PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

17 April 2002

(extract from Book 4)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella, Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

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Allen, Ms Denise Margret [4]	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
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Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John [3]	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
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Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
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

CONTENTS

WEDNESDAY, 17 APRIL 2002

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:
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> > 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: