

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**21 March 2002**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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Mr P. J. RYAN

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Mr B. E. H. STEGGALL

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Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
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Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John <sup>3</sup>	Benalla	NP
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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
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Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



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**Thursday, 21 March 2002**

**The SPEAKER (Hon. Alex Andrianopoulos)** took the chair at 9.36 a.m. and read the prayer.

**The SPEAKER** — Order! I call the honourable member for Mitcham on a point of order.

**Mr Robinson** — On a point of order, Mr Speaker, I seek your advice on an important matter. During Tuesday night's adjournment debate the honourable member for Mordialloc made a number of claims concerning the former mayor of the City of Kingston. In his speech he referred to an earlier occasion in November 2000, when he made the same claims in Parliament.

I have examined the comments of the honourable member and believe that his contribution on the adjournment debate on Tuesday comprised a repetition of claims made on the earlier occasion. Or, to put it another way, the honourable member's contribution on Tuesday did not include any fresh allegations of impropriety, but rather a more detailed restatement of his earlier claims.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have called the honourable member for Mitcham on a point of order, as I do from time to time — and have done on several occasions for the honourable member for Monbulk — where a member believes a procedure which occurred some days earlier during the sitting of this place has contravened sessional or standing orders. I will hear the honourable member and respond to his point of order. I caution the honourable member for Mitcham that he must stick to his point of order.

**Mr Robinson** — What is significant about the period between the two statements by the honourable member for Mordialloc is that in 2001 the former mayor of Kingston — —

*Honourable members interjecting.*

**The SPEAKER** — Order! It is inappropriate for the honourable member for Mitcham to canvass the detail of the two statements.

**Mr Robinson** — I do not wish to do that, Mr Speaker, I wish to indicate that the former mayor availed himself of the protection afforded by the right of reply provision under sessional order 7.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the honourable member for Mitcham to cease debating the merits of the case and to come to his point of order.

**Mr Robinson** — Mr Speaker, the point I seek your advice on is the degree to which, if at all, the protection enjoyed by members of this place might be diminished in circumstances where they repeat claims against an individual — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr Robinson** — I seek your advice as to the degree to which, if at all, the protection enjoyed by members of this place might be diminished in circumstances where they repeat claims against an individual after that individual has successfully applied for the right of reply afforded by sessional order 7 and that reply has been tabled in the house.

**Mr Leigh** — On the point of order, Mr Speaker, firstly, I support people being able to make those sorts of statements to Parliament, but I make the point that what I did was simply to get the statement that was made to check the other facts that were supplied to me outside of the house as to what was correct and otherwise about that statement and simply read it back to Parliament. It was new information, so with the greatest respect, he is wrong.

**The SPEAKER** — Order! As I indicated earlier, I allowed the honourable member for Mitcham to take his point of order because he is of the belief that something in our standing orders or sessional orders might have been contravened. I am prepared to rule on this point of order.

I am of the belief and opinion that privilege is absolute and applies to any words that are uttered by honourable members in this chamber. However, his point of order goes further and asks me to examine what happens on occasions when such words have been subject to a Privileges Committee report. I will take that on notice, study it and report back to the house at an appropriate time.

**NOTICE OF MOTION**

**Mr RYAN having given notice of motion:**

*Honourable members interjecting.*

**Mr RYAN** — It might not matter much to the government, but by Jove, it matters to Gippslanders. It is all right for government members to sit over there and cast aspersions. Why don't they come down to Gippsland and see where this is all happening?

**The SPEAKER** — Order! The honourable member is giving notice, not debating the notice.

## JOINT SITTING OF PARLIAMENT

### Victorian Health Promotion Foundation

**The SPEAKER** — Order! I have received the following letter from the Minister for Health:

The Victorian Health Promotion Foundation is established under section 16 of the Tobacco Act 1987 ('the act') to promote good health and disease prevention in the community.

Under section 21(1)(f) of that act, three members of the foundation are members of either the Legislative Assembly or Legislative Council and elected by both houses jointly. The term of the Hon. Gerald Ashman, MLC, member for Koonung, is due to expire on 22 May 2002.

I would be grateful if you could place this matter on the agenda for a joint sitting of both houses in the autumn sitting of Parliament 2002. In order to maintain the membership of the foundation at the optimum I would appreciate if this matter could be resolved before Mr Ashman's term expires.

I have forwarded a similar request to the President of the Legislative Council.

Thank you for your assistance in this matter.

**Mr BATCHELOR (Minister for Transport)** — By leave, I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to elect one member of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 27 March 2002, at 6.15 p.m.

**Motion agreed to.**

**Ordered that message be sent to Council acquainting them with resolution.**

## MEMBERS STATEMENTS

### Regional Infrastructure Development Fund

**Mr MULDER (Polwarth)** — I refer to a newspaper article in the *Colac Herald* on 5 February in which a photograph of the Minister for State and Regional Development appears with the footnote 'Wrong: John

Brumby says Terry Mulder wrong on funding'. The article goes on to say that one of the minister's faceless, overpaid advisers said that in relation to the Regional Infrastructure Development Fund Terry Mulder had calculated amounts using incorrect figures.

The article states that the Minister for State and Regional Development's overpaid adviser went on to say:

He can't do his maths and he can't get the name of the fund right — that's the sort of local member you have there. His arithmetic is wrong; he is just completely wrong.

Furthermore, I guess he —

meaning Terry Mulder —

is strongly opposed to the \$446 000 given to the Surf Coast Shire.

The funding referred to and confirmed by the Surf Coast Shire is \$280 000 for the Lorne industrial estate and \$103 000 for the Winchelsea industrial estate. It gets better from there. The following article appeared in the *Geelong Advertiser* on 1 April 1999:

Surf Coast Shire's two new industrial estates in Lorne and Winchelsea were officially launched by sport and rural development minister Tom Reynolds yesterday with the help of more than \$380 000 in grants.

We now know how the Minister for State and Regional Development comes up with his 40 per cent of funding that is going into rural and regional Victoria. He takes the Kennett government's programs and adds them to his meagre amount — —

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

### Victorian Concert Orchestra

**Mr JASPER (Murray Valley)** — I express my great concern for the continued operation of the Victorian Concert Orchestra, which was formed in 1926 and supported by successive governments. A key role of the orchestra has been to provide concerts in country Victoria. It has had great success in providing cultural entertainment and been acclaimed over the years for its outstanding performances. However, in recent years the future of the orchestra has been in doubt because of reduced funding.

Together with many country members of Parliament, I have been battling to ensure that the appropriate level of funding is provided so concerts can continue to be provided in country Victoria. It is ironic that during senior citizens celebrations the Victorian Concert Orchestra performed twice at the Melbourne Town Hall

with free concerts to packed houses, apparently funded by the Department of Human Services. Yarrowonga Arts Council applied for the orchestra to perform at Yarrowonga and was allocated a date in November, but at a cost of \$4500. Additionally, the council must provide the venue, lunch and the evening meal. This is outrageous discrimination against country people. Corrective action must be taken immediately by the Victorian government to appropriately fund this great orchestra so performances can continue to be provided for those of us living in country Victoria.

### **Neighbourhood Watch: conference**

**Mr STENSHOLT** (Burwood) — Last Saturday I had the honour of attending the Neighbourhood Watch state conference which was held at the Camberwell Centre and was opened by the Minister for Police and Emergency Services. Some 800 Neighbourhood Watch volunteers and police attended the conference, and we heard a wide range of speakers on community safety issues.

I congratulate the members of the 2002 board of management, Bill Horman, Jan Allitt, Joy Steward, Rod Page, Inspector Wayne Rotherham, Detective Superintendent Dannye Moloney and Superintendent Trevor Parks. I also congratulate the state award of honour winners at the 2002 conference, Graham Lawrence, Kevin Inglis, Judith McKenzie, Sergeant Phil Hay and Keith Lithgow.

The David Lentin award was shared by the Eyes on the Street program at Dandenong and the Geoff McKenzie Memorial essay competition at Darebin. Special mention for arranging such a fantastic conference goes to the state coordination staff, Senior Sergeant Greg Davies, Sergeant Karen Rendell and Senior Constables Rob James and Marilyn Dimech.

I saw a number of volunteers from my electorate there. I have attended many Neighbourhood Watch meetings in Burwood and am a strong admirer of the work done by so many volunteers who help ensure that communities remain safe, working together and working strongly to ensure that Victoria is a safe state.

### **Minister for Senior Victorians: festival brochure**

**Dr NAPTHINE** (Leader of the Opposition) — Victorians would be aware that from 9 March to 22 March we are participating in the Victorian Seniors Festival under the title 'Live it up'. This festival has bipartisan support and the support of all Victorians; and when we were in government it was an active festival.

The issue I raise is on behalf of a senior Victorian lady from Glenthompson in western Victoria, who travelled 250 kilometres to Melbourne yesterday to participate in events advertised in a government brochure. The brochure stated that Parliament House would be open from Monday to Friday during the time of the festival from 9 March to 22 March and there would be — I quote from the brochure — 'Free entry. No bookings'.

When she arrived here yesterday, having travelled 250 kilometres as a senior Victorian to participate, she was told that the tours were not going ahead and that there were no organised tours during the time when Parliament is sitting.

There is a clear lack of information in the brochure. This lady travelled a long way from country Victoria to participate according to information in a brochure issued by the Minister for Senior Victorians, the Minister for Doing Nothing. Clearly the brochure is misleading, and this lady was very much misled by it. I thank my staff who looked after the lady, provided her with a cup of coffee and apologised to her on behalf of the Parliament and on behalf of Victorians. I hope this never happens again.

### **Peter Elphick**

**Mr LONEY** (Geelong North) — Wednesday, 13 February was the 60th anniversary of the fall of Singapore, a seminal moment in Australian history. This year events around that commemoration also unfortunately provided the opportunity for British historian Peter Elphick to parade his defamatory views on the battle of Singapore.

According to Peter Elphick the surrender of Singapore by the British in World War II was caused by low morale brought about by massive Australian desertions. Mr Elphick said 25 000 to 30 000 desertions represented the 'greatest act of desertion in military history' and was led by the Australians. He stated:

There is nothing more contagious in a battle than the bug of desertion. It's just that the Australians contracted the bug quicker than anyone else.

My late father-in-law was at the fall of Singapore. Like tens of thousands of other young Australians he fought honourably — although I might say they were less than superbly led in that battle — and like many others his reward was years of incarceration in Changi prison and a lifetime of health problems.

Elphick's history was poorly researched, defamatory and derogatory, and given the age of the survivors now it was an act of cowardice in itself.

### South Gippsland Highway: Bena realignment

**Ms DAVIES** (Gippsland West) — I wish to express my great sorrow at the loss of two more precious lives on a dangerous section of the South Gippsland Highway near Bena last weekend, and to say that my thoughts are with those affected, including the families, the community around the accidents and those who attended to assist the victims.

The accidents caused great distress in the community around Bena, partly because such accidents keep on happening. I have been contacted by many residents. I will read from one of the letters. It comes from a woman who has been in the neighbourhood for 24 years and details how many accidents there have been. It states:

Over this time three people have lost their lives due to road accidents within metres of my front door and five others have also died within 3 kilometres of here.

The accidents have included semitrailers loaded with hay jackknifing, tipping on their sides and skipping up the road; and a couple of B-double trucks jackknifing and running off the road into paddocks.

The accidents happen just after light rain. I ask the minister to speed up the planned realignment of the highway at Bena. We ask that immediate work happen to improve the surface of the road, perhaps reduce the speed limits and increase the signage. There is no more distressing sight for people than having to attend accidents time after time.

### Geelong hospital

**Mr PATERSON** (South Barwon) — The latest Hospital Services Report paints a very bleak picture for the Geelong hospital under the Bracks Labor government. It is now quite clear that the Geelong hospital delivers better services under a Liberal government. Since Labor took over, the hospital has gone backwards.

The December quarter 2001 figures show that waiting lists are up by 20 per cent compared with the previous December quarter, and have since soared 32 per cent for the quarter — and are still 32 per cent higher — since the Liberal Party left office.

Admissions from the waiting list have slumped 16 per cent, and the situation is 22 per cent worse than under the Liberals. Semi-urgent elective patient waiting times have leapt 110 per cent and a massive 160 per cent since the previous Liberal government.

The number of patients waiting on trolleys in emergency wards for more than 12 hours has skyrocketed 180 per cent and, compared with the hospital's performance under the Liberals, this figure has swollen by a scandalous 2500 per cent.

All the hospital's Labor Party chairwoman, Lisa Neville, can say is that it is not its fault. In typical form, lazy Labor wants to blame anyone but itself. For the Geelong hospital to get back on track, the return of a Liberal government is critical — and the sooner the better.

### Clunies Ross National Science and Technology Award

**Mr HOWARD** (Ballarat East) — A fortnight ago I had the pleasure of attending the Clunies Ross National Science and Technology Award night in Melbourne. It was an outstanding night, which recognised excellence in the application of science and technology across the country. Six awards were presented, four of which went to Victorians. I was especially pleased to learn that one of the six awardees of the night was Mr Sandy Gray of Ballarat company Gekko Systems.

Sandy's story is quite remarkable. He left school at age 15, but through his work in the mining industry he put his mind to improving the process of gravity separation of alluvial gold and developed new ways to recover gold from low-grade deposits without the use of chemicals. Now his company, Gekko, has installed over 100 of its systems at mines in 18 countries around the world. Therefore his gold recovery units are helping to improve the environmental and economic performance of many significant mining operations.

I congratulate Sandy on gaining such distinguished recognition. He is the youngest ever person to receive the Clunies Ross medal. I commend him and his wife, Elizabeth, for their significant contribution to manufacturing in Ballarat and to the broader community across this country.

