the current ageing population walk their dogs; it is a safe open space.

In the past year or so there has been a dispute between the council, the Department of Education and Training and the community as to the future of the oval and the Karingal Secondary College buildings. There is a proposal before the council at this stage to demolish the

college buildings and to build in their place an aged care facility. No-one in the local community has any problem with that. The issue seems to be the status of the oval alongside it.

At moment it seems that the council is unable to purchase the land at the price the education department has placed on it. I would therefore seek some help from the Valuer-General — —

Honourable members interjecting.

Ms McCALL — It is therefore appropriate. I ask the minister to intervene to give some assistance to the council through either a discussion with the Minister for Local Government or the Minister for Education Services in another place to assist the community of Frankston to retain that oval as a public open space for the right and proper use by the community of Frankston.

Geelong: multicultural centre

Mr LONEY (Geelong North) — I raise with the Minister for Employment in his capacity as Minister assisting the Premier on Multicultural Affairs the matter of the D. W. Hope Centre in Geelong. The minister is well aware that the D. W. Hope Centre is the name of the building on the land in Norlane which was formerly the Norlane hostel, home to many thousands of migrants to Australia throughout the 1950s and 1960s, many of whom have made a massive contribution to the Geelong community.

Many of those migrants came to Geelong to work in Geelong's major industries such as Ford, International Harvester, Shell and many others. By the mid-1970s as that great postwar wave of migration subsided its use as a migrant hostel had diminished to a point where it was not viable, so in 1975 the former Shire of Corio invested heavily in converting that site and its Nissen huts for community purposes.

However, by the late 1980s it had fallen into disrepair and largely was unused, except by a few groups. The 4.6 hectare site is now owned by the City of Greater Geelong and in recent years has generated strong interest around its future. The most acceptable idea that has come forward in the community has been identified as the development of a multicultural centre which would meet the needs of Geelong's diverse multicultural community, particularly small communities and the Geelong Migrant Resource Centre.

In June 2000 the minister appointed a committee to advise him on the best use of the site. That committee reported about 12 months ago seeking funding to conduct a feasibility study, including development of a master plan and overall development and design.

Since then this exciting project has stalled somewhat, primarily because the City of Greater Geelong, under former mayor Kontelj, failed to show any leadership in relation to it, and actually slowed down the process to the point where it has not so far proceeded.

I am seeking that the minister move urgently to ensure that the feasibility study stage can be undertaken immediately and the money which was requested by that committee he set up can be made available to the community for this project to go ahead.

Banks: government policy

Mr SAVAGE (Mildura) — I raise an issue for the attention of the Premier. I ask the government to consider what banking organisations the government uses in view of the lack of community commitment that especially the National Australia Bank has shown to regional Victoria. Since 1993, 731 bank branches have closed in Victoria. Not all of them have been in regional Victoria, but that is an enormous amount. I have lost banks from most communities in my electorate, and I estimate that within five years if we do not do something the only branches left will be in Mildura, Bendigo, Horsham and Melbourne. The issue of the loss of service in country communities is quite acute and we need to send a very significant message.

It is interesting to note the comments of a former governor of the Reserve Bank, Nugget Coombs, who a few years before his death in 1997 said:

> In the old days, if a farmer was a good farmer, he may have a number of bad years, but there was a kind of tradition, that … you supported him. You didn't grind him down. It was your job to know whether he was a man worth supporting. That is a social function. I think bankers don't care now.

Supriya Singh, who was associate professor at the RMIT Centre for International Research on Communication and Information Technologies, said:

> The social role of a bank was very much in the context of community building — the bank building being one of the first three buildings to go up once a community was established. It was a sign of the community's status, of how it saw itself.
>
> The bank manager, who would often be the footy club's treasurer or something like that, was a person of some status and standing. So given this history, when a bank withdraws it sends a powerful symbolic message.

It sends that message to a community.

The financial benefits the banks are receiving include a profit for the Commonwealth Bank in the year 2001 of $4474 million and a profit for the National Australia Bank of $6960 million — enormous profits. The chief executive officers (CEOs) of banks are receiving huge salaries. The National Australia Bank CEO received nearly $3 million in 2001 and the Commonwealth Bank CEO received $2 310 000.

We also need to focus on what the Municipal Association of Victoria is saying. It has supported a concept where local government changes its banking arrangements to banks that are opening branches in regional Victoria, such as the Bendigo Bank. We should send a message to the banks to tell them we cannot sustain the losses we are currently enduring.

An honourable member interjected.

Mr SAVAGE — I am going to sell my shares, so rest easy!

I call on the Premier to look at ways of having alternative banking arrangements.

Holmesglen Institute of TAFE

Mrs PEULICH (Bentleigh) — I raise a matter for the attention of the Minister for Education and Training, and in her absence direct it to the Minister for Agriculture. It is in relation to the former Moorabbin campus of the Chisholm Institute of TAFE and changes that have been brought about as a result of the implementation of the government's decision to force a shotgun marriage between what was the Moorabbin TAFE campus and Holmesglen Institute of TAFE. The concerns expressed by the local community — those in the TAFE as well as in the business community — were that this was a takeover, that Holmesglen Institute's predominantly construction and building industry focus would mean the end of automotive and engineering courses at Moorabbin TAFE. There were a number of other concerns about the possible gutting and selling off of land.

Certain assurances were given that this would not occur, that there would be no diminution of courses and that the staff at Moorabbin TAFE would be looked after. There was also some goodwill shown by the government in allocating $5 million for some changes for the implementation. However, since then I have learnt and received a number of complaints from people in the engineering department that there are indeed plans to close down the engineering faculty.

I call on the minister to investigate whether this is the case and, if it is, to make sure that it does not occur. It is a very important nexus in the relationship between the business industry automotive engineering courses at Moorabbin TAFE and the industry in the Moorabbin area. This vision was preserved by the previous government and if we are seeing a Holmesglen Institute takeover by a focus on construction and building and relocation of forklifts and construction courses the Moorabbin business community will be poorly served by this government's decision and by this change. I call on the minister to investigate and to ensure the future of the staff, the courses and the students, and to make sure there is no diminution of the range of courses that are offered at Moorabbin TAFE.

Royal Melbourne Institute of Technology

Mr CARLI (Coburg) — I raise for the attention of the Minister for Education and Training a matter relating to RMIT University. As the minister is aware, the Royal Melbourne Institute of Technology has a particularly important role in the northern suburbs of Melbourne. In my electorate there is certainly a strong RMIT presence. We have the Brunswick campus of RMIT, which used to be the textile and printing college and which continues very important programs in general education and also programs for local industries.

RMIT is also a major institution for students coming from my electorate and from the northern suburbs. It has enormous traditions within the northern suburbs and obviously has a very strong commitment to those suburbs. It is a fine institution that provides important education. Originally it was the Working Men's College, which began in 1887, so it has over 100 years of traditions that began very much with industry and with supporting working people. As I said, its commitment has been very strong within the northern suburbs.

In recent times I have been particularly disturbed to hear unfounded claims against the university, claims that the university is in financial difficulty. Other allegations have besmirched the names of people who work at RMIT. I believe this campaign to undermine the university is damaging staff morale and is affecting the 30 000 people who study there. It is a valuable local institution and I am concerned about the statements that are being made.

I call on the minister to take action to dispel these innuendos and allegations being made against the university. It is an important university, it has a strong reputation and it meets important needs. It is a difficult time for tertiary education in this state, because we have seen huge levels of unmet demand for university places.

It is clearly a time when we need to support our institutions, and the current campaign that is being waged against RMIT is not only unfounded, but also damaging the reputation of the institution and has attacked individuals.

I call on the minister to act to ensure these innuendos and allegations are dealt with and that we recognise and support this fine institution. As I said, it is a tragedy that there has been such an attempt to undermine the reputation of this university which is, I believe, the most important institution for tertiary education in the northern suburbs of Melbourne.

Melbourne–Geelong road: traffic control

Mr SPRY (Bellarine) — I draw the attention of the Minister for Transport again to the issue of major problems with traffic flow on Geelong road. The honourable member for Geelong North, who is an apologist for the government and unions, raised the matter on the adjournment debate before Easter, admitting that speed restrictions were indeed causing driver frustration. What he did not say is that on many occasions these speed restrictions for long stretches at 60 kilometres an hour and even on occasions at 40 kilometres an hour are totally unjustified on safety grounds — at least in the minds of motorists and truck drivers — with not a construction worker in sight.

The matter hit a low on 21 March with the *Geelong Advertiser* shouting, 'Freeway go-slow outrage' and stating that a union-led go-slow zone was infuriating daily commuters. Earlier, on 26 February, an ugly incident occurred when two construction truck drivers took the law into their own hands, apparently without authority, and forced traffic to a slow crawl. When motorists lost patience and tried to assert their rights, the construction workers abused them with foul language and eventually slammed into the side of one white Commodore, forcing it off the road. I have asked for that matter to be investigated, and I understand the minister will be briefed. I trust he will refer it to the police for appropriate sanctions and not condone a cover-up.

In terms of public relations and road speed commonsense, this project has been badly managed by both Vicroads and the Bracks Labor government, with the Construction, Forestry, Mining and Energy Union apparently now in total control. I ask the minister to use his authority to intervene on behalf of Geelong road users, to restore a bit of sanity to the use of speed restrictions on this great project before the situation deteriorates further with potentially horrific consequences.

Housing: Geelong

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Housing. It relates to the provision of affordable housing in the Geelong region. This is an important issue to many people in my electorate, given there have recently been steep increases in house prices and rents in the electorate of Geelong and surrounding areas.

Last year I welcomed the minister's announcement relating to the development of three new social housing projects in Geelong as part of the first round of the government's social housing innovation project. Of course affordable housing is a major concern not only to the people of Geelong but also across regional Victoria. Therefore the action I seek is for the minister to commit to further initiatives in the Geelong region that will address the issue of affordable housing for the people of Geelong.

Last year, as I said, the minister announced three new social housing projects in the Geelong area as part of the social housing innovation project. These projects totalled something like more than $3 million and will deliver, for example, 12 new two-bedroom units for elderly people in Newcomb, 7 two-bedroom and three-bedroom units in Newtown and 1 two-bedroom property in the city of Geelong itself. These projects are welcome in Geelong and are good examples of the Bracks Labor government working with community organisations to provide affordable housing for the people of Geelong.

One project that stands out in my mind is the project I mentioned in Newtown. This project, which will deliver seven two-bedroom and three-bedroom units for elderly people and single-parent families, is a partnership between the Bracks Labor government and Ecumenical Community Housing in Geelong.

I have met with representatives of Ecumenical Community Housing to discuss their plans, and I can assure this house that their proposed project is a top-quality project that will provide good, affordable housing for people in Geelong. The site is very close to the city centre of Newtown and to public transport, shopping centres and, importantly, schools.

Public housing is an important issue in Geelong, and it is an important issue across Victoria. I look forward to the minister's action.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Evelyn has 2½ minutes.

Disability services: respite care

Mrs FYFFE (Evelyn) — My request for action is directed to the Minister for Community Services and concerns an 11-year-old child from my electorate. He has a severe disability known as Moebius syndrome, which is a form of muscular paralysis. He has no verbal or definable communication skills, no facial expressions, is not able to walk independently and requires total assistance with all personal care needs. He is PEG (percutaneous endoscopic gastrostomy) fed, which is very time consuming. He is also prone to eye ulcers as he cannot blink his eyes and he needs eye drops every 1 to 2 hours and eye ointment. He is also frequently ill with chest infections.

In July 2000 Troy and his family were assessed by the Department of Human Services for a family options package, a share-care respite arrangement for two to four days a week. This assessment was approved and he was put on the waiting list as a high priority. It is nearly two years later and Troy and his family are still on the waiting list as a high priority with no end in sight.

This situation is causing major stress within the family as Troy's parents also have two other children, aged 6 and 14 years, who need to be cared for and loved. At present Mrs Davis is devoting nearly 100 per cent of her time to Troy's care, and many of the problems associated with this care will only get worse as Troy gets bigger as his only mobility is by wheelchair or to be carried. The situation has become so intolerable that the Davis family feel if they do not get some help soon they may have to relinquish all care for Troy. They do not want this to happen. For the 11 years of Troy's life his parents have displayed complete devotion to him. I ask the minister how much longer they will have to wait before they get the help they so desperately need?

I have copies of letters from Troy's doctor, which I am happy to give to the minister, supporting the parents' claims. The doctor says that Troy has a severe disability. He talks about Troy becoming heavier and more difficult to care for. He now weighs 30 kilograms and the parents are both suffering from back strain. He says that early in Troy's life his vocal chords led to upper airway obstruction. I cannot read the note, but I think it says that a tracheostomy had to be inserted. This was removed in 1996 and since then he has had no major respiratory illness, although he gets recurrent chest infections. Troy has limited mobility, has to be pushed in a wheelchair, and so it goes on.

I urge the minister to take action to help this very needy family who have tried so hard to cope on their own with this child. Two years is too long for them to wait.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Ivanhoe has 9 seconds.

Consumer affairs: advertising scams

Mr LANGDON (Ivanhoe) — I ask the Minister for Consumer Affairs to report what action she has taken to stop the terrible practice of the blower scam.

Responses

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for Wimmera for raising this matter, which is of great importance. I also thank him for the manner in which he raised it. It is always appreciated when a matter is raised in a polite, sincere and genuine way, as the honourable member for Wimmera has done. The matter of concern is the wheat breeding program at the Victorian Institute for Dryland Agriculture, or VIDA. There is concern from some within the community about the future of the continuing involvement in the wheat breeding program of the government and the research institute at Horsham. I say very strongly that this government is committed to that program at VIDA. It is committed to the extent that since coming to government it has spent more than $10 million on increasing and improving the facilities for the workers at VIDA.

It is rather interesting that the matter of wheat should be raised, given that a rather famous politician — or from this side of the house, an infamous politician — used the expression 'feeding the chooks' a great deal and used to say that wheat is fundamentally one of the grains used. That reminds me of another matter. Honourable members would have heard the story of Chicken Little, who went around telling all the farm animals that the sky was going to fall in. They all went to bed, and, lo and behold, when they got up in the morning and the sky had not fallen in at all Chicken Little said, 'There you go, I knew I could solve it!'.

That is an appropriate analogy for the irresponsible rumour mongering that has been going on in relation to Walpeup. There have been allegations, accusations and bad and unnecessary publicity about the VIDA branch of the Mallee Research Station at Walpeup. All of a sudden rumours went around that the government was going to close Walpeup. I want it on the record that the government has no intention at all of closing Walpeup. It is a valued and important part of the total research

program into wheat and especially farming in the Mallee dryland areas.

It is with a great deal of pleasure that I inform the house that people working from the Walpeup station came together in a joint project with people from our other research station at Rutherglen in a winning program in our ecologically sustainable agricultural initiative. That indicates the quality of people working in our research programs. I assure the house that the government maintains its reputation for decency and that decency refers not just to the outstanding research done at our stations but more importantly to the people involved in the programs and the people who live in those communities. That is a great focus for this government and a great part of our commitment to people in country Victoria.

The Grains Research and Development Council (GRDC) is meeting this week during Grains Week in Melbourne. It is an interesting organisation funded through an industry levy, and over many years it has built up a great reputation as the foremost research and development organisation in the area of grains, especially wheat. Since 1999, certainly before this government came into power, the organisation has been planning to rationalise and refocus its wheat breeding programs to put more varieties onto the market. There are some 14 programs running at different locations around Australia. The GRDC is looking to rationalise those, and we would expect an announcement from the council this week during Grains Week which will demonstrate where some of the mischief about our commitment at VIDA has come from.

The government will continue its wheat program research at VIDA concentrating on germ plasm in order to produce wheat which may be perhaps salt tolerant or able to be grown better in low rainfall areas or, as the honourable member for Wimmera indicated, concentrating on further developing wheat to be grown in the higher rainfall areas, because those breeds are important and new, exciting and valuable developments will come from investigations into germ plasm.

The honourable member will also be aware that one of the most important industries in the Wimmera–Mallee area is in the pulse crop area. It has become a very important part of crop rotation that the grain industry set up to provide an alternative source of income through pulses and oilseeds.

The short answer to the question is that this government has demonstrated its commitment to continuing first-quality, world-class research into grains at both VIDA in Horsham and the Mallee Research Station at Walpeup, and that guarantee is something that will be retained, maintained and enhanced.

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — The honourable member for Geelong North raised a matter in relation to the D. W. Hope Centre. I thank the honourable member for his hard work and patience and that of the ethnic communities in Geelong on this project.

When we came into government we were approached late in 1999 by ethnic communities and the honourable member saying that a promise had been made by the previous government to provide $5000 to start up a D. W. Hope Centre working group to look at how that site — which dates back to the 1940s and which in effect is the key site of the history of migration to Geelong as part of Australia's migration programs — could be best looked after for the future and to look at which types of projects that could be undertaken there would be the most suitable. The previous government promised things but did not actually deliver them, so we were very pleased to provide that $5000 from the Victorian Multicultural Commission.

The honourable member for Geelong North chaired the working group that met with representatives of the Geelong Ethnic Communities Council and ethnic groups in the area, and I launched their report in April of 2001. That report stated that the preferable approach, as the honourable member said, was a multicultural community centre because of the large number of small ethnic groups in the area, and that the centre could also describe the history of the site over which the community has a strong ownership.

The report suggested that for the next stage it would require funding of a strategic plan and business statement prior to approaching government agencies and councils for capital works support, and it suggested that $50 000 would be required. The interesting thing is that at the launch on the same day that Cr Stretch Kontelj was to become mayor he said he was very supportive of this project and asked the government to go fifty–fifty. I said that as the Minister assisting the Premier on Multicultural Affairs I would take the request back and talk to the Premier. I said I was sure that if the council could commit, the government could commit as well.

The Premier did send a letter to the council in June 2001 taking up the offer and saying that we were prepared to offer $25 000 subject to the council doing the same. Unfortunately there has been much dillydallying by the council. Either Cr Kontelj forgot

what he offered or could not deliver when he became mayor.

However, I am pleased to announce to the honourable member that the government has now agreed with the City of Greater Geelong that the state government will provide $25 000, the Geelong council will provide $12 500 and the Geelong Ethnic Communities Council will provide $12 500 to get this $50 000 project completed. The City of Greater Geelong will act as the auspicing agency for the project and a project steering committee will be appointed with representatives from the Geelong council, the Geelong Ethnic Communities Council, the Victorian Office of Multicultural Affairs, ethnic groups, the Geelong Migrant Resource Centre and the government, with a full report to be provided to me at the end of the project.

I look forward to the honourable member being involved in that and to the council working together with the community to do this business study. The shame of it is that it has taken so long for the council to agree, and I am pleased — —

Mr Spry — On a point of order, Madam Acting Speaker — I wonder what you have to do to get a point of order in here on occasions — I point out to the minister that in fact it was Stretch Kontelj who was behind this whole exercise — and the minister is misleading the house!

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Bellarine knows that is not a point of order.

Mr PANDAZOPOULOS — I can say that the honourable member for Bellarine was no help with this project either.

The ACTING SPEAKER (Ms Barker) — Order! The minister should not respond to interjections.

Mr PANDAZOPOULOS — Nonetheless, I look forward to the council completing this project. It is a shame that it took it so long to respond to the June 2001 offer.

Mrs Peulich interjected.

Mr PANDAZOPOULOS — I beg your pardon?

The ACTING SPEAKER (Ms Barker) — Order! The minister should ignore interjections, and the honourable member for Bentleigh should not make interjections across the chamber.

Mr PANDAZOPOULOS — I am talking about one of your candidates stretching the truth.

Nevertheless, I thank the honourable member and the ethnic communities in Geelong for their perseverance, and I look forward to the completion of the project.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Frankston East raised for my attention the issue of the police presence in the Frankston area. I commend the honourable member for Frankston East because even prior to his election he took a very active role in the issue of policing in the area, when unfortunately some people were prepared to countenance cuts to police numbers there. The honourable member for Frankston East has always been very vigilant in his advocacy for a police presence in the area.

I am pleased to say that things have changed in Frankston. We all recall the cuts the previous government made to policing, and that certainly had its effect in Frankston, which was perpetually — —

Mrs Peulich — When will you cut the crime rate?

Mr HAERMEYER — 'When will you cut the crime rate?', the honourable member for Bentleigh asks. You need police to do that, you dope!

The ACTING SPEAKER (Ms Barker) — Order! The minister should not respond to interjections.

Mr HAERMEYER — Frankston was perpetually in the news because of the short-staffing of its police station. Morale in the station was at rock bottom. I am pleased to report that since the dim, dark days of the Kennett government the numbers at the Frankston police station have risen from 2 senior sergeants, 8 sergeants and 48 other ranks in 1999 to 2 senior sergeants, 13 sergeants and 74 other ranks. That is almost a doubling of the police presence in Frankston. This government has undone the damage. It has turned around the cuts inflicted by the previous government and the poor morale situation in Victoria Police.

Inspector David Pike indicated in the *Frankston Standard* that at the moment numbers in the Frankston district are really good and the police feel they can now make a real difference in the area. He said the number of police they have now is appropriate for the area. Of course the police would have found it very difficult to get on top of a crime wave when they were at half the staffing level they should have been at. Real inroads are being made: there is an increased police presence at the Frankston transit exchange, people in Frankston are seeing foot patrols and mounted police, and police are

able to carry out some proactive crime prevention initiatives, especially in the prevention of motor vehicle theft.

There is now a community safety management team consisting of police, council officers and members of other government and community groups. Team members have been working hard to try and develop an integrated, proactive strategy to get on top of the crime problem in Frankston. We have seen how this works. Police have indicated that in Dandenong a similar approach over a short period of time recently reduced crime in that area by something in the vicinity of 40 per cent. I am confident that the police, the council and the local community will be able to achieve that by working in concert.

The government has restored police numbers in the Frankston area to the level they should be at; in fact, it has almost doubled them. It has put in 800 additional police across the state. That is all due to the efforts of this government and the representations made by members like the honourable member for Frankston East.

Honourable members interjecting.

Mr HAERMEYER — Members on the other side talk about crime as if cutting police numbers had nothing to do with it. They sat there and allowed the police numbers in Frankston to be run down. The honourable member for Frankston in particular should hang her head in shame.

Ms KOSKY (Minister for Education and Training) — The honourable member for Frankston raised a matter relating to Karingal Secondary College. I am familiar with this matter, because it has been brought to my attention by the honourable member for Frankston East, who has looked assiduously into it in an attempt to undo some of the damage done by the previous government. It is worth reminding the house of the history of Karingal Secondary College. Karingal High School was closed by the previous government.

Honourable members interjecting.

Ms KOSKY — I can understand why members opposite are embarrassed by this. The school was closed by the previous government and merged with Ballam Park technical school. The Karingal High School site was then left to languish. It was terribly vandalised, and when we came to office it was in a very poor state of repair. The education department has attempted to sell the site, and I understand that the council is interested in it and the oval, which was the matter raised by the honourable member for Frankston. For probity reasons the Valuer-General sets a price for these sites to ensure that we gain a proper return for government land — and we need to, given that the previous government had sold off the school on that site.

I understand the council is having difficulty meeting its side. I assume the honourable member for Frankston is not asking us to interfere with the Valuer-General's price but rather, as the honourable member for Frankston East has asked on previous occasions, is asking us to look at other ways in which we may be able to spread the payments so that the Frankston municipality and community may be able to maintain public use of the site. I am not sure where it is up to at this stage and whether in fact it has gone out for sale to the broader community, but I am happy to look into it and look at whether we may be able to structure payments in a different way — without, of course, any commitment to this house at this stage.

The honourable member for Bentleigh, who was very vocal on the previous issue but might want to listen on this one, raised a matter in relation to Moorabbin TAFE. She referred to a shotgun marriage between Moorabbin TAFE and Holmesglen institute. She may wish to recall why the merger occurred: it was, of course, because the previous government and the honourable member for Warrandyte, as the former minister, allowed Chisholm institute to go seriously into deficit, with the debt rising each year.

Mrs Peulich — On a point of order, Madam Acting Speaker, it would be most unfortunate if the Minister for Education and Training inadvertently misled the house. She knows full well that in fact the financial problems facing Moorabbin TAFE date back to her government, when it allowed — —

The ACTING SPEAKER (Ms Barker) — Order! There is no point of order.

Mrs Peulich interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Bentleigh is wishing to add to her matter?

Mrs Peulich interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Bentleigh! The minister, continuing.

Ms KOSKY — I was prepared to address this issue in what I thought was the good spirit in which it was raised, but clearly the honourable member for Bentleigh

is just playing politics. Moorabbin TAFE — the Moorabbin campus — has been amalgamated with Holmesglen institute because of the parlous financial state that Chisholm institute was left in by the previous government, and the Auditor-General confirmed our position.

Mrs Peulich interjected.

Ms KOSKY — If the honourable member for Bentleigh is challenging the Auditor-General's report she would do well to be quiet in this house. I have approved additional dollars for Chisholm institute and the amalgamation of the Moorabbin campus, because it is not only good financially but good educationally.

Mrs Peulich interjected.

Ms KOSKY — I will. Even though the honourable member is not at all interested in the response, I will seek information from Holmesglen Institute of TAFE, so long as she understands that I will not do as the previous minister did — namely, allow the debt to accumulate at either Chisholm institute or Holmesglen institute.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Mordialloc is out of his place and out of order.

Ms KOSKY — They do get upset over their history.

The honourable member for Coburg raised a matter relating to RMIT University and allegations made earlier today in this house by the honourable member for Warrandyte concerning the university. A number of allegations were made by the honourable member in the chamber earlier today about staff at RMIT, my role in their appointment and the implementation of the academic management system of the university.

Mr Kotsiras interjected.

Ms KOSKY — The honourable member for Bulleen is sitting over there and saying — and I want this noted in *Hansard* — 'It is all true'. He may regret his words.

These allegations were made by a man who, as I have previously said, left TAFEs in this state on the brink of financial ruin. He took no care as minister but now claims concern in opposition. This is the same honourable member who earlier today used cowards' castle to defame people's good names. He has no positive plans for education in this state and no policy.

Mr Leigh — On a point of order, Madam Acting Speaker, with the greatest respect to the minister, all the honourable member for Warrandyte did today is exactly what the Labor Party used to do — —

The ACTING SPEAKER (Ms Barker) — Order! There is no point of order.

Mr Leigh interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Mordialloc knows there is no point of order.

Ms KOSKY — All he has done is call for an inquiry — as he criticises us for doing — for which there is no legislative basis, and he knows it.

He has stated that while I am willing to call a review into Melbourne University Private I am unwilling to do the same for RMIT University. The facts are, and he knows it, that the review into MUP was set up by the shadow minister when he was minister for higher education, under his ministerial order. He blames the administration at RMIT University and somehow, therefore, me — which is a bit hard to fathom — for the problems that have been experienced with the implementation of the academic management system (AMS) at the university.

Staff appointments to RMIT University are made independently, and any allegation otherwise is spurious. The honourable member knows that. Appointments at RMIT, as at every other university around the state, are made on merit. When it looks at the backgrounds of the people he defamed today the house will understand that the appointments have been made on merit.

It is also worth mentioning to the house that I have accepted all the recommendations for Governor in Council appointments to the university suggested by the university. I take this opportunity to clear the good names of some of the people at the university whom the honourable member for Warrandyte attacked earlier today.

Firstly, the chancellor of RMIT University, Mr Don Mercer, who has been indirectly attacked today for his supposed lack of leadership, is the former chief executive officer of the ANZ Bank. He is a very honourable man.

Mr Kotsiras — So?

Ms KOSKY — 'So', the honourable member for Bulleen says. Mr Mercer is an honourable and intelligent man who has led RMIT incredibly well. To

imply that he has no experience in the administration of the university in which he takes an active interest and that he is not up to scratch is plainly ridiculous. I place on the record that I have a very high regard for Don Mercer and his team — something the honourable member for Warrandyte and obviously the honourable member for Bulleen would not claim.

Professor John Jackson, who is deputy vice-chancellor, was appointed in March 1999. Who was in office in March 1999? The answer is the Kennett government, and the honourable member for Warrandyte was the minister at the time. Further, the appointment was made using an external recruitment agency. He is the former dean of economics at the University of Western Australia.

The executive director, financial services, Mr Ian Raines, who was also recruited to RMIT by an external recruitment agency, was previously the commercial manager at Bonlac Foods. The pro vice-chancellor of research and development, Professor Neil Furlong, who was appointed in September 1999 when the previous government was in power, has worked at the CSIRO. The director of people services was appointed using an external recruitment agency, and he is a former director of human resources at Griffith University.

Many of those people hold doctorates or masters degrees, which are not given out easily but are awarded for very hard work and notable intelligence — something the honourable member for Warrandyte does not understand. There has been no cronyism here. Further, he has denigrated — —

Mr Baillieu interjected.

Ms KOSKY — I have, I have covered many of the people he has attacked today. I am happy to support all the people he attacked, because he used cowards' castle to defame people's reputations. It is not about cronyism but about merit, on which the appointments were made. He also denigrated people who removed themselves from those positions, implying that they had been sacked or that they had been moved on. In fact, their skills continue to be very well recognised in the organisations for which they now work.

I believe that to be a crony one has to know the person who is giving the favour and support. I had never met many of the people he mentioned today until I met them through RMIT University — a fact that the honourable member for Warrandyte could not care less about.

We have been informed by RMIT that there is no financial crisis at the university and that the documents the honourable member for Warrandyte has been relying upon have been superseded. I have been informed that RMIT will happily provide the honourable member with up-to-date financial information. However, several weeks ago I wrote to the Auditor-General requesting any advice he may have on the problems or the impact of the implementation of the AMS on both educational delivery and the finances of the institutions in 2002 and beyond. The coward returns to the castle; that is the appropriate course of action. The Auditor-General is in the best position to provide advice to the government, as the honourable member for Warrandyte well knows.

I wish to raise a matter for which I am seriously embarrassed on behalf of the honourable member for Warrandyte, and I raise it in this place. The honourable member for Warrandyte will say anything about anyone or even go so far as defaming people, which he did today, in order to see his name in print. He will do anything. The person who was the project manager for the AMS — —

Mr Honeywood — On a point of order, Madam Acting Speaker, I ask the minister, who has known me very well over a number of years, to withdraw the last comment. I am no coward, and she knows that full well. I take offence, and I ask her to withdraw.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Warrandyte has taken offence, and I ask the minister to withdraw.

Ms KOSKY — If he has taken offence, I withdraw. It would be good if the honourable member would do likewise on the basis of the information that I am now about to provide to the Parliament. The person who was the project manager for the AMS, who the honourable member for Warrandyte defamed earlier today, died from a stroke last week.

Mr Honeywood interjected.

Ms KOSKY — He died while on holiday with his family. There was a memorial service taking place at RMIT as these allegations were being made in this Parliament by the honourable member for Warrandyte. It was an outrageous attack by someone who knew that this person could not be defended in this house. Our thoughts have been with the family, and this is not the time for political point scoring. The worst thing about this sorry episode is that the honourable member for Warrandyte — —

Mr Honeywood interjected.

Ms KOSKY — He interjects that I am justifying the position.

The ACTING SPEAKER (Ms Barker) — Order! The minister should ignore interjections.

Ms KOSKY — The worst thing about this sorry episode is that the honourable member for Warrandyte may succeed in getting his name in the newspaper. We will find out tomorrow. He has dragged someone else's reputation through the mud, and that person can longer represent or defend himself. I hope the honourable member is pleased with himself; I am not. On behalf of the Victorian Parliament I apologise to the family of this man whose name has been unfairly sullied today. Unfortunately sometimes some politicians go too far.

I believe this sorry affair is a salutary lesson for all of us in this house to use parliamentary privilege with respect, with care and with responsibility because sometimes people do not get the chance to defend their reputations. I hope the honourable member for Warrandyte sees fit to make an apology in this house to the family of the man whose name he sullied today using parliamentary privilege. He defamed someone who did not deserve to be defamed.

Ms CAMPBELL (Minister for Consumer Affairs) — The honourable member for Ivanhoe raised a matter relating to blower scams. Blowers are people who telephone small and medium-size businesses and expect advertising to be paid for when often it has never been provided or does not live up to the claims made in the initial telephone calls.

The usual modus operandi of these blowers is to phone a business, speak to a junior or medium level person, try to obtain business and some weeks later ring back asking the accounts manager to pay an invoice. It is a very disreputable form of advertising and publishing, and Consumer and Business Affairs Victoria takes this matter very seriously. Recently consumer affairs vigorously prosecuted Hilton Publishing Pty Ltd and its sole director, Mr Alex McKenzie, for one of these scams. I alert members of this house to the fact that blowers operate.

My own electorate office has been targeted by a number of these businesses, and consumer affairs will be acting on any cases brought to its attention, including the one that was prosecuted recently against Hilton Publishing Pty Ltd, where that company was convicted on over 250 charges with fines of over $100 000.

Ms PIKE (Minister for Housing) — The honourable member for Geelong raised with me the matter of the provision of affordable housing in his community and noted that under the social housing innovation project we have already been able to deliver projects totalling $3 million to his community. I am very pleased to advise the honourable member that a partnership between the government and the community will now deliver an additional $2.1 million on top of that $3 million to new housing projects in the Geelong area so that we will be able to continue our work as a responsible government, placing more people in the community in better housing. We are providing over $1.6 million for housing projects in Belmont and Norlane, and the community is contributing the remainder.

At the Sirovilla elderly people's homes in Belmont we have two fantastic projects that are further examples of this wonderful social housing innovation project. This program has delivered fantastic housing projects right across Victoria and many members in this house will have seen enormous benefits to their local communities as the resources of government have been partnered with the local community to ensure that more people have access to affordable housing. That has been really great news and it is a wonderful contribution to our community.

The honourable member for Evelyn raised a particular matter with me regarding Troy Davis, a young child with a disability. My department has advised me that it has corresponded with this family. I understand that Troy is on the waiting list for support services, but I believe there are concerns about the time taken to provide that support. I assure the honourable member that I will look into this matter and get back to her with further information.

The honourable member for Warrandyte raised a matter for the Minister for Transport regarding school crossings.

The honourable member for Mildura raised a matter with the Premier regarding the withdrawal of services by the banks, particularly the major banks, especially in regional communities, and requested information about the government's proposals regarding banking in those communities.

The honourable member for Bellarine raised a further matter with the Minister for Transport regarding the Geelong road. All those matters will be referred and responded to.

The ACTING SPEAKER (Ms Barker) — Order! The house stands adjourned.

House adjourned 11.10 p.m.

Royal Melbourne Institute of Technology

University Council

Agenda Papers

Meeting No. 2/2002 (Special Meeting)
Monday 25th March 2002 at 2.00PM

RMIT Group

RMIT GROUP SM	1999 Actual	2000 Actual	2001 Forecast	2001 Actual	Revised 2002 Forecast	 *% pa.*	2003 Forecast	 *% pa.*	2004 Forecast	 *% pa.*
INCOME										
COG	181.5	192.7	191.5		195.9	*2.3%*	200.1	*2.1%*	200.7	*0.3%*
SOG	60.1	55.0	61.3		66.1	*7.8%*	68.7	*4.1%*	69.9	*1.6%*
Research Grants & Contracts	16.5	17.8	21.5		30.7	*42.6%*	38.1	*24.1%*	43.0	*13.0%*
Aust Full Fee Paying	25.1	26.2	30.9		36.7	*18.9%*	40.3	*9.9%*	42.7	*5.8%*
Onshore Fee Paying Overseas Students	74.8	79.2	87.8		90.5	*3.0%*	104.4	*15.4%*	116.8	*11.9%*
Offshore Fee Paying Overseas Students	11.9	15.6	18.3		21.9	*19.8%*	24.4	*11.3%*	27.1	*11.0%*
Commercial Income	24.4	28.1	26.1		54.7	*110.0%*	40.3	*(26.3%)*	48.8	*21.1%*
Other Revenue	31.3	29.0	58.5		60.6	*3.7%*	57.3	*(5.4%)*	55.1	*(3.8%)*
Total Income	**425.5**	**443.6**	**495.8**	**483.9**	**557.1**	***12.4%***	**573.6**	***3.0%***	**604.0**	***5.3%***
EXPENSES										
Salaries & On Costs	242.7	277.3	296.3		315.3	*6.4%*	337.5	*7.1%*	348.5	*3.3%*
Communication Costs	5.0	6.5	6.9		6.7	*(2.9%)*	7.7	*15.1%*	8.3	*7.9%*
Marketing, Advertising & Public Relations	15.8	9.1	9.7		11.3	*16.7%*	13.6	*19.9%*	14.5	*6.5%*
Travel & Motor Vehicle Expenses	7.6	9.1	10.0		10.4	*4.0%*	11.4	*9.5%*	12.3	*7.5%*
Stocks & Material Purchases	12.1	14.9	15.0		16.0	*6.6%*	16.6	*3.9%*	17.2	*3.6%*
Administrative & General Expenses	40.9	41.0	50.6		61.8	*22.1%*	62.0	*0.4%*	70.0	*12.8%*
Finance, Legal & Other	6.8	7.0	10.6		12.1	*14.1%*	12.7	*5.1%*	14.3	*12.3%*
Facilities Related Expenses	15.1	18.5	19.1		20.5	*7.5%*	21.2	*3.0%*	21.7	*2.4%*
Repairs & Hire	10.8	14.8	22.2		25.4	*14.5%*	28.7	*13.1%*	29.5	*2.7%*
Depreciation	25.5	24.1	26.6		27.1	*1.9%*	33.2	*22.5%*	35.9	*8.0%*
VC Budget Review (allocation tbc)	-	-	-		4.6	*#DIV/0!*	-	*(100%)*	-	*#DIV/0!*
Interest Expense	0.6	1.4	1.4		2.8	*100.0%*	3.2	*14.3%*	3.2	-
Total Expenses	**383.1**	**423.7**	**468.4**	**475.3**	**514.0**	***9.7%***	**547.9**	***6.6%***	**575.2**	***5.0%***
OPERATING RESULT	**42.5**	**19.9**	**27.4**	**8.6**	**43.1**	***57.3%***	**25.8**	***(40.2%)***	**28.8**	***11.7%***
Add Back Depreciation	25.8	24.2	26.7	24.4	27.2		33.3		36.0	
Non cash building disposals				5.4	-					
Working capital decrease (increase)	(1.9)	4.8	4.7	5.1	(18.0)		1.4		2.1	
Strategic Capital Investments										
Property Related	30.1	46.3	42.9		54.2		34.8		43.1	
Major Projects	-	-	3.8		-		2.5		0.6	
Property Proceeds	(7.0)	(1.4)	-		(6.0)		-		(10.0)	
Equipment Expenditure	13.4	15.8	17.0		15.0		12.8		10.7	
IT Capital Expenditure	6.3	7.4	7.5		13.6		16.8		17.7	
					-					
Total Capital Expenditure	**42.8**	**68.1**	**71.2**	**67.0**	**76.8**		**66.8**		**62.2**	
NET CASH SURPLUS/(DEFICIT)	**23.6**	**(19.1)**	**(12.4)**	**(23.5)**	**(24.5)**		**(6.4)**		**4.7**	
BALANCE SHEET										
Net cash balance	74.0	54.5	43.3	31.6	35.9		40.3		58.0	
Receivables	37.9	58.5	49.8	53.7	65.7		70.9		76.5	
Other current assets	4.5	3.0	7.8	3.0	4.0		8.1		9.0	
Total Current Assets	116.4	116.0	100.9	88.3	105.5		119.3		143.4	
Fixed Assets	855.8	902.9	944.6	979.2	1028.6		1062.2		1088.4	
Other non current assets	213.8	227.1	238.6	232.8	252.7		267.3		284.4	
Total Assets	1,186.0	1,246.0	1,284.0	1,300.3	1,386.9		1,448.8		1,516.2	
Current Liabilities	85.3	95.9	96.5	107.0	91.3		99.6		106.0	
Non current liabilities	239.9	252.8	280.0	259.5	290.9		307.2		324.3	
Borrowings	**25.0**	**25.0**	**25.0**	**25.0**	**54.0**		**63.0**		**76.0**	
Total Liabilities	350.2	373.7	401.5	391.5	436.1		469.7		506.3	
Net Assets	835.8	872.3	882.5	908.8	950.8		979.0		1009.9	
Total Equity	**835.8**	**872.3**	**882.5**	**908.8**	**950.8**		**979.0**		**1009.9**	
			0.0		(0.0)		(0.0)		0.0	

Assumptions:

Thursday, 18 April 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Human Services: service agreements

Ms BARKER (Oakleigh) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report — International students in Victorian universities — Ordered to be printed

Central Gippsland Health Service — Report for the year 2000–01 (two papers)

Lorne Community Hospital — Report for the year 2000–01

Statutory Rules under the following Acts:

Building Act 1993 — SR No 27

Gaming Machine Control Act 1991 — SR Nos 23, 24, 25

Magistrates' Court Act 1989 — SR No 22

Sentencing Act 1991 — SR No 21

Subdivision Act 1988 — SR No 26

Subordinate Legislation Act 1994: Minister's exemption certificates in relation to Statutory Rule Nos 21, 22.

MEMBERS STATEMENTS

Member for Melton: performance

Ms ASHER (Brighton) — I draw to the attention of the house a performance audit, as it were, of the honourable member for Melton by his local press.

There is enormous community concern in Melton about the honourable member for Melton being very quiet, shy and retiring. Indeed, a number of local people have reported to the local press that he is being too quiet. Graham Dempsey, for example, said Mr Nardella had been too quiet on serious issues, which included Melton's struggle to hold on to Saizeriya. This good bloke said, and I quote:

> I'd like to see him be a bit more positive to the electorate instead of hiding and not speaking up.

John Hyett said it appeared he was doing nothing, that he was refusing to do anything to save Saizeriya:

> 'Why isn't he out supporting more jobs for Melton?' …
>
> 'Unless he gets off his bum Melton will lose more jobs'.

The local press went to the honourable member for Melton and asked him for a comment about this scathing community concern about his performance, and the honourable member for Melton said, 'What do they suggest I do?'. He has gone to the John Thwaites school of asking other people what to do!

I have a suggestion for the honourable member for Melton — —

Mr Nardella — I'm listening.

Ms ASHER — Good! The honourable member for Melton has a proposal to have a toxic waste dump in his electorate. The Liberal Party has ruled it out. We are waiting on the honourable member for Melton to support the Brimbank Melton Residents Action Group — —

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

Insurance: public liability

Mr DELAHUNTY (Wimmera) — I bring an urgent matter to the attention of the government, in particular the Minister for Finance. Last week I was presented with a petition from Mr Guy Holden, president, and Ms Jo Seary, secretary, of the Stawell Motor Sports Club regarding public liability insurance. Unfortunately the petition does not meet the criteria to be presented in the Parliament; however, I am forwarding this document to the minister for his information and comment.

The Stawell Motor Sports Club has approximately 50 members. It is so concerned about public liability that it has gathered 470 signatures on a quick petition. The club informed me it normally holds five meetings a year and pays $514 per meeting. The quote this year is for $1983.36 per meeting — an increase of 386 per cent! The petition draws to the attention of the house the situation in which sporting clubs, bodies and businesses find themselves under the current state of public liability in the insurance market. This petition, therefore, prays that the house can enact legislation to cap payouts on insurance claims in the near future to ensure the viability of many groups affected.

As we are all aware, public liability premium insurance is of great concern to many organisations across Victoria, and particularly groups in the Wimmera. They are all struggling under the burden of rising insurance premiums, and it is vital that the government attacks the problem now — and the sooner the better.

Paul Kennedy

Ms BEATTIE (Tullamarine) — I pay tribute to Paul Kennedy who passed away on 10 April. Paul was the sort of person who we were all better for having known. He was a man of great principle who lived life to the full with those principles as his guiding force.

Paul Kennedy was associate professor with the Faculty of Applied Science at RMIT and a great mentor for young academics. A strong and committed unionist, Paul loved to debate and, as with all things in his life, his approach was always rigorous, thoughtful and intellectual. He recently spent time at the Woomera detention centre. Many people have expressed their disgust at the treatment of detainees, but Paul Kennedy felt compelled to do much more than just talk. He believed that we should be doing more to assist the detainees and, true to his beliefs, he led by example.

Paul had been a member of the Sunbury Australian Labor Party and was the inaugural chair of the Sunbury Progress Association. His contribution to the Sunbury community over many years has left a legacy that we will all continue to benefit from.

Paul was a wonderful man who gave so much and who has left us all too soon. His absence from our lives will be felt. I send my deepest sympathy to his wife, Kate, and their four children, Paul, Austin, Edmund and Eleanor. Farewell to a great comrade who was disgustingly attacked in this house yesterday.

The Basin Primary School

Mr McARTHUR (Monbulk) — I raise the issue of the urgent need for maintenance funds for The Basin Primary School. School council members including the president, Angela Pickering-Wheat, have raised with me their disappointment at the school being overlooked for the second year running by this government following a physical resources management system audit. The education department identified works that are needed totalling in excess of $100 000. We are almost at the end of the 2001–02 financial year and no money has been forthcoming.

I was at the school last month. The senior wing, the administration block and play areas of the school, which are about 120 years old, are in urgent need of maintenance works. Children are playing in areas where it is physically dangerous for them to do so. The senior classroom areas and the libraries have major maintenance problems which the government must urgently address.

The staff and parents have done their best in difficult circumstances. A combination of volunteer labour and donations from private enterprise have been used to make the best possible situation for the school, but they can only do a certain amount. This is a government responsibility. It has been ignored by the government and the department. I took the matter up with the former education minister last year and nothing happened. I am calling on the new Minister for Education and Training to do something. There was an agreement to do something with The Basin Primary School prior to the last election, and this government has ignored it for two and a half years.

Nursing homes: Trafalgar

Mr MAXFIELD (Narracan) — I raise the matter of nursing home beds. The Bracks government in conjunction with the community made a promise on nursing home beds and aged care because it is committed to the issue. Unfortunately, two attempts to get the federal government to allocate nursing home beds in Trafalgar have been thrown back in its face.

During the last federal election campaign, the then federal minister, Bronwyn Bishop, visited the hostel in Trafalgar, obviously giving the appearance that her government was concerned about nursing home beds. But when the nursing home bed rounds came out, what happened? Because the hostel is owned by the community it did not get funding for any beds. Private operators all over the place were able to get beds like there was no tomorrow. The federal government was previously able to hand out low-care hostel beds, more than were needed for private operators in the area. But when it comes to nursing home beds we are unable to get them. It is very sad.

Now we see people who require nursing home beds staying in hospital, and as a result we are losing access to those hospital beds and there are hold-ups in casualty departments. Those issues flow on from the federal government's failure to allocate nursing home beds where they are required. It is extremely disappointing that the federal government is refusing to look after people in Trafalgar and others in my electorate.

SAM's Cottage

Mr INGRAM (Gippsland East) — I draw to the attention of the house the dedication of and the hard work done by one of my constituents, Julie Jackson, who proposed the establishment of a cottage to allow families of terminally ill people or accident victims to be near loved ones who are being treated at the Bairnsdale hospital.

On 28 July last year Ms Jackson's partner, Stephen Alan Martin (SAM) died at home after a long illness. During the final days of his life his plea was that his partner establish the cottage.

Ms Jackson has worked tirelessly on gathering community support for the project, and I am pleased to say that works have commenced. Land has been sourced close to the hospital following a private donation. Community groups and local businesses have embraced the project, a large number have supported it, and donations have been sourced from community raffles and fundraisers.

Students of the local East Gippsland Institute of TAFE are conducting the work, with assistance from local tradespersons. Donations cover just about everything involved in the construction, including the kitchen sink. The Bairnsdale Regional Health Service has agreed to the ongoing cleaning and maintenance of the cottage, and local garden clubs will assist by landscaping and planting a rose garden there.

SAM's Cottage is a prime example of the community spirit which exists in country towns. I indicate that so far the government has not been asked to contribute to the project. I recognise the dedication and hard work of a good bunch of people, led by Julie Jackson.

Libraries: CD talking books

Mr PLOWMAN (Benambra) — I alert the house to the extraordinary work of regional libraries and the services they provide throughout country Victoria. Recently I wrote to my regional library, which also encompasses a large part of New South Wales, seeking its support for making talking books available on CDs. I found the response I received very interesting:

> We have a very large talking book collection in cassette format. We have 139 registered members to whom we provide a housebound service and —

the majority —

> of these members have sight disabilities.

Further the letter says that the library:

> … will be stocking talking books on CD by late 2003. This will however be at the expense of our talking book collection …

Then it makes the point:

> I would just like to say that under the Labor state government funding for public libraries has decreased overall in comparison to funding under the previous Liberal state government. With the huge demand for services and resources now being placed on libraries we have reached a point where we can no longer be all things to all people.

This cannot be allowed to continue; the service is too important to country Victoria. Funding for regional libraries has dropped by 4.2 per cent, and the Labor government must fund the deficit.

Member for Werribee: staff

Ms GILLETT (Werribee) — I take this opportunity to pay tribute to my workmates, Sue McGlashan and Eileen Kitching, who work with me here at Parliament House.

I pay a special tribute to Sue, who has worked with me in my role as secretary of the Victorian parliamentary Labor Party for the past six years. She has worked in Parliament House for a lot longer than that, but I am sure she would not be happy with me if I mentioned just how long that has been! Sue's work is outstanding.

Eileen has worked with me for a shorter time, but she has been just marvellous. Her patience and tolerance are terrific.

In my electorate office Marie Rogers, Jacquii Cook and Peter Hawkins are a formidable team who look after the Werribee constituency in my absence.

It is important for us all to acknowledge and understand that the role we perform as MPs is a complex one, and without fantastically dedicated and committed staff we could not look after our constituencies as well as we do. I place on record my gratitude to them.

Insurance: learner drivers

Mr CLARK (Box Hill) — In recent days we have had a considerable discussion of road safety issues. I raise a further issue which a constituent has recently drawn to my attention concerning learner drivers. My constituent writes:

> My renewal and policy document for comprehensive insurance … states that learner drivers are subject to an age excess along with all under 25 drivers.
>
> If I want to teach my son to drive and I don't list him on my policy, in the event of an accident it will be a $1500 excess for him plus my $400 excess, a total excess of $1900.

> If I list my son on my policy as a learner driver my premium will increase by $810 to $1353 and the standard excesses apply.

My constituent makes this further sound point:

> The accident statistics for learner drivers and licensed drivers under the age of 25 are not the same.

This treatment of learner drivers driving with their parents under comprehensive insurance policies runs contrary to the Transport Accident Commission's efforts to encourage such practice.

This is something about which I intend to write to the insurance company concerned. I also suggest that the minister and the TAC might also take up this matter with insurance companies to try to seek special arrangements for learner drivers driving with parents and other relatives and perhaps also enlist these companies' support for the TAC's message about driving experience for learner drivers.

Footscray Primary School

Mr MILDENHALL (Footscray) — Congratulations to the Footscray Primary School, known to the locals as the Geelong Road state school, on the magnificent achievement of its 140th birthday.

On 16 March I was honoured to represent the Premier at the celebrations and to declare open the $1.2 million refurbishment. The hundreds of people who celebrated the birthday and the opening of the refurbishment also celebrated the achievements of the generations of families who have attended that fine school.

Guests were entertained by tall tales and true from former students and teachers. Some of the former students include author Kerry Greenwood, former Speaker of the House of Representatives Bob Halverson, former captain of the Australian basketball team Ken Burbridge, Footscray historian Dr John Lack, and the present principal, Carol Castano.

Congratulations to all those involved in the organisation of the fantastic occasion, including the coordinator Lindy Bracey, her organising committee, the principal, and the generations of students, parents and staff who have made this school such a physical and educational landmark in the Footscray community.

The SPEAKER — Order! The time set down for this debate has expired.

RAIL CORPORATIONS (AMENDMENT) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

> That this bill be now read a second time.

The main purpose of the bill is to make provision for the improvement of the rail access regime in accordance with national competition policy guidelines. This bill makes a number of amendments to the access regime contained in the Rail Corporations Act 1996.

Honourable members may recall that, prior to the privatisation of V/Line Freight and the various passenger rail businesses in 1999, part 2A of the Rail Corporations Act was introduced. Part 2A contains a regime allowing third parties to obtain access to certain tram and train infrastructure that is owned by the state and leased to private operators. The Essential Services Commission administers the rail access regime.

The Victorian government has applied to the National Competition Council to have the Victorian rail access regime certified as an effective access regime for the purposes of the commonwealth Trade Practices Act 1974. The effect of certification will be that the Victorian rail access regime will apply to the exclusion of the general access regime contained in part IIIA of the commonwealth Trade Practices Act 1974. A state access regime can be certified as effective only if it complies with certain principles set out in the competition principles agreement.

The Rail Corporations (Amendment) Bill makes three major amendments to the Victorian rail access regime to address concerns the National Competition Council has expressed about whether the Victorian rail access regime currently complies with the competition principles agreement.

The first amendment strengthens the protection given to the confidentiality of commercial information which an access seeker must disclose to the infrastructure provider.

In December 2001 the National Competition Council published a position paper commenting on the Victorian rail access regime. In that paper the council made the point that when an access provider also operates a business that competes with access seekers, it faces incentives to favour its own businesses. The council indicated that it generally considers that an effective access regime needs to include provisions that

protect confidential access seeker information from misuse for the benefit of the access provider's affiliated businesses. The Victorian rail access regime does not currently include any provisions protecting confidential access seeker information from misuse by an access provider. Clause 5 of the bill will introduce a new division 3 to part 2A of the act to be entitled 'Information provided by access seekers' for the purpose of addressing this issue.

The Essential Services Commission may make a declaration that a particular access provider must comply with division 3. The commission may make such a declaration only if it is satisfied that the access provider is substantially involved in a business in competition with access seekers and that requiring compliance with division 3 would either not cause detriment to the access provider or that the benefit of requiring compliance with division 3 would outweigh any detriment caused.

If such a declaration is made, the access provider concerned must keep certain information provided to it by an access seeker confidential, must not use that information to obtain a pecuniary or other advantage and must ensure that the information is not disclosed to its employees who are involved in the promotion or marketing of tram and train services which compete with those of the access seeker.

The second amendment will require infrastructure providers to keep certain information available to assist access seekers in formulating their request for access.

Section 38O of the Rail Corporations Act currently requires access providers to prepare and keep certain information. However, the Essential Services Commission can generally only verify that such information is being kept at the time an access dispute arises. In its position paper, the National Competition Council raised concerns about this lack of a process of regulatory verification in the Victorian regime. To address the council's concern, clause 7 of the bill will introduce a new section 38RA to permit the Essential Services Commission to use its current powers under the Essential Services Commission Act 2001 to obtain information for the purposes of the Victorian rail access regime, including to allow the Commission to verify that an access provider is complying with its information keeping obligations under section 38O.

In addition, clause 4 of the bill makes amendments to section 38H of the Rail Corporations Act to clarify that the Essential Services Commission can obtain information from any person who the commission has reason to believe has information that may assist the commission in making an access determination. The amendment also removes the limitation that the commission can only seek information within 20 days of a dispute arising. The amendment also clarifies the powers of the commission to make more than one request for information from any person.

The third amendment deals with the situation where an access seeker also needs access to some other part of the Victorian rail network or to interstate infrastructure in order to provide the freight or passenger service contemplated by its application for access.

On occasion a particular access seeker may need to access both a rail network that is regulated by the Victorian access regime and another rail network that is not regulated by the Victorian access regime. For example, an access seeker wishing to operate a train from certain parts of western Victoria to the port of Portland may need access to rail track leased by Freight Australia, that is subject to the Victorian access regime, and to rail track that is leased by ARTC, that is not subject to the Victorian access regime.

In its December 2001 discussion paper, the National Competition Council considered that an effective access regime should include provisions that allowed issues related to interface between networks to be handled efficiently. The Victorian access regime does not expressly include a provision dealing with this issue. Clause 4 of the bill also introduces a new provision in section 38J to provide that, where an access seeker also requires access to another network, the Essential Services Commission must, where possible, before making an access determination, consult the owner or operator of the other network and any person appointed to act as arbitrator under any access regime applying to the other network.

In addition to the three major amendments, the bill clarifies that a determination by the Essential Services Commission is not an arbitration for the purposes of the Commercial Arbitration Act 1984.

These provisions are important to ensure that the Victorian rail infrastructure regime complies with the competition principles agreement and to facilitate the certification of the Victorian regime under the Trade Practices Act 1974.

I commend the bill to the house.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be adjourned until Thursday, 2 May.

Mr LEIGH (Mordialloc) — On the question of time, on Tuesday, when I became aware of this bill, I contacted a number of people involved in the rail industry about it and asked them whether they were aware of it. The answer was that they are not. If the government is going to be fair about its claims to be an open, honest and consultative government what it ought to do, given the impact it has — and the Treasurer thinks this is funny, absolutely — —

An honourable member interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc, continuing without any assistance.

Mr LEIGH — But in any case this is something that has a great effect on many businesses. I believe the government should seriously contemplate extending the time so it can talk to the very people whom this bill affects. It has not talked to them. This is another one of the arrangements the government makes when it has nothing to do. It rushes it in here as it did with the Melbourne City Link bill — no-one was aware it was doing it until it hit the Parliament — and I think it is unacceptable. Given what it said when it was in opposition, I think this is a disturbing trend for such a secretive government.

Mr BATCHELOR (Minister for Transport) — The government does not accept the lamentable line put by the honourable member for Mordialloc. The provisions contained in this bill stem from a discussion paper from the national level that has been in the public domain for some time. We are making provisions to brief the honourable member for Mordialloc and we will advise the small number of people in the rail access provider industry about the implications of this for their businesses and for national competition, and about how this will improve the Victorian economy.

Motion agreed to and debate adjourned until Thursday, 2 May.

STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill introduces a number of measures designed to ensure that the state's taxation system operates fairly and equitably and that business compliance costs are reduced. The bill includes major changes to the motor car duty provisions in the Duties Act 2000 (Duties Act) and a significant improvement to the means by which the unimproved value of land is calculated for land tax assessment purposes. The bill also makes minor amendments to the documents duty provisions of the Duties Act, following further consultation with industry. Minor but important amendments are also made to the Land Tax Act 1958 and to the Pay-roll Tax Act 1971.

The bill includes proposals to replace the current motor vehicle duty collection regime with a more robust arrangement.

Following industry consultation with Vicroads, the Victorian Automobile Chamber of Commerce and Consumer and Business Affairs Victoria, agreement has been reached to replace the current collection system. The objective of the new model is to simplify the payment system for acquirers of motor vehicles.

The new collection system includes the provision of a single payment point at Vicroads, thereby eliminating the need for the dealers to deal with two separate agencies.

It also requires that all applications for transfer be accompanied by the payment of duty, with a penalty for any failure to pay the duty within 14 days of the sale.

Under the new collection system, the licensed motor car trader (LMCT) will collect the duty from the acquirer. This will include both new and used car dealers.

There is also the provision of a separate penalty on both disposer and acquirer for understatement of value of the vehicle, thereby addressing the risk of collusion to minimise duty.

The new system also streamlines the recovery of unpaid amounts by deeming the application for transfer to be an assessment.

The proposed changes will provide more certainty within the marketplace with a more simplified and efficient collection regime. The impact on revenue will be negligible.

The new collection arrangements will commence on 1 July 2002. The State Revenue Office is undertaking extensive communications with taxpayers and licensed motor car traders to ensure that the changes cause

minimal disruption and are clearly understood by all stakeholders.

The bill also makes important amendments to the Land Tax Act.

The bill abolishes the existing equalisation provisions from 2003 and replaces them with an indexation factor.

Equalisation factors for each municipality were used for land tax between 1984 and 2001 to determine the unimproved value of land for land tax assessment purposes. They reflected the Valuer-General's estimate of the average movement in site value within a municipality from the time of the last general valuation to a common date set by the Treasurer. The factor derived was applied to the site value of the municipal valuation used for land tax purposes, to provide a notional unimproved value.

Equalisation factors were necessary as until 2000 not all councils conducted their general valuations at the same time and the returned general valuations were applied for land tax for some years after their initial use for council rating purposes.

Each year the Valuer-General set an equalisation factor for each municipality. The factors were made by regulation and were not subject to objection or appeal by taxpayers.

From the 2000 general valuation, all Victorian municipalities now undertake general valuations on a common two-year cycle.

The 2000 general valuation is being used for the first time for land tax assessing in 2002. It is proposed, however, that where a general valuation is used for a second time for land tax, such as when the 2000 general valuation is used for the 2003 land tax year, it should be adjusted to reflect the movement in property valuations since the valuation was made.

The bill provides that the Valuer-General will determine the indexation factor. The factor will be prescribed by regulation. This is consistent with the equalisation factor arrangements.

A consequential amendment is made to the Subordinate Legislation Act 1994 to ensure that the regulations prescribing the indexation factor are not subject to a regulatory impact statement (again, the same as for the regulations prescribing the equalisation factors).

The proposed new formula, to be called an indexation factor, will remove some of the anomalies and inequities created by the existing equalisation factor.

The factor will reflect an amount which, in the opinion of the Valuer-General, would as nearly as possible represent half the percentage movement of the aggregate value of taxable land for the municipality between the general valuation in use for land tax and the next general valuation returned by council. There are numerous benefits of this model.

One obvious benefit is that the unimproved value used for land tax assessing would approximate the average of two actual municipal valuations.

This will smooth out extreme fluctuations in tax liability and reduce distortions between the existing general valuation in use for land tax and the next general valuation.

Also, valuations derived from the formula would not be distorted by variations in the valuations of non-taxable properties. In calculating the indexation factor, the Valuer-General would exclude valuations of residential properties which are exempt and rural land. The new indexation factor will be simple to apply, and easier for land taxpayers to understand, because it is based on actual valuations.

In determining the value of taxable land the Valuer-General would exclude from the calculation the value of properties classified as rural land and those which are exempt as principal places of residence. The Valuer-General would, in relation to principal residence exempt land, rely upon information provided by the commissioner regarding the aggregate value of exempt land for each municipality. Where this information was not available, the Valuer-General would be permitted to estimate the value of the land so exempted. As most commercial and industrial properties are both rateable and taxable, the average valuation movement of these types of property between both valuations would be reflected in the indexation factor.

The bill also includes a minor amendment to exempt from land tax, land that is owned by non-profit organisations which have as their principal objectives the conduct of agricultural shows, farm machinery field days, and similar activities where these organisations use the land for those purposes.

There are few organisations running agricultural shows and related events directly affected by land tax. Most use municipal land, which is currently exempt, or where they own the land it is often valued at an amount below the land tax liability threshold.

While the promotion of agriculture can come within the charitable purposes exemption these organisations usually cannot meet the 'exclusively for charitable use'

test. Due to the need to finance their primary activity most would hire the land to other organisations for short-term activities.

The impact on revenue of providing the exemption is minimal and the amendment will operate retrospectively to cover the 2002 land tax assessment year.

The amendment to the Pay-roll Tax Act included in the bill relates to the exemption for non-government and non-profit schools and colleges.

The provisions will extend operation of the existing exemption applying to wages paid by not-for-profit schools or colleges in existence before 27 May 1997 to otherwise eligible technical schools that provide education predominantly at or below the secondary level to students that are aged under 19 years.

The amendments also preserve the exempt status of schools which qualified under the current provisions. There have been objections to the tax by non-profit bodies, primarily those offering ballet and drama education, which believe that they should qualify for the exemption on the same basis as other non-government not-for-profit education providers. The proposed amendments will resolve a contentious area of the law.

The minor Duties Act amendments I mentioned at the outset comprise a number of technical amendments to various provisions to ensure that they are wholly consistent with the current policy intent, clarify uncertainty and safeguard against potential avoidance activity. The important changes can be summarised in the following way:

Aggregation of dutiable property

Section 24 of the Duties Act is an anti-avoidance provision which ensures that items of dutiable property purchased under one arrangement are assessed for duty on their aggregated value. The provision imposes three criteria — namely:

that the transactions occur within 12 months; and

the transferee is the same or the transferees are associated persons; and

the dutiable transactions together indicate the existence of one arrangement.