### HM Prison Won Wron

**Mr WELLS** (Wantirna) — This statement condemns the do-nothing Bracks Labor government and the Minister for Corrections for abandoning the communities of Yarram and South Gippsland by continuing with the planned closure of HM Prison Won Wron. I call on the Minister for Corrections to give at least a minimum commitment that until the Victorian prison system achieves the world-best-practice capacity utilisation rate of 85 to 95 per cent, Won Wron will remain open.

The government's so-called prisons master plan is simply insufficient to cope with the existing overcrowding crisis in Victoria's prison system and police cells, let alone being able to cope with the projected increase in the prisoner population over the next decade. The government is using smoke and mirrors by misrepresenting that there will be an additional 1100 beds in Victorian prisons. It has not accounted for the massive loss of 450 beds that will be shut down in four prisons, including Won Wron, over the next few years.

With the planned closure of Won Wron, 127 minimum-security beds will simply be lost to the system. This is something the Liberal Party simply will not support. The Victorian corrections system, and in particular the Yarram and South Gippsland communities, cannot afford to lose such a valuable facility.

### **Blackburn Lake Primary School**

**Mr ROBINSON** (Mitcham) — State schools are great schools, and today I want to draw the attention of honourable members to the work being done by the school community at the Blackburn Lake Primary School.

**An honourable member** interjected.

**Mr ROBINSON** — That is coming; just hold on. The school has recently completed a million-dollar plus reinstatement of buildings that were damaged by fire some time back. For its considerable efforts the school has been awarded a building design prize by the City of Whitehorse, which is a great credit to the school. I also understand the school has recently been accredited in the Land for Wildlife program through the Department of Natural Resources and Environment. These are both firsts for primary schools in the Mitcham electorate, and I want to congratulate principal David Jewell and the school council.

### **Relighting Jeparit festival**

I also wish to draw members' attention to a forthcoming event in the town of Jeparit in the electorate of the honourable member for Wimmera. The Jeparit town committee has recently benefited from a grant of \$7100 from the Bracks government through the Rural Leadership and Community Events program, and will stage a four-day festival over Easter. The theme for this year is Relighting Jeparit — a back-to.

Significantly, the four-day event is only able to be staged due to some 10 separate clubs and organisations combining for the first time for the benefit of the whole

community. This is an outstanding achievement. Wayne Manton, chairman of the organising committee, sent me a letter advising of progress. He ends his letter by saying, 'This is a small community fighting back'.

Well done to the people of Jeparit and we hope it is a wonderful event for them.

### **Bentleigh: victims of crime**

**Mrs PEULICH** (Bentleigh) — Recently I was made aware of a grant of \$63 000 made to three municipalities — Bayside, Kingston and Glen Eira — by the Minister for Police and Emergency Services in order to improve law and order outcomes for members of the community, in particular those who have been victims of crime. Given the increase in the crime rate in the Bentleigh electorate of some 23 per cent and 15 per cent in others, and given the number of people —

**The SPEAKER** — Order! The honourable member's time has expired, as has the time for members statements.

## **ELECTORAL BILL**

### *Second reading*

**Mr HULLS** (Attorney-General) — I move:

That this bill be now read a second time.

Victoria's principal electoral legislation, The Constitution Act Amendment Act (the act), was enacted in 1958. The 1958 act succeeded other acts of the same name, the first of which was enacted in 1890. In turn, the 1890 act incorporated electoral provisions dating back to the 1850s.

The fact that Victoria's electoral legislation is included in The Constitution Act Amendment Act is confusing, as the name of the act does not indicate its relationship to electoral matters.

The act has never been thoroughly revised, yet has been amended on numerous occasions. The result is that Victoria's electoral legislation has a number of deficiencies:

it is extremely prescriptive in some areas and lacking in detail in other areas;

it is written in difficult language and is poorly organised;

it does not provide for modern election management practices; and

in some cases, it is out of step with current electoral practice and community expectations.

An example is section 251 of the act, which provides that carrying a gun, pistol, sword or bludgeon at an election is punishable by a fine of not less than \$4 nor more than \$40. Accounts of elections in the 1850s suggest there was a real need for this provision at that time, when a fine of up to £20 would have been a deterrent. However, the provision serves little purpose today.

It is time for a new electoral act for Victoria. I note that the Electoral Commissioner made this recommendation in his report on the administration and conduct of the September 1999 state election. I am pleased to say that this bill includes the recommendations made by the Electoral Commissioner and clearly sets out the rights and obligations of all participants in the electoral process, from voters to candidates to political parties.

### **The key aims of the bill**

Reforms in the bill are the result of a comprehensive review by the Victorian Electoral Commission (VEC). The reforms will:

- improve administrative procedures for the conduct of elections;
- make it easier for candidates and other election stakeholders to understand electoral procedures; and
- enable the application of new technology to the conduct of elections.

The bill will also make provision for election funding and disclosure of political donations.

The bill will retain all essential electoral principles, while leaving more detailed administrative procedures to regulations. The bill provides for the VEC to issue an election manual and directions regarding election procedures. The manual including any directions will be published and available to members of Parliament, registered political parties and prospective candidates. This will provide more flexibility and allow the VEC to improve the efficiency of election management, and at the same time ensure transparency and accountability in the election process.

### **The impact of the bill on electors**

Many of the reforms in the bill are aimed at encouraging more Victorians to vote by making it easier for electors to enrol and to cast their vote at election time.

The bill makes it easier for electors to update their enrolment. Electors who have changed their address will receive an invitation to update their enrolment and the necessary form from the VEC. In some cases, where the VEC has received authoritative advice from electors themselves or from government sources of a change of address, electors' enrolment will be updated by the VEC without the electors having to complete an enrolment form. This will particularly benefit elderly and infirm Victorians who have taken up residence in an assisted-care facility, whose enrolment details will be updated by the VEC based on information provided by the commonwealth Department of Health and Aged Care.

To protect electors' privacy, electoral rolls will no longer be available for sale, and enrolment information provided by the VEC will be prohibited from being used for a commercial purpose. Electors will be able to inspect electoral rolls at the VEC and contact the VEC to check their own enrolment details, as they can now.

The bill provides that electors will be able to cast an early or postal vote as of right, instead of having to satisfy certain criteria to be entitled to vote before election day, as required under the current act. This recognises that due to changing work patterns and lifestyles, some electors may find it more convenient to vote before election day. In deciding on the location of early voting centres, the VEC will be required to have regard to service to voters and accessibility.

The bill provides for the VEC to use technology to assist electors. For example, in the future the VEC will be able to use computers at interstate and overseas early voting centres. This will make it easier to identify electors' enrolment details and issue ballot papers for their electorates. This will make voting more convenient and efficient for electors.

The bill makes it clear that electors must be enrolled for their principal place of residence, and can vote only for that address. Electors who have not lived at their enrolment address for more than three months before election day will not be entitled to vote for that election.

### **The impact of the bill on political parties**

The bill clearly sets out the duties and obligations of political parties in the electoral process.

The bill provides that political parties will be entitled to receive enrolment information and information about ordinary, postal and absent voters from the VEC. This will be balanced by a requirement that information provided by the VEC be used by the parties only for purposes connected to an election and for monitoring

the accuracy of the enrolment register. Any misuse of the information will attract penalties.

Requirements relating to the registration of political parties will be tightened, so that only parties with substantial community support are registered.

The bill provides that the VEC is empowered to review registered political parties to determine whether they remain eligible to be registered. Where a party fails to obtain an average of 4 per cent of first preference votes for all electorates contested by that party at a state election, or 4 per cent of first preference votes at a by-election, this will trigger an automatic review by the VEC of the party's eligibility to continue to be registered.

Where a registered political party's electoral advertisements clearly identify the party, authorisation details will no longer need to be included in the advertisement. The party's registered officer will be deemed to be the authoriser.

Registered political parties will be required to nominate their candidates with the VEC, instead of having the choice of the Electoral Commissioner and individual returning officers as at present.

### **The impact of the bill on Independent members of Parliament**

The bill provides that Independent members of Parliament will not be able to register a political party merely on the basis of their parliamentary status without meeting membership requirements that will apply for the registration of a political party. This reform is consistent with the rationale of only allowing political parties with substantial community support to be registered.

Independent members will be entitled to receive from the VEC enrolment and vote information relating to their own electorates, and will be able to use this information only for purposes connected to an election, monitoring the accuracy of the enrolment register and performing their functions as a member.

### **The impact of the bill on candidates**

The bill clearly sets out the position of candidates standing for election.

The bill provides that to be qualified to stand for election, a candidate will have to be enrolled as an elector instead of simply being entitled to enrol as at present. Candidates will be required to declare on the nomination form that they are qualified to be elected,

with a false declaration attracting a penalty. The criteria for rejection of a candidate's nomination will be clarified.

Independent candidates will no longer need to be nominated by six electors.

To increase the privacy afforded to candidates, the bill provides that only the candidate's name and nominated contact details will be made public by the VEC.

The bill provides that candidates will be entitled to receive the electoral roll for their electorate from the VEC, but can use this information only for purposes connected to an election and for monitoring the accuracy of the electoral roll.

### **The impact of the bill on the Victorian Electoral Commission**

The bill facilitates the use of modern election management practices by the VEC. It will also provide more flexibility to the VEC in managing electoral processes.

The bill establishes the Victorian Electoral Commission as a body corporate with all the associated rights and obligations. The VEC will consist of the Electoral Commissioner whose current functions, powers and duties will be transferred to the VEC.

The bill modernises electoral terminology. For example, returning officers will now be known as election managers (a more accurate description of their position than returning officer). Polling day will be known as election day, and polling places will be known as voting centres. Pre-poll voting, hospital voting and interstate and overseas voting will be known as early voting, and the locations for such services will be early voting centres.

The bill clearly sets out the powers and obligations of the VEC. The bill provides that the VEC will have authority to gather information from government agencies and power companies for enrolment purposes. The VEC will use this information to assist electors to update their enrolment when they change address. The information provided will also help the VEC to identify any cases of enrolment fraud.

While the bill requires the VEC to provide enrolment information to candidates, members of Parliament, registered political parties and others, it will prohibit the sale of electoral rolls, to prevent abuse of enrolment information.

The VEC will be required to appoint, resource and advertise voting centres as needed for the conduct of an election. It will also be empowered to appoint early voting centres and determine operating times and service recipients and whether centres will be mobile — to provide for hospitals and nursing homes — or fixed. In deciding on the location of early voting centres, the VEC will be required to have regard to accessibility issues for voters.

The bill will facilitate the application of technology to the conduct of elections. Besides enabling electronic voting at interstate and overseas voting centres, the bill will permit computer counting of votes where this will speed up the result, allow for electronic transmission of electoral documents and provide for the use of electronic rolls to take absent votes on election day.

Current detailed provisions on such matters as the packaging and storage of ballot material by the VEC are simplified in the bill, giving more flexibility to the VEC to determine the necessary arrangements which will be prescribed in regulations or determined by the VEC's directions, as appropriate.

### **Section 85 statement**

It is the intention of clause 129 to limit the jurisdiction of the Supreme Court. Clause 129 provides that a decision of the Court of Disputed Returns is final and cannot be appealed.

The Court of Disputed Returns is comprised of a single judge of the Supreme Court. However, the practice and procedure followed by the Court of Disputed Returns does not follow the practice and procedure that is followed by the Supreme Court in accordance with the Supreme Court Rules. Rather, the practice and procedure followed by the Court of Disputed Returns is provided for in this bill. Consequently, this clause is a limitation on the jurisdiction of the Supreme Court.

Clause 129 is consistent with the normal practice of electoral legislation to provide that a Court of Disputed Returns is the venue to deal with disputed elections quickly and conclusively in the interests of certainty in the electoral and parliamentary process.

Clause 129 is the same as section 292 of The Constitution Act Amendment Act 1958 and does not alter current arrangements.

### **Electoral funding and disclosure**

Under Victorian law there is no public funding of political parties and candidates, and there is no effective disclosure of election finances. In contrast, the

commonwealth, New South Wales, Queensland and the Australian Capital Territory have systems of funding and disclosure, while Western Australia has a system of disclosure alone.

It is government policy to:

make election contests fairer through limited public funding of election campaigns; and

require full disclosure of all donations to political parties, by closing loopholes and increasing penalties.

The basic purpose of public funding and disclosure legislation is to reduce the ability of private money to influence election outcomes and political decisions. The aim of public funding is to reduce parties' dependence on corporate money and to put parties on a more even footing. The aim of financial disclosure is to achieve a transparent political process; if the public is aware of the sources of a party's finances, the party should be less likely to alter its policies in the interests of large donors.

### ***Funding of election campaigns***

Public funding of registered political parties and Independent candidates will be on the basis of an amount per vote for both houses of Parliament. The initial amount will be \$1.20 for each first preference vote received, and it will be indexed according to the CPI. Funding will be an entitlement rather than a reimbursement of election expenses.

### ***Disclosure requirements***

This bill contains the best features of the disclosure requirements in the commonwealth model but also contains a number of additional requirements with the aim of creating the most stringent system of disclosure in Australia.

The system will be administered by the VEC, which will have wide powers of investigation. Unlike the commonwealth system, there will be no provision for routine compliance audits, but returns lodged by registered political parties and associated entities will have to be independently audited.

Disclosure will be based on a mixture of annual returns and election returns. The requirements will vary for the different participants.

Registered political parties will submit annual returns of receipts, payments and debts, showing totals and also details for amounts above a threshold. Unlike the

commonwealth system, the receipt and payment returns will be broken into categories. Payments at fundraising events and payments of guarantees will be deemed to be donations. In addition, after each election, registered political parties will have to submit a return of electoral expenditure, broken into totals for various categories but not including the details of individual expenses.

Associated entities, which operate to provide funds to parties, will have virtually the same disclosure obligations as parties, with an additional obligation to disclose persons contributing to their capital. The VEC will be able to declare an organisation to be an associated entity. Unlike the commonwealth system, parties will be obliged to name their associated entities, and anonymous donations to associated entities will be illegal.