The main thrust of the Victorian provisions is to ensure that, when broadacres were purchased and subdivided prior to settlement, the individual transfers are subject to aggregation. The 12-month limit means that purchasers under terms contracts settling over a period exceeding 12 months would pay less duty than should be the case. The amendment will ensure that these transactions are captured by section 24.

There is also evidence that the need to satisfy all the aggregation criteria leads to duty minimisation in circumstances where separate companies owned or controlled by related parties purchase different elements of dutiable property used in conjunction, such as separate purchases of land and goods under one arrangement. A further amendment to section 24 will eliminate this opportunity.

Unit trusts

The conveyancing provisions of the Duties Act provide in section 7(1)(b)(vi) that a change of beneficial ownership in dutiable property is subject to duty other than a change in regard to an estate in land through issue, transfer, redemption or cancellation of units in a unit trust.

The reference to land instead of the wider term of dutiable property means that such a change of beneficial interest in unlisted marketable securities in a unit trust is subject to duty.

Notwithstanding the impending abolition of marketable security duty from July 2003, the bill will ensure that Victoria has uniform provisions for the duration of the tax.

Declarations of trust for unquoted shares

Section 34 of the Duties Act exempts declarations of trust made by an apparent purchaser in respect of dutiable property where the real purchaser has supplied the purchase monies. As a result of quoted marketable securities being removed from the dutiable property list (prior to enactment) these declarations in respect of quoted marketable securities are subject to duty, whereas declarations in respect of land and unquoted marketable securities are not. Such declarations did not attract duty under the Stamps Act.

Under the Stamps Act declarations by a trustee in favour of the beneficial owner who provided the purchase monies was not liable to duty regardless of the asset the trust was in regard to. It was intended the Duties Act would reflect this policy and the bill will restore the Stamps Act position.

Transfer to a special trustee

The Duties Act provides an exemption in section 33(2) for transactions relating to the change of trustees for dutiable property. Special trustees, defined as including trustee companies under Victorian and corresponding acts and trustees of complying superannuation funds, are not required to satisfy the commissioner as to the capacity in which they hold the dutiable property.

A recent case has demonstrated that there is opportunity for exploitation of the exemption as trustee companies may be involved in a series of commercial transactions and are not limited to exclusively holding property merely as trustees. To guard against duty avoidance an amendment contained in the bill will ensure that the exemption will only apply where it is established that the transfer of property to the trust was executed only because of a change of trustee.

Transfers resulting from declaration of trust

Section 7(1)(b)(i) of the Duties Act charges duty on a declaration of trust in respect of property already vested in the person declaring the trust and also any identified property 'to be vested'. The wording of the trust provisions has the potential for imposing double duty on the declaration and also the transaction by which the property is acquired by the declarant. A provision in the bill will ensure that double duty is not payable.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 2 May.

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill aims to address gaps in the Guardianship and Administration Act 1986 that have been brought to the government's attention by the Public Advocate and the Victorian Civil and Administrative Tribunal. Consequential amendments are also made to the Victorian Civil and Administrative Tribunal Act 1998. Amendments are also made to the consent to treatment provisions in the Mental Health Act 1986.

Many of the proposed amendments are technical in nature. The most significant amendments proposed relate to the substitute consent regime for medical and dental treatment for incompetent patients, which is outlined below.

Consent to medical and dental treatment

In 1999, the Guardianship and Administration Act was amended to include a substitute consent regime for incompetent people in relation to their medical and dental treatment (part 4A of the act). At present, part 4A applies to a 'patient', which is defined to mean 'a person with a disability which is a permanent or long-term disability'.

In monitoring the operation of part 4A, the Public Advocate has become aware of serious difficulties with the interpretation of part 4A, in particular, the phrase 'permanent or long-term disability', as some disabilities are indeterminate or episodic in nature. This has meant that where a person has a temporary or indeterminate disability (for instance, a psychotic episode or an extended period of unconsciousness), and cannot consent to treatment, medical practitioners often ask the next of kin of the person for consent to treat the person, placing the next of kin under undue pressure.

To address the practical problems experienced in the interpretation of 'permanent or long term', the bill amends the definition of 'patient' in the Guardianship and Administration Act so that 'patient' applies to a 'person with a disability'. Following this amendment, people with a temporary or indeterminate disability may also be included in the substitute consent regime under part 4A of the act. However, to ensure that the personal autonomy of an ordinarily competent patient is protected, the bill makes clear that the substituted consent regime does not apply where the patient is likely to recover capacity in a reasonable time. That is, non-emergency treatment will generally await the patient's recovery so that the patient can determine whether or not to consent to the proposed treatment him or herself.

This approach is designed to preserve, so far as practicable, the fundamental principles of personal autonomy and bodily integrity which underpin the legal requirement to obtain informed patient consent to medical treatment, and to ensure that hasty resort is not had to substituted consent in circumstances where the patient is expected to recover capacity to consent within a reasonable time.

Accordingly, the bill provides that where a 'patient' is likely to be capable, within a reasonable time, of giving consent to the carrying out of medical or dental treatment, the person responsible (which is defined in

section 37 of the Guardianship and Administration Act and includes a person appointed by the patient under the Medical Treatment Act 1988 or a person appointed under a guardianship order) can only consent to the carrying out of the treatment, and a registered practitioner can only carry out that treatment if —

> The registered practitioner reasonably believes, and states in writing in the patient's clinical records, that a further delay in carrying out the treatment would result in a significant deterioration of the patient's condition; and
>
> Neither the registered practitioner nor the person responsible has any reason to believe that the carrying out of the treatment would be against the patient's wishes.

Given that some disabilities are of indeterminate duration, and to provide the flexibility to deal with unusual situations, the bill provides that if the person responsible or the registered practitioner has reason to believe that the carrying out of the treatment would be against the patient's wishes, the practitioner or person responsible may apply to VCAT for its consent to the carrying out of the treatment.

It should be noted that a registered practitioner cannot carry out any medical or dental treatment on a patient where a relevant refusal of treatment certificate is in force in relation to that patient under the Medical Treatment Act 1988.

The Guardianship and Administration Act currently provides for a registered practitioner to carry out emergency medical or dental treatment on a patient without consent, where the treatment is necessary to save the patient's life, prevent serious damage to the patient's health or to prevent the patient from suffering or continuing to suffer significant pain or distress. The amendment to the definition of 'patient' will now mean that people with a temporary or short-term disability will also be included in the emergency treatment regime of the act, unless a refusal of treatment certificate under the Medical Treatment Act 1988 is in force in relation to that person.

Special procedures

The Guardianship and Administration Act currently sets out the substitute consent regime for the carrying out of special procedures on patients with a permanent or long-term disability. 'Special procedure' is defined in the act and includes sterilisation procedures, abortions and any procedures carried out for the purposes of medical research. Only VCAT can currently consent to the carrying out of a special procedure on such patients. The act currently enables medical practitioners to carry out special procedures in emergency situations where this is necessary to save the patient's life or to prevent serious damage to the patient's health.

Amendments made by the bill to the definition of 'patient' will mean that people with a disability, whether permanent, long term or temporary, will require the consent of VCAT for the carrying out of a special procedure. Again to protect the personal autonomy of patients who are likely to recover capacity in a reasonable time, the bill provides that the substitute consent regime for special procedures should not operate where the patient is reasonably expected to recover capacity within a reasonable time.

It is important that a person who suffers a temporary or short-term disability be given every opportunity to consent to the carrying out of a special procedure on them, given the types of procedures that are included within the definition of 'special procedure' in the GAA (including a procedure that could render a person infertile and the termination of a pregnancy).

The exception to the prohibition on VCAT consenting to the carrying out of a special procedure on a patient who is likely to recover capacity in a reasonable time is where the carrying out of treatment is for the purposes of medical research on the person. Under the bill, VCAT can consent to a patient who is likely to recover capacity in a reasonable time being involved in medical research procedures in order to receive the immediate benefit of participating in the research. For example, VCAT would be able to consent to the participation of an involuntary patient experiencing their first psychotic episode in a clinical trial of medication which is expected to prevent the patient from acquiring a long-term or permanent disability.

Other amendments

Mental Health Act 1886

The bill amends the Mental Health Act 1986 in relation to consent to treatment for involuntary patients.

The amendments will extend the range of substitute decision-makers who can make decisions about non-psychiatric treatment for involuntary patients. Medical treatment agents, enduring guardians and guardians will be able to consent to non-psychiatric treatment on behalf of adult involuntary patients who cannot provide consent.

These amendments will ensure that appointed decision-makers have power to consent to

non-psychiatric treatment for involuntary patients.

In addition, the bill will provide that parents and guardians can consent to non-psychiatric treatment for involuntary patients under 18 years of age.

Consent to psychiatric treatment for involuntary patients who are unable to consent will continue to be confined to the authorised psychiatrist. The Mental Health Act will be amended to explicitly clarify that decision-makers appointed under the Guardianship and Administration Act or the Medical Treatment Act 1988 do not have authority to consent, or withhold consent, to psychiatric treatment for involuntary patients.

Consent to special procedures for adult involuntary patients will be governed by the Guardianship and Administration Act.

Guardianship and Administration Fund

The Guardianship and Administration Act currently establishes the Guardianship and Administration Fund and provides for all fees collected under the act to be paid into that fund. However, a question has arisen about the power to pay interest earned on the investment of those fees into the fund. To clarify this issue, the bill provides that the fund will become part of the public account and that the fund will be used to meet the costs and expenses of VCAT in respect of proceedings under the Guardianship and Administration Act. The bill specifically provides for a power to invest fees collected under the Guardianship and Administration Act and to pay the interest earned on those fees into the Guardianship and Administration Fund. This amendment will bring efficiencies in the financial management of the fund and improve accountability.

This is an important bill which is primarily aimed at providing an effective substitute decision-making regime for people with a disability, in relation to their medical or dental treatment, which appropriately balances the personal autonomy and bodily integrity of individuals with the need to ensure that people with a disability receive appropriate and timely medical or dental treatment. This bill is part of the Bracks government's ongoing commitment to protecting the rights and interests of vulnerable persons through a fair, responsive and accessible legal system.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 2 May.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

In Growing Victoria Together, the Bracks government has made a commitment to ensure Victoria's food production industries, which include the fishing and seafood industries, are sustainable into the future and continue to provide jobs across the state. The proposals in the bill to amend the Fisheries Act 1995 support this commitment as well as the government's objectives of ensuring the sustainable use of Victoria's natural resources and improving service delivery to the public.

Recognising the strong cultural and spiritual connection indigenous people have with the land and the sea, the bill provides for a class of permits to allow the non-commercial harvest of fish beyond recreational bag limits for indigenous ceremonial or cultural events. These permits would be issued to a person nominated by the indigenous group to collect fish for a specific event. It is intended that such a permit would specify details such as where and when the fish may be taken and by whom.

The bill will ensure that the collective expertise of the Fisheries Co-Management Council will include experience and knowledge of indigenous fishing uses. The act currently provides that, in recommending persons for appointment as members of the council, the minister must have regard to the need for members to have between them experience and knowledge in commercial fishing, fish processing, fish marketing, recreational fishing, aquaculture, conservation and fisheries science, as well as traditional fishing uses. Since the act came into operation in 1998, the term 'traditional fishing uses' has been interpreted to mean indigenous fishing uses, as other traditional uses are covered by the other subjects mentioned, particularly recreational fishing uses. Clause 13 of the bill therefore substitutes the term 'indigenous fishing uses' for 'traditional fishing uses' to clarify the intended meaning.

In 2000 the Bracks government delivered on its commitment to introduce a trust account for revenue from recreational fishing licences. To assist in compliance and ensure that all anglers that are required to have a licence do purchase one, it is proposed that anglers be required to carry their licence with them whenever fishing. However, when an angler who is

asked to produce their licence by a fisheries or police officer does not have it in his or her possession, they may be directed to produce it within 7 days. This compromise recognises that in certain circumstances it may be difficult for an angler to have a licence on hand and that a person may have honestly forgotten to carry the licence with them.

Further provisions of the bill relate to increasing protection of fisheries resources through improving compliance provisions in the act. Without effective compliance, fisheries resources may become depleted so that they can no longer support sustainable commercial catches or provide our recreational anglers with the opportunity to catch fish.

The bill provides for the creation of subzonal areas within quota-managed fisheries. This will allow more localised management of our important and valuable fisheries, such as abalone and rock lobster, to control the amount that can be harvested from the subzone. The Department of Natural Resources and Environment will work with industry to determine the best mechanism to allocate quota within the subzone to licence-holders.

For our priority fish species, which currently include abalone and rock lobster, there will be a requirement for all traders in those species to obtain and keep receipts of those species purchased for sale. This is not to impose any undue burden on traders, as businesses are already required to keep receipts for taxation purposes. However, providing the ability for those receipts to be produced when requested will facilitate tracing the source of those fish and determining whether or not they have been harvested legally. Establishment of this paper trail is an essential tool to combat the illegal trade in valuable fish resources and protect our fisheries.

The recent successful introduction of quota management in the rock lobster fishery allows permanent transfer of quota between licensed fishers. Individual fishers may thereby adjust the amount of fish they may take annually within the total allowable catch for the fishery. Currently under the act, rock lobster licensees for this fishery pay an annual levy at a single flat rate plus an amount per pot. The bill provides for the levy to be calculated based on the amount of quota held, giving a more equitable result.

The bill is presented to Parliament following consultation with affected stakeholder groups. There has been support from many groups for the proposed amendments and this bill will continue the development of ensuring sustainable cooperative management of our fisheries into the future.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 2 May.

HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL

Second reading

Debate resumed from 21 March; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — As the plurals in its title indicate, the bill is a bit of a grab bag of changes to various acts governing health practitioners. However, some of them are quite important, principally those changes that affect the Medical Practice Act 1994.

Mr Leighton interjected.

Mr DOYLE — Of course no less important, but the major policy shift that I will discuss in some detail occurs in the Medical Practice Act.

Among the changes made to the Medical Practice Act are those to the registration provisions, particularly in clauses 6 to 8. Clause 6 is an interesting provision. It comes about because once the board deregisters a practitioner it then, of course, has no further power over that practitioner because they are no longer registered, which is a kind of circular logic. But it was never intended, nor was it in Parliament's mind and certainly not in the community's mind, that there would be any 5-minute right of reapplication for registration.

In some vexatious cases it has become apparent that people who are deregistered immediately return through the revolving door to apply for registration. Obviously that is not desirable, so this clause is sensible. It gives the board the power to apply a period of time within which that deregistered practitioner cannot apply for reregistration.

Clause 7, particularly clause 7(b), is a sensible provision for those practitioners who wish to keep their registration but not practise. Clause 8 seems to be reasonable in that it gives the board the power to fairly inquire about information before any renewal of registration which is neither specific nor provisional. We certainly have no difficulties with any of those provisions.

Clause 11 is particularly interesting. I will not debate it at length, because the house has dealt with the issue

previously. It supposes a notification of a practitioner who is a serious risk to the health and safety of the public.

There are always two competing interests when we consider how to deal with such a notification or complaint. One argument says that any practitioner is innocent until they are proven guilty of any allegation and that therefore there should be a formal hearing into the circumstances that have been notified, followed by a board determination, followed by action involving that practitioner. The second argument says that sometimes the risk to the public is so serious that the suspension of the practitioner should be immediate and that the investigation and determination should follow the suspension.

Whether you accept the first or second argument depends on whether you place primacy on the individual's rights or on the community's rights. This bill, in line with, for instance, some of the other health practitioner acts, places its emphasis on the second of those arguments — that is, that when the risk to the community is so serious, the individual's right should be overridden. The opposition certainly accepts that that is the case. I am sure that in the future the board will be most punctilious in that the application of this provision is only for very serious matters where public health and safety is compromised, and that cannot be risked.

Clause 14 is something of a companion clause to the one I have just discussed. It relates to formal hearing procedures and determinations made by the panel constituting the hearing. That clause is sensible. Clauses 11 and 14, which substitute proposed new sections 27 and 28, and 33 and 34 respectively, clear up and clarify the powers found in existing sections 27 and 28, and 33 to 36. They too are eminently sensible.

Clause 23 is interesting in that it allows a preliminary conference before a formal hearing and gives the board the power to require the attendance of the practitioner or the medical student at the preliminary conference. That seems to me to be a sensible provision. If serious issues are in dispute they can be identified and clarified, and some guidance can be given about the conduct of the matter. That seems to add considerably to the board's ability to conduct its affairs.

Clause 30 is a substantial and important provision. It mirrors and extends amendments which were made to the act in, I think, 2000 and which were first promulgated in, from memory, section 65 of the Dental Practice Act.

The clause prohibits an employer from directing unprofessional conduct. It provides very heavy penalties for either an individual or a body corporate employer to so inappropriately direct an employee medical practitioner. I have some concerns about the extended concepts of employment and of carrying on business, especially those contained in proposed section 63H, which is headed 'Meaning of management role substantial interest'. I particularly refer to proposed section 63H(1)(b), which refers to the 10 per cent ruling. The opposition has always supported the idea of protecting the public by making sure that clinicians cannot be coerced into unsafe or inappropriate professional conduct.

Other provisions in the proposed sections inserted by clause 30 prevent convicted offenders from continuing to carry on a business or prevent businesses which have been prohibited from operating. Nobody could take exception to those sorts of provisions. But it seems unusual to say — and this is an argument which is not explained in the second-reading speech — that somebody who has a 10 per cent entitlement to the issued share capital, in the case of a body corporate, or somebody who is a beneficiary in respect of more than 10 per cent of the value of the interests of a trust is to be pursued in the case where unprofessional conduct has been directed. That seems to be drawing a rather long bow.

I ask that this matter be addressed in the response from the government, either here or in the other place. How is it proposed that that particular provision will be used? Why would a passive minority shareholder with no operational or governance capacity need to be pursued? Why is the 10 per cent line drawn in these particular sections?

The opposition does not intend to oppose that particular clause, but I ask the government to explain the reasoning behind it, given that the second-reading speech contains no explanation. The opposition will be watching the use of this provision very closely. I would expect, for instance, to see in the respective boards' annual reports a full explanation of the invoking and results of any action taken under any of the sections proposed to be inserted by clause 30, and particularly by proposed section 63H(1)(b). Its logic does not immediately leap out of the black-letter law of the amending act.

Just to conclude that point, it seems eminently reasonable that when the act talks about a director, a secretary or an executive officer, because those people do have operational and governance responsibilities they should be pursued if a professional has been

directed to behave unprofessionally. But a passive 10 per cent investor? I do not understand why that provision is there.

I must say that the negative licensing regime which is proposed by the bill is something of which the opposition is generally supportive. It seems sensible, and it is something that was begun under the previous government in the Dental Practice Act. However, I want to make one or two points about that as we move towards an increasingly rigorous negative licensing regime, which this bill takes a step further. It is worth remembering that the basic protection of the public is the professionalism of the clinician. It is incumbent upon a doctor, nurse or any other registered health professional to behave appropriately and not to engage in unprofessional conduct. That is the first line of defence of the patient and the public.

I am not one who believes in the stereotype of the young, vulnerable and inexperienced practitioner being coerced by the predatory and criminally determined evil private sector employer. This sentiment may not be shared by some members of this house, but I would like to put on record that I do not believe in that stereotype and I do believe in the professionalism of our clinicians. However, I acknowledge that there is a role for this negative licensing regime and that it does not detract from the first responsibility of the clinician to behave in a proper and professional manner, which of course they overwhelmingly do.

Another area I wish to touch on is clause 31. If I could range across the others, this is where the bill amends five different pieces of legislation. It is clause 31 which affects medical practitioners, but clause 38 is for nurses, clause 43 for Chinese medical practitioners, clause 45 for dental practitioners and clause 46 for psychologists. This is an alteration to the advertising provisions. It seems odd to me and I do not understand why those five boards have been identified in this piece of legislation. Why not, for instance, chiropractors or osteopaths? Why not pharmacists? — although the large rewrite of that act is yet to come before Parliament. There is no explanation as to why the bill covers only those five and not the full range of health practitioners. That is an interesting decision by the government.

The minister's second-reading speech states:

> This bill makes minor amendments to the powers of five registration boards to regulate false and misleading advertising by registrants. The effect of these amendments is to require ministerial approval of advertising guidelines prepared by the registration boards prior to publication of such guidelines in the *Government Gazette*.

Although that explains what the bill does, I think the house needs an explanation of why it wishes to do that. Is it to regulate the board's powers? What this does for the first time is insert the minister into the process. Up until now it has been the board that has decided on advertising guidelines. Even though this bill affects advertising and not any other area of the board's powers, I would always be mindful in these health practitioner acts that when you put in a provision which allows the minister to override the board, this is a dangerous precedent. If it can be done in this area — and again, I am not a thin-end-of-the-wedge-argument type of person — why not in others? The board has a whole range of responsibilities where it would not be appropriate for the minister to have overriding power.

Is it because the minister does not trust the board to get it right? If not, why give the minister an overriding power to approve the board's guidelines for advertising? As I said, it explains what the clause does in the second-reading speech, but not why. The argument may well be that it is to comply with national competition policy. If that is the case, the minister's role will be to ensure that advertising is not archaically restrictive or designed to enshrine or protect vested interests in the professions — in other words, the ministerial role would be to make sure the guidelines are broadened, not narrowed. It may well be that that is the case, but again I do not see why the minister has to do that.

Something that is more serious and needs consideration is that often the private sector advertises for the same staff that the public sector requires, and the opposition requires an assurance of the equity of the application of the rules governing advertising.

What has prompted this change? In my experience there has never been a health practitioner board that has come to the government and said, 'Please take power away from us'. It may have been the case since 1999, but it certainly was not the case before, so why has this power been taken away from the autonomous control of the board? The board may have come and asked for it, but I cannot believe that was the case. It is therefore a political decision, and I mean that in its neutral sense, and the house deserves an explanation as to why this has to happen. If the explanation does not come here, then certainly the opposition would ask for it in some detail in the other place. The guidelines were considerably amended in 2000, so what has changed in the meantime to bring about an even greater set of changes?

The major impact of the bill is on medical practitioners and is a major policy departure. The bill introduces

what is known in the profession as a performance assessment pathway. It is argued that the current mechanism, which is disciplinary action for unprofessional conduct, is not sufficient to deal with cases of poor clinical performance. It distinguishes between conduct on the one hand and performance on the other. It proposes a proactive, or rather a slightly less reactive, method of dealing with poor clinical performance. It is done interstate and overseas, but it has never been done in Victoria, and while the opposition is prepared to support the move, again some clarification needs to be made. I know the Victorian branch of the Australian Medical Association is pursuing a number of issues to make sure that it is done fairly. Those issues must be resolved before performance pathways are introduced. The second-reading speech makes it clear that that is the intention.

Some things do need to be clarified before such a step is taken. Firstly, all parties, particularly the profession, need to be assured that the mechanism and the board process itself is objective, fair, confidential and able to be reviewed.

Secondly, we need to make sure that there is some way that health practitioners are not burdened with either vexatious or frivolous complaints. That is a difficult matter. Every complaint must be taken seriously. Not everyone has the eloquence which is sometimes desirable in framing a notification. At the same time there are also vexatious and frivolous complainants. It is highly problematic to try to define what poor practice is. Defining poor practice is a difficult path to take and has been resisted by practitioners themselves in many of the health professions. If there is to be a performance assessment pathway, it will be difficult to agree on what poor performance is.

Thirdly, it is important that there be appropriate support for doctors who are subject to assessment. It is fairly uncharted territory, not a path that doctors have gone down before. There needs to be appropriate support for them on everything from the professional and psychological through to the legal aspects, if that is required.

Fourthly, one of the areas that will be difficult to work out but also critical to the success of a performance pathway is the role of the specialist colleges, which after all have in the past been assumed to carry the burden of determining what professional performance is and should be, and what optimal performance is. What is the role of the specialist colleges? How will they work, together with the other assessment bodies?

Ms Asher interjected.

Mr DOYLE — At some other stage I will be delighted to take up the helpful interjection of my colleague and friend, but perhaps not right now.

Indemnity arrangements need to be put in place. The peer assessors, for instance, who will take a central part in the assessment process, and the colleges themselves, may well need some provision for indemnity.

Finally, and perhaps most importantly, the appeal processes have to be worked out very carefully.

While the opposition supports the path the government has chosen, it is obvious that much wider and further consultation, particularly with the profession, will be necessary. I am sure that with goodwill on both sides a resolution can be found.

I note that the second-reading speech states:

> It is intended that these processes be cooperative and educational rather than adversarial. To achieve this important objective, it is expected that the Medical Practitioners Board will consult with a range of medical bodies including the AMA and the specialist medical colleges as it establishes its performance assessment and review processes.

That is particularly important. This must not become an adversarial system. After all, the question is of competence and performance not conduct. This must not become a mechanism, however inadvertently, which creates an underclass of underperformers in the medical profession. It is something to be guarded against at all costs.

One of the reasons the opposition is prepared to support the bill is that it knows that there are grave concerns about some areas from both the public and the professions themselves. One does not have to think too hard to bring to mind areas like cosmetic surgery, some areas of ophthalmology, some areas of endoscopic surgery — and from the reports of the board and public reports I can think of concerns about endoscopic gynaecological procedures particularly. These areas are difficult, but public protection is at the heart of the amendment, and that is why the opposition is prepared to support it.

It is not often that a second-reading speech makes me laugh, but the following line in the speech read by the Minister for Health — with a straight face — gave me some amusement:

> Nurses agents provide a valuable service to our health system —

given that currently the government is trying to destroy the business of nursing agencies.

An honourable member interjected.

Mr DOYLE — That was said by the Minister for Health in serious mode and with a straight face.

However, aside from my levity I indicate that it is regrettable the Minister for Health refuses to meet with the agents peak body, the Recruitment and Consulting Services Association, despite, as its chief executive officer writes to us, several attempts by the body to secure a meeting with him.

On another serious note, a second-reading speech is, after all, carefully drafted, prepared and reviewed by the minister as a formal expression of his or her mind in Parliament. Therefore it is concerning to look at the language of the negative licensing explanation. The way sentiment is couched in the second-reading speech is fairly instructive. Think about the language it uses in describing the negative licensing regime for doctors, which I will read en passant:

> Many stakeholders have highlighted the potential for corporate owners of medical practices to adversely influence the professional behaviour of medical practitioners.

Further it states:

> However, the government is concerned that increasingly, commercial interests may be placed above those of patients.
>
> There is the potential for corporatised medical practices to unduly influence a medical practitioner's referral patterns, set unacceptable consultation targets or adversely influence clinical decision making in relation to ordering of diagnostic tests or prescribing of drugs. Potential for overservicing is not the only concern. There is potential for underservicing to have damaging effects on patient health.

The obvious conclusion is that as the word 'potential' is used four times in a couple of paragraphs it is a very gentle approach to the problem as seen in the medical profession.

However, when it comes to nurses, particularly nursing agents, the minister uses completely different language. He says:

> There are, however, concerns about nurses agents who may direct or incite nurses they supply to health services to act unprofessionally.

Mr Leighton — That is right.

Mr DOYLE — I simply ask, in the immortal words of Maggie Thatcher, 'What are those concerns?'.

Honourable members interjecting.

Mr DOYLE — As she also said, 'Who are those people?'.

The next line is even more wonderful. It says:

> This regulatory scheme is designed to target only those nurses agents who are found to inappropriately influence or undermine the professional practice of nurses.

Yes, what would be the alternative to that? Who else would you target? Maybe I am being overly cynical.

Ms Asher — I do not think so.

Mr DOYLE — I do not think so either. One of the reasons for my cynicism is that a nurses agent — and this is one of the speech's misapprehensions — really only locates suitable work for nurses; it does not direct or control nurses in their practice. My point is based on only a quick reading of the speech's wording, but if there is hard evidence on enunciated cases, what are they, as opposed to the mere potential for harm that is noted elsewhere?

Of course it is appropriate that an agency or an employer determine that a nurse is registered and appropriately qualified to work in a particular area or field. It is also incumbent on the hospital to ensure that that is determined. But the interesting part is that while the negative licensing regime is deliberately enshrined in the legislation, one particular part of the bill — that is, proposed section 63A(3) — on page 34 says quite sensibly:

> This section does not apply in respect of the employment of a medical practitioner by a community health centre, a denominational hospital, a health service establishment, a multi purpose service, a privately operated hospital or a public hospital within the meaning of the Health Services Act 1988.

Of course that provision is mirrored for nurses. But evidence that has recently come to light in the public domain is that this offence may be exactly what hospitals are currently doing.

Last month two nurses from Monash Medical Centre — not prompted by the opposition or anyone else — were in the media. One is an intensive care nurse who had been directed to work in accident and emergency (A and E) and was most unhappy about it. The other is an accident and emergency nurse who came out publicly commenting on intensive care nurses working in accident and emergency.

Now intensive care nurses are great nurses, highly trained and highly specialist. But intensive care and A and E are different. Are our hospitals directing nurses to work in areas in which they are not qualified to work? Their qualification may say division 1, but it would not

be appropriate for intensive care nurses to work in A and E.

While the act makes it explicit that employers of doctors or nurses will be pursued with substantial penalties, at the same time there is objective anecdotal evidence in the public arena that that is exactly what public hospitals are doing right now. Why is the government not pursuing, for instance, that sort of behaviour? If it is serious about this, let's play the goose and gander game. If it is wrong in the private sector for nurses to be directed to work in areas for which they are not qualified and in which they are professionally uncomfortable then it is also wrong in the public sector. That was the recent direct evidence from the Monash Medical Centre. I argue that that needs to be pursued.

In conclusion I indicate that the opposition supports the thrust of the legislation. It seems to me that at some stage we will see an omnibus bill to bring all the health practitioners acts into line, and that would be appropriate.

Ms Asher interjected.

Mr DOYLE — An omnibus bill requires a considerable amount of forethought, planning and work, and a bit of consideration about what you will do and why and how you will go about doing it, so I may not expect it in the near future.

During the course of my brief contribution I have raised some queries which require an explanation, because they are not clearly explained. It is incumbent on the government in this place and certainly in the other to provide answers to the following: the 10 per cent rule in clause 30, the equity and fairness guarantee, but the application of clause 30 more generally; the advertising provisions and the rationale for the minister to be imposed into that system; and most importantly, a satisfactory resolution of the performance assessment pathway and how it will be rolled out. Although the opposition gives its support to the bill, it is important that the government provide answers either during the course of the debate in this place or in some detail in the other.

I do not often get a chance to do this, but because the bill deals with the Medical Practice Act and the Nurses Act I want to say thank you to those people who have served on both boards, particularly those who have left since 1999. I hope it is still the practice that when people have given considerable time and expertise to serve on boards — and they are not easy — the minister takes the trouble to write to thank them personally at the conclusion of their service.

Mr Delahunty interjected.

Mr DOYLE — Regrettably I know of some cases of people having left hospital boards after sometimes a considerable period of public service and not having had that small but important recognition of their service.

Ms Asher — Is he lazy, or rude?

Mr DOYLE — I am not sure which it is, but I think it is one of the small things that should be done. In fact, many people treasure the fact that they have given that service. They have asked for nothing, and a small thankyou at the end is not too much.

I hope it is the case that when members of boards such as the nurses and medical boards retire or otherwise leave their service the minister writes to them personally, thanking them specifically for their contributions.

So particularly to the staff of the Nurses Board of Victoria I say a thankyou to Ms Dianne Campbell, Mrs Julie Garreffa, Professor Geofrey George, Mr Jack Harty, Mrs Agnes McArthur, Mr Kim Morland, Ms Margaret O'Connor, Mrs Therese Sampson and Professor Lerma Ung. All those people have served on the nurses board but have left since 1999. I know many of those people personally, and in my experience they have all served the profession of nursing extremely well in a difficult job.

From the Medical Practitioners Board of Victoria I similarly thank Mr John Stewart — who regrettably is now deceased — Ms Rae Anstee, Dr Kay Leeton, Professor Bob Porter, Dr Leanna Darvall, one of the great icons of great medicine, Dr Bernie Clarke, and in particular Mr Kerry Breen, who served as chairman of the medical practice board. Those of us who know Kerry Breen know Victoria could not have had a wiser or more scrupulous chairman.

We were greatly privileged to have Kerry Breen chair that board for as long as he did. I place on the public record my thanks to him for the outstanding work he did, not just in the day-to-day business of the board but in the thought he put into defining the board's role in the profession and in applying to his task some qualities that are often missing, I regret to say, in this place — great wisdom and great expertise, with enormous compassion and commonsense.

I thank Kerry Breen, and I also thank those members of the Medical Practitioners Board of Victoria and the Nurses Board of Victoria for the sterling service they have offered the state. I commend the bill to the house.

Mr DELAHUNTY (Wimmera) — I rise with a great deal of pleasure to speak on behalf of the National Party on this important bill, the Health Practitioner Acts (Further Amendments) Bill. In formulating its position on the bill the National Party was pleased to be briefed by the following departmental staff: Judith, Anne-Louise, Maxine, Dianne, Stuart and Jenny. I am not easily intimidated, but I must say that when a member of my staff and I got to the briefing I was a bit alarmed when six staff from the minister's office turned up. Thankfully there was only one male — if five males and one female had turned up they could have taken me apart! But they were genuine in their responses to the questions we had about this bill.

The bill has a number of purposes. One is to impose a negative licensing scheme, along with relevant offences, to regulate the professional performance of the owners of corporate medical practices who direct or incite medical practitioners to engage in unprofessional conduct. It proposes a similar scheme for the regulation of nurses agents under the Nurses Act 1993.

In reading through the bill and the second-reading speech as well as the minister's press release, I was disappointed to note that this government seems to believe that anything to do with the private sector is wrong. I get the impression right through — —

Ms Asher — Except for donations to the Labor Party.

Mr DELAHUNTY — It depends how it goes through and what system it goes through!

We are using the private sector more and more in a lot of other sectors of our community. It is important that that happens, because we will not be able to afford the services and schemes that will be required by the public. I agree, though, that we also need to ensure that we have the legislative framework in place to protect consumers — in this case, the patients.

As we also know, another purpose of the bill is to ensure that the provisions around advertising guidelines in the various health practitioner registration acts satisfy national competition policy obligations. That has come about because all government departments — this has been going on for the past couple of years — have had to review their guidelines in relation to competition policy.

We also know that another purpose of the bill is to exempt news media from the duty to comply with health privacy principle 9 of the Health Records Act, which will ensure that national publications can publish the same information outside Victoria as can be published within this state.

The National Party consulted with many organisations, including the Australian Nursing Federation, the Nurses Board of Victoria, the Medical Practitioners Board of Victoria, the Victorian Hospitals Association, the Royal Australian College of General Practitioners, the Victorian Healthcare Association and many other health groups across Victoria. Unfortunately we did not get a lot of responses, but I do note that the Wimmera Health Care Group and the Western District Health Service responded. Also the Medical Practitioners Board — and I shall come back to that later — was very obliging in giving us its views on this matter.

The National Party will not be opposing the legislation as it goes through Parliament.

As we know the bill has come about following a discussion paper entitled 'The regulation of medical practitioners and nurses in Victoria', which was released by the Department of Human Services in August 2001. As a result of that review the Victorian Parliament passed the Health Practitioner Acts (Amendment) Act of 2000, which amended the Medical Practice Act 1994, and also the Nurses (Amendment) Act 2000, which amended the Nurses Act 1993.

During the passage of these legislative amendments through Parliament the minister gave an undertaking to the key stakeholders that there would need to be further policy work to address the issues that were identified during the discussion paper review. Some of those issues which were identified included the regulation of corporate medical practices and strengthening the Medical Practitioners Board's powers to regulate poorly performing doctors and Nurses Board's powers regarding the regulation of nursing agents.

As I said, this bill introduces a negative licensing scheme. When I reported to my party one question asked was, 'Where do we get this negative licensing scheme from?'. It is a bit like this government. It has been in power for two under half years, but the way it reacts during question time and some adjournment debates shows that it is still running a negative campaign, as though it were in opposition.

Mr Wilson — They might be designed for opposition.

Mr DELAHUNTY — It could be designed as an opposition party. The Labor negative natural party of opposition — that might be right!

As the second-reading speech says, this is a negative licensing scheme for the regulation of the corporate owners of medical practices who attempt to unduly influence the professional behaviour of their employee doctors or medical practitioners. So the bill will establish an offence for employers who direct or incite registered medical practitioners to engage in unprofessional conduct.

During the briefing I asked questions about the definition of 'unprofessional conduct'. When I look at the bill I note that clause 5 inserts new definitions into the principal act in relation to 'notifier', 'professional performance' and 'unsatisfactory professional performance' and provides for two new grounds to be included within the definition of 'unprofessional conduct' — that is, 'a breach of particular agreement between the medical practitioners and the Medical Practitioners Board' and 'unsatisfactory professional performance'. So I thought I would look at the definition of 'unprofessional conduct'. It is not in the bill, but the bill does contain a definition of 'unsatisfactory professional performance':

> 'unsatisfactory professional performance' of a registered medical practitioner means a professional performance which is of a lesser standard than that which the medical practitioner's peers might reasonably expect of a medical practitioner.

I went back to the principal act to look up 'unprofessional performance' and discovered it was not there, so I am not sure that we are getting down to the nitty-gritty of a definition of unprofessional conduct. I put it on the table for the departmental officers who are listening to this and also for the minister. We know that the proposed amendments will also extend the definition of 'employer' for the purposes of these offences to include directors, secretary or executive officer as defined in the Corporations Law.

The bill goes on with many other proposed amendments. It also empowers the Medical Practitioners Board to regulate poorly performing medical practitioners through the scheme, enabling the board to conduct performance assessments, or reviews which are of a more serious nature, then action can be taken in response to written notification or through the board's own motions and powers if necessary. I ask who could raise a concern with the Medical Practitioners Board? Would it have to be their peers or others? I am informed that anyone can write in to the board regarding the professional performance of a medical practitioner, and I think that is appropriate.

Additional amendments to the act are proposed to provide the board with greater flexibility and administrative efficiency — in other words, to vary the time and conditions imposed on the registration of impaired practitioners. In the briefing from the department we were informed that the Medical Practitioners Board could put conditions but under the current act it was unable to vary those conditions, even after 12 months, 2 years or anything like that, so this commonsense legislation is needed to amend the act to enable the board to have that greater flexibility to administer their responsibilities.

The health privacy principle 9 of the act, commonly known as HPP9, regulates the transfer of health information outside Victoria. This creates an anomaly between the distribution and broadcasting of health information inside and outside Victoria. The bill rectifies the anomaly by not distinguishing between publications made within or outside the state. This is commonsense stuff because the *Australian* newspaper is read right throughout Australia and this legislation will now add to comment on matters within the health practitioner acts and the like.

One of our biggest concerns is the new arrangements for regulation of corporate owners who, it is said by the minister, could direct or incite their registered medical practitioner employees to act unprofessionally. My understanding of this provision in the bill — and it is in the second-reading speech — is that it will exempt not-for-profit organisations such as community health centres, health care agencies and public hospitals. I have spoken to departmental officers who said that it is covered under another act, but I have talked with many other people who do not believe it is. In the second-reading speech it is argued that there is potential for profit-motivated private practices to influence clinical decision making — in other words, such things as a medical practitioner's referral patterns, unacceptable consultation targets, et cetera.

The same argument is also levelled in the second-reading speech at the nurses agent scheme. The government argues that the private hospitals are driven by different motives — in other words, for profit. I think all hospitals, whether they are private or public, whether they are community health centres or health care agencies, are all under budgetary constraints, though it might not be for the sake of profit. Right across country Victoria many hospitals are going into big deficits because of the changes implemented by this government. It will be very interesting to read the

responses from the Auditor-General and the like on these things because there is major concern that they are going into deficit.

In some cases concern has been raised by the community that they will have to use some of the reserves which were put in there by donations from the community. It is unfortunate that this government takes this line of trying to bash up any organisation that is a private company. There are budgetary pressures on all hospitals and health services whether public or privately owned, and we are all well aware of the pressure put on chief executives or secretaries or administrators of hospitals to look after their bottom line by ensuring that doctors are doing the right things in hospitals. That is not covered in this legislation and after talking with others the National Party does not believe it is covered in any other legislation. I shall be interested to hear the response from the government to that.

To go back to the bill, I have covered clause 5 in relation to definitions and I will not go over that again. Clause 8 substitutes section 13(1A) of the principal act which relates to an applicant for renewal of registration supplying information to the Medical Practitioners Board that will enable the board to seek information on the main areas of medicine in which the applicant has been practising during the registration period, or continuing any medical education undertaken, whether or not the applicant intends to practise medicine in the period for which the registration is to be renewed and, if so, the main areas of medicine in which the applicant intends to practise. It will also be required under this legislation to provide a postal address for contact purposes. In speaking to the department in the briefing I was informed that some medical practitioners are hard to contact because they often go through a company name, and the National Party supports this commonsense legislation that practitioners be required to provide a postal address so that they can be contacted.

Clause 9 substitutes division 1 of part 3 of the act concerning notifications and the commencement of investigations. It is appropriate that if an investigation has taken place adequate notification be given to health practitioners so they are informed and aware of what is going on and can participate. Hopefully they will participate in a cooperative way.

Under clause 9 there will be a new section 22 which inserts provisions for the person to make a notification to the Medical Practitioners Board about particular matters relating to the medical practitioner's ability to practise or a medical practitioner's professional performance or conduct.

There were a couple of categories where the board could review this, under disciplinary areas or health — in other words, the impairment of a medical practitioner — but under this legislation it will also cover the area of performance — that is, the knowledge or skill of the medical practitioner.

Clause 11 repeals section 28 and inserts new sections 27 and 28. New section 27 provides that the Medical Practitioners Board may suspend the registration of a medical practitioner or medical student at any time where in the opinion of the board there is a serious risk to the health and safety of the public and that this will be endangered. Such a suspension remains in place until an investigation or hearing is completed, unless the suspension is otherwise revoked.

Clause 30 inserts new sections 63A to 63K dealing with directing or inciting unprofessional conduct, which I have dealt with earlier in my comments. New section 63A creates an offence for an employer or a medical practitioner, whether that be a natural person or a body corporate, to direct or incite unprofessional conduct. New section 63D provides that a secretary is entitled to presume, in the absence of proof to the contrary, that a person convicted twice in a 10-year period under section 63A is not a fit and proper person to operate a medical services business. I think we would all support that. New section 63E creates an offence of operating a business while prohibited from doing so following conviction under this act. We in the National Party also strongly support that.

When the bill came into the Parliament I was interested to read the media release by the Minister for Health, dated Friday, 22 March, under the heading 'Crackdown on corporate health'. Again, because it is privately owned, it is a whack, whack situation. We do not see the same thing happening on a consistent basis across all sectors of the health service. If there is a problem it should be addressed, whether it is a private or public facility. This media release starts off by saying:

> Corporate medical companies and nursing agencies face fines of up to $80 000 if they order or incite doctors or nurses to act unprofessionally by putting commercial interests ahead of patients, health minister John Thwaites said today.

It is also important to have this on the record: the media release states that the liability for inciting unprofessional conduct — and I would have to agree there needs to be some method of controlling this — will be fines of up $40 000 for the first offence and $80 000 for repeat offences. In some ways, if it was bad

enough, that would not be sufficient, but in other ways it is probably overdone. It also goes on to say that individuals could face a maximum fine of $20 000 for the first offence and up to $40 000 for repeat offences. The media release further states:

> This includes knowingly providing nurses who they knew did not have suitable qualifications to work in specialist areas …

I heard the shadow Minister for Health making a comment about the nurses agents and the way this government has dealt with them. I agree that the government had to do something, particularly in country areas, about the problems with the costs of nurses agents. I know of a couple of hospitals in my area that were — —

An honourable member interjected.

Mr DELAHUNTY — We did not have a skirmish or a world war.

Mr Hamilton — I thought you would have known them all.

Mr DELAHUNTY — I do. I know all the — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Wimmera should ignore interjections. The honourable member for Wimmera, continuing his contribution without expert comments.

Mr DELAHUNTY — It could not be said that honourable members in this chamber were giving me expert advice! But it was interesting that when the minister did stop the use of agency nurses hospitals in my area were very concerned because one in Warracknabeal was bringing agency nurses from Bendigo and also from Warrnambool, and the costs were horrendous. There was a great deal of concern within the West Wimmera Health Service based in Nhill that if it was not able to use agency nurses and not able to find nurses in the area it would have to cut services.

I know that this was happening right across country Victoria. I wrote to many of these hospitals and was fortunate to get a very good response back from country hospitals. Overall there was not too much impact on it. I am pleased to say that because of the representations I made to the minister I think commonsense prevailed and if hospitals and health services were not able to find nurses they were still able to continue using agency nurses in the interim. I am pleased to say the government did show some commonsense in that regard and allowed it to happen. The media release headed ‘Crackdown on corporate health’ had some interesting comments.

As part of the consultation leading up to the debate on the medical practitioners aspects of this bill, we met with the Medical Practitioners Board of Victoria. I was pleased to meet with Dr Joanna Flynn, the president of the board, and Ms Janet Atkinson, the solicitor to the board. The Medical Practitioners Board is a statutory authority established to protect the community by ensuring that doctors’ professional standards are maintained. The board works to protect the community — and that is important — by registering doctors qualified to practise medicine in Victoria. It also investigates complaints or allegations of improper or unprofessional conduct by doctors and manages the health of doctors who are ill and therefore unfit to practise. It also develops guidelines for the profession and the community, so it has a big role to play within the health services of Victoria.

As I said, we met with the president of the board, Dr Joanna Flynn. She made the comment that for four years the board has been looking for an improved pathway to deal with poorly performing health practitioners. She informed us that there are approximately 18 000 registered medical practitioners in Victoria, and of those there are approximately 120 on the Victorian doctors health program. It is good to see that it is dealing with some of those doctors, whether it be for health reasons or whatever, to get them back to the appropriate standard to be able to look after patients.

Before this legislation was introduced into the house, the matters referred to the board were either health related — in other words, for impairment — or disciplinary reasons, but the bill will introduce performance-related pathways which will address these issues. These could come about because of repeated complaints. They could also come about because of the coroner’s referrals and therefore this would lead to a pathway through performance assessment and then agreement on a pathway to getting back into the profession.

I am informed that this bill is modelled a little on the New South Wales legislation. In research we have found that approximately 15 performance assessments have been done in the last 18 months in New South Wales. That is not a big number, but it is important that we have the process there.

All registered medical practitioners are accountable to the board, and those not registered — in other words, those in management or administration — are not

covered by the Medical Practitioners Board's jurisdiction. We spoke to the Medical Practitioners Board people about concerns we have where the public hospital systems are also under pressure and where a practitioner could be pressured by management or the administration to behave in what we called an unprofessional manner to satisfy targets — in other words, the budget bottom line. It was quickly pointed out to us by the president that that was not in the board's jurisdiction, but it was also concerned that this could happen.

In researching the bill, I also was fortunate enough to get hold of the spring 2001 bulletin put out by the Medical Practitioners Board, which was very interesting to read. I notice that the shadow Minister for Health spoke about the replacement of the board. I know the board was changed in June 2001, with three new members replacing Dr Kerry Breen, Dr Bernard Clarke and Ms Rae Anstee. The shadow minister praised Dr Breen highly. I did not know her personally, but again many people I spoke with commented on her high ability. I pass on the National Party's support to Dr Kerry Green and also to Dr Clarke and Ms Anstee. Dr Bob Adler and Mr Warren Johnson were reappointed to the board for the current term.

The new appointees to the board include Dr Geoffrey Kerr, who is a consultant cardiologist practising in Melbourne's eastern suburbs. He has been a consultant physician and cardiologist at Box Hill Hospital since 1976 and is also a visiting medical officer at the Echuca regional hospital — and the honourable member for Rodney will be pleased to know that! He has been a member of the Workcare medical panels (cardiology) since 1990, so he has good experience. We wish him all the best in this very important role on the Medical Practitioners Board.

Another new member is Ms Loraine Shatin. She is a new community member and brings, as it says in the bulletin:

> A wealth of experience in social work to the board. Recently retired from her position as a dispute resolution adviser to the Family Court of Australia, Ms Shatin will draw on extensive experience as a social worker both within and beyond the health sector.
>
> Her social work experience spans the public hospital sector and psychiatric services, working with both children and in geriatric health …

She has also been:

> … involved with the Family Court since 1985 …

The other new board member is Dr Bernadette White, who is a graduate of Melbourne University. Her postgraduate training was at the Mercy Hospital for Women. My mother trained and worked at the Mercy Hospital, so they must be — —

Mr Wilson interjected.

Mr DELAHUNTY — Both your children! It must be a good hospital. My mother trained there, and she talks very highly of the Mercy. As I said, Dr White did her postgraduate training at the Mercy Hospital for Women and also in the United Kingdom. She is currently practising in obstetrics and gynaecology both at the Mercy Hospital for Women and in private practice in East Melbourne. Dr White is also chairman of the Victorian Regional Committee of the Royal Australian and New Zealand College of Obstetrics and Gynaecology and is also involved in the college as a training supervisor.

They all seem to have good skills, and we hope those new board members will work as diligently as the former board members.

In reading the bulletin I was pleased to see a very good summary of the legislative amendments that have come into this house. As it said, the amendments come about following legislative amendments made in 2000 to the Medical Practitioners Act and the Nurses Act. There were concerns raised in the bulletin about the corporate ownership of medical practices and poorly performing medical practitioners. The board hosted consultative forums on these issues, which were fed into the department's development of the legislation following the release of the discussion paper.

Consultative workshops were held in March last year as a joint venture of the board and the Victorian advisory committee on general practice. I note that this was funded by the commonwealth Department of Health and Aged Care, so it is good to see that there is cooperation between the state and commonwealth governments and, importantly, the Medical Practitioner's Board. At the end of the day patients get very frustrated when there is buck-passing between the federal and state governments. So I was pleased to see, when I read through this report, that there is some cooperation between the two levels of government.

The bulletin states:

> Current legislation empowers the board to conduct investigations and take action against registered medical practitioners. The legislation gives the board no jurisdiction over corporations that are allowed to be owned by non-medical owners.

This was commenting on the legislation which the bill amends. The board further commented:

> The board believes that individual medical practitioners are responsible for their own professional conduct …

I strongly agree with that. The report continues:

> The board has concerns about medical records and in non-medically owned clinics, including the issues of ownership, privacy, storage of information and transmission of that information.
>
> The Health Practitioner Acts (Amendment) Act 2000 granted the board the power to regulate the standards of medical practice in the public interest …

We strongly support that. In the discussions during the consultation period the board identified about 14 key issues for their stakeholders. I will not read them all, but the outcome was:

> Participants identified a need to monitor and provide for sanctions against non-medical owners who directed registered medical practitioners to engage in unprofessional conduct …

Therefore we come to the bill before Parliament today.

It is interesting to note there was no consensus about how to best monitor and sanction the non-medical owners, so even the Medical Practitioners Board in the consultations it had was not able to fully address those matters. In fairness to other speakers I will not go through that part — —

Ms Allan — Do it!

Mr DELAHUNTY — You are keen to keep going! Members of the gallery and others would be really interested in this stuff. It is riveting! I am not a professional disc jockey like the honourable member for — —

The ACTING SPEAKER (Mr Kilgour) — Order! On the bill!

Mr DELAHUNTY — The reality is that it was an excellent summary of the bill, and I congratulate the Medical Practitioners Board on the bulletin it put out in spring 2001. I read with interest the president's message, which states:

> Last year's legislative amendments gave this board the power 'to regulate the standards of medical practitioners in the public interest' and 'to issue and publish codes for the guidance of registered medical practitioners about the standards recommended by the board relating to the practice of medicine'.

The president, Dr Joanna Flynn, stated:

> Corporatisation of medical practice and the poorly performing doctor have each been the subject of consultative forums in which the board, the AMA and other professional organisations have teased out the issues and explored whether legislative or regulatory change is required.

As we see today, we now have legislation. The government and the board have been through an interesting process and no doubt many people were involved in helping come up with the legislation.

This morning I read in the paper about a matter that is of concern particularly in country areas, and the honourable member for Bendigo East — I would have loved to have come in to the house yesterday to talk on the City Link bill — like all of us would have concerns about the condition of rural medicine, particularly the difficulty of attracting medical practitioners and professional staff. We have great difficulty in attracting doctors, nurses and other medical practitioners to country areas. To its credit the federal government has now provided criteria to assist in allowing some country students with a lower ENTER — equivalent national tertiary entrance rank — entry to some training courses, and I congratulate it on that.

On the front page of the *Australian* today, an article under the heading 'Critical condition of rural medicine' states that there is chronic shortage of rural doctors, in this case in Cairns. It is similar to country Victoria, because we have a critical shortage of rural doctors. In Warracknabeal the Rural Northwest Health Service has just lost a couple of doctors and is having difficulty in recruiting doctors. We wish them all the best.

Mr Hamilton interjected.

Mr DELAHUNTY — We do! It is an excellent place to live; and not only that, the country offers a great lifestyle. It is also a lot cheaper!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Wimmera, on the bill. The honourable member should ignore interjections.

Mr DELAHUNTY — In relation to the chronic shortage of doctors and other health professionals, the article on the front page of the *Australian* states:

> … at the moment more than 60 per cent of our medical staff would be overseas trained … Australia will face a shortage of more than 10 000 doctors within 20 years unless the number of medical students and overseas-trained doctors is boosted.

Greater cooperation is needed between the state and federal governments to make sure this happens. The article goes on:

> … an ageing population drives up the demand for GP visits by more than a million consultations a year.

Particularly in country areas, that is an enormous increase in the number of consultancies that will need

to be serviced by GPs. It was interesting to note in the article:

> About 450 graduates a year enter GP training, supplemented by 250 overseas-trained doctors.

It is necessary to improve the process of allowing overseas-trained doctors to work in Australia, and I ask the Australian Medical Association, in particular the Victorian branch, to deal with this in a sensible way. I congratulate the boards and the staff of hospitals in county areas on the work they do to attract health professionals to assist in country areas.

I return to the topic I was talking about, nurses agencies, because the bill touches on that matter. It is one of the areas the government whacked into, but I raised a concern with the minister about the issues raised with me about rural health services.

I wrote to all the country hospitals in Victoria and I got a great response. I congratulate the staff for responding to me on this matter because it gave me an overview of how many agency nurses are being used in country Victoria. I was pleased to see that overall it is a very small percentage but in some cases the policy is having a big impact. The hospital in Cohuna said it was having trouble recruiting nurses and needed agency nurses to fill the gaps. According to the hospital, closing beds will mean all sorts of problems for people living in the country and the ban effectively lessens its ability to cope with a shortage of nurses and their recruitment and retention and compromises the safety of staff and patients. I was pleased to see that the Minister for Health used commonsense in relation to agency nurses. Nurses are an important sector of our community. I agree that the agencies probably got a little bit greedy with some of their claims, but they offer an important service in the metropolitan area and country Victoria.

It is important that we adequately protect the public and there must be sufficient powers to ensure the maintenance of professional standards. The National Party believes that this bill will address both of these important issues. The bill amends five health practitioner registration acts and the Health Records Act 2001. The National Party is not opposed to the amendments to the health practitioner acts which will empower the Medical Practitioners Board of Victoria to regulate unsatisfactory performance of registered practitioners. The National Party is not opposed to the board's powers to deal with corporate owners who direct or incite registered medical practitioners or their employees to act unprofessionally. It is also not opposed to providing the board with greater flexibility to carry out its functions. As I said, the board has been advocating for this for nearly four years.

The Medical Practitioners Board has an important role to play. I am informed that interstate and overseas greater attention is being paid to linking renewal of registration with the demonstration of professional competence. I think that is important. As we get older we find it hard to retrain but lifelong learning is important to all of us. The flexibility offered in this bill is important in allowing the Medical Practitioners Board to address this issue.

The bill will also establish powers for the Medical Practitioners Board to assess or review the performance of medical practitioners whose overall level of knowledge, skill or judgment, or care and practice of medicine is below the standard their peers would expect. It is important that it is not only the standard their peers expect but that which is expected by the rest of the community. I will not mention the concerns that have been raised in some cases because I do not want to use this place to have a go at those people but there have been instances where the community has been disappointed with the standard of care offered.

Under this legislation the board will be empowered to receive notification of unsatisfactory professional performance of registered medical practitioners. The bill contains additional powers regarding notification of unprofessional conduct or ill health of a medical practitioner. If such notification is received a performance review will be undertaken by a panel of two or more persons. At least one of those persons must be a registered medical practitioner with expertise in the relevant area of practice and another must be a lay person who is not medically qualified.

Following passage of this bill the Medical Practitioners Board will be able to vary the conditions imposed on the registration of practitioners with the agreement of the practitioner. The bill will also allow the board to immediately suspend, impose conditions on the registration of or enter into an agreement with the impaired practitioner if he or she poses a serious risk to public health. These amendments empower the Medical Practitioners Board to enter into an agreement with a practitioner or impose conditions on his or her registration as an alternative to immediate suspension. That is a commonsense approach.

The bill mainly deals with corporate ownership. It will establish a scheme for the regulation of corporate owners of medical practices. As was noted in the second-reading speech, it is a form of negative licensing which will target those employers who direct or incite registered practitioners to engage in unprofessional conduct. As I have said during my presentation, we in the National Party have no objection

to that. The bill makes it an offence under the Medical Practice Act for an employer to direct or incite a registered medical practitioner to engage in unprofessional conduct.

Under this bill an employer is any person who owns, manages, controls or operates a business that employs a medical practitioner, including the director, secretary or executive officer of a body corporate. The offence has been extended to cover any person who provides a service to the business of the medical practitioner and in return receives a share or interest in the profits or income of that business providing medical services. The bill and the second-reading speech show that persons found guilty of this offence may be prohibited by the secretary of the Department of Human Services from operating a business that provides medical services.

The ACTING SPEAKER (Mr Kilgour) — Order! I advise the honourable member for Wimmera that we have already heard the second-reading speech read out in this Parliament and it is not necessary for it to be repeated by honourable members in their contributions.

Mr DELAHUNTY — I just wanted to highlight some of these matters. I will finish off by saying that the public health agencies such as public hospitals and community health centres are exempt from these provisions. As it says in the second-reading speech, they are supposed to operate on a not-for-profit basis and to provide publicly funded services, but as I said, there are enormous pressures on publicly funded services. I know of many hospitals in Victoria which are going into deficit because of some of the things implemented by this government. It will be interesting to see how the Minister for Health and the government address those issues.

This bill proposes significant reforms to the Nurses Act which are similar to those I have covered in relation to the health practitioner acts. These provisions are similar to the negative licensing scheme for the corporate medical practices, and they will also regulate the activities of nurses agents.

Can I finish off my contribution by saying — —

Ms Allan interjected.

Mr DELAHUNTY — Do you want me to keep going?

I am a little disappointed with the approach the government has taken. Health services right across Victoria are important, and we should maximise the input of not only public health facilities but also of private health facilities. We know that more and more services are being provided by the private sector, and that has been going on for many years. This legislation is mostly commonsense stuff which will protect the public. However, I caution the government in saying that it is only the private sector that is being driven by what it calls profit. There are concerns in the public sector that are equally important and should be addressed with similar legislation. With that small contribution, I will not be opposing this legislation.

Ms ALLAN (Bendigo East) — It is always a pleasure to follow the honourable member for Wimmera in debates in this place. I note his lengthy contribution; I was wondering if he was going to list the name and address of every doctor and nurse in his electorate seeing he has such wide and extensive knowledge of the health services provided in the seat of Wimmera.

I am pleased to contribute to the debate on the Health Practitioner Acts (Further Amendments) Bill. As we have already heard outlined at length, the bill contains several key purposes, which I will touch on briefly. Firstly, the bill will ensure that the Medical Practice Act 1994 provides an up-to-date and efficient framework for the regulation of medical practitioners. Secondly, the bill will regulate poorly performing practitioners and corporate owners of medical practices who direct or incite medical practitioners to engage in unprofessional conduct. I will come back to that point in a moment. Thirdly, the bill will establish additional powers to regulate nurses agents under the Nurses Act 1993. Fourthly, the bill aims to ensure that the process for issuing registration of board advertising guidelines satisfies national competition policy guidelines. Fifthly, the bill will exempt news media from the duty to comply with the health privacy principle 9 in the Health Records Act 2001.

Finally, there are two additional amendments of a housekeeping nature. The first proposes housekeeping amendments to the Medical Practice Act 1994 to increase flexibility in the conduct of the board's various administrative functions. The second is a further housekeeping amendment to the Chinese Medicine Registration Act 2000 that will allow the Chinese Medicine Registration Board of Victoria to collect registration fees on a financial year basis rather than on a calendar year basis. Clearly this bill is quite complex, particularly in relation to the extensive restructuring required in order to establish powers for the Medical Practitioners Board to regulate those poorly performing medical practitioners.

We have already heard some of the background to the bill this morning and also during the passage of the Health Practitioner Acts (Amendment) Act 2000 and the Nurses (Amendment) Act 2000. The Minister for Health gave an undertaking to key medical and nursing stakeholders that further work would be done on a range of policy issues contained in this bill. As is the government's approach in much of its work right across key areas of government, consultation and research with key stakeholders has taken place. A discussion paper was released in August 2001 entitled 'Regulation of medical practitioners and nurses in Victoria', and submissions from a number of relevant board and key stakeholders were canvassed on each of the issues in that discussion paper.

I would like to address some of the key points that were made in the contributions of the honourable members for Malvern and Wimmera. The honourable member for Malvern asked that five key areas be addressed by the government during the passage of this bill, either in this house or during its passage through the other place. The first is proposed section 63H(1)(b), which is inserted by clause 30 and which concerns the pursuit of people with a 10 per cent interest in a corporate medical practice on questions of negligence. As always when you draw a line in the sand it raises the question of whether it is the right spot for that line to be drawn.

This asks what is a significant pecuniary interest, a point which is currently the subject of some debate. For the purposes of these provisions a line has been drawn in the sand at that 10 per cent level. Certainly the practicalities and the outcome of drawing the line at 10 per cent will be considered and reviewed as the bill is implemented. We must remember that the objective of this bill is to protect the public and this section can be reviewed over time to ensure that the practical operation of the bill is meeting its purpose.

The second area the honourable member for Malvern touched on concerned advertising guidelines for the board. I note that the amendment to section 64B of the principal act does not remove the board from the process. The honourable member for Malvern was concerned that the role of the minister would take over from the role of the board. This amendment does not remove the role of the board from the process; it provides an additional layer, an additional assurance that the guidelines comply with national competition policy. To express that in a practical way the amendment does not change the requirement that the guidelines having been issued by the Governor in Council are published in the *Government Gazette*.

The third area that the honourable member for Malvern highlighted concerned nursing agents. It is important to note that there were two options for the government to consider on this matter: firstly, to target those who direct or incite unprofessional conduct in the nurses agency area, or secondly, to register all nurses agents. I guess the former was considered by the government to be more appropriate.

The honourable member for Malvern raised the issue of consultation with key nursing agency representatives. The Recruitment and Consulting Services Association made a submission to the review that led to the formulation of the policy underpinning the bill.

Fourthly, the honourable member for Malvern raised the issue of performance pathways and the Medical Practitioners Board being bogged down by vexatious or frivolous complaints. He was wondering what safeguards were in place to ensure that the board did not get bogged down. Procedural safeguards already apply to the operations of the board. It makes a judgment about whether a matter is vexatious or frivolous and deals with it appropriately.

The final matter raised by the honourable member for Malvern was one of equity between the public and private sectors. Public organisations and health services are exempt from the offence of an employer directing or inciting a registered medical practitioner to engage in unprofessional conduct on the ground that they are already subject to statutory regulation under the Health Services Act. That provision is designed to target those organisations who own, control or operate medical services that are not subject to legislation such as the Health Services Act. As I said, because public organisations and health services establishments are subject to statutory controls under the Health Services Act, it was not considered necessary to subject them to the additional offence contained in this bill.