Independent MPs will also have to lodge annual returns.

Candidates will have to submit election returns of donations and election spending. Most candidates endorsed by registered political parties will lodge nil returns, since their details will be in their parties' returns. The current provisions requiring candidates to lodge returns of their election expenses and imposing a cap of \$5000 will be repealed.

Third parties (other participants in elections) will have to lodge annual returns of donations they have made to parties and donations they have received which have been used to make party donations, if those amounts are above a threshold. Third parties which meet a lower threshold will have to lodge election returns of donations to them and election expenditure they have incurred.

Penalties for offences will be tougher in some cases than in the commonwealth system, following a number of recommendations by the Australian Electoral Commission.

### **Capping of donations by licence-holders**

The government's commitment to cap political donations from gaming operators will be implemented through a cap on donations from the holders of Victorian government licences the primary purpose of which is to enable the licensee to generate income. As these licence-holders derive a direct benefit from the licence, special arrangements are necessary to ensure that they do not have undue influence on any party when in government.

The types of licences to which this provision will apply will be prescribed in regulations. Persons who hold

such licences will be prohibited from making donations to any one registered political party totalling more than \$50 000 in a financial year. If the holder of a prescribed licence contravenes this provision, the amount above the \$50 000 cap will be forfeited to the state.

### **Conclusion**

The bill is clear, simple and rationally organised and more accessible to voters and other stakeholders in the electoral process. It sets out essential principles of electoral law, while providing the flexibility to improve services and the conduct of elections.

Victoria will have modern electoral legislation in time for the next state election, which can be held from November 2002.

The bill is also designed to ensure confidence in the integrity of the electoral system. Public funding reduces parties' reliance on private funding which may come with strings attached. Furthermore, by requiring disclosure the bill aims to increase confidence in the political process as electors can examine the sources of parties' funds for their electoral expenditure.

Victoria's first electoral legislation came at a time when Victoria led the world in democratic electoral reform, introducing the secret ballot and giving the vote to nearly all men over 21. This bill will place Victoria again at the forefront of electoral legislation.

I commend the bill to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Thursday, 4 April.**

## **HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL**

### *Second reading*

**Mr THWAITES (Minister for Health) — I move:**

That this bill be now read a second time.

Victoria's health system relies on the high-quality expertise and care provided by members of the health professions. The health system is changing rapidly, with growing corporate involvement in the provision of health services and increasing expectations of patients.

In this context it is essential that the statutory framework for regulating the health professions is flexible and responsive to contemporary issues. In order to adequately protect the public, there must be sufficient

powers to ensure the maintenance of professional standards. This bill addresses both these important issues.

This bill amends five health practitioner registration acts as well as the Health Records Act 2001. The most significant amendments are to the Medical Practice Act 1994 and the Nurses Act 1993.

The amendments to the Medical Practice Act are designed to:

- empower the Medical Practitioners Board of Victoria to regulate unsatisfactory professional performance of registered practitioners;

- establish powers to deal with corporate owners who direct or incite their registered medical practitioner employees to act unprofessionally; and

- provide the board with greater flexibility in carrying out its functions.

Ensuring the continuing competence of the medical profession is a complex challenge and a shared responsibility. The community expects practitioners who are registered to practise with due skill and care. The Medical Practitioners Board has an important role to play.

Both interstate and internationally, greater attention is being given to linking renewal of registration to demonstration of professional competence. A range of options for addressing this challenge was canvassed in the discussion paper, 'Regulation of medical practitioners and nurses in Victoria' released by the Department of Human Services in August 2001.

This bill establishes powers for the Medical Practitioners Board to assess or review the performance of medical practitioners whose overall level of knowledge, skill, judgment or care in the practice of medicine is below the standard that their peers would expect. These powers are in addition to the board's existing powers to regulate unprofessional conduct and are aimed at preventing harm and promoting high standards of practice.

The board will be empowered to receive notifications of unsatisfactory professional performance of registered medical practitioners, in addition to notifications about unprofessional conduct and ill health. The board will then have the power to appoint a preliminary investigator, who will organise, if necessary, one or two suitably qualified medical practitioners to conduct a performance assessment of the practitioner.

The performance assessment is a relatively informal process from which the board may seek the practitioner's agreement to undertake further education or alter the way he or she practises medicine. If there are more serious concerns about the performance of a practitioner the board may appoint a performance review panel or refer the matter for a formal hearing.

A performance review is a more formal process that examines the practitioner's performance in greater depth. It is undertaken by a panel of two or more persons, at least one of whom must be a registered medical practitioner with expertise in the relevant area of practice, and one must be a lay person who is not medically qualified.

This panel provides a report to the board with recommendations for action. The board may impose conditions, restrictions or limitations on a practitioner's registration if it believes this is necessary to adequately protect the public.

It is intended that these processes be cooperative and educational rather than adversarial. To achieve this important objective, it is expected that the Medical Practitioners Board will consult with a range of medical bodies including the AMA and the specialist medical colleges as it establishes its performance assessment and review processes.

Many other strategies have been examined to address maintenance of professional competence. Options such as mandatory participation in continuing medical education as a condition of registration renewal, requiring demonstration of recent practice, and random performance audits have been considered but have not been included in this bill.

However, the bill does empower the Medical Practitioners Board to collect information on renewal of registration regarding a practitioner's professional activities and participation in education. Over time these powers will enable the board to identify practitioners who it believes may be at higher risk of poor performance and, if necessary, initiate a performance assessment. This is designed to be a more flexible approach that recognises the diversity of medical practice. If, however, the data collected by the board and other bodies indicates the need for further regulation, I will re-examine the options.

This bill also establishes a scheme for the regulation of corporate owners of medical practices. It is a form of negative licensing that targets only those employers who direct or incite registered medical practitioners to engage in unprofessional conduct.

Many stakeholders have highlighted the potential for corporate owners of medical practices to adversely influence the professional behaviour of medical practitioners. The existing definition of unprofessional conduct already allows the Medical Practitioners Board to take action against any medical practitioner who gives or receives an inducement that influences referral decisions. However, the government is concerned that increasingly, commercial interests may be placed above those of patients.

There is the potential for corporatised medical practices to unduly influence a medical practitioner's referral patterns, set unacceptable consultation targets or adversely influence clinical decision making in relation to ordering of diagnostic tests or prescribing of drugs. Potential for over-servicing is not the only concern. There is potential for under-servicing to have damaging effects on patient health.

The bill establishes an offence under the Medical Practice Act for an employer who directs or incites a registered medical practitioner to engage in unprofessional conduct. For the purposes of this offence, an employer includes any person who owns, manages, controls or operates the business that employs the registered medical practitioner, including the director, secretary or executive officer of the body corporate. The offence is also extended to cover any person who provides services to the business of a medical practitioner and in return receives a share or interest in the profits or income of that business of providing the medical services.

Those persons found guilty of this offence may be prohibited by the Secretary of the Department of Human Services from operating a business that provides medical services. There are also offences established for any person who breaches such a prohibition. The significant penalties reflect the gravity of these offences.

Health services establishments, as defined in the Health Services Act 1988, are exempted from these offence provisions as they are already subject to regulation under that act.

Public health care agencies such as public hospitals and also community health centres are also exempted as they operate as not-for-profit organisations providing publicly funded services. These agencies are governed by separate statutory controls and accountability mechanisms under the Health Services Act.

This scheme is designed to ensure that patients' interests remain paramount, regardless of the business

structure in which medical services are provided. If in the future this form of negative licensing is insufficient to achieve this objective, the government will re-examine the options for more stringent regulation.

Implementing powers for performance assessment and review has required restructuring of the Medical Practice Act to clearly delineate the board's powers to address unprofessional conduct, unsatisfactory professional performance and ill health. Additional amendments empower the Medical Practitioners Board to:

- vary conditions imposed on the registration of practitioners with the agreement of the practitioner;

- immediately suspend, impose conditions on registration or enter into an agreement with an impaired practitioner if she/he poses a serious risk to the public;

- employ a number of methods to allow flexible conduct of preliminary investigations;

- enter into an agreement with a practitioner or impose conditions on her/his registration as an alternative to immediate suspension; and

- where a practitioner's registration has been cancelled, fix a period within which an application for re-registration cannot be accepted by the board.

Other amendments in this bill are intended to improve the administrative efficiency of the Medical Practitioners Board and address concerns raised by the board about exercise of its powers. These:

- amend the definition of unprofessional conduct to include breach of an agreement made with the board by a registered practitioner;

- clarify the board's power to conduct a preliminary investigation, formal or informal hearing on its own motion as well as in response to a complaint or notification;

- require practitioners to provide a public mailing address on renewal of registration as well as on initial registration; and

- grant the board the statutory power to call pre-hearing conferences.

Significant reforms are also proposed to the Nurses Act 1993. Provisions similar to the negative licensing scheme for corporate medical practices are also proposed to regulate the activities of nurses agents. Nurses agents provide a valuable service to our health

system. There are, however, concerns about nurses agents who may direct or incite nurses they supply to health services to act unprofessionally. This regulatory scheme is designed to target only those nurses agents who are found to inappropriately influence or undermine the professional practice of nurses.

This bill makes minor amendments to the powers of five registration boards to regulate false and misleading advertising by registrants. The effect of these amendments is to require ministerial approval of advertising guidelines prepared by the registration boards prior to publication of such guidelines in the *Government Gazette*. An additional amendment to the Chinese Medicine Registration Act 2000 seeks to alter the period of registration to conclude on 30 June of each year (rather than the current 31 December).

The bill also amends the Health Records Act. That act will regulate the handling of health information in Victoria. However, the standards contained in it regarding the collection, use and disclosure of health information do not apply to a news medium in connection with its news activities. The publication of health information in a news article by a news medium within Victoria is therefore not regulated by the legislation.

This exemption was included in the original act in recognition of the need to ensure the freedom of the media to enable public discourse on matters of public interest. The exemption was seen as integral to a democratic society. To balance this public interest with an individual's right to privacy of their health information, the exemption is confined to activities in connection with the dissemination of news and current affairs.

Health privacy principle 9 of the act — which is known as HPP 9 — regulates the transfer of health information outside Victoria. It would apply to the publication related activities of a news medium. The bill rectifies this unintended anomaly by also exempting a news medium from HPP 9, in connection with its news activities. This means that the act will not distinguish between publications made within or outside the state. For example, the act would not regulate the distribution of a Victorian newspaper interstate or the making of a national broadcast from Victoria. The amendment is consistent with the overall purpose of the exemptions already conferred under the act.

The development of this bill has involved an extensive process of consultation and discussion. The boards, the professional associations and a range of other

stakeholders have provided valuable input into the development of these amendments.

I commend this bill to the house.

**Debate adjourned on motion of Mr DOYLE (Malvern).**

**Debate adjourned until Thursday, 4 April.**

## BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

### *Second reading*

**Ms DELAHUNTY (Minister for Planning) — I move:**

That this bill be now read a second time.

I have great pleasure in introducing this bill.

The bill gives effect to the government's commitment to securing payment for contractors, subcontractors, consultants and others in the building and construction industry, which has been a major concern in the industry for some time. Accounts of small businesses and companies failing due to larger companies going broke or refusing to pay, and issues relating to cash flow problems, are prevalent within the industry. Up until now, Victoria has been one of the few states across Australia without legislation protecting subcontractors and others involved in the industry that have legitimate claims against defaulting companies.

The Bracks government's election commitment to create a task force and bring owners, builders, subcontractors and unions together to produce a detailed package for legislation has been delivered. The task force was created by the previous minister, the honourable member for Albert Park, and chaired by the member for Mitcham. The recommendations of the task force had the broad support of key stakeholders in the building and construction industry: developers, industry peak bodies, and unions.

The Kennett government had a range of opportunities to act on the issue, but it failed the building and construction industry every time, while other states initiated legislation. The Kennett government's only response was a weak voluntary code that applied to government projects only.

This government has been able to tackle the issue head on. Through consultation with all key stakeholders in the building and construction industry across the Victorian building and construction industry we have developed legislation which I believe will ensure that

all contractors, subcontractors, suppliers, consultants and allied workers in the building and construction industry receive fair and timely payments.

The main purpose of this bill is to provide for an entitlement to progress payments for persons who carry out building and construction work or who supply related goods and services under construction contracts. This bill represents a major initiative by the government to remove the inequitable practices in the building and construction industry whereby small contractors are not paid on time, or at all, for their work. This can be due to poor payment practices of contractors or financial failure of a head contractor when a dispute or litigation is in progress.

The bill substantially adopts the recommendations of the industry task force which was appointed by the government to review the remedial action that may be taken to address poor payment practices under building and construction contracts. The main thrust of the task force recommendations was for the introduction of legislation reflecting the New South Wales Building and Construction Industry Security of Payment Act 1999 which has proved successful in that jurisdiction. The bill is modelled on the provisions and processes of the New South Wales act and this has the benefit of allowing building and construction firms with national operations to be subject to common payment requirements in both jurisdictions.

The bill will alleviate the hardship which subcontractors suffer by reason of poor payment practices in the industry. The bill creates standards, and a balanced and equitable process, for payment and will reform payment behaviour in the industry.

The essential elements of the bill are that if the contract does not provide for progress payments, a progress payment process is implied into the contract; quick adjudication of disputes is provided for with an obligation to pay or provide security of payment.

The bill substantially adopts the recommendations of the industry task force which was appointed by the government to review the remedial action that may be taken to address poor payment practices under building and construction contracts.

The bill is divided into four parts.