The Health Services Act provides a statutory framework for the funding and purchasing of all health services and for the regulation of institutional health service providers in the public, private and charitable sectors. It contains a wide range of mechanisms designed to ensure that safe and appropriate health services are provided to Victorians. Should any concerns about inciting unprofessional conduct arise, the act already provides a direct means of addressing such concerns. For example, it provides for the creation of public hospitals and their governance, powers and functions. It also provides for the governance of community health centres.

Various statutory controls are included in the act to ensure the accountability of those public bodies and their use of public funds. They include the requirement to comply with the terms of health service agreements; the requirement for constitutional internal rules to be approved by the chief executive officer of the agency; the appointment of board members by the Governor in Council; in the case of public hospitals the ability to give directions under section 42; and the exercising of additional contingency powers by the minister, including, in certain circumstances, a capacity to censure an agency or appoint an administrator.

The government took the decision to use a most appropriate legislative tool to address any problems that could arise in relation to publicly funded health care agencies to prevent a continuation of inappropriate practices involving medical practitioners. Ordinarily communication between the government and the agency would resolve the problem, and the statutory power would only be resorted to when necessary.

The honourable members for Malvern and Wimmera raised the possible application of a negative licensing regime to bodies found to have incited a medical practitioner to engage in unprofessional conduct. That would be unnecessary, as appropriate changes will be made to the administration of a hospital in such a case.

Denominational hospitals are established by church organisations. Like the honourable member for Wimmera, I will not name every hospital in my electorate, but Bendigo is well serviced by a public provider at the Bendigo Healthcare Group, and the Mercy has a hospital in Bendigo, more commonly known in the community as the Mount Alvernia hospital.

Culturally those hospitals are treated as part of the public sector, and the Health Services Act allows conditions to be imposed as part of the health service agreements under which hospitals are funded. Section 42 allows the secretary to give a hospital certain directions regarding the manner in which it operates its services. It is envisaged that these mechanisms provide sufficient statutory powers to deal with any concerns that could arise.

Further on the issue of negative licensing schemes, corporate medical practices and nurses agencies are not unfairly targeting the sector but rather filling the gap in the regulatory framework by targeting groups that are not already covered by legislation such as the Health Services Act. Those services that are covered, such as public health organisations and health services establishments, are already subject to a range of statutory controls via the act. Further regulation of those sectors is not deemed necessary at this time.

I touch on the issues raised by the honourable member for Wimmera, who also queried the issue of negative licensing and where the scheme itself came from. Negative licensing is one of a range of approaches by regulation that has appeared in recent years. The approach has been condoned by the Australian Competition and Consumer Commission and the National Competition Council as an appropriately targeted and not overly restrictive form of regulation.

The honourable member for Wimmera also queried the definition of unprofessional conduct. The definition is already contained in section 3 of the Medical Practice Act, and a similar definition is also contained in other health practitioner acts. The definition of unprofessional conduct has arisen from years of experience on the part of disciplinary boards and professional bodies. The definition of unprofessional conduct appropriately addresses the expectations that the public, the state and also the medical profession itself have of medical professionals. It allows for flexibility in addressing unprofessional conduct, and it is supported by the bill.

I conclude on the honourable member for Malvern's concerns. I note the Australian Medical Association (AMA) has raised similar concerns with the government and the department.

They are among a number of issues to be addressed following the passage of this bill, when there will be further consultation with the practitioners, the professions, the colleges and the board. When such changes are made across such a wide area, consultation does not stop with the passage of a bill but must continue afterwards when the bill is implemented in a number of areas.

I will briefly touch on some key areas of the bill. The first is the regulation of owners of corporate medical practices who direct or incite unprofessional conduct. Clearly this is an issue about which many members of the community are concerned. It is interesting to note there has been great growth in health services right across Victoria. In country Victoria a number of private medical practices have been established; however, as the honourable member for Wimmera pointed out, we could always do with more doctors.

Clearly these types of practices have advantages for doctors and other health professionals. They can go about their business of being health practitioners while other people handle the business operations. In a number of areas this works well and provides a good

and strong service to members of the community. As has been indicated by honourable members, the Medical Practitioners Board has raised some concerns. Obviously not all medical practices do this, but examples have been cited — and this is where the concern has arisen — of owners exercising undue influence over a medical practitioner's referral patterns, consultation targets, ordering of diagnostics and prescriptions of pharmaceutical medicines.

Comments in the *Age* of 22 March and 25 March address the issue of profit and patient care in these types of practices. Clearly the issue has been of concern throughout both the medical community and, more broadly, the community at large. Rather than licensing all individuals who own or operate medical practices, this bill will establish a power for the Secretary of the Department of Human Services to prohibit individuals who attempt to unduly influence the professional behaviour of their employee doctors from owning or operating medical services. Clearly this is a serious step to take, and part of the reason the bill is so complex is that it goes to a number of different levels — not just the professionalism of the medical practitioners but also that of the businesses and the directors, owners and others involved in them and how they direct their staff.

The proposed amendments do a number of things. They establish an offence for employers to direct or incite registered medical practitioners to engage in unprofessional conduct; they extend the definition of 'employer' for the purposes of the offence to include all directors, secretaries or executive officers, as defined in Corporations Law; they empower the Secretary of the Department of Human Services to prohibit those found guilty of such offences from providing medical services or to attach conditions to their service provision; and finally, they establish an offence for the breach of such prohibition or conditions.

I re-emphasise the fact that the changes with this bill do not apply to all organisations that employ medical practitioners. The Bendigo Community Health Centre employs doctors and provides a wonderful service in the area. Those types of operations — private hospitals, day procedure centres and public health care agencies — are exempted because they are already subject to the statutory controls of the Health Services Act.

I again refer to the *Age* article of 22 March and the editorial of 25 March and note the support for the changes with this bill by the Victorian vice-president of the Australian Medical Association, Sam Lees. I have the pleasure of knowing and sitting with Sam on the rural and regional health advisory group. Sam is an excellent member of the group and makes a wonderful contribution. He is also a strong advocate for health services and access in country Victoria. The *Age* article of 22 March states:

> … Sam Lees, welcomed the proposed change and said there was some concern that 'corporate employers could pressure doctors to perform or function to a corporate ethic rather than following their medical ethics'.

The *Age* editorial of 25 March states:

> … the Bracks government is right to seek to prevent a potentially pernicious practice.

Clearly there has been support from the profession. Importantly that gives the community an assurance that health standards and the professionalism of medical practitioners will not be compromised in the pursuit of profit. Wide consultation has occurred on this bill with the relevant health practitioners boards of the Australian Competition and Consumer Commission, the AMA, and the Australian Nurses Federation and a number of organisations participated in the discussion paper. I commend the minister and his staff and the department for their preparation of this bill, and I commend it to the house.

Mr WILSON (Bennettswood) — I am pleased to make a contribution to the Health Practitioner Acts (Further Amendments) Bill. I also thank all my Liberal Party colleagues who have come into the chamber to hear my contribution to this important debate.

The bill has all-party support, and I presume it also has the support of the three Independents. It amends a number of acts, including the Medical Practice Act 1994, the Nurses Act 1993, the Chinese Medicine Registration Act 2000, the Dental Practice Act 1999, the Psychologists Registration Act 2000 and the Health Records Act 2001.

I notice that the bill seeks to repeal an unproclaimed act. I have the advantage of the honourable member for Pakenham being in the house; he might share my concern about the Medical Practitioners (Private Hospitals) Act of 1984. I find it fascinating that an act has gone unproclaimed for 18 years. I would have thought that somewhere along the way, someone — I am talking about the ministerial stewardship of seven, perhaps eight ministers for health from both sides of politics — would have wanted that act either proclaimed or repealed. I find that quite odd. As he is the father of the house, after my contribution I will ask the honourable member for Pakenham how that could possibly occur in our parliamentary system.

But of course the act of Parliament would have originated from a minister for health and therefore involved the health department, and nothing ever surprises me about what goes on and does not go on in the health department. I can say that from personal experience.

The most significant amendments are to the Medical Practice Act. They empower the Medical Practitioners Board of Victoria to regulate unsatisfactory professional performance of registered practitioners; establish powers to deal with corporate owners who direct or incite their registered medical practitioner employees to act unprofessionally; and provide the board with greater flexibility in carrying out its functions.

The amendments under new section 63A proposed by the bill establish an offence for a corporate owner of a medical services business — and let us remember that the private sector is an ever-expanding and important component of the Victorian health system — who directs or incites a registered medical practitioner to engage in unprofessional conduct. Businesses found guilty of contravening these provisions may be prohibited from operating a medical service business.

I note that the health services establishments as defined in the Health Services Act 1988 are exempted from these offence provisions as they are already subject to regulations under the act. In her contribution to the debate the honourable member for Bendigo East outlined what organisations are exempt.

The bill also amends the Nurses Act to make further provision for regulating nurses and nurses agents. Similarly to the amendments proposed to the Medical Practice Act, it will be an offence under proposed section 63A for an employer agency to direct or incite a registered nurse to engage in unprofessional conduct. If proven this will result in severe penalties.

I reflect on the comments of the shadow Minister for Health, the honourable member for Malvern, in his contribution to the debate about the minister's acknowledgment in the second-reading speech that 'nurses agents provide a valuable service to our health system'. They are noble words to use in a second-reading speech. It is a great pity that the minister does not apply that level of fairness to private nursing agencies in the government's current dealings with them in applying its new nursing policy in public hospitals.

Mr Perton — Nor what he says in the newspaper.

Mr WILSON — Correct. I hope that the minister and the government will in no way use these new provisions to unfairly deal with private nursing agencies in Victoria. Despite the minister's rhetoric and the public relations campaign that has been conducted by the government, the current assault on private nursing agencies is causing significant strain at the two hospitals which serve my electorate — the Box Hill Hospital and the Monash Medical Centre.

It does not matter how many times the Minister for Health goes out and tells my constituents and the broader Victorian public that there is no negative impact on Victoria's public hospitals as a result of his policy, I am afraid his rhetoric is a long way from the truth. I am being told on a daily basis by professionals both at those hospitals and elsewhere that the government's policy is placing severe strain on public hospitals in Victoria, and particularly the Box Hill Hospital and the Monash Medical Centre, which serve the eastern and south-eastern suburbs.

Mr Maclellan interjected.

Mr WILSON — The honourable member for Pakenham makes the point correctly that the information on waiting lists contained in the latest *Hospital Services Report* is proving that point.

In summary the Liberal Party supports the legislation. As I said earlier, it has the support of all parties, and I presume the support of the Independents. The bill recognises that our health systems, both public and private, are ever changing. The amendments contained in the bill address some of the issues which are evolving in our health systems.

With those comments, and paying special tribute to the contribution of the shadow Minister for Health and noting the reservations he has expressed, especially about some increase in ministerial powers, I wish this bill a speedy passage.

Mr LEIGHTON (Preston) — As a member who was once registered under one of the acts to be amended by the bill — I am referring to the Nurses Act, or at least the 1958 version of it — it is a pleasure to be able to contribute to this debate. There is obviously bipartisan agreement on the bill. Having sat here throughout the morning listening to the debate it seems to me that most of the provisions are not controversial, so I do not propose to go back through the discussion paper or all the features of the bill. I shall provide some personal comments on a couple of features, and I will talk particularly about corporate medical practices, the regulation of poorly performing medical practitioners,

nurses agents and the amendments to the Health Records Act.

But before I go on to discuss those matters I make the more general comment that the regulation and discipline of health practitioners over the past 10 years has become far more sophisticated and complex. That has occurred for a variety of reasons, but particularly because of the introduction in the 1980s of the Freedom Of Information Act and the introduction of the health complaints mechanism through the establishment of the position of Health Services Commissioner. Because of those things and because consumers are generally more aware of their rights and are better able to access information and pursue their rights, the conduct of health practitioners is more closely scrutinised than it was several decades ago. At the same time, because when their conduct is called into question it can threaten their livelihoods, they are more likely to engage lawyers than they were once upon a time.

Prior to entering this place almost 14 years ago I was a member of the predecessor of the Nurses Board of Victoria — the Victorian Nursing Council, as it was then known. As a member of its executive I sat on a number of disciplinary cases. Early on it was unknown really for a nurse who was the subject of a disciplinary hearing to appear with a barrister in tow, but by the end of my time there that was quite commonplace. The whole area has become quite complex, and certainly earlier versions of the medical practice legislation and the Nurses Act did not deal with disciplinary matters in a sufficiently complex way. In particular they did not, in my view, give health practitioner boards sufficient capacity to monitor conduct and impose conditions. I think we have gone a long way in that regard.

I shall comment on a couple of the specific aspects. Firstly, on the role of corporate medical practices, the role of corporations gives me a lot of concern. I support the provision for negative licensing, but I think general practitioners are facing a much bigger issue. The state can go only so far in meeting some of their concerns. Medical practitioners face a growing range of specific problems. The particular concern I have about corporations is the pressure on general practitioners to simply push through patients and the potential to order a high volume of unnecessary tests.

The lot of general practitioners is increasingly difficult. They are under greater financial pressures. On the one hand these days they largely do not do a lot of the more specialised work they might have done in previous generations, including some surgery and obstetrics, and on the other hand they have a range of other health practitioners nibbling away at their work, such as nurses, alternative health practitioners and Chinese medical practitioners.

GPs also have to try to look forward to see what sort of work they will do. I would like to see a growth in 24-hour GPs services. One of the more productive things that has occurred in general practice in the past few years is the establishment of the divisions of general practice, which provide general practitioners with a range of professional and educational activities.

Another feature of the bill is the regulation of poorly performing medical practitioners. It gives the Medical Practitioners Board of Victoria an increasing opportunity to monitor their performance and to impose conditions — for instance, when medical practitioners renew their practising certificates to have them put down details of continuing medical education.

Given the resistance from the Australian Medical Association, the bill does not go as far as mandating continuing medical education. I would suggest that in years to come continuing medical education will be mandatory for doctors and nurses and various other health practitioners. It is obviously highly desirable. When I look at my own circumstances I know that even if I were still registered I would be clearly incapable of practising. At the least, continuing education is to be highly encouraged, and I can see a time when it will be mandatory.

Another difference between medical practitioners and nurses is that with registered nurses there is a requirement that they have practised in the last five years if they wish to renew their practising certificate. That does not apply with medical practitioners. Indeed, when I was first elected to this house, as long you held a registered nurse's practising certificate you could renew it each year irrespective of how long ago you had practised. The 1993 act changed that to require that you had to have practised in the last five years. That is highly appropriate, and again I suggest that one day that might also apply to the medical profession.

I have concerns about any health practitioners who can renew their certificate year after year without having practised in their field. A further change I can foresee is to require health practitioners to have practised in a clinical setting. At the moment the basic practising certificate does not show whether you have worked in a clinical setting. As doctors and nurses move into other areas such as administration they could still renew their practising certificate despite not having practised in a clinical setting for many years.

A similar form of the negative licensing provisions that apply to medical practitioners are also applied to nurses agents, and that is highly appropriate. One of the difficulties with the 1993 act was that very few requirements were imposed upon nurses agencies with respect to how they handled the nurses they were supplying. The previous act — the 1958 act — required nurses agents to be registered nurses under that act, so that you could not operate as a nurses agent unless you yourself were a registered nurse. This meant that the various requirements that applied to registered nurses under the old act by definition also applied to nurses agents, because they were registered under that act. Those requirements were changed under the 1993, act but in my view insufficient arrangements were put in place, so the same negative licensing provisions that apply to medical practitioners also apply to nurses agents.

It says in particular that a nurses agent who arranges to supply the services of a registered nurse must not direct or incite the nurse to engage in conduct in the course of their professional practice that would constitute unprofessional conduct.

It will be interesting to see how this goes. I am aware of nurses agents who, when asked by a hospital to supply either a division 1 or a division 3 nurse — in other words, a three-year-trained registered nurse — have instead supplied a division 2 nurse, or what we used to refer to as a state enrolled nurse. I know of specific cases where that has occurred. Also, and seriously, I know of cases where they have supplied division 1 nurses who may not necessarily have been competent to practise in areas such as intensive care or accident and emergency services. So certainly that provision is strong enough to ensure that a nurses agent supplies a nurse who is registered in the division for which they are required by the hospital or health service.

I hope that will be extended to put the onus on the nurses agents to ensure that the nurse is competent and has the necessary skills, because if a hospital is under pressure with a shortage of nurses and they ask a nurses agency to supply a registered nurse, they are very much in the agent's hands as to whether the nurse has the skills and qualifications to work in the area of the hospital they are being sent into. I hope these provisions work. If they do not, I will argue that we should go back to the old system of requiring nurses agents to also be registered nurses. But it is going to be very much up to nurses agents to ensure that they meet the provisions of this new legislation and act professionally.

The last aspect of the bill, which I will conclude on, concerns health records. To put it in context, the Health Records Act was the companion of the Information Privacy Act, but the health area was considered important and special enough to have its own legislation. In my view the Health Records Act contains even more stringent requirements for the protection of an individual's information and data than the Information Privacy Act does. For example, this Parliament decided that whereas members of Parliament would be exempt from the provisions of the Information Privacy Act, in respect of the Health Records Act individuals' health records were sacrosanct — so that the provision should apply equally to members of Parliament.

One exemption is the media, so I make a special note that the media has received special treatment. For instance, if I am a practitioner in a hospital and I treat an AFL footballer who has AIDS or some other interesting illness, it would certainly be an offence for me to disclose that information outside the hospital. However, if that information were leaked to the *Herald Sun* it would be exempt in running a front page story. It would be able to run a front page story that said, 'This Australian Football League footballer is in this hospital suffering this illness'.

The bill before us extends the ability of the media to reporting that interstate. At the moment it has the provision to report it within the state of Victoria, but it is possible that if that news story were reported interstate the paper could be in breach of the Health Records Act, so that ability is extended. I simply want to make the point that I believe the media has been treated in quite a privileged way in that it is the only organisation that is exempt from the provisions of the Health Records Acts.

With those comments, I am pleased to have spoken on this bill and to support it.

Mr MACLELLAN (Pakenham) — One of the enriching experiences of this Parliament, and of being a member of this Parliament, is to follow the honourable member for Preston on a health matter. I think we learn very quickly in this place that there are people who have had experience both before and while they are here which they bring to this place and which gives them an ability to speak with great authority on matters. The honourable member for Preston has a good reputation in respect of health issues in this Parliament.

The honourable member was kind enough to refer to his view — and it was just a view put in debate — that in support of the bill we may have to look at requiring continuing education for health practitioners. I have to put the cautionary warning that that may not be as

much a problem in the metropolitan area as in the fringe areas on the edge of the city, where the number of practising health practitioners to population is low, and in country areas, where attracting appropriately skilled practitioners is difficult.

The practitioners I go to are frantic. If one told them that they had to take time off for continuing education I doubt if their practice could continue the way it is. They are desperate for relief — they are desperate for existing time off, and things like that — so that a mandatory requirement for continuing education may well deprive the community of services rather than ensure the enrichment of those services.

I have to say that those who practise and renew their application can continue to practise — I instance nurses who do not give up practice completely but continue part time and therefore are able to renew their practice — and it is again in this context of continuing education, because we have a system by which if you give up practice and then come back you need to have a refresher course, but if you continue to have some connection with the practice you can renew your application even though that may be a limited experience.

Having recently had the benefit in our household of district nurses I assure the honourable member for Preston that I do not think there is anything wrong with visiting district nurses having perhaps a wealth of experience from earlier times and perhaps not being full bottle, if I can put it in that slangy way, on today's super technical hospital techniques, because they are nevertheless performing an extremely valuable role in my community. We need to have sufficient characterisation of the practice of nursing or medicine, or Chinese medicine, or whatever it is.

Mr Leighton interjected.

Mr MACLELLAN — We should have sufficient categories attached to the registration to enable them to practise in limited areas, and as the honourable member for Preston says, not to go out without appropriate refresher training, or indeed initial training, into other areas of practice — in other words, as he puts it, you would not want them necessarily in intensive care. Therefore a highly specialised area should be signalled to be highly specialised.

I understand that there is bipartisan support for the bill, but there is a difference of emphasis between the opposition, the National Party and the government on the question of agencies. The government's current position — it will not be for long, but never mind — is that it is against agencies. It thinks they are expensive; it is not sure whether they are providing sufficient service for the money they cost. That anti-agency attitude is sort of reflected in some of the government's rhetoric and some of its actions at the moment. As I say, that will not last long, but never mind, it is there.

The honourable member for Preston was really echoing some aspect of that when he said that the agencies that now no longer necessarily registered nurses themselves should take the responsibility for the level of the skill of the nurses they supply — in other words, that the hospital could not be expected to know whether the skill of the agency nurse was suitable for the position; the agency should make that judgment.

I understand where the government is coming from on that issue because — —

Mr Leighton interjected.

Mr MACLELLAN — As the honourable member interjects and says — and I do not mind this at all; it is very helpful — the hospital may never have seen them before and has no idea. The agency is the one that is providing the nurse and therefore should be held responsible for the appropriateness of their skill level. It is by this means of shifting the responsibility from the practitioner to the agency that we will be able to bring the agencies undone. We will be able to say the agencies failed because they provided a registered practitioner but not a registered practitioner with the appropriate qualifications, and we will excuse the hospital from using somebody, and I quote the honourable member for Preston, that 'they may never have seen before' from having any responsibility for the practice of the person it has never seen before in the hospital, because they are supplied by an agency.

It strikes me that a hospital that allows somebody it has never seen before and whose qualifications and experience it has no idea about to go in and treat one of the patients without any knowledge other than the fact that they have registration perhaps — if they actually bring the certificate with them — is to me to imperil the practice of medicine in that hospital and to imperil the safe treatment and recovery of patients. I think somebody is being wrong.

I do not say hospitals are excused because they can say they do not know, but agencies have to know everything. I would say what we have to say as part of the registration process under the legislation we are all supporting is that there should be sufficient characterisation under the registration to enable hospitals or agencies or those who are going to rely

upon it, to rely upon it — in other words, there should be with the registration a statement of skills, experience and a detailing of the practice that that particular registered practitioner has, to enable those who use that practitioner to have a reliance on the statement of registration.

The honourable member for Preston said that he sees us moving towards a requirement for continuing education. I signal that I think this Parliament in years to come will be requiring not just the registration of medical practitioners but registration which includes the categories in which they are skilled and experienced to practise. That will be of such detail that hospitals, agencies and indeed patients will be able to have a reasonable level of confidence that the person working with them on their health problem has the necessary skills to do so.

I am all for continuing education, but I am also all for limited practice. When you have need of a district nurse you are not particularly anxious to know of their professional practice. You simply say, 'We need help; come in', and you are so grateful. I do not think we want to junk that simply because we say that most practitioners, with years ahead of them in the practice of health in this state — whether it is Chinese medicine at one end or whatever — need continuing education. Yes, I agree we should have readily available continuing education, and maybe we should have a re-examination of qualifications from time to time — in other words, putting people back through an examination to check on their level of skill. But I do not think that by saying one size fits all we are going to get the answer. One form of registration will not fit all practice. There are nursing practices which are limited and useful, and ought to be left as limited and useful. People should not go out of their field of expertise and experience.

This legislation can be the beginning of a pattern which will go on. We have seen this come from many years earlier. It is here today again before Parliament; I am sure it will be here again many times in the future.

I thank the honourable members for Preston and Bennettswood and others who have contributed to the debate and have brought their expertise and insights to bear on this subject. I wish the bill a successful passage through Parliament.

Debate adjourned on motion of Mr SEITZ (Keilor).

Debate adjourned until later this day.

Sitting suspended 12.55 p.m. until 2.05 p.m.

QUESTIONS WITHOUT NOTICE

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — Will the Premier inform the house why the government originally engaged the Peregrine management group to solve the industrial relations mess at Saizeriya and how much taxpayers' money has been paid to Peregrine to deal with the industrial relations on a private building construction site?

Mr BRACKS (Premier) — I am very pleased that the Leader of the Opposition has asked again about the company Saizeriya. I am sure honourable members on the backbench opposite wonder why four questions were wasted by the Leader of the Opposition yesterday. What sort of tactics are employed over there?

The Leader of the Opposition has been wrong on every occasion. He said the investment was $400 million, but it is $40 million, so he was wrong on that. He has the company name wrong as well. Tellingly, in response to the misinformation provided by the Leader of the Opposition the company put out its own press release, dated 17 April, under the heading 'Saizeriya Australia reaffirms commitment to Melton plant'. I will read two small paragraphs from it:

> The Victorian government has been supportive of our investment to date and we will continue to work closely with them in resolving the issues we face in getting our plant up and running.

It goes on to say:

> It is not true that the Victorian government has agreed to pay Saizeriya Australia any penalty for late completion of the project.

The Leader of the Opposition has been wrong on every occasion. From the outset the government has said that it stands by this company. We have contracted with another company to provide industrial relations expertise, as it is the right and responsibility of the government — —

Dr Napthine — On a point of order, Mr Speaker, on the question of relevance, the Premier is answering yesterday's question. Today's question relates to whether the government has employed Peregrine and how much of taxpayers' money is being used.

The SPEAKER — Order! The latter part of that point of order is not a point of order; I am not prepared to uphold the point of order.

Mr BRACKS — As I indicated yesterday, the government stands by Saizeriya. The company

reaffirmed that in its press release yesterday. I have already indicated that the government has commissioned advice, in this case from the Peregrine Management Group, to assist and support Saizeriya in its industrial relations management.

Dr Napthine — On a point of order, Mr Speaker, it is clear that the Premier wants to keep secret from the taxpayers of Victoria how much he is paying Peregrine.

The SPEAKER — Order! The Leader of the Opposition is clearly making a point in debate and I will not hear it. The Premier, concluding his answer.

Mr BRACKS — The government has commissioned this management group. I do not know how much it was, but it is certainly not in the order of what the Leader of the Opposition was claiming yesterday. The company is working closely with the government to complete the project. It is a major investment for Victoria. The government stands by it. The company and the government totally reject the ridiculous allegations made yesterday by the Leader of the Opposition.

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! I have been advised that the Minister for Gaming will not be in attendance during question time today. The Premier will answer in his stead.

Questions resumed.

Business: government statement

Ms BARKER (Oakleigh) — Will the Premier advise the house how the government is providing a better economic environment in which Victorian businesses can operate?

Mr McArthur — On a point of order, Mr Speaker, that is a very broad question. I draw your attention to the rulings of the Chair. In effect the question invites a ministerial statement and I ask you, Mr Speaker, to remind the Premier of the sessional orders.

The SPEAKER — Order! I agree with the point of order taken by the honourable member for Monbulk that the question is indeed broad. I remind the Premier that question time is not an opportunity to make ministerial statements. I also remind him of the requirement under sessional order 3 for ministers to be succinct.

Mr BRACKS (Premier) — I will be pleased to abide by your ruling, Mr Speaker, and I will limit my answer specifically to the initiatives the government will be taking early next week in a pre-budget business statement that will reinforce the state's very positive and productive economy which is recognised Australia wide as one of the best in the country.

This government is pro-investment and pro-jobs. The business statement the government will release early next week will be all about reinforcing Victoria's leadership position in Australia. The economy is going very well in Victoria and while that is happening it is important that we reinforce these opportunities, maximise these benefits and ensure that we have reforms in place, as we will have when we release the business statement next week, to ensure greater competitiveness, innovation and connectivity of our businesses in this state. That is what the government will be aiming for in its business statement next week.

The Victorian economy is experiencing record exports, record building growth and record building approvals. We should also note that the unemployment level in Victoria is currently 5.85 per cent — the lowest it has been in 10 years and the second lowest of any state in Australia. We have seen some 120 000 new jobs created in this state since this government came to office.

The business statement to be made next week will be fairly and squarely aimed at directing assistance to small and medium-size enterprises, to manufacturers and the new manufacturing agenda Victoria is employing, to exporters, rural and regional businesses and the tourism sector. It will build on the $3 billion worth of investment this government has committed to ensure that we have the right business environment in the future. It will build on the Better Business Taxes package the Treasurer released last year — the $774 million in business tax cuts. The statement will ensure that the new areas of the economy such as information technology, biotechnology, new manufacturing and food processing are enshrined.

I can also indicate to the house that the government will maximise the very positive position of the Victorian economy through an advertising and communication campaign. Up to $2 million will be spent seeking investment and job growth in Victoria internationally.

Mrs Peulich interjected.

Mr BRACKS — I just said $2 million. This money will be spent on encouraging international investors and

investors from across Australia to ensure that we keep — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, particularly the honourable member for Doncaster.

Mr BRACKS — This campaign will also assist in ensuring Victoria keeps its leadership position on growth, jobs and investment.

Marine parks: establishment

Mr RYAN (Leader of the National Party) — My question is to the Treasurer in his capacity as the Minister for Innovation and Minister for State and Regional Development. I refer the Treasurer to the $80 million the government has proposed for the timber industry and timber communities affected by the recent cut in sustainable yield allocations. Will the government present a similar package for the fishing industry and the coastal towns which will inevitably be affected by the proposed marine parks?

Mr BRUMBY (Minister for State and Regional Development) — I thank the Leader of the National Party for his question. The forest statement released by the Premier and the Minister for Environment and Conservation in February this year provided for significant change to the operation of the timber industry in our state. As a consequence of the adjustment that will occur as a result of that the government has committed up to $80 million for industry transition. That money will be available to assist affected companies and workers who may be displaced. The process by which that is occurring is now under way and being led by the Minister for Environment and Conservation.

In addition, cabinet has authorised a process whereby a subcommittee of cabinet, chaired by me as Treasurer, will look at additional programs in regional areas — things like infrastructure programs, other business assistance programs and tourism initiatives — designed to grow opportunities in country Victoria. There will be a number of announcements regarding that over the next two to three months. The fact of the matter is the package the government has put in place is very generous. It will provide direct assistance to people who are affected by the adjustment process and it will generate new jobs in regional Victoria. To date, along with members of the task force I have visited Orbost and Warragul and last Friday I visited Daylesford.

In relation to the other matters raised by the Leader of the National Party, obviously the question of marine parks and the legislation relating to them is a subject which will be a matter of debate in this Parliament in the weeks ahead.

Mr Ryan interjected.

Mr BRUMBY — Settle down. The Premier has made it very clear that the government is committed to protecting our marine environment areas. We have released a discussion paper and the draft exposure of the legislation. We have made it clear that we will be introducing legislation, and we want the support of the Liberal and National parties. That is what we want — we want your support!

Mr Ryan — On a point of order, Mr Speaker, the minister is debating the issue. All I want to know is the answer to the second part of the question put to him. I ask you to have him respond to that particular aspect of the question.

The SPEAKER — Order! I ask the minister to return to answering the question.

Mr BRUMBY — I think I have answered the question. The legislation will come before Parliament. I understand the Leader of the National Party has been saying that he will oppose the legislation and oppose compensation. Until the matter is debated and until the legislation is passed, it is impossible to answer that question.

Economy: performance

Mr HOWARD (Ballarat East) — Will the Treasurer inform the house of what action the government is taking to grow a strong Victorian economy, to secure investment and create jobs?

The SPEAKER — Order! Before calling the Treasurer, I point out that I am of the view that the question as it has been asked is broad. The Treasurer should also be aware of the requirement under sessional orders for succinctness during question time.

Mr BRUMBY (Treasurer) — I thank the honourable member for his question. As the Premier indicated earlier, we are delighted with the economic performance of this state and with an unemployment rate — the headline rate — of 5.8 per cent, the best headline unemployment rate in Victoria for the last decade. That has occurred under the Bracks government.

The regional labour force figures were released today. They show that again employment in country Victoria has exceeded 600 000 people. What is remarkable about that figure? The answer is that in the whole of Victoria's history we have exceeded 600 000 in the country work force on only seven occasions — and every one of those seven occasions has occurred under the Bracks government. We have never previously seen that.

When the Bracks government was elected in October 1999 the work force figure in country Victoria was 561 000; today it exceeds 600 000. We have seen new job growth in country Victoria of almost 40 000 people in the years that we have been in government.