Part 1 provides for the commencement of the bill, sets out the object of the bill, defines certain terms used throughout the bill, and deals with the application of the bill to construction contracts. The object of the bill is to ensure that any person who carries out construction work or who supplies related goods and services under

a construction contract is entitled to receive, and is able to recover, specified progress payments in relation to the carrying out of that work and the supplying of those goods and services. 'Construction contract' is very broadly defined, and includes the construction, alteration or repair (including demolition) of any works forming part of land including roadworks, buildings, railways and drainage construction. Related goods and services which are supplied under construction contracts are also included, as are engineering, landscaping and technical and advisory services relating to construction work.

The act does not apply to a construction contract entered into before the commencement of the operation of the act.

Some types of contracts are excluded from the operation of the legislation. The main exclusions are —

- contracts of insurance or loans or guarantees with recognised financial institutions;
- domestic building contracts for construction work on the residence of the building owner;
- contracts where consideration is not to be calculated by reference to the value of the work or goods or services;
- employment contracts;
- contracts for construction work carried out outside Victoria; and
- contracts entered into before the commencement of the act.

Part 2 of the act provides a statutory entitlement to receive progress payments for construction work, and provides, in clause 9, that a payment claim may be made every 20 business days. These provisions do not override any relevant provisions in the contract. Provision is made for valuation of work performed or goods and services provided, if the construction contract does not specify how a payment is to be valued. The bill explicitly provides that arrangements known in the industry as 'pay when paid' provisions are of no effect.

Part 3 of the bill deals with the procedures for recovering progress payments. It sets out the procedures for making a payment claim, adjudication of disputes, appointment of adjudicators, the claimant's right to suspend work in certain circumstances and the circumstances in which claimants may seek recovery from the principal.

Part 4 of the bill sets out a number of miscellaneous provisions, including provisions dealing with contracting out, confidentiality of information provided to the Building Commission, service of notices, regulation-making powers and consequential amendments to other legislation.

**Statement under section 85(5) of the Constitution Act 1975**

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reason for altering or varying section 85 of that act by the bill.

Clause 51 of the bill states that it is the intention of section 46 to alter or vary section 85 of the Constitution Act 1975.

Clause 46 provides that an adjudicator is not personally liable for anything done or omitted to be done in good faith in the exercise of his or her powers or the discharge of his or her duties under the act or the regulations or in the reasonable belief that the act or omission was in the exercise of those powers or the discharge of those duties. The reason for limiting the jurisdiction of the Supreme Court with respect to this provision is to permit adjudicators to exercise their powers and discharge their duties without fear of litigation.

In the absence of a statutory exclusion from liability it is unlikely that individuals would accept appointment as adjudicators as they are required to provide rapid determination of amounts due with limited ability to consider all of the detailed arguments that may be raised in subsequent proceedings.

The exclusion from liability is intended to facilitate the adjudication process and does not affect the rights of any party to have the overall dispute between the parties resolved in accordance with law.

I commend the bill to the house.

**Debate adjourned on motion of Mr BAILLIEU (Hawthorn).**

**Debate adjourned until Thursday, 4 April.**

**FORENSIC HEALTH LEGISLATION  
(AMENDMENT) BILL**

*Second reading*

**Debate resumed from 29 November 2001; motion of Mr THWAITES (Minister for Health).**

**Government amendments circulated by Mr HULLS (Attorney-General) pursuant to sessional orders.**

**Debate adjourned on motion of Mr DOYLE (Malvern).**

**Debate adjourned until later this day.**

**WATER (IRRIGATION FARM DAMS)  
(AMENDMENT) BILL**

*Second reading*

**Ms GARBUTT (Minister for Environment and Conservation) — I move:**

That this bill be now read a second time.

The Water (Irrigation Farm Dams) Bill (the farm dams bill) proposes amendments to the Water Act 1989 to complete Victoria's water allocation framework. The farm dams bill will amend the current right to store water off waterways and use it for any purpose. In the future, a licence will be required for all irrigation and commercial use in a catchment.

The farm dams bill was debated by the Legislative Assembly and the Legislative Council in the spring 2001 parliamentary sittings but was not passed by both houses.

The farm dams bill provides for the commencement of a number of key sections on 1 February 2002. There are also several references throughout the bill to 1 February 2002, 31 January 2003 and 1 February 2003.

The Water (Irrigation Farm Dams) (Amendment) Bill provides for the amendment of those dates to enable the farm dams bill to be implemented in an orderly manner and to avoid the retrospective application of provisions.

I commend the bill to the house.

**Mr McARTHUR (Monbulk) —** The Liberal Party supports the passage of the bill, and will deal with it forthwith. I will explain the reasons for that shortly. As the minister has said in her second-reading speech, this is a small set of technical amendments to the Water (Irrigation Farm Dams) Bill. The need for it is simple. The farm dams bill has some commencement dates in relation to the registration of existing farm dams. The bill itself proposes a period of grace of 12 months for people to register existing dams used for irrigation or commercial purposes, and the 12 months was to start on 1 February 2002.

In drafting the bill the government made the assumption that the original legislation would pass

through both houses in a short period — a dangerous assumption to make. It presumes that Parliament will always agree with everything the government proposes, which is not the case. There is a lesson there for the government in terms of the drafting of commencement dates and hopefully we can avoid this in the future. The Liberal Party recognises the need to change the commencement date. If the commencement date remained at 1 February 2002 it would mean that when the bill was proclaimed the commencement date would be effective retrospectively and farmers would miss out on some of that proposed 12-month period of grace. It is sensible of the government to change the date to 1 July to provide the full 12-month period of grace for farmers.

The reason for debating it forthwith is on the advice of the Clerk that if we approved the Water (Irrigation Farm Dams) Bill and then subsequently approved this one they would go for royal assent at different times and there would be a logical absurdity in that the original bill would be approved and the commencement date of 1 February 2002 would take effect and then the second bill would be approved which would stop that commencement date and reinstate 1 July 2002. To avoid that logical absurdity the Clerk has advised that the two bills be dealt with on the same day and go for royal assent on the same day so that the operative commencement date for the provisions will then be 1 July 2002. On the basis of that advice we are prepared to support the bill and deal with it forthwith.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## WATER (IRRIGATION FARM DAMS) BILL

*Council's amendments*

**Message from Council insisting on following amendments further considered:**

1. Clause 4, page 3, line 11, after "51(1A)" insert "or 51(1B)".
2. Clause 6, lines 4 to 11 omit all words and expressions on these lines and insert —
  - (2) In section 8(6) of the Principal Act, after paragraph (c) **insert** —
    - “(ca) a restriction or prohibition on the use, other than domestic and stock use, of water from a spring or soak or water from

a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building) contained in an approved management plan drawn up under Division 3 of Part 3 for a water supply protection area; or”.

3. Clause 6, after line 11 insert —
  - “(3) In section 8(6)(d) of the Principal Act for “the prescriptions” **substitute** “any other prescriptions”.
4. Clause 10, page 15, after line 14 insert —
  - “(k) restrictions or prohibitions on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building);”.
5. Clause 10, page 15, line 15, omit “(k)” and insert “(l)”.
6. Clause 10, page 15, line 17, omit “(l)” and insert “(m)”.
7. Clause 10, page 15, line 22, omit “(m)” and insert “(n)”.
8. Clause 10, page 15, line 30, omit “(n)” and insert “(o)”.
9. Clause 10, page 16, line 4, omit “(o)” and insert “(p)”.
10. Clause 10, page 17, after line 33 insert —
  - “(14) Sub-section (13) does not apply to a contravention of a kind referred to in section 63(1A).”.
11. Clause 19, lines 26 to 33 and page 29, lines 1 to 26, omit all words and expressions on these lines and insert —
  - “(1A) During the period commencing on 1 February 2002 and ending on 31 January 2003, a person may apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from a dam on a waterway other than a river, creek, stream or watercourse for a use other than domestic and stock use.
  - (1B) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a private dam, a person may, during the period of 12 months after the approval of that management plan, apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from the spring or soak or water from the dam (to the extent that it is not rainwater supplied to the dam from the roof of a building or water supplied to the dam from a waterway or bore), for a use other than domestic and stock use.
  - (1C) Sub-section (1A) only applies, in relation to a dam, to a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking

and using water from the dam for a use (other than domestic and stock use) for which a licence under sub-section (1)(a) is not in force.

- (1D) Sub-section (1B) only applies, in relation to a spring, soak or dam, to a person who at any time during the period of 10 years immediately before the approval of the relevant management plan was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use.”
12. Clause 19, page 29, line 29 omit “(1C)” and insert “(1E)”.
13. Clause 19, page 30, lines 12 to 35, omit all words and expressions on these lines and insert —
- “(ba) in the case of an application under sub-section (1A) in relation to a dam by a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use), set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under sections 52A; and
- (bb) in the case of an application under sub-section (1)(ba) or 1(B) in relation to a spring or soak or dam by a person who, at any time during the period of 10 years immediately before the approval of a management plan for the water supply protection area for which the application is made that prohibits or restricts the use of water from the spring or soak or dam, was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use, set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and”.
14. Clause 22, lines 18 to 20, omit “the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001**” and insert “the approval of a management plan under Division 3 of Part 3 that prohibits or restricts the use of water from the spring or soak or dam”.
15. Clause 26, lines 23 and 24, omit “licence issued under section 51(1A)” and insert “registration licence”.
16. Clause 26, lines 31 to 33 and page 38, lines 1 and 2, omit all words and expressions on these lines and insert —
- “51(1A) remains in force for an unlimited period.”.
17. Clause 28, after line 9 insert —
- ‘(1) In section 58(1) of the Principal Act, for “51” substitute “51(1)”.’.

18. Clause 28, after line 17 insert —

‘( ) In section 58(3) of the Principal Act, for “51” substitute “51(1)”.’.

19. Clause 28, lines 21 to 28, omit sub-clause (3).
20. Clause 32, line 24, after “must not” insert “in contravention of an approved management plan for a water supply protection area”.
21. Clause 32, page 40, lines 16 to 24, omit all words and expressions on these lines and insert —
- “(4) If, an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam not on a waterway and at any time during the period of 10 years immediately before the approval of the management plan, a person was taking and using water from the spring or soak or water from the dam, sub-section (1A) does not apply in respect of that person in respect of that spring or soak or dam until the end of the period of 12 months after the approval of the management plan.”.
22. Clause 56, page 53, lines 19 to 33, omit all words and expressions on these lines and insert —
- “(8) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam (other than water supplied to the dam from a waterway or a bore) for a use other than domestic and stock use, a person who —
- (a) at any time during the period of 10 years immediately before the approval of the management plan was taking and using water from that spring or soak or water from that dam (other than water supplied to the dam from a waterway or a bore, for a use other than domestic or stock use; and
- (b) before the end of the period of 12 months after the approval of the management plan applies for a licence under section 51(1)(ba) in relation to the spring or soak or dam —
- is not liable to pay an application fee in respect of the application.”.

**Debate resumed from 20 March; motion of Ms GARBUTT (Minister for Environment and Conservation):**

That amendments 1 to 15 be disagreed with.

**Mr McARTHUR (Monbulk) —** As the minister pointed out yesterday when the debate on these amendments from Council started, there has been considerable negotiation in recent times between the government, the Liberal Party and the National Party in relation to the legislation. There was significant debate on this issue in the lead-up to Christmas. It is an

important matter. It affects water management across the state. It diminishes the statutory rights held by landowners, and we have argued from the beginning that if the government intends to reduce farmers' statutory rights it must replace them with something of fair value.

In the initial debate in spring last year I said we did not oppose the bill in principle, that we saw the benefits in some of the water management framework that was being proposed in the legislation, but that we wanted the government to provide a sensible and reasonable package for those landowners whose statutory rights were being abolished. We have been arguing over the quantum of that package for some time.

If it had not been for the Liberal Party's determination on this issue to support farmers and their rights, and to see that if the legislation was passed it was amended so that it would work in a proper and effective manner, the bill would have passed this place as originally proposed and that would have seen farmers in a far worse position than they are today. I will go through some of the details of that shortly.

The recent negotiations have been around four issues, which come on top of a whole range of other concessions the Liberal Party has managed to convince the government to accept. We have had the support of the National Party on some of them and we have supported the National Party on some of their proposals for change. Overall these changes will improve the operation of the legislation and make it better and fairer.

Let's deal with the four things that were under discussion in recent days. The amendments which came back from the Council are, in effect, in two groups — that is, one group relates to the registration of existing dams where the water is used for irrigation or commercial purposes, and the other group relates to the Liberal Party's proposal to phase in the licensing regime across the state.

We received a letter from the Victorian Farmers Federation dated 19 February urging the parties to get together to try to resolve the issue so that the bill could be passed through the Parliament. The VFF proposed a package of three possible agreements which could operate as a circuit-breaker. The first point the VFF suggested was a one-off, free registration for existing dams. That is in line with the amendments that we originally moved back in the spring sitting last year, a position we have supported constantly all the way through the program.

The second point raised by the VFF was that the transition package which was on offer from the government should be increased and that the total volume of water eligible for subsidy for people in the capped catchments should be increased from 10 000 megalitres to 12 500 megalitres.

The third point was the need to develop a process which sets up an objective and independently tested method for determining exchange rates for water transfer within the Murray–Darling Basin catchment, where trading regimes are already established. All of those points were in line with the issues that the Liberal Party has fought for for some months.

We raised a fourth issue with the government during the debate about a set of interim waterway determination guidelines, dated December 2001, which was signed off by the minister just prior to Christmas. This was an administrative order which the minister issued under her powers under the Water Act to all water authorities. In essence it was bureaucrat-speak for, 'Do not approve any more farm dams'. The message received by the water authorities would be, 'Don't ever approve one unless you determine the site to be a waterway'. In that instance farmers would have had to pay full licence fees, and in areas to the north of the Divide they would have had to purchase entitlements for the volume of that water.

We debated these four issues with the government, and I am happy to advise honourable members that the government has agreed to the provision of the one-off registration of existing dams where the water is used for irrigation or commercial purposes. That provides a substantial benefit to farmers with irrigation enterprises right across the state.

It also provides a benefit to dairy farmers who have technically been in breach of the act for some time where they have used water from a farm dam for dairy wash-down. Under the definitions in the principal act 'dairy wash-down' is defined as a commercial use of water. If you use water from a dam for dairy wash-down and that dam is on a waterway, technically you are in breach of the act unless you have a licence for that water. This amendment will provide comfort to those farmers across Victoria who, to their minds, have been legitimately using water from a dam for dairy wash-down for decades but who, for some years now, have been technically in breach of the act because their dam is on a waterway. I welcome the government's concession on this. It is an amendment that we proposed initially back in October and one that we regarded as essential for the passage of the bill. I think

the minister has made a sensible decision in agreeing to it.

In relation to exchange rates, the minister has agreed to establish an open and independently audited system for setting rates for water transfer within the cap catchments. This means that no longer will the water authority, which is responsible for managing that water and gets the licence payments for it, be the sole body for determining the exchange rate.

There has been some understandable suspicion in some areas that the water authorities have a conflict of interest in setting exchange rates and that sometimes the rates have not been as objective as perhaps landowners might wish. This system will give comfort to the landowners. There is a process for an independently audited assessment of the exchange rate, which will be set up by a body under the aegis of the Murray-Darling Basin Commission, and there is no doubt that they are independent in this issue.

The third issue — and I am dealing with that one slightly out of order — is the interim waterway determination guidelines. Given that the guidelines were unannounced — I do not recall seeing a press release about them — the Liberal Party regarded their issue as provocative. In essence they said to farmers, ‘You will never get approval to have a farm dam unless it is fully licensed under the existing act’. We objected to these guidelines and requested that the minister agree to revoke them.

I am pleased to advise the house that she has agreed to that. I have a letter from the minister dated 19 March, the last paragraph of which reads, and I quote:

If the Water (Irrigation Farm Dams) Bill is passed, there will be no need for guidelines in respect of licensing the take and use of water, and I will therefore revoke the interim waterway determination guidelines.

I am pleased that the minister has agreed to do that, because if the guidelines had not been revoked and the bill had not been passed farmers would not have had any chance of having a farm dam approved as off-waterway in the future. With the passage of this bill, the on-or-off-waterway issue is no longer relevant for the purposes of an irrigation dam, so the issue disappears. I am pleased to see that the minister will revoke those guidelines.

The fourth issue relates to the transition package. The government initially proposed to provide a subsidy for the purchase of up to 10 000 megalitres of water in capped catchments at a subsidy rate of up to 50 per cent of the cost of purchase of that water for an individual

purchase of a maximum of 50 megalitres per farm. We argued from the start that that was inadequate. The government thought it was a fair deal. The National Party was happy with it at that stage. The Victorian Farmers Federation did not at that stage object to that either. It was arguing for the passage of the bill with those arrangements.

The opposition has always argued this was an insufficient package and that, in moving to abolish the statutory right to dam and use water for any purpose so long as the dam was on or off a waterway the government had a duty to and should in fairness provide a reasonable package to those landowners who were losing that statutory right. The government has argued very strongly on this. The circuit-breaker proposed by the VFF was an increase of 2500 megalitres, from 10 000 to 12 500. We have argued for something far higher, and we have achieved agreement on the basis that the package will contain a subsidy for the purchase of up to 14 500 megalitres.

I note in the daily *Hansard* from yesterday that the figure has an extra zero on it. I would be happy to accept that, but I doubt that that is actually what the minister meant. Perhaps the minister can clarify later on — so there is no doubt about it — that she still means 14 500 megalitres.

Those are the four things that have been negotiated in recent days. They are in addition to a range of substantial improvements the Liberal Party has been able to achieve in negotiation with the government or by way of amendment to the bill. I refer honourable members to some of those.

The opposition, along with the National Party, supported an amendment to require the tabling of an order to declare a water supply protection area in both houses. That will provide notification to people right across Victoria that this issue is under way when that area is under stress. Also, again with the support of the National Party, we moved to amend the bill to clarify this issue about what is wholly or predominantly a farming area so that in future there will be no doubt that when a local committee is established to develop a water supply protection plan that committee will have at least 50 per cent local landowners on it. The original drafting was certainly clouded on that issue. I do not think it was intentional on the part of the government to not allow that, but I think its drafting was shoddy and it was not absolutely clear.

The opposition has succeeded in convincing the government to accept an amendment to prevent regional water authorities from demolishing a farm dam

if there is a water supply protection plan in that area. We have also managed to convince the government to extend the grace period for the registration of existing farm dams from the five years it originally proposed to 10 years so that those people who use water from a farm dam to irrigate in the case of the occasional drought are much better protected.

The range of issues that were negotiated on the way through include the issue of red tape. Farmers do not like red tape. I can remember in my days on the land that I hated going through approval processes and dealing with government departments and councils to get approvals and licences for things. Basically it takes you away from the work you should be doing. Under the existing system a farmer may face a dual licensing or registration system. He may have to get local government planning approval to build his dam because of the planning scheme; he may then also have to get a licence to construct it because it is on a waterway; and then a licence for the water.

In the lead-up to this bill we have convinced the government that this dual approval process was ridiculous, time consuming and unnecessary and that if the bill was passed and a farmer got a licence for the construction of the dam and a licence for the water he should not need to separately get planning approval for that same dam and be held up in the planning process for six months, a year or two years. I am thankful the government has agreed to that, and that will be of significant benefit to farmers. It might upset the odd councillor, but frankly I do not mind that. I think if a farmer gains a licence through the water authority licensing process he should not need to gain a separate planning approval to build that dam.

Sensible arrangements have also been negotiated for reuse dams and for farmers in intensive horticulture areas who face other restrictions on run-off from their properties. There are areas, especially irrigation areas, where there is a reuse dam designed to prevent saline and highly nutrient-laden water from entering rivers and streams. It would seem ridiculous to me that a farmer who was doing this in order to provide an environmental benefit or to prevent environmental damage had to pay for the privilege of doing so; who was required to do so because of the salinity program and then was possibly hit to leg for a licence fee. We said to the government, 'If you have to do this to prevent salinity and to prevent nutrient loading going into the creek, you should not have to license it'. The government has agreed with that.

We also raised the issue where in some high-intensity horticultural areas there are local water authority, local

council or perhaps EPA rules which say that because of the extensive hard stand areas or plastic house areas farmers are not allowed to let water from those areas run off into a nearby stream, again for environmental reasons. In the event of those requirements we argued that the farmer who had to comply with those and catch that water in a dam should not be forced to pay a licence fee for complying with other requirements. The government has also agreed with that, and that is a significant benefit to people right across the state who are often in less high-profile agricultural industries than the key irrigation areas but for whom it is still an important issue.

Many of these benefits would never have been achieved unless the opposition took the position it has taken. If it had simply agreed to this in September and October last year there would be no extra transitional package. There would not have been a letter from the Victorian Farmers Federation urging a circuit-breaker if we had agreed to 10 000 megalitres back in the spring sitting last year. If we had not fought so hard for one-off registration the dairy farmers would not have got these extra benefits and protection, and existing farmers with irrigation dams would have been forced to pay a regular renewal fee. These are substantial benefits to agriculture and to farmers across the state.

I am surprised that some of the Labor members who represent rural areas, like the honourable member for Ripon — or perhaps the honourable member for Gisborne, who probably has some people with farm dams in her electorate — were not there, side by side with us, arguing in the interests of their constituents. But without our action on this — —

**Mr Helper** interjected.

**Mr McARTHUR** — The No Helper member for Ripon! If you go to Maryborough and have a look at the Workers Pride leaflets, you will see he has a new name — the honourable member for Ripon is called No Helper now.

**Mr Helper** — On the bill!

**Mr McARTHUR** — You interject at your peril! But one would have expected, given that they represent regional areas where agriculture is important, that those members would have been there side by side with us fighting for the interests of their rural landowners, their farmers.

They were not. They just folded because of caucus pressure, and they were prepared to let it roll through. If it had not been for the action that the Liberal Party alone has taken, this would have rolled through in the

spring session last year and farmers would have missed out on free registration, on the transition package increase of almost 50 per cent and on an independently assessed exchange rate determination — and farmers would have still been saddled with a set of guidelines which they were not told about. So it was only the Liberal Party that stood up on this issue. If we had not, farmers the length and breadth of Victoria would have been worse off.

We have achieved agreement, and I am grateful for that. I acknowledge that the minister is prepared to negotiate. I imagine that she had some problems in convincing her cabinet colleagues to increase the package, so I congratulate her on being able to get that agreement through her own cabinet mechanisms and her own party room. She has shown some sense in that.

I also acknowledge that the National Party has been with us on a range of the amendments which were agreed in the spring, and I thank its members for that. There have certainly been discussions in recent days about it. While they have not said it publicly, quietly they have been quite happy to see us get the package up as high as possible so that is of benefit as well — as has the Victorian Farmers Federation. The VFF proposed the circuit-breaker, which I think was probably the catalyst for a resolution, so that needs to be acknowledged. We have certainly had a number of discussions with the VFF leadership over this, and while initially they were keen to see the bill go through quickly, they have recently been very helpful in encouraging us over negotiations on this agreement. They have supported us in getting benefits for farmers, who after all are VFF constituents as well.

All in all, despite the fact that there has been a bit of delay with this, the overall outcome is better for farmers across Victoria. It provides the resource management arrangement that the government is after, it provides for the environmental protection of rivers and streams, and it delivers a fair deal. On that basis it is worth while supporting, and the Liberal Party is happy to see this motion agreed to.

**Mr STEGGALL** (Swan Hill) — After that I will have to draw breath a little! That was a speech about the Liberal Party pulling back and giving ground on all its amendments. However, that is fine. I appreciate the position it has reached, because the Liberal Party has taken four different severe positions on this legislation. I have to acknowledge that the debate on this bill has achieved a lot of improvements. Some have been mentioned by my colleague the honourable member for Monbulk, and I can mention a couple of more. So it is a

very lively piece of legislation that I believe has been improved on the way through.

Improving the transition package from 10 000 megalitres of subsidised water to 14 500 megalitres of subsidised water has resulted in what I regard as one of the best pieces of legislation in Australia on the very difficult issue of upper catchment management. It has taken close to six years to achieve, and it has not been achieved by just this government. The National Party conducted three studies into trying to resolve it, and the Labor Party had one, so there have been four studies altogether over the years. I am delighted to have got to this point.

Much will be made of and said about the extra 4500 megalitres the Liberal Party have succeeded with. We have all agreed it is worth it and the price for achieving this legislation — —

**An honourable member** interjected.

**Mr STEGGALL** — It is very good, and I congratulate the government on accepting it. I know there were some nervous Nellies within the government regarding the political outcome of that acceptance.

To put it into perspective so people understand, we are agreeing today to a set of transitions that will hook in immediately. The 10 000 megalitres was arrived at because it would have taken around 20 years for the upper catchments of this state to get the benefit of 10 000 megalitres of water at the current rate they are operating at. We believe that, based on 10 000 megalitres of subsidised water, that time will come down, because those other catchments will start picking that up and making those communities better, which is the aim of this legislation.

We also believe that the south-west of Victoria and Gippsland will start developing their areas with the water they have in order to introduce stream flow management plans and fully benefit from that 10 000 megalitres. Remember that the 10 000 megalitres is not just for the north-east; it is for the state of Victoria. As stream flow management plans come into place, catchments will be capped and be part of this transition package, so Gippsland and the south-west communities and farmers will benefit from that as well.

To put the extra 4500 megalitres in is a very good trading point, and I am happy. I said to the government on several times through this debate, ‘Do not lose this for the sake of a few dollars, because it is too good a piece of legislation for the future of our areas’. For the extra 4500 megalitres we will probably see that benefit kick in about 14 to 16 years from now. It will not be an

immediate one. Let's hope we can get our 10 000 taken up in the upper catchments in the next 10 years, with the next 4500 coming in after that. I believe, all in all, that it is good.

Under proper investment and development the 10 000 megalitres will be worth \$300 million a year of new production in those upper catchment areas, so we are talking very big money and very big developments. It has been sad for all of us that the lack of this legislation over the last 10 or 15 years has slowed down the development in those areas, hence our efforts in government. This present government's efforts to come to a resolution have been most important, and I believe that once those areas start developing this new attitude we will not recognise them.

When I use the term '14 to 16 years' I do so with a little experience, because when we started arguing and talking about value-adding water in the Murray Valley it took us 12 years to get our communities and industries to pick that up and develop as they are now. So this is not something that happens quickly; you have to change a few attitudes. We have a few negatives in the upper catchments because of the very vigorous debate we have had. It will take time to change those attitudes, as it did in my own area, without any outside interference — and that includes changing the attitudes of investors, people, banks and communities in getting their infrastructure and their training and education up and running.

To start pulling in that \$300 million a year of extra money from the subsidised water that is in the bill is a big effort, and from today, or from when this goes through the upper house, those communities will be able to start on that journey. In Swan Hill it took us about 12 years from the time we started to get people to understand the assets and the abilities we had. Today we have achieved just the beginning of it, and from here it will grow. To see the upper catchments come in will be fantastic, because they play a vital role in Victoria.

They play a vital part because they produce different products at different times of the year, and as we become known throughout the world as a secure supplier of food and food products of quality we need that range. It is in the upper catchment and cold climate areas of the state that we have not had this growth and development. The Liberal Party can crow all it likes about its 4500 megalitres of water; the value of this legislation for Victoria, particularly for those upper catchment areas in the north-east, the south-west and Gippsland, is potentially enormous and very exciting. We look forward to that development, and in my

opinion the agreements we have reached are worth every cent. But I reiterate that the big value for Victoria and our farmers and rural communities will be in the first 10 000 megalitres, and in about 15 years, as the last of them are taking up the next bit, they will gain the benefit. It is good, and I am pleased.