I am also delighted to advise the house that of the extraordinary job growth we have seen in this state, about one in every three new jobs generated across Victoria has been generated in country Victoria. That is a record we want to continue in the future.

Over recent months the performance of the Victorian economy has been remarked upon by a number of commentators. In January the *Australian Financial Review* had this to say about the Victorian economy:

> It is hard to go past Victoria as the best-performing state or territory in the nation, at least in economic terms.

In March, Josh Gordon wrote in the *Age*:

> If Australia is the world's miracle economy, then Victoria might well be called Australia's miracle state.

In last Saturday's *Age*, under the heading 'Melbourne flies high', Stephen Dabkowski quoted Chris Richardson of Access Economics as having said:

> Melbourne's got Sydney on the mat, right now … its performances on growth, employment, investment and immigration are going a lot better.

Next week the Premier will be releasing the government's business statement. We believe it will be a further positive fillip to growth in our state. One of the things we will continue to do is make sure that we cover the whole of the state and grow the whole of the state.

My attention has been drawn to a comment this morning by the Leader of the Opposition attacking the government's decision to move the Rural Finance Corporation to Bendigo.

Dr Napthine — On a point of order, Mr Speaker, the minister is not only misleading the house but also debating the issue.

The SPEAKER — Order! I ask the Treasurer to cease debating the question and return to answering it.

Mr BRUMBY — I am making the point that we will continue to grow country Victoria. We have announced the relocation of the Rural Finance Corporation to Bendigo. It is unfortunate that that is opposed by the Leader of the Opposition.

Dr Napthine — On a point of order, Mr Speaker, the Treasurer is not only misleading the house, he is continuing to debate the issue, and I ask you to bring him back to order.

The SPEAKER — Order! I do not uphold the point of order about debating the question. The Treasurer was providing information to the house on what the government is doing.

Mr BRUMBY — Last year, when the government announced the shift of the State Revenue Office to Ballarat, the Deputy Leader of the Opposition opposed that move. She said the office should go to Bendigo. Now that the government is moving the Rural Finance Corporation to Bendigo, they say, 'That is not the best place, shift it somewhere else'. The Liberal and National parties had seven years to shift a single job out of Melbourne into country Victoria. How many did they shift? The answer is a big fat zero!

The SPEAKER — Order! The Treasurer is again debating the question. I ask him to desist, to return to answering the question and to conclude his answer.

Mr BRUMBY — In conclusion, the government has moved the State Revenue Office with spectacular success. It is now moving the Rural Finance Corporation to Bendigo, and it will be establishing Vicforests in country Victoria. The business statement to be brought down next week will contain numerous more initiatives to grow investment, jobs and opportunities right across Victoria.

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — Noting that Saizeriya has purchased an industrial property in the Manukau district of Auckland under the name Garwil Pty Ltd, will the Premier guarantee that stages 2 and 3 of this important investment project will be built in Victoria, as originally intended?

Mr BRACKS (Premier) — As I have already indicated — and this is why the Leader of the Opposition has had significant confusion with his presentation to the house — the matter on which we received success was stage 1 of Saizeriya.

Honourable members interjecting.

Mr BRACKS — It was — it was stage 1! It was a $40 million project that we received success on. It is well known that Saizeriya has not yet made a final decision on the other stages of the project. We will obviously seek to secure that, but the commitment we have, and what we have secured, is stage 1, the $40 million project. That is why we had a misleading statement from the Leader of the Opposition yesterday. At every step of the juncture on this matter he has been wrong, wrong, wrong!

You have to wonder who is advising the Leader of the Opposition on these questions. Is it the honourable member for Berwick? Is it the honourable member for Hawthorn? Is it the honourable member for Malvern? It may be the honourable member for Berwick, because we learn today, for example, that the honourable member said — —

Dr Napthine — On a point of order, Mr Speaker, the Premier is now debating rather than answering the question. I ask you to bring him back to order.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr BRACKS — I reiterate that the commitment we have is to stage 1. The other stages of the development are a matter for Saizeriya. Clearly we will bid for those, be competitive, but that is a decision for the company.

Building industry: performance

Mrs MADDIGAN (Essendon) — Will the Minister for Planning advise the house about the latest building permit statistics from the Building Commission and advise what action the government is taking to sustain this outcome in the future?

Ms DELAHUNTY (Minister for Planning) — I thank the honourable member for Essendon for her question. As far as the health of the Victorian building industry is concerned, I think you can say it is positively fighting fit and going from strength to strength. In the year to February building activity increased by a staggering 32 per cent — a record $12.7 billion in building approvals. As the Premier recently announced, the February monthly figure was also outstanding — a record $1.1 billion in just one month. That is the 10th consecutive monthly building approval record. These are astonishing figures. It is a massive vote of confidence in the management of the Victorian economy by this government.

All sectors have experienced strong growth in the last 12 months. The domestic sector rose 35 per cent and residential growth was 44 per cent. I think it should also be noted that the government is spending extensively on a building works program in the hospital and health care area, and that also recorded a 44 per cent increase. But the commercial sector was the standout: a 45 per cent increase in building activity in the last 12 months.

This is evidence of a robust Victorian economy, and we have heard the Treasurer outline some of the glowing reports on the economy from independent commentators. Of course not everyone was so optimistic. In December the former planning spokesperson, the honourable member for Box Hill, said:

> If the Labor government fails to act … it will … make it … much harder to … come back from behind … to revive the Victorian construction industry in a downturn.

Well it's a hell of a downturn — 10 consecutive months of building activity! What does this mean to ordinary Victorians? We can talk about the figures and about how this government will try and sustain that momentum in the building and construction industry, but it means that in the last 12 months 26 000 new jobs were created right across Victoria. We are building better suburbs, we are building better regions — and the opposition knows it!

We have had a headline in the Ballarat *Courier* of 3 April 2002 of 'Ballarat building record', and in the *Bendigo Advertiser* of 4 April 2002 of 'Builders spend up big in Bendigo'. We are seeing this right across the state. Also, in Wangaratta, a smaller market you might say, in the *Border Mail* of 16 April 2002 we saw the headline 'City to build on new growth'. Right across Victoria we are seeing building activity at boom levels.

This government intends to try to sustain a strong building and construction industry. What we have set out to do is provide security of payments legislation, and along with my colleague the Minister for Finance we have set in place a building warranty insurance regime which will protect builders and home owners. As far as the building industry is concerned, Victoria is the place to be.

Saizeriya project

Dr NAPTHINE (Leader of the Opposition) — I refer to the upcoming Anzac Day public holiday and the arrangements at Saizeriya's Melton building construction site, and I ask the Premier: is it a fact that workers are not working next Thursday, quite rightly, because it is Anzac Day, not working on Friday

because it is an RDO — rostered day off — and not working the following Monday because it is a PLD — productivity leisure day ? Further, any workers who work — —

Mr Brumby interjected.

The SPEAKER — Order! The Treasurer should cease interjecting!

Dr NAPTHINE — I will start again. Is it a fact that workers are not working on Thursday, quite rightly, because it is Anzac Day, they are not working on Friday because it is an RDO — rostered day off — they are not working on Monday because it is a PLD — productivity leisure day — and further that any workers who work over the weekend have demanded a $1000 Bunnings Warehouse voucher? Does the Premier endorse these work practices?

Honourable members interjecting.

The SPEAKER — Order! I ask opposition benches to come to order! I ask the Leader of the Opposition to repeat the latter part of his question as the Chair did not hear what he asked.

Honourable members interjecting.

The SPEAKER — Order! Opposition members will find themselves outside the chamber under sessional order 10 shortly!

Dr NAPTHINE — So the workers are not working on Anzac day, they are not working on Friday because it is an RDO, they are not working on Monday because it is a productivity leisure day and now they are demanding a $1000 Bunnings Warehouse voucher to work over the weekend. And my question is: does the Premier endorse these work practices?

Mr BRACKS (Premier) — I think in the second part of his question the Leader of the Opposition asked if I endorse those work practices. Firstly, I am not aware of them. I will find out and let him know. Secondly, he asked if I endorse the — —

Dr Napthine interjected.

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

Mr BRACKS — Mr Speaker, he asked the question about a private sector company's arrangements. I am saying that I am not aware of them. I will find out and get back to him.

Dr Napthine interjected.

Mr BRACKS — I am sorry; the Leader of the Opposition can keep asking but I am answering the question. The second part of the question was a value comment: do I support arrangements where successive days after Anzac Day are taken off? No, I do not.

Students: literacy and numeracy

Ms BEATTIE (Tullamarine) — Will the Minister for Education and Training inform the house how the government is delivering better literacy and numeracy outcomes for Victorian children?

Ms KOSKY (Minister for Education and Training) — Today as chair of the Ministerial Council on Education, Employment, Training and Youth Affairs and also as Minister for Education and Training in Victoria, I had the opportunity to release what are really fantastic figures in literacy and numeracy right across Australia, but particularly for Victoria.

There has been an improvement in students reaching the national benchmark for literacy. It is also the first time that numeracy results have been available. It is an annual report that details the reading and numeracy competency of years 3 and 5 students across the nation. The results are very good for Victoria. Victorian students are leading the nation in numeracy and are well above the national average in literacy. It is particularly good news for the students, who are learning literacy and numeracy skills and going on to build on those important basics in terms of their continuing education.

Victoria had the best result of any state or territory in numeracy, and we were also above the national average in literacy. We have shown an improvement in the year 1999–2000 in the literacy results. They are very good results and teachers should be congratulated for the efforts that they have been putting in across Victoria in relation to literacy and numeracy.

The *Herald Sun* said it very well this morning when it said:

> Victorian pupils go to the top of the class.

It recognised that Victorian students are doing very well.

Honourable members interjecting.

Ms KOSKY — The opposition are spoilers and whingers!

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh should cease interjecting!

Ms KOSKY — The opposition would be happier if Victorian students were not performing so well, but it is unfortunate for its happiness that students are doing very well. It is terrific for the students, teachers and parents. If we look at what the opposition spokesperson said — —

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the question and I ask you to bring her back to answering the question.

The SPEAKER — Order! I am not prepared to uphold the point of order. The minister was providing information to the house in regard to a particular matter within the education portfolio.

Ms KOSKY — Today the honourable member for Warrandyte accused the government of spending almost all its new money in education on reducing class sizes. Yes, one of the reasons we have terrific results in literacy and numeracy is because we have invested in reducing class sizes particularly in P–2, and we are very proud of that investment. Why did we invest the money in reducing P–2 class sizes, bringing them down from what the previous government did? Because we know — —

Mrs Peulich interjected.

The SPEAKER — Order! I have asked the honourable member for Bentleigh to cease interjecting.

Ms KOSKY — We know that students learning improves in those early years if they have smaller class sizes. This is terrific news for students and teachers and is evidence that the government's policy is working and delivering fantastic outcomes for students in Victoria.

Mrs Peulich interjected.

The SPEAKER — Order! I warn the honourable member for Bentleigh.

Ms KOSKY — It is a very good result, and I want to acknowledge the terrific work teachers have put in on focusing on literacy and numeracy outcomes for students in schools. The honourable member for Warrandyte said 'not the dollars'. Since coming to office this government has committed $2.2 billion extra. That is a fantastic result for students, parents and teachers.

Frankston: central activities district development

Mr ROWE (Cranbourne) — I refer the Premier to the Frankston central activities district deal which led to the sacking of the honourable member for Frankston East from his position as parliamentary secretary. Can the Premier confirm that Mr Wren is investigating a $40 000 bribe and, if so, will this matter now be referred to the police, as it should have been originally?

Mr BRACKS (Premier) — The local government investigator, under the terms of reference, has all the power to refer any matter to the police as appropriate. That investigation is going on, and we will await that investigation. If there are matters that are deemed appropriate, he will make that referral, and that is appropriate. We expect that report will be completed very soon.

Men's Health Tune Up program

Mr NARDELLA (Melton) — Will the Minister for Health advise the house about the government's initiatives and other developments targeting the specific health needs of Victorian men?

Mr THWAITES (Minister for Health) — I thank the honourable member for his question. The Bracks government is very concerned about the specific health needs of men in this state. This morning I launched the Men's Health Tune Up program on the steps of Parliament House.

The Department of Human Services has produced information that clearly demonstrates that men have a greater burden of disease, particularly men in country Victoria. The expected life span of men is some six years less than that of women. Men experience higher rates of cardiovascular disease, diabetes, chronic respiratory disease and cancers. Men in the country have 6 per cent higher death rates than their city counterparts. Research indicates that men are not visiting the doctor. In many cases men think an illness will not happen to them, but it will and it does.

The Bracks government is committed to enhancing the health of men throughout Victoria. I am sure the honourable members for Ballarat East and Ballarat West are well aware of the $60 000 program Working for Men. General practitioners in Ballarat are now working with men to ensure that they visit the doctor and seek medical help.

There are primary care partnerships throughout the state which are being funded to help men avoid cardiovascular disease. The Men's Health Tune Up

program was supported by Pfizer and by Ford, and I congratulate those companies. It aims to encourage men to check their health and provides free mobile health check-ups to men in workplaces — which I think is an excellent idea.

An honourable member interjected.

Mr THWAITES — I am asked whether I did it. Yes, I took a test.

Dr Napthine — I did it, too.

Mr THWAITES — The Leader of the Opposition took a test; I think that is very appropriate. I would urge all male members of this house over the age of 40 years to take a test. The honourable members for Hawthorn and Malvern should take a test to see if they have a ticker — their colleagues are certainly saying they want a challenge, but they have not got the ticker!

Mr Perton — On a point of order, Mr Speaker, the minister is moving on to debating the question. This is a very serious issue. It is obvious that the Minister for Health now wishes to move onto trivia and humour rather than treating the issue of men's health with the due respect it deserves. I ask you to bring him back to answering the question relating to government administration and policy.

The SPEAKER — Order! The latter part of the point of order taken by the honourable member for Doncaster is clearly not a point of order. In regard to debating the question, I ask the Minister for Health to desist from debating and to come back to answering the question.

Mr THWAITES — Thank you, Honourable Speaker, I certainly will. I must say that I am surprised about that point of order because it demonstrates an inconsistent approach among the opposition. Certainly — —

Mr Perton — On a further point of order, Mr Speaker, again on the question of debating, this has been a consistent approach by the government all this week, and from this minister in particular. You make your ruling, you bring him back to order, you tell him to answer the question, and he then criticises — —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to come to order. That is behaviour unbecoming of members of Parliament.

Mr Perton — He then, as you heard, Mr Speaker, immediately cast derision on your ruling and proceeded down the same path. Both the Minister for Police and Emergency Services and this minister have done the same thing. I ask that if the minister continues to flout your ruling, you immediately sit him down or suspend him.

Mr THWAITES — On the point of order, Honourable Speaker, it is entirely appropriate for me to point out that members of this house ought to take health checks, and that is all I am doing — and that is what I propose to do.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster that implied that the Minister for Health had in some way reflected upon the Chair with what he was saying in regard to the decision I made. The decision that I made on that occasion was to ask him to come back to answering the question. The Minister for Health, answering the question.

Mr THWAITES — Thank you, Honourable Speaker. The honourable member for Berwick has even suggested that the honourable member for Pakenham might take a health test.

Honourable members interjecting.

The SPEAKER — Order! Interjections are disorderly, as is the taking up of interjections. The Minister for Health shall desist.

Mr Perton — On a point of order, Mr Speaker, I again raise the question of debating. The honourable member for Berwick or honourable members representing any other opposition seats have nothing to do with this question. The minister ought to answer the question on the basis of government administration and policy. Anyone in this chamber or in the gallery can see the line the minister is trying to take. He is flouting your ruling, he is debating the question, and I ask you to sit him down.

Mr Batchelor — Honourable Speaker, in considering the point of order taken by the honourable member for Doncaster I ask you to take into account the rulings of Deputy Speaker McGrath on 11 November 1992, Speaker Delzoppo on 20 October 1994, and Deputy Speaker McGrath on 15 May 1996. They all related to what the honourable member for Doncaster has been doing all week — that is, rising during question time and making frivolous points of order. As previous Speakers have ruled time and again and as the customs and precedents of this house indicate quite clearly, what the honourable member for

Doncaster has been doing is frivolous, it should be ruled out of order and he should no longer be heard. It is a deliberate strategy on his part to disrupt question time, and we have seen him perpetrating it all week.

The SPEAKER — Order! In taking his point of order the honourable member for Doncaster has essentially asked the Chair to rule again on the question of debating. I am not prepared to uphold that part of his point of order.

In speaking on the point of order raised by the honourable member for Doncaster the Minister for Transport has raised what I would term a further point of order about a frivolous point of order being taken. I am not prepared to uphold that either.

The Minister for Health, answering the question.

Mr THWAITES — Thank you, Honourable Speaker. In fact, there are a wide range of tests that may be taken in these mobile vans. I would recommend that the honourable member for Mordialloc take advantage of it — perhaps a brain scan!

Mr Leigh — On a point of order, Mr Speaker, I am delighted that one member of the government has a concern for my health. I assure him I am okay, but I do not need his advice.

The SPEAKER — Order! That is clearly not a point of order.

The Minister for Health, concluding his answer.

Mr THWAITES — I am pleased that a number of honourable members have taken the test. Indeed, the Leader of the Opposition indicated that he had taken a health test today. I hope he had a spine test, because we know he has problems — —

The SPEAKER — Order! I ask the Minister for Health to conclude his answer.

Mr Perton — On a further point of order, Mr Speaker, you should rule on this: it is clearly debating. The minister is flouting your earlier ruling. On this occasion I ask you to sit him down.

The SPEAKER — Order! I uphold the point of order, inasmuch as the Minister for Health is debating the question. I ask him to cease doing so forthwith and to conclude his answer.

Mr THWAITES — In conclusion, I urge all male members to take advantage of these tests and ensure we have a much healthier community.

The SPEAKER — Order! The time set down for questions without notice has expired, and the minimum number of questions required by sessional orders has been dealt with.

Mr Ryan — Mr Speaker, I raise with you a point of order regarding the content of the ministerial statement which has been distributed to and is in the hands of honourable members and which is about to be read to the house by the Attorney-General. I do so with a view to raising two matters for your consideration.

The first is that I ask you to have regard to the terms of *May* and to rulings of previous Speakers with regard to the issue of the content of ministerial statements. I refer you in particular to page 297 of *May* — I have only the 21st edition, but I believe it is page 306 of the 22nd edition, and I have checked the volume that you have available to you, Mr Speaker. I wish to read to you the content of it. The principal point is that the content of a ministerial statement must be prospective in nature; it cannot be retrospective. Under the heading of 'Ministerial statements' *May* states:

> Explanations are made in the house by ministers on behalf of the government regarding their domestic and foreign policy; stating the advice that they have tended to the Sovereign regarding the retention of office or the dissolution of Parliament; announcing —

and I emphasise this —

> the legislative proposals they intend to submit to Parliament; or the course they intend to adopt in the transaction and arrangement of public business. These explanations are sometimes elicited by arrangement in reply to a question.

They are the provisions contained in *May*. It is probably pertinent also to refer you to the second issue to which I shall have reference — that is, the fact that the content of a ministerial statement must not include material which is inadmissible under the terms of the guidelines set out in *May*. Insofar as both these issues are concerned I refer you to *Rulings from the Chair* and particularly to that of Speaker Wheeler on 14 March 1978. The summary states:

> At the suggestion of the Speaker, certain inadmissible material was omitted from a ministerial statement.

I will go to the terms of the ruling which was made by Speaker Wheeler at that time. Without going through the totality of it, it dealt with two points. One was as to the relevance of certain aspects of that ministerial statement which were to be made, but the other point was precisely the one under consideration now — and that was as to the actual content of a ministerial statement.

As recorded at page 261 of volume 336 of *Hansard*, Speaker Wheeler ruled in conclusion, when he had had a look at the second of these two points of order, which was the question of admissibility:

> … I believe *May* clearly indicates what should be included in a ministerial statement and casting any reflections on any other party is out of order.

The second part of my point of order is that this ministerial statement is absolutely redolent with aspersions which are cast upon the former government. I refer you to the opening paragraph, for example, and as you go through the document — I have not done it page by page, but for present purposes got only to page 3, and then I flicked over to the conclusion and it is there also — there are statements right throughout this ministerial statement which are condemnatory of the former government and which on their content are patently in complete breach of the ruling which was made by Speaker Wheeler in the manner that I have referred to.

In summary, Mr Speaker, there are two issues to which I ask you to have regard. Speaker Wheeler ruled on the same issue — and I have read out precisely what he said in his own ruling on 14 March 1978. Mr Speaker, with respect, it is the content of *May* which is the ultimate mechanism by which you have to rule here. The content that I have read out, to which he referred in his ruling, clearly dictates that the content of a ministerial statement must be prospective. It cannot be a summary of past events. I accept for the purpose of introduction, if you like, it may be legitimate to do so, but for the purpose of the content of the document the content must be prospective.

I direct you, Sir, to the fact that of the 13 pages here in the ministerial statement 10 pages of it, as I read it is on a scan, are retrospective; 10 pages of this document represent a summary of those matters which the Attorney-General claims to have achieved in his time in his current role. That is the first point — that these issues must be prospective. The second point is that it is not permissible to admit into a statement of this nature any comment which is reflective on other parties.

Again, I believe *May* clearly indicates what should be included in a ministerial statement and, to quote Speaker Wheeler again, casting any aspersions on any other party is out of order. The fact is that aspersions are cast upon the former government right throughout this document, and accordingly those components of this document which are to that effect ought properly to be ruled out of order. The practical effect of these two matters is that this ministerial statement in my submission should be withdrawn, recast and brought before the house on another day when it is in a proper order.

Mr Batchelor — On the point of order, Honourable Speaker, I point out to you that, firstly, this ministerial statement has been distributed to the other parties in this Parliament and they have had the opportunity to raise these matters in chamber with you if that had been their desire. It is a ministerial statement that has been circulated to you and, as you will see, it deals with matters that are forward going, that reference is made to material that needs to be continued, that further work is to be done, and they are clearly identified.

In making comparisons it is quite valid and acceptable to comment on things that have occurred in the past by referring to what needs to be done in carrying forward initiatives. This is a ministerial statement that we believe is constructed and will be delivered in the forms of the house, and if the opposition or the National Party had wanted the opportunity to debate these sorts of issues they had the opportunity during the notice period prior to this matter coming on.

The convention is for 2 hours notice, and as I understand it in excess of 2 hours notice was provided to the other parties, and indeed the Independents, for precisely the purpose of their making their views known prior to this debate.

Dr Dean — On the point of order. Mr Speaker, I would like to say that great minds think alike because I, too, when I saw this statement came to the conclusion that it did not fit the proper characterisation of a ministerial statement. In fact if you read the portion of *Erskine May* that was referred to by the Leader of the National Party, it says that these explanations are sometimes started by arrangement in reply to a question — in other words, the whole point of a ministerial statement is an explanation as to what is going to occur, to inform the house of what is going to happen.

I heard the Leader of the House say to you that you ought not to hear this point of order because it was not taken in chambers.

May I say that this is the place where members of Parliament have every right — and it is an appropriate right — to raise points of order. To suggest that if they raise a correct point of order it cannot be heard because it was not heard privately before you, Mr Speaker, prior to coming into the house is a complete reversal of the democratic process and what this house stands for.

As for the fact that the Leader of the House has suggested that the majority of this ministerial statement

is not about the past but about the future, I take you to the ministerial statement where on page 2 after, a very short opening, it says:

> I have great pleasure in informing the house today of the significant inroads that the Bracks government has made towards a safe and just society for all Victorians.

In other words 'I have great pleasure in telling you for the next 15 or so pages what we say we have done', which in no way talks about proposals for the future or some matter that the house ought to be informed about. In fact, to back up that particular proposal, if we look at page 10, which is almost at the end of the statement, it is only then that the minister says:

> However, I believe that some of the most challenging and innovative work is yet to be undertaken.

In other words, page 10 is the first time he even suggests something that might take place in the future.

The absolute bulk of this material statement is a rather embarrassing, puffed-up version of one might say a bit of self-indulgence by the Attorney-General to say what a good job he has done. That is not what a ministerial statement is for. A ministerial statement is not a political statement or a debating and argumentative statement. If you were to allow this, Mr Speaker, that is exactly what would happen. Obviously the opposition would have to get into debating whether these things did or did not happen under the Bracks government, and that is exactly not what a ministerial statement is for.

The SPEAKER — Order! I am prepared to rule on the point of order raised by the Leader of the National Party. In raising his point of order he made reference to *Erskine May*, 22nd edition, page 306, which refers to ministerial statements:

> Explanations are made in the house by ministers on behalf of the government regarding their domestic and foreign policy; stating the advice they have tendered to the sovereign regarding the retention of office or the dissolution of Parliament; announcing the legislative proposals they intend to submit to Parliament ; or the course they intend to adopt in the transaction and arrangement of public business.

The Leader of the National Party, as part of his contribution on the point of order, went on to infer that that paragraph has to be read and that all its components have to be contained within the ministerial statement. It is my view that that paragraph could be read as a number of components that a ministerial statement could encompass. The key component of that is the first part of the paragraph, which says

> Explanations are made in the house by ministers on behalf of the government regarding their domestic and foreign policy.

I have examined the statement to be presented by the Attorney-General, and I have found that it does conform in that its contents are presenting what his government's policy has been with regard to this particular area.

The second component of the point of order raised by the Leader of the Opposition was in regard to the ruling of Speaker Wheeler in regard to the Speaker omitting material from a ministerial statement which might be deemed to be inappropriate. I concur wholeheartedly with Speaker Wheeler's ruling in that regard. As Speaker I have used that previous ruling to recently amend a ministerial statement that came before the house.

In regard to the component of the ruling he made regarding casting aspersions, I interpret that to mean that it is standing order 108 that is being referred to, which refers to casting aspersions against individual members of the Parliament.

I do not uphold the point of order raised by the Leader of the National Party.

MINISTERIAL STATEMENT

A fair, accessible and understandable justice system

Mr HULLS (Attorney-General) — I wish to make a ministerial statement.

Introduction

As the Attorney-General of Victoria, I am honoured to present to the members of this house, this government's achievements and vision for a fair, accessible and understandable justice system. Significantly, this is the first time in ten years that an Attorney-General has made a ministerial statement to the Victorian Parliament. The former Kennett government and the previous Attorney-General clearly weren't interested in keeping Victorians informed on justice issues. Instead, the previous government was more interested in maintaining secrecy and eroding Victorians' fundamental rights.

The Bracks government is turning this legacy around, as is demonstrated by its *Growing Victoria Together* strategy. It is taking a balanced approach, where government and the community listen, act and work together to achieve a better and more caring society. Creating a fair, accessible and understandable justice system is an important part of this. The Bracks government understands that justice is not an abstract

concept, but something that affects all of our lives in a very real sense. Justice is about openness, transparency and accountability. It is about protecting the rights of all citizens and ensuring that people are treated fairly. It is about ensuring equality of access before the law, regardless of financial resources, gender, ethnicity, age or sexual orientation. It is about ensuring that our legal profession, our judiciary and our juries are representative of the rich, diverse community in which we live. It is about creating courts that are modern and accessible, not only in terms of our court buildings but in the way that they dispense justice. Ultimately, it is about working together to create a fair, accessible and understandable justice system.

This is a government that believes in delivering on its promise to reform Victoria's justice system. The Bracks government's track record in developing a progressive law reform agenda and pursuing a robust legislative program is proof of this commitment. But neither I nor this government is resting on our laurels. A number of strategic initiatives will be implemented through the term of this government which will complement the considerable inroads that have already been made. The development of a justice statement and the Courts Strategic Directions project will further improve confidence in our legal and courts system and enhance access to justice services for all Victorians.

Achievements in the justice portfolio

The Victorian Labor Party came to the last election with a strong commitment to upholding individual freedoms and restoring democracy, values which had been undermined by the previous government. I was honoured to be appointed Attorney-General and to take on responsibility for leading a program of legislative reform to deliver greater transparency and accountability in government and to restore Victorians' confidence in our system of justice. The government's vision for a safer and more just society required it to take decisive action in a number of areas, including:

Protecting the rights and freedoms of all Victorians;

Taking a proactive approach to reforming Victoria's laws;

Developing an accessible and responsive legal system; and

Creating modern courts and court processes.

I have great pleasure in informing the house today of the significant inroads that the Bracks government has made towards its vision of a safe and just society for all Victorians.

Protecting the rights and freedoms of all Victorians

As Attorney-General I have a strong commitment to protecting and advancing individual rights and freedoms. This is a commitment shared by the Bracks government. Many fundamental rights were eroded by the last government. This government has not only restored, but strengthened rights and freedoms for all Victorians.

Improving the rights of victims of dust disease

One of my first steps in office was to make a simple amendment to the Administration and Probate Act 1958. This amendment provided for certain causes of action in relation to dust diseases to survive beyond a claimant's life. The amendment allowed the claimant's action to be pursued by his or her estate, so that families who have lost a loved one to this terrible form of disease to pursue a claim on behalf of that family member and receive adequate and appropriate compensation.

Providing better services for victims of crime

Reinstating compensation for pain and suffering, so callously abolished by the Kennett government, was a key to the Bracks government's commitment to improving services for victims of crime. Compensation serves as the primary means of financial assistance in the aftermath of victimisation and this important mechanism was restored through the Victims of Crime Assistance (Amendment) Act 2000, allowing for primary victims of violent crime to claim additional financial assistance for pain and suffering, in addition to entitlements for counselling, loss of income and medical expenses.

The review of services to victims of crime is another way that the Bracks government is supporting victims of crime. The service model left by the Kennett government was uncoordinated and unaccountable and the final report of the working group found that there are multiple entry points to support services, no common service standards, and insufficient data about the quantity, quality and effectiveness of services. The review recommended a major revamp of government services to victims, including the establishment of a helpline to cover all agencies and a victim support agency to manage all government-funded victim services. I am currently reviewing the report's recommendations. However, in recognising the importance of counselling services to victims of crime, the government immediately announced that an additional $1 million would be available for counselling services.

Protecting Victorians' privacy

All Victorians have a right to privacy, a right which should not be open to abuse by public sector agencies. The Bracks government's commitment to responsible handling of personal information in the public sector was demonstrated by the Information Privacy Act 2000 and the creation of the Office of the Privacy Commissioner. The act establishes information privacy principles, which determine what personal information can be collected by government agencies and how that information is used. The commissioner will also be able to receive complaints about how information is handled. Victorians can now be confident that their private information will be appropriately protected against abuse by the public sector.

Protection for whistleblowers

The Kennett government's legacy of secrecy and lack of transparency was delivered a further blow by the Whistleblowers Protection Act 2001. The act furthers the Bracks government's commitment to the principles of open, honest and accountable government, promoting a culture in which whistleblowers feel safe to make disclosures and protecting people who disclose information about serious wrongdoing within the public sector. The act also provides a framework for investigating disclosed matters, ensuring that allegations of wrongdoing in the public sector are thoroughly scrutinised.

Redressing discrimination against same sex couples before the law

All Victorians have a right to equal treatment before the law and protection from discrimination. These rights are enshrined in federal legislation and in the Victorian Equal Opportunity Act. Despite this, many facets of the law have previously distinguished between people in domestic relationships depending upon their gender. The Statute Law Amendment (Relationships) Act and the Statue Law Further Amendment (Relationships) Act were significant steps towards reducing discrimination against people in same sex relationships, amending approximately 57 pieces of legislation to ensure that the rights and liabilities of partners in domestic relationships are recognised, irrespective of gender.

Improving workplace safety

Another vital area of law reform activity has been in the area of workplace death and serious injury. One of the Bracks government's highest priorities is improving workplace health and safety in Victoria and to that end has introduced the Crimes (Workplace Deaths and Serious Injury) Bill.

The Bracks government has developed a coordinated approach to improving workplace health and safety, which includes the provision of advice, education and training to employers and employees about workplace safety and increasing resources for inspection of workplaces to identify health and safety risks. The government is already delivering and will continue to deliver on these commitments.