I know there have been enormous political battles within the Liberal Party and in different parts of Victoria, and I am a little sad about the venom that has been generated in these areas, but being a person who has been involved in water debates for a long time in this place I understand just how much venom can be generated out of water debates.

**Mr Nardella** interjected.

**Mr STEGGALL** — But please understand that although our upper catchment areas of Victoria will take time to pick these things up and do them, as the legislators of the state we have had to make sure it is in place.

I will just comment on a couple of other things the honourable member for Monbulk mentioned. The exchange rates have been in place since we started this debate. It was agreed then by all of us that the exchange rates for that area would have to be agreed to, and we got some ideas and different volumes, which I think I mentioned in my speech during the debate on the exchange rate last year. The exchange rates were a very big issue. We have to make sure that we get those right. The process that the government has agreed to is a natural progression, and I congratulate it on that. The Liberal Party can claim it did it if it likes, but that is the only way that any government could go to get a verifiable operation.

I have to say to the government in passing that the same type of verification and monitoring is required for ground water in this state. I appreciate the manner in which the government has picked up the exchange rate issue, and has looked at the monitoring and measuring of it, but the ground water will be a different issue — another issue on similar lines.

Briefly the package is that a 50 per cent cost of water, up to a value of \$400 a megalitre, will apply for the first 50 megalitres for each property after a licence has been secured and a dam has been built. That will continue now until 14 500 megalitres have been applied for and granted, and that is throughout Victoria. That is for the capped catchments. In the capped and non-capped catchments — and the capped catchments will grow a lot in the next 5 to 10 years as the stream flow management plans are completed — we will have a

50 per cent cost of the farm plan, 100 per cent of the environmental assessment cost and 50 per cent of the approved engineering designs for the dams to be met by government. It is a pretty good package, and this is the first time since 1886, when the first water law came into place right in this room, that a change to the right to water has included a compensation package. I just make that point. We have had a lot of changes to the right to water in that last 116 or 117 years, so it is good.

The Parliament has handled this bill pretty well. We have had some interesting and vigorous debates, and I am sure that within Labor they will not be over until the lady is in later on. We also agreed in this place to amend the provisions relating to house and curtilage fire protection in upper catchment areas, and that has been successfully introduced

**An honourable member** interjected.

**Mr STEGGALL** — I did not mention anything about singing.

This house also rejected the 3 per cent rainfall amendment that was so strongly put forward by the Liberal Party. That 3 per cent amendment was going to redistribute 450 000 megalitres of water from northern Victoria alone into the upper catchment areas and was the subject of very severe and strong debate throughout this place and country communities. I am delighted that that has been withdrawn by the Liberal Party and that it is now not following that course of action, because we had no chance of agreement while that was there.

The disallowance clause has been changed so that the Parliament will have a role in the management protection area plans as they come through. It gives every member of Parliament a future opportunity to intervene if they believe any grievance should be raised by the introduction of those plans. It is a right and proper way to go. In the original bill anyone who had an occasional use of water from a dam in the previous five years was able to register. Now the bill has been amended to take that back to 10 years, and that is fine because the object of the exercise was to pick up those people who had participated in irrigational use over that time.

The amendment which I believe will be passed this morning concerns the unlimited registration fee for irrigation dams. There is a rider in there which did not get much of a mention from the honourable member for Monbulk — that is, that use will then be subject to any stream flow management plans that are put in place, and if those plans call for a regular review of anything like that then it will be included. They do not have to be

included but they could be, which is quite a workable and proper way to go, and there should not be any worries.

One of the major changes that was introduced by us but was agreed to by the Parliament was the one that gave an amnesty to irrigation dams that are today in dispute, because we believe that to have this legislation work and to stop those pressures on water that exist throughout Victoria you need to have a clean start. The amnesty amendment in the bill now gives us the ability to have that clean start, so hopefully we can bury those nasty challenges and arguments that have been around. And of course this legislation is all about the fact that those disputes were very much part of the scene in the water area.

It has to be acknowledged that this bill takes away a statutory right — there is no argument with and no hiding from that — but it also takes away obstacles that have plagued users in the upper catchments concerning their water rights and their understanding of them. We have now a piece of legislation that will give more security to our upper catchment users but also to everyone else in the area. We only now have two areas to clean up in water law: one is the ground water debate, and the problems we are experiencing there with the permissible annual volumes and the monitoring of that, and the other is the regulation of the retail entitlement changes being talked about in northern Victoria.

It has been a long and challenging journey, and today will also be long and challenging by the time we get through it. Collectively we have come out of this with a very good piece of legislation, and as areas start utilising their water resources with a more permanent form of irrigation management it will give them some security and certainty as to how to proceed. Previously there were always doubts and problems. I think the debate has been a healthy and vigorous one in that regard.

The National Party supports the positions that have been agreed to today. While we are only here speaking to amendments 1 to 15, it will be agreed that amendments 20 to 22 will not go ahead and that amendments 16 to 19, which give us unlimited registration of irrigation dams, will be agreed to — that is, the issue we supported the Liberal Party on in the first stage of the debate in this house.

I wish this legislation well. The challenges and battles that I guess will happen now out in country Victoria as a consequence of this, and the politics of it, will probably be regretted, but it will be nice when they are

all over and our communities, particularly in the north-east, the south-west and Gippsland, are able to fully take advantage of what I believe is a very good piece of legislation.

**Mr HOWARD** (Ballarat East) — I am pleased to be able to speak on these amendments. I am sorry that we have not had this bill out of the way long before now as there are so many people across rural Victoria who have been anxious to see it carried forward to provide them with security with regard to water usage. That is clearly what the aim of this bill has been all about.

It has been interesting to have the honourable member for Monbulk stand up and make his very contrite speech — a save-face speech as it were — in regard to the amendments. Yes, the government has been prepared to work with other parties to ensure we can get this bill through, but certainly the history leading up to it is a very shabby history for the Liberal Party.

As we know, they threw up some totally unacceptable amendments that would have totally compromised the integrity of the bill. We know that this bill is about providing security of water use so that people know where they stand in regard to gaining water entitlements when putting in a dam, so they can plan accordingly. It is also about people who already have dams in place and are using water for irrigation being secure in that.

The amendments we have accepted certainly do not compromise the integrity of the bill at all. They are amendments that seem to have been pushed onto the Liberal Party by the Victorian Farmers Federation (VFF) and other people who have been lobbying very strongly to get this bill through — including people from all areas of rural Victoria, who have said, ‘No, we want this bill through’. It represents a significant move forward, as the honourable member for Swan Hill has clearly outlined.

This bill is long awaited. While it followed through with some reports on the issue, the former Kennett government was not prepared to put forward this significant legislation, which will see water recognised as an important resource in the community and resolve so many of those issues that have been argued about for so long — such as whether or not a dam is on a watercourse. Issues about dam registration and dam licensing will relate to the availability of water and will recognise that in most places dams will have an effect on downstream water users. We need to recognise that and build it into a safe, secure system of providing licences.

Certainly the former amendments put forward by the Liberal Party were hastily put together, and we have heard they were decried by all sections of the rural community. I am pleased that commonsense has ruled, that they have not pushed those amendments any further and that they have instead taken the contrite step of finding some ground that does not affect the integrity of the bill.

Clearly the bill is now going to be a very sound one, and I am happy with the amendments. I support the amendments allowing for ongoing registration as opposed to re-registering every five years. This will make the system easier for farmers and will at least ensure that the perhaps irrational concerns and doubts they may have had about what was going to happen after five years and whether the rules would change, and so on, have been taken out. The other changes regarding the transition package are very sound and again do not affect the integrity of the bill.

I am pleased that commonsense has prevailed and that the pressure that has been brought to bear on our Liberal Party colleagues has ensured that we can see this bill through. This week it has been sad to see so many bills being sent back to this house by the upper house — something that never seemed to happen under the former Kennett government. We knew the upper house was the house of the rubber stamp and therefore anything that went through this house was not challenged; bills passed by this house simply went on and became legislation.

There is clearly a place for challenging and improving legislation, but not for using the upper house as a house of frustration and as a means of throwing in silly, spurious amendments that, in this case, were going to completely destroy the integrity of this significant bill. So I am pleased that pressure has been brought to bear, pleased that the VFF has been a significant player in this, pleased that the National Party has always been supportive of this legislation and pleased that at last the Liberals have, although kicking and screaming, recognised that this is important.

I am happy to commend the amendments before the house. I will be very pleased to see this bill move out beyond this Parliament and be enacted so that people will have security in their water usage in the coming years.

**Mr VOGELS** (Warrnambool) — This is the third time we have debated the Water (Irrigation Farm Dams) Bill in the Assembly. Each time the Liberal Party has been able to drag another amendment or two out of the government. If we had received the support

of the Victorian Farmers Federation (VFF), there is no doubt that much more could have been achieved. However, it went to water from day one. Thank God the Liberal Party stood up for rural Victorians.

What have we achieved? People are saying we have not achieved much, but some of the things we have achieved include requiring stream flow management plans to be tabled in each house of Parliament, where they can be disallowed. We also have one-off registration, which I believe is an excellent outcome. The honourable member for Ballarat East said that five years is not really a problem. Of course it is a problem! We need certainty. If you are a farmer, you need certainty. You do not want to be thinking that every five years maybe all this could be taken away from you or that licence fees could be doubled, tripled or whatever. Of course you need certainty. Providing that there be no demolition of existing dams once a water supply protection area has been declared is, I believe, an excellent outcome. Having a grace period of from 5 years to 10 years for previous use is also very important for dairy farmers who have been washing down their dairies, et cetera, or who might have irrigated a summer crop at some stage out of a dam.

Increasing the transition package from 10 000 megalitres to 14 500 megalitres and having an independently assessed exchange rate for capped areas are very good amendments.

I must admit I had a reality check when I discovered last week that the minister had put out interim guidelines. When I read through them I realised they basically meant that by stealth the department would have taken over every drop of rainwater in Victoria, anyway. If you go to Bourke Street and get a topographical map drawn to a scale of 1 to 25 000, you will find that every little blue line on that map is now a waterway — or would have been a waterway. I doubt if there is a dam in Victoria that would not have been on a waterway.

The other guideline that concerned me was that if your catchment area for a stock and domestic dam is larger than 60 hectares, it would also be deemed to be on a waterway, which basically would have taken new farm dams out of existence. So we had to come to a compromise, which we have.

I believe this is a good outcome for most Victorians. I understand the upper catchment farmers in the Murray–Darling Basin are probably disappointed with some of the outcomes. However, speaking on behalf of the Western District of Victoria, I do not think we had any option. I believe that overall this is a good outcome

for the farmers of the Western District — the ones that I represent.

In conclusion, let me say that in an ideal world, maybe more could have been achieved, but it was time to put the farm dams issue to bed. As I said before, I thank God for the Liberal Party. At least we stood out in rural Victoria. We worked with rural farmers in our areas and came up with amendments which I think have improved the bill immensely.

I congratulate the minister on accepting our amendments, and I am thankful for all the support we have had, especially from the Liberal Party, throughout this ordeal.

**Debate adjourned on motion of Ms DUNCAN (Gisborne).**

**Debate adjourned until later this day.**

## FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Health).**

**Mr DOYLE (Malvern)** — It is with some pleasure that I rise to debate the Forensic Health Legislation (Amendment) Bill before us today. It is a bill that was given rise to initially by an act of this Parliament passed in 1997, to which I contributed, and then by recent events which have resulted in two reviews, which in turn have led to the legislation before us today.

The Liberal Party will be supporting this legislation, but it is important that we make a contribution to the debate on it because although we believe it is an area that does need bipartisan support — and it will certainly get it in this case — we have some what I might call reservations about this bill, the direction it takes and the impulses from which it has sprung.

We need to look carefully at the interface between the mental health and correctional systems. Each of course has its own paradigms, and one is not necessarily better than the other, and the debate in October of 1997 certainly focused on that interface. It is interesting that the new honourable member for Warrnambool, my friend John Vogels, was just making a contribution on the farm dams bill, because I well remember the previous member for Warrnambool, John McGrath, a member of the National Party, whose contributions in this place on mental illness along with those of former member Neil Cole on the other side changed the way

this Parliament looks at mental illness and made this a much more enlightened place. I had the privilege of listening to both of them on a number of occasions, and I always felt very proud to be a member of this place when they were up and speaking.

This is a very interesting bill. If you named most hospitals around Victoria most Victorians would recognise those hospitals immediately, because they are institutions that are well known and iconic in our communities. However, if you named the Thomas Embling Hospital I doubt that very many people would know what it is or where it is. In fact it was named for Thomas Embling — not surprisingly — who was a medical practitioner and the first medical director of the old Yarra Bend Asylum. He was a reformer. He was perhaps the first person in Australia to advocate a moral dimension to the treatment of insanity, and therefore that this hospital should be named for him is particularly apt.

Those on the other side of the house may be interested to know that Thomas Embling was the man credited with coining the phrase ‘8 hours labour, 8 hours recreation, 8 hours rest’. He was a member for Collingwood — and I am delighted to say that particular seat has been abolished, and long may that be the case — but nevertheless — —

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Malvern, on the bill!

**Mr DOYLE** — Certainly, Mr Acting Speaker. Although I take this serious matter seriously, I could not resist that small incursion. However, as I was saying, it was a very worthy naming of what is an institute of forensic mental health, better known as Forensicare in the profession, which is a statutory corporation providing statewide services to mentally ill offenders on both outpatient and inpatient bases. It is a very secure 100-bed facility, of which 80 beds are presently commissioned, down in Yarra Bend Road, Fairfield. Patients are received from the prison system or from the courts for various purposes of assessment and treatment of their psychiatric illnesses. They are then either returned to prison or rehabilitated and released into the community in a very carefully phased manner.

I will say at the outset that a number of my comments are based on a paper written by Jim Poulter, a person whose expertise in this area I have come to respect very, very highly. I share many of his views and wish to reflect them in our support of the bill and in our expression of some of the reservations we have about it.

The first thing I will say is that it has to be understood that this hospital is divided into two streams of care: the acute units, which contain predominantly sentenced prisoners; and the continuing care units, which are responsible for intensive rehabilitation and community reintegration programs. Around 75 per cent of the patients in these rehabilitation units are forensic patients — that is, those patients previously known as Governor’s pleasure patients before the introduction of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

I pay great tribute to the members of this place who in 1995 brought in a report of a committee inquiry into persons detained at the Governor’s pleasure, which not only gave rise to that particular piece of legislation but said once and for all in Victoria that at that interface between the correctional and the mental health systems it is the mental health system which has primacy, and that it is the rehabilitative functions of the mental health system to which we should be looking when we are dealing with some of the most unfortunate and some of the most difficult clients in our state.

In effect the reason we made that change was that the old Governor’s pleasure patients were — not to put too fine a point on it — warehoused in psychiatric warehouses, often for periods greatly in excess of what they could ever have been sentenced to even for the most horrific of crimes. This state looked in a bipartisan way at whether or not that was an appropriate way to move forward, decided it was not and came up with that Crimes (Mental Impairment and Unfitness to be Tried) Bill.

The reason the government came up with that bill was because it wanted to say from the outset that there should be a clear presumption that the intention was to achieve rehabilitation back into the community, and that did not mean just by pharmacological control of a particular client’s or patient’s condition. The rehabilitation had to rest on much broader principles of humanistic health care and psychosocial therapy of both a group and an individual nature.

As I say, the inquiry resulted in a landmark report, a landmark piece of legislation, and a culture shift and intellectual shift in the way this Parliament and this state decided it would deal with some of the most difficult clients our state has to deal with. The then government set up the Thomas Embling Hospital, and I must say that in a very, very short space of time it has become a world-renowned centre for excellence in what it does. I well remember when John McGrath stood over there during the debate in 1997 when the institute was set up one of the things he said was that he

had travelled the world and looked at the ways in which the world deals with those who are sometimes very seriously mentally ill. He said of his own son at that time — I re-read his speech before making my contribution today — that he was proud and indeed pleased that his son was being treated in Victoria and not elsewhere in the world. With that particular piece of legislation we moved even further forward.

While I understand what has given rise to the legislation today, I wish to sound a couple of cautionary notes on the way through. One of the first things I will say is that if this Parliament did show its mind to be that rehabilitation and reintegration into the community where possible was its first goal, then what it should be looking to do is to make sure that the weaponry, if you like, or the tools that it gives our professionals, are adequate to the task. Principal among those, I must say, are the provisions of leave that we give to these clients and these patients. I have come to believe it may well be that we need more of those tools rather than fewer of them. While the security of the community must be paramount — and I will speak about that later — at the same time we have to recognise that we are dealing with people who can be successfully rehabilitated and reintegrated into the community with great support and sometimes over very great periods of time. Nevertheless they are capable of being reintegrated back into society.

There are a number of different types of leave, including evening leave for family or community reintegration; overnight leave to test out issues of that family re-entry for patients returning home; supervised residential leave, which is leave on a trial basis that provides 24-hour care but in a community setting and not in an institutional setting; supported accommodation leave, which is step-down leave into the community on a seven-day-a-week basis; community housing transition leave to facilitate a final process of community transition; and there are many more.

I am sure that if you spoke to the professionals who work in this field at the Thomas Embling Hospital they would say, 'By all means we will put community safety and the safety of the individual as our no. 1 goal, but please give us the tools by which we can work with these clients to make sure that that rehabilitative function is always foremost in our minds and that we do not return, however inadvertently, to a system that nods more to the correctional paradigm than to the mental health paradigm'. The leave question is a particularly important one in that regard.

As I say, I understand what has given rise to this legislation, and I shall come to that in a moment, but we should not lose sight of the fact that if we are told by the professionals in the area that these are things we have to address and if we have not given them the full range of possibilities to deal with these clients, then we have effectively hamstrung our own professionals working in this difficult area. I am sure that is not the intention of the legislation, and that nor is it the intention of the government or of the Parliament. I mention it, as I say, in passing.

I will recall when we implemented these legislative reforms in 1997. I note the member for Preston is in the house, and I recall not only his previous experience as a professional in the area but his contribution to that debate. We all came to an agreement that it was the sort of legislation that meant we were taking a large step and that we would need to review its operation within the two or three-year time frame that was in front of us. The government did not conduct a full review of the operation of the act. As I understand it there were two complementary reviews, but it is understandable that although they were conducted in response to security breaches at the new hospital, that rather limited their scope. My purpose in raising this issue was to make sure the professionals have all the requisite tools, particularly those of leave.

The focus of the security review that gave rise to these amendments was on sentenced prisoners and the conditions under which they would be granted leave. Unfortunately that was overtaken by a necessity to consider reciprocal arrangements with other states in the case of someone absconding from another state and coming to Victoria, as well as the recognition that we did not have the power to deal with that — to detain somebody, to treat them and to return them to their state of origin — should we need to.

I must say, and I do not wish to cavil on this point, that I still do not understand why our Mental Health Act does not provide us with the capability of at least taking these people for assessment and making them involuntary patients if we need to. I recognise that may not include the possibility of sending them back to their state of origin — both the amendments and the amendments to the amendments which we will consider at the same time do have that effect — but I am a little concerned that in the case that gave rise to this second tranche of amendments we not only did not react very quickly but also did not use the provisions that were before us in a way which was appropriate.

I will not go on about that, because I do not wish to particularise individual patients who absconded and the

media coverage which surrounded that. Suffice it to say that when one of these patients absconded, which gave rise to what is called the Vincent review of leave arrangements for patients at the Victorian Institute of Forensic Mental Health, or Forensicare, which delivered its report in May 2001, as I recall we supported the government's reaction. Although of course declining to make it a political issue, we suggested that while community safety needed to be served we did not resile from the excellent and world ground-breaking work that was being done at Thomas Embling Hospital.

It is interesting that one of the things that has been given expression in this legislation is the success of Thomas Embling Hospital. The great work that it has done in rehabilitation is actually —

**An honourable member** interjected.

**Mr DOYLE** — I will come back to it. Just give me some time.

**The SPEAKER** — Order! The honourable member should ignore interjections.

**Mr DOYLE** — I certainly should ignore interjections and their disorderly origins, and I will do that.

One of the great rehabilitation successes of the hospital is recognised in sections 54A and 54B. They require an applicant profile and a leave plan to be considered by the forensic leave panel. Previously that leave panel only had a legal responsibility to consider issues of public endangerment in granting leave. They were seen as saying, 'If you are not going to be a danger, then it is probably good for you to go on leave'. This amendment makes it clear that they should serve rehabilitative objectives directly and that they have to be documented.

I do not mean this as a criticism. There is a difference of philosophy between the two sides in framing legislation, because as the house knows I did some of this legislation when we were in government, but it puzzles me to see that level of detail actually enshrined in black letter law.

It seems to me to be a really odd way to do it. I do not mean that as a criticism but I do say that it may reduce the flexibility of the government. If that changes from time to time, it is much easier to go back and change either regulations or codes of practice that have been approved by the relevant authorities than it is to come back and change black-letter law. So while I applaud the intent of the amendment and I agree with what it

says, I would not have put it in the legislation.

Everyone would have agreed on it, it would have had to have been done, but if we need to change it from time to time, as we often do, then the cumbersome nature of legislation means that will be so much more difficult.

That is also why I mention the leave provisions. Those changes in focus and mandate of the forensic leave panel are welcome, but I suggest that what would normally have gone with that as you are detailing those things is a greater range of leave entitlements, particularly for those who have virtually completed their rehabilitation process. I am a little concerned that that has not necessarily gone together. As I say, perhaps that is because this was not a full review but one that was conducted in the light of a particular absconding that caused a great deal of community concern.

One thing I will say however, which I hope ties all of those comments together, is I think it is something to be welcomed. I remember talking to a couple of people in the field about just what sort of mindset you should have when approaching leave for patients of this kind. It was clearly suggested that perhaps in the past, even with the best of intentions, unless you could show a really good reason why leave should not be granted, it was granted. Community safety was an important consideration but that did not seem to go far enough. These leave plans and the thinking behind it say, 'No, there is not a prima facie case that leave will be granted'. Rather, what should happen is that if you can demonstrate a rehabilitative purpose for it, then and only then will leave be granted, and it is tied to the treatment regime of the patient.

I welcome the reversal which says that almost the no. 1 thing for consideration is the safety of the community and the individual. That is particularly important and is made clear in the second-reading speech and by extension in the amendments and the amendments to the amendments which have been brought in today. This side of the house welcomes that.

I am sure honourable members know I could go on for hours and hours. I am conscious of the fact that we are truncating debate today for a number of reasons so I spare the house the rare pleasure of hearing me go on for hours and hours!

I will turn briefly to the review chaired by Justice Frank Vincent, which had Penny Armytage, Noel Perry and Norman James, the Chief Psychiatrist of the time, on the panel. The terms of reference given to the panel and the rationale which is clearly spelt out in the introduction bear out my remarks.

I am pleased that the key principles are enunciated there and that the panel had in mind exactly what they were doing in terms of making sure that treatment is provided in the least possible restrictive environment and in the least possible intrusive manner almost as a first principle that they deal with. There are a number of other key principles which it used to govern the interface between the mental health and correctional systems. I want to mention two in particular which also go to the heart of some of my comments. They are:

That any leave must be in the context of an overall rehabilitation and treatment program.

I have covered that.

That any leave must also be considered in terms of the potential impact on public safety, security of the individual and impact on any individual involved in the offence, ie any victim.

Those two things I have considered so far and I have touched also on the final key principle, that is:

That any leave is part of a process of reintegration of the person into the community in a manner that minimises that person's likelihood of reoffending in the future.

These are sensitive issues, but I think we should also note the very large number of leaves that proceed without incident. In the 12-month period that the panel looked at there were three adverse events, and that was in a large number of leaves that had been granted and had proceeded satisfactorily. I recognise that even three is too many and that because of the nature of the patients that is some cause for alarm in the community, and I regret media sensationalism that unnecessarily excites that alarm. I recognise all of those things and the work the panel had to do. But I make those comments about leave and keeping in mind a rehabilitative function by way of underpinning my support for the legislation.

The panel made 19 different recommendations, a couple of which will be picked up in the Sentencing Act later. It has effectively accepted the recommendations of the Vincent review and also one that was made previously by the Department of Justice in framing this legislation.

I turn to one area where I have some concerns, and I wish to make one or two suggestions to the government that we are keen to support. The first is that there have been some practitioners and key stakeholders — and the Scrutiny of Acts and Regulations Committee was one of them — who have pointed out that clause 506, which introduces changes to section 51 of the Mental Health Act, gives cause for some concern. I refer to documentation which I have been forwarded from the

Law Institute of Victoria, the Health Services Commissioner, and the Mental Health Legal Centre.

People who work at Thomas Embling Hospital have echoed these concerns to me, as has the Mental Illness Fellowship. The concern is that this particular clause removes a right of appeal. To quote from the Health Service Commissioner's letter to the Department of Justice:

The commissioner opposes the loss of the appeal jurisdiction from the Mental Health Review Board on section 51. Under our international human rights agreement it is clear that people with mental illness are entitled to the same range of human rights as any other person. The proposal reduces the human rights of mentally ill prisoners by denying them the advantage of an external review of original decision making. I acknowledge there are always tensions between security considerations and the right of people to receive treatment for serious mental illness. Unfortunately the current climate seems to be favouring the correctional aspects rather than the human rights and treatment issues.

The law institute similarly echoes those concerns. I should point out that the concerns echoed by the law institute are not those of the institute as a whole.

The submission was prepared by the disability committee of the administrative law and human rights section of the Law Institute of Victoria. As I said, although the views of that section were not adopted by the institute as a whole, the institute is concerned about the removal of the right of appeal to the Mental Health Review Board for people who are refused leave, and I quote:

Whoever makes the primary decision, that right should be retained. It is most troubling, again, that the government proposes to remove a substantive right of an entire group of people based on the conduct of one, or at the most a few. We urge the government to reinstate that right.

Similar sentiments were expressed to me through the mental health legal centre and a number of other people.

This matter was raised by the Scrutiny of Acts and Regulations Committee (SARC) and the government was kind enough to provide to me, for which I thank it, answers to my questions at the briefing and a copy of the amendments and the response of the minister to the Scrutiny of Acts and Regulations Committee. I acknowledge and thank the government for its cooperation. However, I am a little unsure of its response, and I refer to the letter from the Minister for Health addressed to the chair of SARC after the committee raised the same concern as did the Health Services Commissioner and the disability committee of the administrative law and human rights section of the law institute.

The response notes that Justice Vincent delivered the panel's report on 1 June 2001. The panel noted that security patients have been either convicted and sentenced by the courts or are on remand and awaiting trial, and on that basis reached its conclusion. Of the three points in its conclusion, the most important one is:

... the process for considering leave of absence for security patients should be essentially the same as that used for prisoners, with some necessary amendments to ensure that clinical considerations are fully taken into account.

The argument from the Minister for Health is:

Accordingly, the panel recommended that the power to grant leave of absence to security patients be removed from the Chief Psychiatrist and vested in the Secretary of the Department of Justice to ensure that these security considerations are appropriately addressed. The panel further recommended that, to ensure consistency with the recommendation that decisions to grant leave be made by the Department of Justice, and having regard to the importance of considerations of security, the right of appeal to the Mental Health Review Board should also be removed.

The final paragraph goes on to say:

Significantly, when prisoners make an application for leave there is no right to appeal a decision to refuse leave. The removal of the right of security patients to appeal to the Mental Health Review Board thus ensures that prisoners and security patients are treated as consistently as possible in relation to leave arrangements.