Improving justice outcomes for indigenous Victorians

Addressing discrimination and disadvantage experienced by indigenous Victorians, and making the justice system more responsive to the needs of Aboriginal people, has been one of the overriding imperatives of the Bracks government. The Aboriginal justice agreement is a joint initiative developed between the departments of Justice and Human Services, ATSIC, the Victorian Aboriginal Justice Advisory Committee and the Koori community to achieve improved justice outcomes for indigenous Victorians. Central to the agreement is the fact that there cannot be an improvement in indigenous justice outcomes without the Koori community having greater input in the development and design of justice policies, programs and services that impact on the Koori community.

Taking a proactive approach to reforming Victoria's laws

One of the most important roles I undertake as Attorney-General is to ensure that Victoria's body of law is reflective of community values, is readily understandable, appropriately balances individual rights and freedoms with the need for community protection, and is consistent with national and international legislative trends.

Restabilising the Law Reform Commission

Governments cannot be adequately informed about legal developments without the assistance of an independent body constituted to conduct research and consultation and to provide advice on law reform. Victoria had this, until the Law Reform Commission was ruthlessly abolished by the Kennett government. One of the first things I did as Attorney-General was to ensure that the commission was re-established, to place Victoria at the cutting edge in law reform across Australia. The Victorian Law Reform Commission has developed an inclusive, innovative and independent approach to the law reform process that encourages and values community participation. The commission is

currently working on a number of references including sexual offences, homicide and compulsory treatment and care of people with intellectual disability.

Reviewing sentencing laws

When I became the Attorney-General in 1999, I was conscious that sentencing law was one area of the law that required review and reform as a matter of priority. Sentencing of offenders is a very complex task, requiring more than just a one-size-fits-all approach. Sentencing laws must balance the need for appropriate punishment with the need to protect the community and reduce the incidence of crime in our community. It is for this reason that I have consistently opposed the introduction of mandatory sentencing as discriminatory, inhumane and unjust.

The sentencing system is constantly evolving in light of changing community attitudes and better information about what works in sentencing practice. Accordingly, I commissioned a review of Victoria's sentencing laws to provide a mechanism for community discussion about the purposes of sentencing, the nature and effectiveness of sanctions, and the appropriate range of sentences for various offences and offender groups. I had great pleasure in informing the house about the findings of the review on 19 March 2002, as contained in Professor Arie Freiberg's final report *Pathways to Justice*.

The report made a series of innovative recommendations, including the establishment of a sentencing advisory council to allow informed community views to be incorporated into the sentencing process, and the introduction of guideline judgments, to promote consistency in sentencing and guide other courts' sentencing penalties for particular crimes. The government is supportive in principle of both of these recommendations and is developing the appropriate legislative framework through which to introduce these initiatives.

Reforming the law relating to street sex work

I believe that the government's commitment to identifying and developing law reform proposals in consultation with the community is amply demonstrated by the work undertaken to address the issue of street sex work in the Port Phillip area. The previous government put this issue into the too hard basket, despite numerous calls for action from the Port Phillip council, local residents, and welfare agencies. I established the Attorney-General's street prostitution advisory group to identify the key concerns regarding street prostitution, identify possible options for addressing these concerns, and to make recommendations as to how the government should respond. The advisory group's interim report indicates that legislative reform may be necessary to reduce the harms associated with street sex work.

Developing an accessible and responsive legal system

The third strategy to achieve a fair, accessible and understandable justice system is through the development of an accessible and responsive legal system. One of the principal concerns of this government has been to improve access to affordable, high quality services that are responsive to the needs of users.

Improving regulation of the legal profession

Accordingly, questioning how the legal profession should be regulated, including the important area of dealing with consumer complaints, was the subject of examination by the government. Last year I released a report which found significant weaknesses in the current regulatory scheme, including a complex complaints system, multiple paths for issues resolution, and a lack of attention to consumers of legal services. The report proposed that a legal services commission be created to receive and monitor all consumer complaints. A commission would be accountable to an independent board comprised of legal professionals and community representatives. I have sent a letter to every registered lawyer in Victoria, enclosing the recommendations of the review and inviting their comments.

Delivering improved legal services to government

A major initiative of the Bracks government is the revamp of the way that legal services are provided to government by private law firms. In December 2001 I announced a multimillion dollar tender for the provision of private legal services, a major part of our commitment to centralising the provision of legal services, which includes establishing panels to handle departmental work, using the government's buying power to extract a better deal from law firms, and facilitating the exchange of legal information across government. This process will ensure that government gets the best advice for the best price. Firms tendering for government services will also need to demonstrate a commitment to pro bono work and that they adhere to equal opportunity and model litigant principles.

Improving delivery of pro bono services

I am also committed to encouraging private law firms to put back into the community by providing low cost or free (pro bono) legal services to disadvantaged

members of our community. The government has complemented existing pro bono services through establishing the innovative pro bono secondments scheme, which puts private practice lawyers to work in community legal centres and legal aid offices. The scheme is designed to bring the private and public sectors together to deliver a range of services to the community. Many of Victoria's top private law firms have pledged their commitment to the scheme. The scheme will ensure that more Victorians gain real access to justice.

Securing the future of CLCs and VLA by increasing funding

Community legal centres (CLCs) and Victoria Legal Aid (VLA) provide low-cost, accessible legal services to disadvantaged members of our community. When the government came to power, Victoria's CLCs were facing a funding crisis, due to the commonwealth government's decision not to grant funding to CLCs for the full 2001–02 financial year. The Bracks government is committed to securing the independent future of CLCs. Last year I announced the allocation of $1.05 million in funding for Victorian CLCs, the most significant single funding increase for CLCs in the last 15 years, as well as a $1.1 million increase in funding for VLA as demonstrating this commitment.

Establishing the Judicial College of Victoria

The Bracks government's commitment to reforming the legal profession and supporting the provision of low cost legal assistance is paralleled by its support for judicial professional development. An act to establish the Judicial College of Victoria (JCV) was passed by this Parliament last year. The college will provide professional development, training and ongoing education to judicial officers. The government sees this as crucial in enhancing the independence and stature of the judiciary.

Increasing diversity in judicial appointments

This commitment was underlined by my recent decision to seek expressions of interest for judicial appointments to the County and Supreme courts. These were not job advertisements as such, but a means of ensuring that there is a broad pool from which to make judicial appointments. The advertisements sought expressions of interest from people with a range of appropriate personal qualities, such as integrity, fairness and commitment to public service. Sensitivity to issues of gender, sexuality, disability and cultural and linguistic difference, as well as a commitment to judicial education, are qualities that I was particularly keen to emphasise. I believe that bringing people with these qualities into consideration for appointment to the bench will work towards ensuring that our judges remain accountable to and representative of the breadth of the Victorian community.

Modern, accessible courts and court systems

The fourth area of achievement that I want to discuss is the delivery of modern, accessible courts and court systems. The government is committed to a modern court infrastructure, to further enhance Victorians' access to justice and accessible legal services. As Attorney-General, I also have a strong interest in exploring new ways of seeing justice done. Invoking the concept of therapeutic justice, exploring alternative dispute resolution and challenging traditional notions of how courts should operate is an important part of this. Enhancing mechanisms for resolving civil disputes outside the adversarial system is a priority for the Bracks government. Similarly, the development of new forums for addressing offending behaviour in an integrated, culturally sensitive manner, and additional support for court-based diversionary programs, demonstrates the Bracks government's commitment to identifying and responding to the causes of crime in our society.

Building better courts

The Bracks government is delivering on commitment to enhance and improve Victoria's courts. As part of its courts capital works program, the Bracks government is constructing a new $25 million Latrobe Valley court and police complex in Morwell. The Moe Magistrates Court will also be upgraded as a part of the project. A new court complex in Mildura and an upgrade of the Heidelberg Magistrates Court are also well under way.

Expanding the diversion and CREDIT programs

The Bracks government believes that, to be tough on crime, it needs to tackle the causes of crime. Breaking the cycle of offending and preventing first time offenders from commencing on the treadmill is a significant priority. Accordingly, the government is committed to enshrining and expanding the Magistrate' Court diversion programs, as well as the CREDIT, (court referral for evaluation for drug intervention and treatment) program. This government has already extended the CREDIT program to the Sunshine, Ringwood, Dandenong, Moe and Geelong Magistrates courts. CREDIT will be expanded to other courts in metropolitan and regional Victoria during the year. The government has also established a drug clinician program in the Children's Court, underlining its

commitment to providing appropriate drug treatment services to young offenders.

Establishing a drug court

I am committed to exploring options for more serious drug users, whose drug use is related to their offending behaviour. I commissioned professor of criminology Arie Freiberg to prepare a discussion paper on 'Drug courts and related sentencing options' as part of his larger review of sentencing laws and the government has now introduced legislation into Parliament to establish Victoria's first drug court. I believe that drug courts are an important device in breaking the cycle between drug addiction and criminal behaviour and am extremely pleased that the legislation has received bipartisan support. The drug court will be piloted over the next three years, commencing at Dandenong by the middle of the year.

Establishing a Koori court

The Aboriginal justice agreement recognises the Bracks government's commitment to ensure that indigenous Victorians receive better justice. For too long, Aboriginal people have been overrepresented in the criminal justice system. The delivery of fair, equitable and culturally relevant justice services that improve the access of Aboriginal people to legal protection is a vital component of this strategy. My department established an Aboriginal justice working party to develop initiatives in the agreement, including the development of the Koori court. The working party has representatives from a range of agencies, including ATSIC, the Victorian Aboriginal Legal Service, Victoria Legal Aid, Victoria Police, and the Magistrates Court of Victoria. The Aboriginal justice working panel has developed a Victorian Koori court model, based upon consideration of the key features and underlying philosophies of existing models and what worked and what did not work. It was keen to create a court capable of meeting the Victorian indigenous community's needs. Koori courts will be established on a pilot basis in Shepparton and Broadmeadows. The development of a Victorian Koori court builds on the Bracks government's recognition that improved justice outcomes for Aboriginal people are achieved when government agencies and Aboriginal communities work in partnership.

Future directions in the Justice portfolio — justice statement and courts strategic directions project

The Bracks government's approach to delivering a fair, accessible and understandable justice system are responsible for significant achievements in the Justice portfolio over the last two and a half years. It is a very exciting time to be Victoria's Attorney-General.

However, I believe that some of the most challenging and innovative work is yet to be undertaken. The principles that establish the relationship between the Bracks government and the Victorian community will be articulated in a justice context through the development of a justice statement. Through this statement the government, in partnership with key stakeholders, will develop a vision for the future of Victoria's justice system. An important part of the statement will involve a focus on Victoria's courts and tribunals. This is referred to as the courts strategic directions project. I see these complementary initiatives as setting the vision and strategic direction for the justice system and our courts over the next ten years, with most of the work being done over the next five years.

Background to the justice statement and courts strategic directions project

Victoria's basic court hierarchy consists of the Supreme, County and Magistrates courts, complemented by the creation of the Court of Appeal in 1995, the Victorian Civil and Administrative Tribunal (VCAT) and this government's recognition of the Children's Court as a separate and independent court. Over the years, the size and jurisdiction of the courts has changed. The number of judges appointed to Victoria's court has increased significantly and the respective courts' jurisdictions have experienced similar increases.

A number of factors will impact upon the demand for justice in the future. A report commissioned for my department identified five drivers for the future of the courts, being:

new technologies, which are providing administrative solutions as well as increasing the complexity of the cases that the courts must hear;

social movements, which expand the notion of rights and challenge traditional ways of delivering justice;

democratisation of the courts, with increased pressures to become more accountable and more transparent;

globalisation, including new types of crimes and threats as well as jurisdictional issues and new relationships with courts and jurists throughout the world;

demographic shifts, including the shift to partnership values and an ageing society.

The concepts of therapeutic jurisprudence is also an important issue for the justice system. The fundamental principle underlying therapeutic jurisprudence has been described as 'the selection of options that promote health and are consistent with the values of the legal system'[1]. It is a concept that this government is committed to advancing.

The courts strategic directions project provides an opportunity to develop linkages between therapeutic justice and other contemporary philosophies that seek to influence how decisions are reached in the justice system. These include notions of restorative justice, which attempts to restore at least some of the victim's tangible losses and reinforce the offender's sense of accountability, and community justice, which stresses practices that have positive effects and involve the community in decision making.

Similarly, the government is committed to enhancing models of alternative dispute resolution. Avenues for the resolution of disputes outside the traditional adversarial system allow parties to take ownership not only of the dispute process, but also of the outcome, ultimately bringing greater satisfaction. Alternative and early dispute resolution often saves parties valuable time and money and recognises that many parties need to be able to maintain productive relationships with each other after the particular dispute is resolved.

Context of the justice statement

The development of a justice statement acts as an acknowledgment by this government that justice outcomes cannot be delivered unless the justice system and its respective agencies operate as exactly that — a system. One of this government's guiding principles is fostering a balanced approach where people are thinking and working together to achieve mutual goals. This government understands that a piecemeal approach to dealing with demand pressures in individual courts and tribunals and related justice agencies does not take advantage of opportunities that can be achieved by looking at the system as a whole.

The creation of a justice statement provides an avenue to apply a joined-up approach to the justice system, taking into account the agreed principles of the justice system, including the principle of judicial independence. The justice statement will build on the undoubted strengths of Victoria's justice system, and in doing so will ensure that Victoria has arrangements in place that are modern, innovative, effective and flexible.

Objectives of the justice statement

The objectives are:

a vision for the justice system that will take it forward over the next ten years;

a set of principles and objectives that will provide the overarching framework for the system and will operate as the driver of the vision;

a courts strategic directions statement that will provide the blueprint for administrative and structural reform in the courts over the next five years; and

identified initiatives and activities that will over a period of five years implement the vision, principles and objectives.

Necessarily, the justice statement will express not only my views as Attorney-General and the views of the government on the future direction of the justice system in Victoria. The justice statement will also accommodate the views of the courts, the Victorian Civil and Administrative Tribunal and key stakeholders such the Director of Public Prosecutions, Victoria Legal Aid, victims of crime, offenders and witnesses.

The justice statement will consolidate this government's significant contributions towards a fair, accessible and understandable justice system over the past two and a half years. It also builds upon the Bracks government's balanced approach and commitment to growing the whole of Victoria by encouraging community input and developing responsive services. This project is one of the most ambitious ever undertaken by the Department of Justice. It is a project that rejects the approach of the previous government, which was to look only to the short term. The justice statement is designed to facilitate sustainable, medium to long-term improvements in the way we think about and deliver 'justice'. I am confident that these initiatives will deliver very real and tangible benefits to all Victorians.

Conclusion

Unlike the previous Kennett government, the Bracks Labor government has a vision for Victoria's justice

[1] P. Casey and D. Rottman, *Therapeutic Justice in the Courts*, National Center for State Courts/Institute for Court Management, August 2000 (www.ncsc.dni.us/icm as of 20 March 2002

system. This vision is of a robust justice system that is fair, accessible and responsive to community needs. I am extremely proud to be in a position, as Attorney-General, to be involved in a range of initiatives that will contribute to the realisation of this vision. Although this government has achieved many important reforms to Victoria's system of justice during its first term of government, there is still much important work to be done. I believe that the development of the justice statement and the courts strategic directions project will provide the foundation for a range of innovative schemes to enhance community confidence in the justice system. Involving and working with the community is a vital part of the process. I commend this statement to the house.

I move:

That this house takes note of the ministerial statement.

Dr DEAN (Berwick) — I reckon that takes the prize for the most self-indulgent, self-praising load of rubbish I have heard in the time I have been here. What an extraordinary thing it is! Here is an opportunity for the Attorney-General to praise himself — the word 'I' being the most commonly used, and let's not forget the saying about the smaller your achievements the louder you have to shout — and what support has he got?

We have the Minister for Local Government at the table, who has to be here, and the Attorney-General's parliamentary secretary, who also has to be here. There was another member sitting over there for about half an hour, but he walked out. The honourable member for Mitcham walked in, had a look, heard what was happening and walked out again. Obviously Mr Speaker is busily engaged in his chamber. In fact we on the opposition side outnumber government members. I suppose someone should show that they can listen to garbage, even at the best of times. How embarrassing for an Attorney-General to have to lower himself and sing his own praises because nobody else will.

Let's have a look at the real record of the Attorney-General over the past few years. It has been one of incompetent, botched legislation, small inconsequential amendments designed to grab headlines, a bull-at-the-gate approach and shallow, shallow legislation. Let's look first of all at the botched legislation, because I am not going to just say a whole lot of things so members opposite can say, 'Of course the opposition would say that'. Let's go through the legislation and see how it has been botched. This is the most extraordinary display of botched legislation you have ever seen in your life.

We started off right at the beginning with amendments to the Freedom of Information Act, which I might say made no real difference to the act. Putting that aside, the very first piece of legislation was so badly drafted that the opposition had to draft amendments to ensure that the privacy provisions did not collapse. The opposition then made the mistake of showing its amendments to the Attorney-General prior to his coming in here. The Attorney-General rushed back to the parliamentary draftsman, copied the opposition's amendments and introduced them as his own to try and correct his legislation. What a great start!

Then we had the constitutional amendment bills. What a wonderful little episode they were.

Mr Ryan — Where's he gone?

Dr DEAN — He was the only one listening to himself, so he might as well go.

The government was two weeks old when it decided to amend the Parliament by introducing the first bill to amend the upper house. Having done no consultation, the government then found that the Independents and virtually its entire backbench were totally against the provisions it had introduced; absolutely nobody agreed with them. After wringing its hands for months the government then decided to introduce not one but two more bills. However, in doing so the government forgot to remove the bill it had already introduced, so it then had three different constitutional amendment bills before the house. It was a question of which one should we choose! I have never seen an Attorney-General introduce three different pieces of legislation with respect to the same topic at the one time. Then the crunch came.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The Attorney-General was heard in absolute silence, and I would expect the same courtesy to be extended to the shadow Attorney-General.

Dr DEAN — Then with three different bills before the house on the same topic the government suddenly realised it had removed all of the triggers for calling an election, save for a motion of no confidence in the government. It had removed the special bill trigger and the supply trigger, which meant that if there were a deadlock between the houses for four years the only way the Attorney-General could possibly break it would be to move a motion of no confidence in himself. That bill had to go, and all three bills went out in the same way in which a lot of this legislation has had to go.

Next we come to the transgender legislation. The Attorney-General thought it was a good topic that would get a lot of publicity. He thought the Liberals would not agree and that it would be a real punch-up and a lot of fun. The Liberal Party looked at the transgender legislation and said it was okay. The opposition was happy, so the Attorney-General had a massive majority. But there was one problem, which was that the Independents did not agree with it. There the Attorney-General was with virtually the biggest majority he could possibly get, enabling him to pass the legislation with a click of his fingers, but it went up into the stratosphere, where it waited for months as it was discussed.

I remember the wonderful scene of the Premier, the Attorney-General and the Independents all going into the strangers corridor to try and work out how to get the Attorney-General out of this fix. In the end, to meet the Independents' demands the government had to introduce amendments to its own bill, which detracted from it, while the opposition agreed with the original bill. What absolute nonsense! What botched and incompetent legislative procedures!

Next we go to the Juries Bill. Here was a chance for the Attorney-General to redeem himself. The Juries Bill was drafted by the previous government, to which the Attorney-General made one tiny amendment — he allowed people on bail to sit on juries to hear trials. The legislation came in, and everyone said, 'Shock, horror!'. Having now mucked up three pieces of legislation the Attorney-General did not know what to do, so up to the stratosphere it went, where it hovered while the Attorney-General scratched his head and tried to work out how he could possibly get out of this fix. He had people on bail, who could quite possibly be convicted of an offence, being allowed to sit on a jury listening to somebody else's criminal trial. In the end the opposition rode to the rescue and came up with a compromise proposal, so with a sigh of relief the Attorney-General was able to get the Juries Bill through.

Where do we go next? — the hapless Attorney-General! Next we go to self-injecting room legislation. Forget the principle, what do we find in the legislation? We find that the legislation, because it does not define the sorts of drugs that can be taken into the injecting room, allows a smorgasbord of drugs to be legally taken into the injecting room so that people can basically test various drugs. Then the government finds that it has not given civil liability protection to operators, so it now has another bill which is a complete disaster.

On we go. The Attorney-General says, 'Let's split up the Children's Court and the Magistrates Court — that is a good idea'. In comes the legislation and we find that the same two people — the head of the Children's Court and the existing Chief Magistrate — both have the power to determine whether a magistrate should go into the Children's Court or not. They both have the power so if one says yes and the other says no, we have a situation which is completely untenable. Again, it is a complete fiasco because we have an Attorney-General who does not read his legislation before it comes in. He is so busy skipping from headline to headline that he does not do the work that an Attorney-General should do — that is, bring in competent nuts-and-bolts legislation which keeps this justice system operating.

Where do we go from there? Remember the bloke called Dupas. Yes, that's right. We found out that Mr Dupas could not be asked questions about previous crimes in prison. So the Attorney-General, who was told by the civil libertarians that this is quite appropriate, stormed out to the television cameras and said, 'I am not changing this bill; this is absolutely correct. We should not be able to interview poor Mr Dupas in prison; that is an outrage'. The opposition said, 'Hang on a tick, this is ludicrous', and in the end the opposition had to bring in a private member's bill. Once the private member's bill was introduced, lo and behold, the Attorney-General had a change of heart and brought in his own amendment, which mirrored the opposition amendment in the upper house, to save himself.

It just goes on and on. We had whistleblowers legislation introduced which removed our parliamentary privilege until the opposition fixed that one up. Then we had the Judicial Remuneration Tribunal (Amendment) Bill that could give away private and secret confidential matters until we fixed that one up. Let us pick the latest piece of legislation, the DNA legislation. Along it comes, and the hapless Attorney-General says, 'I think I will move a couple of house amendments to make this that much better. We are going to ensure that all DNA sample taking is videoed, and we will have an independent person present'.

In it comes and up it goes to the upper house. In the meantime, reality strikes: the Police Association says, 'You must be joking!'. What does the Attorney-General do? In the upper house he gets his people to remove his own amendments from this place. So he is sort of amending his own legislation between houses. Then he gets upset when we say we are quite happy to help him do that.

There is the real record of total and absolute incompetence. Let's look at the comparison between the two governments. This is all about how rotten the Kennett government was and how good this government is. Let's look at the Kennett government's record of legislation in its first term. By the way, in the Kennett government's first term 38 bills were introduced by the Attorney-General, including the Commercial Arbitration (Amendment) Bill which changed the approach to commercial arbitration.

Why do I bring sentencing amendments up? Because this Attorney-General has had a sentencing review going on for 17 months. It is six months late, and he still has not made one change to the Sentencing Act. We made three changes to the Sentencing Act in the same time. There was the Legal Profession Practice (Guarantee Fund) Bill — changing nuts-and-bolts, not exciting, not getting headlines, but a major piece of legislation; the Equal Opportunity (Amendment) Bill, introducing administration and probate amendments — another major change to serious legislation; the Legal Aid Commission (Amendment) Bill; and the Courts (General Amendment) Bill which was to change procedures in the court.

Then the former government created a new court called the Court of Appeal, all in its first term. There were Coroner's Court amendments and children and young persons re-hearing conferences. It may not have been mind-shattering stuff, but it was the nuts and bolts of what an Attorney-General should be doing. There were also changes to the trustee and trustee companies legislation and a complete change of the domestic building contracts legislation. It was complex, difficult, hard legislative work, which took Victoria into the modern era. There were also big changes to the legal profession. Those are just some of the 38 acts introduced by the previous government.

The then Attorney-General never felt the need to come into this place and crow about all the stuff she had done, because it was quite obvious that she was doing a heap of work that was not in confidence and not inappropriate.

I will go through the Attorney-General's list. He amended the Administration and Probate Act to improve the rights of victims of dust disease. However, that had already been put in process by the previous government through its policy group. I was in that group; I knew it was there, because I picked it up from the previous government.

The Attorney-General says the government is providing better services for victims of crime. You must be joking! This is the Attorney-General who, if you look at the figures — —

Mr Wynne interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Richmond knows full well that the Attorney-General was heard in absolute silence, and I would expect him to extend the same courtesy to the shadow Attorney-General. He will have his turn!

Dr DEAN — This is the man who, in his own budget papers, reduced funding for the victims of crime assistance program by half. He then ran an inquiry that lasted about 12 months to keep those victims without counselling. Time and again we have seen in headlines what has happened. A letter went out from the Victims Referral and Assistance Service which said that only 100 victims a week could be seen in Victoria and that they would only be eligible for five sessions. That was the cut-off point. It is nonsense to suggest that the Attorney-General has done anything for victims other than ruin their lives in many cases.

The privacy act referred to by the Attorney-General was in fact the data protection legislation introduced by the Honourable Alan Stockdale in the previous government. Again, well done Kennett government!

I turn to the protection for whistleblowers. The government removed the privileges applying to the protection of Parliament as a consequence of the Whistleblowers Protection Act.

The Attorney-General referred to improving workplace safety. What a wonderful acknowledgment of his understanding of the legislation introduced into the house! This is what the Premier said on radio in relation to that legislation:

> And I think the claims made in the advertisement are misleading, because you can only be prosecuted under the draft legislation if you can prove to have deliberately caused the death of an employee. That is, you set out to deliberately cause the death by your practice in the workplace.

Well, Premier, that is called murder, not manslaughter! So if the Premier has no idea what sort of legislation is being brought into the house, how on earth can we expect the Attorney-General to know what is going on?

The Attorney-General referred to the indigenous Victorians justice agreement. Guess what? The only difference between what the previous government did and what this government has done is the change of the word 'plan' to 'agreement'. That probably took the Attorney-General about six months, because that is a

big decision. How do I know that? Because I chaired the committee which produced the plan! Then there is the massive help to Koori courts — $185 000 over two years for four courts. That will not even pay the salary of the magistrate concerned.

I turn now to the reviewing of sentencing laws. I cannot see one amendment — not one amendment — to the Sentencing Act. The review has been going on now for two and a half years. This is the Attorney-General who was doing so well that he tried to hide the original report. I invite honourable members to go back to the speech where I set out all the things that were hidden. I refer to things like Professor Freiberg saying that home detention was nonsense and should not be done and that we should encourage judges to give shorter sentences — and that vanished. He said that suspended sentences do not work, which was unfortunate, because the Attorney-General said that the only thing he was going to keep was suspended sentences. We will wait to see what happens there.

There has not been one piece of legislation relating to street sex workers, although that has been talked about and consulted on for ages.

Then there is the promised delivery of pro bono services, which is the biggest joke in the legal profession. By putting such work into some sort of bureaucracy, all the small firms will miss out. The big firms can easily do pro bono work, because they can have special departments doing it. They will pick up all the government work, and small and middle-size firms that struggle will not get a look-in — yet most of those firms are doing pro bono work and have been for years. I do not know of one solicitor or solicitor's firm that does not do a significant amount of pro bono work. What an insult to say that it virtually has to be legislated.

Next I turn to judicial appointments. My phone has not stopped ringing since the old judicial advertisement saying, 'If you want to be a judge, give us a call'. I will tell honourable members exactly what is going to happen. All those people who would not be chosen to be a judge in a fit will call, and all those who are magnificent lawyers and have pride and dignity will not call. Why should they? The Attorney-General is meant to know who they are; that is what attorneys-general do! Some of the wonderful people who I know quite well will never put their hand up in this way. They will not go into a rugby scrum to become a judge, and the result will be the complete opposite of what is intended.

I turn now to the program for better courts, and I will go through the previous government's building program for courts, as against this government's program. Let me just mention a few: Ballarat, Geelong, Dandenong, Melbourne, Ringwood, Frankston, the creation and beginning of the County Court, and of course the complete refurbishment of the Supreme Court. Now that is a building program. That is what governments should be doing. What is this government doing? I do not think it has finished one court yet. It has opened a couple that the previous government started, but in two and a half years I do not think it has opened one court that it has started.

An honourable member interjected.

Dr DEAN — I do not know whether it has the land up at Mildura yet, but if it has it has certainly gone ahead in leaps and bounds. So the nonsense goes on: expanding the CREDIT program, which was created and delivered by the previous government. In fact I simply cannot find one thing here which was not either engineered and created in the first place by the previous government, or has not been completely botched, or is not so insignificant and silly that it is designed purely for headlines and has no substance. Compared with the previous government's first-term record, the Attorney-General looks completely shallow.

Let us go through the Attorney-General's administration. If he cannot get the legislation right or get any programs up or finished, what can he do about administration? Do honourable members know that he has the worst freedom of information record of any minister around? At one stage he had the following freedom of information requests with him — one 89 days late, one 72 days late, another 72 days late, one 30 days late, one 20 days late, another 20 days late, and another 18 days late. Frankly, he must have assumed it was important to make them as late as possible to draw attention to himself.

Who could forget the Adams affair? What a botch! The poor Attorney-General found himself on the front page of the newspapers having interfered with and got too close to a proposal to remove a judge. Then the Supreme Court judges were crying out for funds, accusing the Attorney-General of not having sufficient judges — now that has not happened in a long time. Then we had the quiet increase in court fees — some of them went up 133 per cent — until, luckily, the shadow Attorney-General found out what was going on.

Then there was the attempt to hide the original Freiberg report. We tried to get it through freedom of information but were told, 'No, you cannot have it'. We went to VCAT and fought and fought, and were told, 'Yes, you can have it'. But when we looked at it, it was

twice as thick as the one that came out, but half of it had been removed because it said all the things that the Attorney-General did not want to be seen.

Then who could forget the royal commission? What a wonderful piece of administration that was. How many amendments to the terms of reference were there? I cannot recall. Was it eight? What was the cost of this royal commission conducted under the auspices of the Attorney-General — —

An Honourable Member — It cost $100 million.

Dr DEAN — He could have got a few courts up for that. He could have almost equalled the previous government's record.

I was going to say 'this very silly Attorney-General', but that would be casting aspersions. This man has come in here with such a lack of judgment that he has puffed himself up in a self-praising attempt to bolster his record, only to open up the truth and the reality of his record to exposure. As I believe I have just demonstrated, it is an absolute disaster.

Mr Ryan interjected.

Dr DEAN — A very big disaster! What I say to the Attorney-General is this: stop writing 13-page treatises on what he has not done, riddled with, 'I did this', 'me', 'my' and so forth, because he can use the time a lot more productively actually getting some legislation before the house that works, ensuring that the legislation he introduces into this house is not botched and that he does not make a fool of himself, getting involved in building programs and getting the courts going, and then starting to do something for himself.

He should wean himself off all the Kennett initiatives he has been following up for so long. He should say, 'I am actually the Attorney-General and I have to do something separate and different'. The tobacco industry? Yes, that's terrific. He should also have a go at mandatory sentencing, which nobody agrees with. He should try to grab the headlines, but try to get a bit of time for the real work an Attorney-General does — that is, looking after the justice system, introducing legislation to ensure that law and order in this place operates, being seen to be a leader, introducing some visionary policies which are applicable to justice and law and order and not to some stupid notion of self-publicity, and actually starting to take things seriously. If he cannot he should try to find another minister who can and stick with racing and manufacturing, because that is probably what he is best at.

In conclusion I say that I cannot believe that a man who is so fond of calling himself the first law officer but who has such an unbelievable repertoire of failures and disasters can be so ignorant as not to realise how badly he is doing. Or does he actually know it and think that we are so stupid that he can come in with a frivolous and silly statement like this and get away with it. Basically I say to this Attorney-General that he should start taking his job seriously.

Debate adjourned on motion of Mr RYAN (Leader of the National Party).

Debate adjourned until later this day.

HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Health).

Mr CAMERON (Minister for Workcover) — In summing up, I thank all honourable members who made contributions.

Debate interrupted pursuant to sessional orders.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Mr Doyle — On a point of order, Mr Acting Speaker, I do not mean to interrupt the business of the house — I understand the exigencies of finishing right on 4 o'clock — but I point out that some serious questions were asked in the initial part of the debate on health practitioners. I understand it was not possible for the minister to be here, but I would expect those serious questions raised in the debate this morning to be fully and completely answered in the other place.

The ACTING SPEAKER (Mr Lupton) — Order! I cannot accept the point of order; the situation is quite clear.

MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Committee

Resumed from 17 April; further discussion of clause 1.

Clauses 1 to 15 and schedule agreed to.

Remaining stages

Passed remaining stages.

COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

Council's amendments

Message from Council insisting on following amendments considered:

1. Clause 11, line 15, omit "***section 115***" and insert "***sections 115 and 116***".

2. Clause 11, line 17, after this line insert —

   '"115. ***Transitional provision — Country Fire Authority (Miscellaneous Amendments) Act 2001 — Membership of Authority***

   (1) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, the Authority as constituted on and after that commencement is deemed to be the same body as the Authority as constituted before that commencement.

   (2) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, a person who is a member of that Authority under section 7 as in force immediately before that commencement, continues, subject to this Act, to be a member until the expiry of that person's term of office.'.

3. Clause 11, line 18, omit **"115"** and insert "**116**".

4. Clause 11, line 23, omit "9" and insert "10".

5. Clause 11, line 28, omit "9" and insert "10".

NEW CLAUSE

6. Insert the following new clause to follow clause 2 —

   'A. ***Constitution of Authority***

   In section 7(1) of the **Country Fire Authority Act 1958**, for paragraphs (d), (e) and (f) **substitute** —

   "(d) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Farmers Federation;

   (e) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Employers Chamber of Commerce and Industry;

   (f) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —

   (i) wholly or partly within the country area of Victoria; and

   (ii) within an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne;

   (g) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —

   (i) wholly or partly within the country area of Victoria; and

   (ii) outside an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne.'.

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now laid aside.

Motion agreed to.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Clyde Road, Berwick: traffic control

Dr DEAN (Berwick) — The matter I raise for the attention of the Minister for Transport concerns Enterprise Avenue in Berwick. My constituents are most concerned about what is happening at the intersection of Clyde Road and Enterprise Avenue. Enterprise Avenue has a fair degree of small to medium-size manufacturing businesses and over the years has become a very prosperous place, with a great deal of traffic movement. With the massive increase in population the traffic flow along Clyde Road is now starting to get out of control.

Under the previous government a portion of Clyde Road after Enterprise Avenue was made into a double-lane two-way carriageway, which was wonderful. Unfortunately the bit of Clyde Road that counts, between there and the village of Berwick itself,

was not. It is still just a two-way narrow road. As a consequence of that the traffic cannot get into Enterprise Avenue because of the massive traffic flow up and down Clyde Road. But matters are made worse because when the boom gates at the railway crossing are down that blocks all the traffic off and makes it impossible for cars to get in and out of Enterprise Avenue.

I ask the Minister for Transport to advise how he can assist the situation, how he can look at the railway crossing to make sure that it is either an overpass or an underpass that gives free flow to that traffic, and even if he cannot do that immediately to try to make sure he puts traffic lights in at Enterprise Avenue.

AMX Financial Services

Mr CARLI (Coburg) — I raise a matter for the attention of the Minister for Consumer Affairs concerning a series of advertisements that have been appearing in the local newspapers in my area from a Brunswick-based company called AMX Financial Services. The advertisements say things like:

> School fee money
>
> Are you a little short of money for school fees?
>
> …
>
> Approvals same day

It is basically a system of payday lending aimed at vulnerable parents who need money fast. There is nothing in the advertisements that shows the interest rates or the consequences of taking out of those sorts of loans. It is of great concern to me particularly since it is hard to know what the firm is dealing with, whether it is private school fees — I think that is unlikely — or voluntary school fees in the government school system which are in fact not compulsory.

It is of great concern that these advertisements are now going into local newspapers and young families are being targeted by payday lending firms. Even the name of the firm, AMX, seems to suggest American Express, but it is not American Express at all — it is a small finance group out there trying to exploit vulnerable and poor families.

I ask the minister to act to protect people in my electorate who have been approached by these types of payday lending firms. Clearly there is an opportunity for the government and certainly the minister to intervene in these cases. It is a scheme from which the public needs state protection. We are dealing with families, sometimes very young families, that are vulnerable. I understand the interest and charges on these loans can be in excess of 600 per cent per annum. That is an extraordinary interest rate, far higher than any comparable bank credit card or any other product.

Clearly these payday lenders are out there trying to exploit vulnerable and poor families. They make a substantial charge and profit on the money they lend. They do not provide either their interest charges or fees when people apply. It seems to me that these advertisements are creating the impression of fast and easy money. The consequence for those families is further debt, and often debt they cannot readily repay.

Road safety: driver education

Mr MAUGHAN (Rodney) — I raise for the attention of the Minister for Transport a matter concerning funding for driver education. As a preamble, I should say that Victoria has done a marvellous job in reducing the road toll over the years from 1088 to something under 400 now. I think that has been brought about by the introduction of seatbelts, .05 legislation, booze buses, credible speed limits, safer cars, speed cameras, better roads, penalties that hurt, alcohol interlocks, and the like. But the number of people that are killed on our roads is still unacceptable.

What greatly concerns me is the disproportionate number of young people. More than 8200 Australians aged between 14 and 24 years were killed on our roads in the period 1990 to 2000. In Victoria last year 28 per cent of drivers killed were aged 18 to 25, even though this age group represents only 14 per cent of all licence-holders. They are the brutal statistics.

The reality is that far too many young people are out there on the road without having sufficient experience or training to handle a modern motor car that is able to travel at very high speeds. Most young people are given licences before they have sufficient skills or experience to survive on the road. Most drivers, and certainly most young drivers, must have and develop a much better attitude toward driving behaviour.

I know many people advocate driving as part of the school curriculum. I am not necessarily advocating that tonight. What I am advocating is that we must have much tougher requirements for people to be able to get a licence to drive a motor car. That really involves proper driver training. There are a number of very good driver training schools at Charlton and Shepparton — and the driver education centre there is superb. Peter Brock, for example, has been advocating driver training, as have many others.

For a number of years now some of the local schools, such as Rochester Secondary College, have been giving all their year 11 students driver training at DECA — the Driver Education Centre of Australia. It is costing $295 per student, and that is becoming very difficult for many people to be able to cope with. Those that have done the course have had an excellent record in that there have been no deaths or injuries for about the past 10 years.

I therefore implore the minister to look very carefully at introducing proper driver training before young people are able to get their licences.

Schools: funding

Mr SEITZ (Keilor) — I raise for the attention of the Minister for Education and Training the need for action on behalf of the private schools in my electorate. As honourable members may be aware, the state government has made a commitment — which is the first time a state government has done so — to contribute towards capital funding in the private school system.

There are a number of private schools in my electorate, both secondary and primary. They include the North Keilor Catholic Regional College, a senior secondary college; the Overnewton Anglican Community College, which has two campuses in my electorate; and all the Catholic parish primary schools in the area. Their needs are great, particularly in a low-income area like my electorate. The Bracks government's commitment is certainly welcome. Gleeson is a small community group that has a secondary college and a primary school in my electorate in the area now called Taylors Hill. Those schools in the private system are looking forward to assistance from the Bracks government.

As the minister has been appointed to this new portfolio, I am asking her to ensure that funds are made available in the budget for those schools. The last round of funding for some of the schools was appreciated by the school community in particular, because parent fundraising can only go so far and they do need some assistance. The previous government let all the state schools run down, so there is the double necessity of not only improving the private system but also uplifting the state system in the region. Some of the areas in my electorate have quite old schools that need refurbishing.

Again I commend the minister on the refurbishing work that has been carried so far, which is why I am raising the issue once again. Given the new programming system of the minister's, I am sure that in the forthcoming budget the schools will not be overlooked and we will continue with a program which will be of great help to us until the state catches up.

The Kennett government did not develop new schools in the growth areas; instead, it closed schools and sold the land at a big profit. So those are my pleas to the minister: ensure that we do not finish up in the same situation, and in the meantime help the private system.

STARS Supernova program

Mr ROWE (Cranbourne) — I raise for the attention of the Minister for State and Regional Development the matter of the Glen Waverley Secondary College and the STARS Supernova program. This involves a contract which was entered into by former coalition government minister the Honourable Mark Birrell in the days prior to the last election and which the minister himself proudly announced the continuation of at a function with schoolchildren from Glen Waverley Secondary College. Mr Andy Thomas, the Australian astronaut who currently flies in the space shuttle, teachers from the college and Mr Kevin and Mrs Jenny Manning, who live in my electorate, are all NASA-trained educators.

The program aimed to provide a school in Victoria with the opportunity of developing an experiment to travel in the space shuttle. That was done, Glen Waverley Secondary College won the competition, and the project continued over a period of time. Unfortunately the flying part of the experiment had to be put off on a number of occasions, because, as one would appreciate, catching the space shuttle is not like going out to Tullamarine — a few things can go wrong! As a result the flight of the experiment was delayed over a period of two years.

The experiment has a flight date for the space shuttle of 9 July this year. Unfortunately the Department of State and Regional Development wrote to Spacehab in the United States in January this year terminating the contract. As a result of this termination the department is liable for $US60 000 in costs. The total cost of the project was $US65 000, so for a measly $US5000 we have seen some bureaucrat cancel a project which the children of Glen Waverley Secondary College have been working on for two years and which would gain us international recognition. The actions of the department have damaged our international reputation.

I call on the minister to override his department and have the funding reinstated so that the children who are flying to the United States on Monday under this program can see it completed on 9 July and see the experiment fly. I commend the project to the minister. I

know he would not have made that decision, because he trumpeted the project in the beginning.

Rural Finance Corporation: Bendigo

Ms ALLAN (Bendigo East) — I raise a matter for the attention of the Minister for State and Regional Development and ask him to take urgent action to reassure the people of my electorate of Bendigo East and the electorate of Bendigo West that the Rural Finance Corporation's relocation from Collins Street, Melbourne, to Bendigo will continue to go ahead as announced by the minister in Bendigo last Friday. People in Bendigo would have been very alarmed to hear the comments of the Leader of the Opposition on country radio today about the Rural Finance Corporation's move to Bendigo:

> I think Bendigo was chosen purely for political motives …

He went on to refer to:

> … areas like Shepparton which has a significant relationship with the Rural Finance Corporation. It does have a good track record of service there.

I point out to the Leader of the Opposition that Bendigo also has an office of the Rural Finance Corporation and that Bendigo and central Victoria have a good track record of service with the corporation.

The Leader of the Opposition went on to say that it was announced out of the blue. I remind him of the extensive feasibility study that was undertaken by Pricewaterhousecoopers, which found that Bendigo would be a suitable location. Bendigo can rightly claim to be the financial capital of regional Australia when you consider the financial services already there, such as the Bendigo Bank, the Bendigo stock exchange and North West Country Credit. It already has a strong financial sector, and the feasibility study showed that this shift would bring over $60 million in benefits to the Bendigo community over the next decade, including a one-off injection of $3 million for the community, bringing with it 40 jobs.

You have to wonder what the Liberal Party has got against Bendigo when you consider its record in office. It started the shift of the agricultural department head office immediately on coming to office. It privatised the railway workshops in Bendigo, which led to their ultimate closure. The federal Liberal Party privatised Australian Defence Industries, and we have seen massive job losses there. And under the former government Bendigo suffered massively from public sector cuts, particular in the areas of teaching and nursing. We also must remember the comments, particularly from the Deputy Leader of the Opposition, opposing the fast train to Bendigo. The people of Bendigo know the many benefits that the fast train would bring to our community. Now the Liberal Party is against the move of the Rural Finance Corporation to Bendigo.

The Bendigo and central Victoria communities voted the Liberal Party out at the last election. People in our area know it is the party that does not care about Bendigo. It turned its back on Bendigo when it was in government, and it continues to want to stop job growth and development in Bendigo.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Waverley Park

Mr BAILLIEU (Hawthorn) — I ask the Minister for Planning to reconsider the time frame for public comment on the redevelopment proposals for Waverley Park. The proposals for that redevelopment were put on exhibition on 27 March. Exhibition and comment from the public closes on 26 April. That period of some four weeks includes Easter, the school holidays and Anzac Day. We in the opposition have received considerable comment from those with an interest in the project as to the shortness of time. I understand the material on exhibition includes some 17 reports and obviously a large number of documents. The proposal runs to some 1700-odd dwellings and facilities for 3500 people. It is a big project and concerns have been expressed by the City of Monash as to the time frame and the capacity to make a reasoned submission.

The responsible authority for the project is the minister herself. This is a very compressed time frame with little opportunity for comment. Other groups and individuals have expressed similar concern, including the Save Waverley Park group and residents adjacent to the Waverley Park development.

I therefore ask the minister to confirm whether or not an extension or accommodation of the time frame has been made for the City of Monash. That has been suggested to us privately, but there has been no public comment. If an accommodation has been made for Monash, I ask the minister to also extend that accommodation to other groups and members of the general public so that people can make reasonable submissions in a reasonable time frame on an important project.

Housing: supported accommodation assistance program

Mr LANGUILLER (Sunshine) — I raise a matter for action by the Minister for Housing. Can the minister advise what action she intends to take to help support women and children at risk of homelessness because of family violence? I wish to put on record proudly that I applaud the minister for her efforts to turn around homelessness in Victoria after many years of neglect by the Kennett government. The Bracks government has provided or will provide in the order of $32 million over five years for the supported accommodation assistance program, or SAAP — an increase of some 30 per cent for homelessness services to Victorians.

The Bracks government has released the Victorian homelessness strategy — our vision for delivering better services to people experiencing homelessness and to help them get their lives back on track. While Victorians can be proud of the Bracks government's record on addressing homelessness, the problem does not simply go away. As an example, family violence continues to be a major contributor to the homeless population. We all know stories of women and children forced into homelessness because of the violence perpetrated against them. Data from SAAP's national data collection agency shows that family violence is the main reason for seeking support in 24 per cent of cases. Some 250 families are accommodated at any one time within refuges and the transitional housing management program.

I am proud to say today that our government and the minister have continually delivered on promises we made prior to our election. At the time we said we would boost spending on public and community housing by $90 million over the three years in government to build around 800 new housing units, and we are doing that. We said at the time that we would ensure that public rental was affordable to low-income tenants. We are working in that direction, and we are delivering. We said we would get local government to expand local and affordable housing arrangements and to work in partnership with the Bracks government, and indeed we are working in that direction.

We said at the time that we would work in the direction of improving transitional housing. This minister has been turning things around in the state since we came into office. We said we would improve the information available on housing options, including multilingual literature for non-English-speaking communities in the state, and indeed we are doing that. We said at the time that we would support the retention of the commonwealth–state housing agreement, and our minister and government worked very strongly in that direction. We also said we would foster a professional and stable building industry. The Bracks government is doing that.

I say lastly that, at the time, the Tenants Union of Victoria said it was confident the Bracks government would turn things around. I am very optimistic today that the tenants union would confirm that in fact we have done the job.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Tertiary education and training: TAFE vouchers

Mr VOGELS (Warrnambool) — I raise a matter for the Minister for Education and Training on behalf of Kate Savage, who recently discovered that after being reassured time and time again she would receive four TAFE vouchers to cover her entire tuition fees throughout the hairdressing course she is undertaking has now been informed she is only going to receive two TAFE vouchers.

Kate commenced her course on 4 February 2002 and it runs out on 7 March 2003. Kate left school to take up the course at no cost as she met the criteria — she was under 18, on a youth allowance and living away from home. Kate was informed through the office of education and training that the state government subsidises the course by way of vouchers and she was entitled to four vouchers. Each voucher is worth 400 hours. Kate has how been advised that the government has made changes to the criteria and that she is now only entitled to two vouchers. This young lady would not have left school and taken up this course if she had understood that she now has to find $3500 out of her own pocket, which she obviously cannot afford.

I ask the minister to take action to make sure that Kate receives her four vouchers. If the government has made changes to the criteria by giving hairdressing academies access to only two vouchers instead of four, someone is responsible.

The ACTING SPEAKER (Mr Lupton) — Order! I ask the honourable member to repeat which minister he is referring this to.

Mr VOGELS — I did — education and training.

The ACTING SPEAKER (Mr Lupton) — Order! I am asking you to repeat it.

Mr VOGELS — The Minister for Education and Training.

The ACTING SPEAKER (Mr Lupton) — Thank you!

Mr VOGELS — Someone is responsible for misinforming these applicants, and they should not be left out on a limb.

Warrnambool Racing Carnival

Mr ROBINSON (Mitcham) — I wish to raise a very important matter for the attention of the Minister for Racing. It concerns the forthcoming, time-honoured Warrnambool Racing Carnival. The action I am seeking from the minister is that he make arrangements to attend this significant meeting in person as a sign of the Labor government's very strong commitment to country racing in this state.

The Warrnambool Racing Carnival, as some honourable members may not be aware, is a very significant attraction to lots of people in the Mitcham electorate. Indeed for a long time it has been said that in the first week of May you will find more Mitcham residents at Warrnambool than you will in Mitcham itself. It is not surprising — —

An honourable member interjected.

Mr ROBINSON — It is understandable that the honourable member for Mitcham would want to service his electorate, wherever he may be.

The carnival is time honoured; it has been in operation for over 120 years, I believe. It is always held in the first week of May. It is a spectacular celebration of jumps racing. The three jumps races which are the highlight are the Brierly Steeple; the Galleywood Hurdle, named after that famous 1986 winner; and the Grand Annual Steeplechase, which features more jumps than any other jumping race in the world. It is a spectacular carnival.

I have been fortunate to have visited on a number of occasions. I recall taking the then opposition leader down there in 1998, I think it was, and we had a very fine day. It is also an historic meeting. It is reputed that the Warrnambool races was where the tune for 'Waltzing Matilda' was first heard, later being put to the words which accompany that great song.

Parliament will not be sitting in the first week of May, which again is testament to this government's great support of country racing, and I would encourage all honourable members to get down there.

The Labor government is strongly committed to country racing. I think it would be a wonderful thing if the Minister for Racing could find time in his busy schedule to attend the races in person and to indicate in his attendance Labor's enormous commitment to what is a fantastic event. I know that the honourable members for Warrnambool and Polwarth will wholeheartedly support my call, and perhaps even the Leader of the Opposition himself will find the charity in his heart to support the call to have the racing minister attend in person this most wonderful celebration of jumps racing in Victoria.

Port Phillip Prison

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Corrections. I had forwarded to me by a constituent, Denis Oakley, a series of letters and notes by Mr John Walsh, who is currently or had been in custody in Port Phillip Prison. I am advised that on 2 February this year, around the time he was due to appear in court, Mr Walsh was bashed while in his police cell and sustained fairly serious injuries. The injuries sustained were, I believe, seen by a medical practitioner. He suffered from nausea and lapsing consciousness, and since that time he has had blurred vision and other ongoing physical ailments.

The matter that I seek the minister to respond to and address is how the incident occurred, what investigation has taken place into it and what steps can be taken to ensure that people who are in custody and serving sentences nevertheless have the opportunity to serve their time in safe custody and not be subject to severe bashings while in jail. I ask him to investigate and review this particular matter.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Bulleen has 2 minutes and 20 seconds.

Office for Youth: director

Mr KOTSIRAS (Bulleen) — I ask the Premier to investigate whether an assessment made by a public servant about the minister is correct.

Public servants are often required to write speeches and briefs for ministers. A speech was written for the Minister for Gaming which included the following sentence:

> It is time we abandoned a Eurocentric orientation that perpetuates the notion of us and them … we are mature enough as a nation to promote a more inclusive approach which excludes no chapters.

Unfortunately Jennifer Fraser, the then acting director of VOMA — the Victorian Office of Multicultural Affairs — wrote:

> Perhaps a bit intellectual for Panda.

I am not sure which word or phrase is 'intellectual for Panda', but does that mean that ministers give different speeches depending on their intellectual ability? If so, could the Premier please advise? If not, I think Jennifer Fraser, now director of Youth Affairs, should be spoken to.

Also, when I made a freedom of information request and Ms Fraser received it, she wrote an email to her office saying:

> It looks like Nick Kotsiras wants to know what we have in our cocktail cabinet and whether the government funds wild parties in the boardroom. If you have any files could you let Lucille know please.

I would have thought our public servants should be fair, objective and unbiased. It seems that this particular public servant, who was moved sideways to Youth Affairs because she failed in VOMA, is very political — but she has also insulted the minister.

I get on well with the minister, although I disagree with him on many occasions, but I find it offensive that she has insulted him by claiming that he does not understand words such as 'Eurocentric', 'more', 'inclusive', 'time', 'we', 'mature', 'nation', 'promote', 'us' and 'them'. I ask the Premier to investigate whether this is a true assessment of this minister and, if not, whether he will take action against this public servant.

The ACTING SPEAKER (Mr Lupton) — Order! The time for raising matters on the adjournment has expired.

Mr Rowe — On a point of order, Acting Speaker, I wish to raise a matter with you, and you may advise me that I should raise the details of it with the Speaker in his chambers.

Today I raised a question in the house, and the honourable member mentioned in that question confronted me within the precincts of the house and abused me. I find this action inappropriate — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair will not tolerate that sort of language coming from the government benches. The honourable member for Cranbourne is entitled to raise a point of order. I do not appreciate government members speaking in that manner, and the interjection that came from the honourable member for Bendigo East is totally unacceptable. I ask her to withdraw.

Ms Allan — I withdraw.

Mr Rowe — Honourable Acting Speaker, I seek your advice and the advice of the Speaker on this matter to ensure that such confrontations between members do not occur in the future.

The ACTING SPEAKER (Mr Lupton) — Order! I will refer the matter to the — —

Ms Kosky — On the point of order, I seek proper clarification on the precedent of raising a point of order which clearly needed to be raised with the Speaker in chambers, as the honourable member indicated. I am just seeking advice on the precedent of raising the matter during the adjournment debate in this way, because I have certainly never seen it occur in the house before. I am interested in previous rulings that have allowed this to occur.

The ACTING SPEAKER (Mr Lupton) — Order! Because the honourable member raised a point of order I had to hear it before I could make a decision. I will now rule on it: the point of order will be referred to the Speaker for his consideration.

Ms Kosky — On my point of order, what is your response?

The ACTING SPEAKER (Mr Lupton) — Order! I do not uphold your point of order.

Honourable members interjecting.

Dr Napthine — On a point of order, Mr Acting Speaker, I clearly heard the Minister for Education and Training accuse the Chair of bias. That is an absolute outrage, and I ask her to withdraw.

The ACTING SPEAKER (Mr Lupton) — Order! As I did not hear the comment made by the minister I cannot ask her to withdraw.

Responses

Ms CAMPBELL (Minister for Consumer Affairs) — The honourable member for Coburg raised a serious matter relating to my consumer affairs portfolio.

The advertisement he refers to stated that money for school fees would be available through what is commonly known as a payday lender. The advertisement asks parents who are potentially running

into difficulties to contact AMX for a loan. I strongly discourage people from using payday loans. People in the community need to look to more readily accessible forms of loans, and certainly ones that are cheaper.

The fact is that when people are vulnerable and do not have access to ready cash some of our less prominent organisations, posing as financial services, are prepared to offer loans that incur, as the honourable member for Coburg said, of the order of 600 per cent interest or more. They do this by putting fees and charges, as distinct from percentages, onto the loan charges. I will follow up the matter raised by the honourable member for Coburg.

I want to make sure that any organisation that provides loans is aware that there is an interest cap of 48 per cent in Victoria. Some payday lenders are avoiding this through an array of creative fees and charges. Before the application of the consumer credit code to these loans, interest and charges were of the order of 1000 per cent. I will take up the specifics of AMX Brunswick, and details about the totality of products offered by the company will be communicated to the honourable member for Coburg and his constituents.

Mr BRUMBY (Minister for State and Regional Development) — I am happy to respond to the honourable member for Bendigo East, who raised the issue of the relocation of the Rural Finance Corporation to Bendigo. She referred in her contribution to comments made today by the Leader of the Opposition, who expressed his opposition to its relocation.

Honourable members interjecting.

Mr BRUMBY — I have a transcript here of an interview, where he says it should go to Shepparton. He says that we have put it in Bendigo purely for political reasons — notwithstanding that Bendigo has a bank. Are you aware of that? Do you know it exists? Have you ever been there? Have you ever met Rob Hunt? Do you know it offers community banking across Australia?

The ACTING SPEAKER (Mr Lupton) — Order! The minister will refer his remarks through the Chair, and the Chair advises him that it knows there is a Bendigo Bank.

Mr BRUMBY — I am trying to help the Leader of the Opposition. Bendigo also has Sandhurst Trustees, North West Country Credit and the Bendigo stock exchange. That is why the independent report which the government had undertaken recommended Bendigo as the appropriate location for the Rural Finance Corporation.

However, there is a bigger issue, which is just plain old sour grapes from the opposition. For seven years the Liberal Party and the National Party never did a thing for country Victoria. They never did a thing in their period in coalition government — they never shifted a single job outside Melbourne — and it has taken the Bracks government to do it.

When the government moved the State Revenue Office to Ballarat, what did the Deputy Leader of the Opposition say? She got herself into the press in Bendigo and said what an outrage it was and that it should not have gone to Ballarat but should have gone to Bendigo! It has taken the Bracks government to do it. Flip-flop, flip-flop, flip-flop! The Liberal Party had seven years in coalition with the National Party, and it could never bring itself to relocate a single job outside Melbourne.

Not just that, all of the hospitals they closed, the hundreds of schools they closed, the police, the nurses and the country rail lines — —

Ms McCall interjected.

Mr BRUMBY — Here we go — the crocodile tears on the other side. The people of country Victoria remember. They know that if, God forbid, the opposition ever gets into government again, it will do it all again. The Rural Finance Corporation is a country bank. How many clients does the Rural Finance Corporation have in Melbourne? Why does it need to be in Collins Street, Melbourne? The answer is it does not, so the government is shifting it closer to its client base. That will mean an injection of $60 million into the Bendigo economy over the next 10 years. It is a great contribution to country Victoria. The government will also locate the new commercial arm of Vicforests in country Victoria; the government will make a decision about that in the months ahead. Government members remember the seven years of coalition government, the attitude of the Liberal Party — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster is being disruptive and is out of his place.

Mr BRUMBY — We remember a National Party which for all of those years was doing nothing; it was a silent partner in bed with the Liberal Party while the Kennett government devastated country Victoria. The point is that if the Liberal and National parties ever got

back into coalition it would be exactly the same again. We would see the same old cutbacks in transport, in road, in rail, in health and in education. We would see an end to the Bracks government's programs of relocating activity to country Victoria.

I can assure the honourable member for Bendigo East that despite the opposition of the Liberal Party, the Leader of the Opposition and the Deputy Leader of the Opposition — I have to say that I am surprised at her attitude — to this relocation, there are no circumstances in which this relocation will not occur under the Bracks government. It will proceed and it will proceed on time. It will be a great boon for Bendigo as it will for country Victoria.

We on this side of the Parliament stand for the renaissance of country Victoria that has occurred under the Bracks government. We dread the day, should it ever occur, that the Liberal and National parties get back together in coalition to rip the heart out of country Victoria.

The ACTING SPEAKER (Mr Lupton) — Order! The other matter raised for the minister's attention came from the honourable member for Cranbourne.

Mr BRUMBY — I was not here. I have asked honourable members to indicate what that matter was but the opposition is not prepared to.

Mr Rowe — On a point of order, Mr Acting Speaker, for the information of the Treasurer it related to the Supernova project, the one he launched in relation to the NASA space project and the one the department withdrew funding from in January.

The ACTING SPEAKER (Mr Lupton) — Order! That is not a point of order — it is a matter of clarification. I do not want to ask you to repeat the point.

Mr BRUMBY — The matter is my responsibility in my capacity as the Minister for State and Regional Development responsible for the science, technology and innovation program. I did not hear the matter raised by the honourable member for Cranbourne, but I will seek information regarding it. There is a program to promote science in schools and it may be that the Minister for Education and Training is aware of this issue, I am not sure. Notwithstanding that, I will ensure that the honourable member for Cranbourne is provided with information at the earliest possible opportunity.

Ms KOSKY (Minister for Education and Training) — The honourable member for Keilor raised a matter for my attention about continuing funding to support non-government schools as well as a commitment to continued funding for government schools. Several weeks ago I announced capital funding for non-government schools across the state. It was the first time that such an announcement of capital for non-government schools had been made: $15 million over three years to support capital works projects in our neediest non-government schools. It was a delight for me to open a letter today from someone from a Christian college in Bairnsdale who thanked the government very much for the funding they have been provided with and indicating that they will continue to pray for me and for the government, which is doing a terrific job for education across the state.

As I said, this is a first. The government has made a commitment of an additional $57.5 million of recurrent funding over four years to support the neediest non-government schools. It is targeting those neediest non-government schools and has had a very positive response.

The government is providing funding to government and non-government schools to ensure that it can meet the targets it has set the state for education, literacy and numeracy, and participation rates at year 12. The government intends to continue its commitment to providing targeted resourcing and funding to ensure that all students around the state gain access to programs and achieve success in their education.

The honourable member for Warrnambool raised with me a matter in relation to a 17-year-old student who is currently studying hairdressing at the Australian College of Hair Design and Beauty. This private provider promised this student that she would receive four TAFE vouchers but she has now been told that she will only be receiving two TAFE vouchers.

There is a history to the TAFE vouchers and the youth allowance TAFE entitlements that precedes this change announced by the Australian College of Hair Design and Beauty. The guidelines in place for the youth allowance TAFE entitlement provide for a maximum of 400 contact hours of student training per student, although exceptions to this were approved in some sectors. A steep increase in the provision of these vouchers has recently become apparent given the number of cases of registered training organisations claiming payment for in excess of 400 hours of training provided to individual students — that is, they have gone over the entitlement — and what the government — —

Mr Honeywood interjected.

Ms KOSKY — The honourable member for Warrandyte would do well to listen to the entire response.

That was contrary to the aims of the program, which were to assist as many young people as possible to enhance their job readiness skills. From 1 March 2002 all young people eligible to access a youth allowance TAFE entitlement have been advised that they are now permitted to access only a single entitlement that provides for up to 400 hours of accredited training. Registered training organisations may seek an exemption from the single entitlement limit if a student who commenced prior to 1 March 2002 faces particular hardship. I am not sure whether this student fits into that category. I will take this up within the department, but I suggest that the honourable member for Warrnambool encourage Kate Savage to follow up the issue of hardship. We will do the best we can in relation to her continued education.

I will now address the matter raised by the honourable member for Cranbourne in relation to the Supernova program; I am not sure if he is still in the house. I understand that the department has reluctantly exercised its right to withdraw from the Supernova program. It has done this because there have been numerous delays of the launch from the scheduled date and a lack of information on the ongoing status of project. This has affected the department's confidence in the delivery of that program.

It is worth mentioning that the government has put a lot of money into science and science centres around the state, including $6.4 million to the Strathmore space centre, the Department of Education and Training producing trekking-through-space videos for distribution in Victorian schools, and Department of Education and Training and Department of Innovation, Industry and Regional Development funding of 102 Pulsar schools to run simulations of state-based experiments on the ground. Other funding has gone to universities including Royal Melbourne Institute of Technology, La Trobe and Swinburne. The government is putting a lot of money into the science program around the schools but it is with regret, as I have been informed, that the Supernova program at this stage has ceased.

The honourable member for Berwick raised a matter for the attention of the Minister for Transport. I will pass that matter to him.

The honourable member for Rodney raised a matter for the attention of the Minister for Transport and I will pass that on to him.

The honourable member for Hawthorn raised a matter for the attention of the Minister for Planning. I will pass that on to her for response.

The honourable member for Sunshine raised a matter for the attention of the Minister for Community Services. I will pass that on for her response.

The honourable member for Mitcham raised a matter for the attention of the Minister for Racing and I will pass that on to him for response.

The honourable member for Sandringham raised a matter for the attention of the Minister for Police and Emergency Services. I will pass that matter on to him for his response.

The honourable member for Bulleen raised a matter for the attention of the Premier. I seek clarification on a word he used. He talked about intellectual capacity in relation to some brief, but used a word that sounded like 'perpetuate'. I seek his clarification on that.

Mr Kotsiras interjected.

Ms KOSKY — Okay. I will pass that matter on to the Premier, although I cannot promise a response.

Motion agreed to.

House adjourned 4.55 p.m.

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