I do not find that persuasive. I recognise the government's right to make that decision, and it does follow the fine work done by Justice Vincent; however, essentially the argument boils down to the fact that in the first instance the decision is to ensure consistency — in other words, it is administrative and is not to do with why that is important, it is just to ensure administrative consistency. I do not think that of itself is a reason for removing a right of appeal.

Secondly, the reason that is given, if I may say so, is no more than a truism — that is, that security is important. Yes, the Liberal Party agrees with that, but that to me is not a reason for removing this right of appeal. It is not clear to me how an appeal mechanism can diminish the importance of security. Even though I recognise the government's right to make that decision, and recognise that it is following the Vincent recommendations, I am not persuaded by the argument. We in the Liberal Party will certainly not oppose any part of the bill, nor will we propose an amendment to it, but in a spirit of cooperation I suggest that I would appreciate the government's considering reinstating that appeal mechanism — looking at the arguments.

If the government were to consider that the restoration of the appeal mechanism would be a worthwhile

addition to the legislation, and if it cared to bring it in as an amendment while the bill is between houses, we would consider that favourably and with approval in the upper house and with great expedition would pass those amendments when they were returned to this place for consideration. All the people I have spoken to have asked that I make that point on behalf of these patients, and I am pleased to do so.

Should that not be the case and should the government not wish to go down that track I would ask it to consider carefully reviewing the effect of that, to continue to consult with the excellent staff at Forensicare, with the Health Services Commissioner, with the people at the law institute who are concerned with this legislation, and with the Mental Health Legal Centre, as well as with groups like the Mental Illness Fellowship, just to monitor what effect it does have. If in future it was decided that it was a useful addition, then support would be forthcoming from this side.

I will conclude my remarks, as I do not wish to go on and on. I cannot help though but finish with a single and important plea for the government to consider. Given the impetus of the Vincent review and the effect of the unfortunate case of the young man who absconded from Queensland and subsequently from Victoria and the way that that incident drove the amendments in this legislation, and given what I have said previously about making sure that we do not restrict our professionals from proceeding with that rehabilitation with any tools that are at their disposal, I hesitate to ask the government to set up another inquiry. I certainly would not do that.

**Mr Hamilton** interjected.

**Mr DOYLE** — I promise, I would not kick anything out of you if you did. In fact, I was about to offer you that proposal.

Given that there are concerns in the field that this may unduly restrict the capacity to deal with and treat some of the most difficult clients in the state it would be important that the government did make — even if its members did it privately and to themselves — a commitment that it would go back after a period of operation of this legislation and talk to the people at the pointy end of the stick — talk to the Jim Poulterers of the world about how the legislation is actually working. If it is not helping in the rehabilitation of patients and if it is therefore acting against the spirit of what we came together to do in 1997 — indeed what we are coming together to do today — then again the Liberal Party would look favourably upon any amendment or any

addition to the leave provisions and to the powers of the people who work in this area.

As I say, I do not advocate necessarily setting up a completely different review, but I suggest that we are making a change here. The Parliament is making a change in response to a very serious breach of the leave provisions. It would be a pity if we were now to take a backward step. That would be unfortunate given the history of Thomas Embling, who I understand when he arrived at the Yarra Bend lunatic asylum found people in manacles — they were chained like animals.

He found that their food and clothing and other things were being sold off. When he tried to make that public he was opposed, because of course you should not make noise — it is much easier to forget about these people! They actually tried to fit him up — frame him. In the subsequent inquiry it was proved that the only thing he had done was have an excess of conscientiousness — and undoubtedly that is why he became a member of Parliament! — but they actually did try to stitch him up.

It would be a pity, given the very worthy impulses of that original director, if we were, however inadvertently, to start to move backwards and more towards the correctional area. By all means keep community safety and the safety of the individual as our first and primary concern — we have already proven at the Thomas Embling Hospital that we can do that — but at the same time work to help people and to rehabilitate them into our community. That is why we did all that work on that committee. That is why we no longer have prisoners at the Governor's pleasure, which was an outdated and I might say slightly shameful practice. We have made all those moves. For the best of reasons now let us not take half steps backwards.

There are two things I ask the government to do: firstly, to please reconsider section 51 and whether it will reinstate that right of appeal to the Mental Health Review Board of Victoria; and, secondly, to please monitor the effect of these amendments on leave for these patients, particularly as it affects their rehabilitation. I ask the government to talk to the professionals who are involved with patient care, and if we need to make further changes to make sure that while we protect public safety the community and individuals at the same time we can assure ourselves that we are doing everything we can to try to rehabilitate some of the most tragic individuals that this Parliament or our society deals with. I wish the bill a speedy passage.

**Mr DELAHUNTY** (Wimmera) — Firstly, I compliment the honourable member for Malvern on giving a good background to this issue, and I will not go through that during my contribution to the debate.

The National Party comes from a premise of, firstly, protecting the community, and secondly, and very importantly, getting the balance right between the need for treatment and the concerns for security. I know the honourable member for Malvern has covered the excellent contributions in this house of the former member for Warrnambool, John McGrath — I was not involved in those debates — and he also mentioned Neil Cole, and I know of Neil. Sometimes you feel very inadequate when you are speaking on this very delicate topic. As I said, it is important to get the balance right between the need for treatment and the concerns for security.

On a reading of the bill and the proposed amendments, copies of which we were given late yesterday, the National Party believes the bill is really tightening up the original act. It also addresses the concerns regarding cooperation between the states and better defines the four types of leave that are available in the process.

Honourable members are well aware that the purpose of the bill is to amend the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Control of Weapons Act 1990, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 with respect to the security of patients and persons who are subject to supervision.

At this point I thank the ministerial staff for their cooperation in giving the National Party a briefing. My colleagues the Honourable Ron Best and the Honourable Jeanette Powell, members respectively for North Western and North Eastern provinces in the other place, were briefed on Tuesday this week, I believe by the ministerial adviser Tass, and by Lorna Payne and Isobel Anton from the Department of Human Services. I congratulate Isobel on her very precise explanations to the questions we asked. It was very beneficial to us. I also thank the other member of the briefing panel, Alison Will, from the Department of Justice.

The National Party in consulting on this bill spread copies of the bill and the second-reading speech widely around Victoria to get as much input as it could into this important bit of legislation. We sent it to the Victorian Institute of Forensic Mental Health, the Mental Health Legal Centre, the North East Child and Adolescent Mental Health Service at Wodonga, the Mental Illness Fellowship of Victoria based at Warragul and Wonthaggi, Mental Health Australia

based at Bendigo, the Mental Illness Awareness Council, the Mental Health Service for Kids and Youth, the Mental Health Research Institute of Victoria, the Mental Health Foundation of Australia (Victoria), and also the National Institute of Forensic Science.

I have received many letters in return and have had discussions with many of these organisations in developing the position the National Party will take on this legislation. For the information of the Minister for Agriculture, who is at the table, the National Party will not oppose the bill, but it will raise similar concerns to those that have been picked up by the honourable member for Malvern.

As honourable members know, the bill was based on two reviews. The first was a review of the operation of the Crimes (Mental Impairment and Unfitness to be Tried) Act by the Department of Justice. However, after more than three years of hearings under the act this government believes it has identified ways to improve its operation, and we look forward to seeing how that goes.

Honourable members also know that the second review was of the leave arrangements for patients at the Thomas Embling Hospital. I am informed that there are 80 beds at this excellent facility in Melbourne. One aspect of the review was the result of the absconding by Neville Garden, a security patient on day leave; and the other was the case of Claude Gabriel, who absconded from a Queensland institution to Melbourne and was unable to be apprehended.

Honourable members would well remember the articles in the newspapers. I know these matters created some concern in the community. With the support of the library's services I have examined a couple of the newspaper articles. One article in the *Herald Sun* of 10 January this year by Fay Burstin states under the heading 'States act on loophole':

Legal loopholes that allowed mentally ill killer Claude Gabriel to flee interstate and overseas will be closed after officials from around Australia hold urgent talks in Melbourne today.

Another article that appeared in the *Age* on the same day, 10 January this year, by Richard Baker states:

Senior officers from all state government health departments will meet in Melbourne today to discuss new measures to allow for the apprehension of escaped dangerous psychiatric patients anywhere in Australia.

As I said, we need to make sure we get the balance right, and particularly to protect the security not only of

the patients but importantly the community at large. The article continues:

The meeting was triggered by last year's escape of mentally ill killer Claude Gabriel from a Queensland institution to Melbourne.

The Victorian government tried to quell public fears by saying it was in regular contact with Mr Gabriel's family and that he was taking his medication.

But it later emerged Mr Gabriel had escaped to Rome with his mother during the period the government claimed to be in regular contact with his family.

Even if Mr Gabriel was found, the government, under current laws, had no power to detain him or send him back to Queensland.

So importantly this bill will cover some of those concerns raised by the community and those articles.

I have read the information with interest. I have a fair bit of information here with me, and I shall go through some of that as time permits.

We are dealing with the Crimes Act 1987, which provides for a system of custodial and non-custodial supervision orders. Supervision orders are designed to allow people who commit crimes while mentally impaired to receive treatment and rehabilitation — I think we would all support that — while protecting the community. Understandably the victims and their families are also involved in this. In certain circumstances the act allows for victims to provide information, but we know now that this bill will allow basic information about the level of supervision to be provided to be supplied to the victim or a family member. At present agencies that supervise people on supervision orders are not free to provide confidential information about them. I shall come back later to some of the letters that have raised some concerns about that.

The act will also be amended so that notices to victims and their family members under 18 years of age will go to the parent or guardian.

As I said, the National Party has consulted widely. We also support the procedures in the act that are now more flexible, provide relevant information and allow family members and victims to present their views to the court if they so wish. The community at large has a great interest in the progress of persons under supervision. That is why the National Party supports the position that the community is entitled to be represented when the court is considering whether to reduce a person's level of supervision. We know that the level of supervision to which a person is subject can be adjusted if the court is not convinced that the safety of the person

or the public will not be seriously endangered. Again, we would support that.

The legislation contains various leave positions. People subject to custodial supervision orders may apply for four types of leave: special leave, on-ground leave, limited off-ground leave and extended leave. Special leave from the place of custody is currently only available for 24 hours, and I will come back to that later. On-ground leave and limited off-ground leave are granted by the forensic leave panel, but the Vincent review panel suggested that leave should be granted only when it would contribute to the applicant's rehabilitation and when it was reasonable to do so. We in the National Party support that provision.

The bill provides that the forensic leave panel may grant leave only when it will contribute to the rehabilitation of the applicant and where the panel is satisfied that neither the public nor the applicant will be seriously endangered. We in the National Party support that.

The National Party believes the changes will encourage a long-term view of the way the leave must contribute to rehabilitation.

I jump now to interstate apprehension and transfer. I know these matters are addressed in the amendments we received this week. After reading through them, and after consultation with various people, we are comfortable with those amendments. It is important that there is cooperation between the states to address this important matter that I highlighted in the newspaper articles earlier in the day.

Another act amended by this legislation is the Mental Health Act of 1986. As we know, the bill amends the provisions of the Mental Health Act that relate to the discharge and leave entitlements of security patients — people who are in custody, including prisoners and young people detained under the Children and Young Persons Act. The severity of their mental illness means they need to be detained in hospital for treatment.

The Vincent review panel argued that treatment of these patients in hospitals should focus on the acute phase of their illness and continue only so long as it is necessary or justified, and we support that. After that, security patients should be returned to their place of detention where treatment can be continued. We support those amendments and we support the recommendations of the Vincent review panel. The National Party believes strongly that it is important to have a balance between the needs of treatment and the

concerns of security, and that is why we are disappointed with the next point.

Under this legislation the Secretary of the Department of Justice will be responsible for granting this type of leave. The Chief Psychiatrist will be consulted on each application and will provide clinical input. If the security patient is a young person transferred from a juvenile facility, consultation with the Secretary to the Department of Human Services will be necessary. If the security patient is transferred directly from police custody, consultation with the Chief Commissioner of Police will be necessary. Under this legislation the Secretary to the Department of Justice will grant leave to security patients and there will be no appeal against refusal of an application for leave. I will refer to that later when I quote from some of the letters we have received.

The National Party supports the amendments that relate to the Control of Weapons Act 1990.

I will touch quickly on some of the letters we received in relation to the consultation we had with many people across Victoria. I refer firstly to a three-page letter from the Mental Illness Fellowship of Victoria signed by the chief executive, Elizabeth Crowther. I will quote some extracts from the letter, which raises some concerns, but I want to highlight to the government that the fellowship is supportive of most of the legislation. The letter states:

Should the person be granted non-custodial supervision into a state where they do not reside, without their social support system, there is a greater risk of them not remaining well. This is because experience and studies have shown that isolation may lead them back to the circumstances which caused their initial sentence (for example: homelessness, unemployment, resorting to substance abuse as a form of relief).

So some concerns are raised there. The letter continues:

This bill clarifies that the forensic leave panel may only grant up to three nights leave per week. The current practice has been to grant up to five nights per week. This reduction of rights seems to be at odds with testing the patient's capacity to act independently within the legal and health constraints. I am concerned that this restriction of current rights diminishes the opportunity for the patient to demonstrate capacity. Thus it has the potential for unravelling some of the rehabilitation processes.

I wholly support the extension of hours for day leave.

It appears to me that the alteration of responsibility from the Chief Psychiatrist to the Secretary to the Department of Justice changes the emphasis from a treatment process in the context of custodial care to custodial care in which treatment occurs.

I refer to a letter from the Mental Health Research Institute which compliments the government on its legislation but expresses some concerns. The letter states:

It is pleasing to see that the Forensic Health Legislation (Amendment) Bill takes a more considered approach. If appropriately implemented, the measures in the bill should maintain a solid balance between the needs of mentally impaired offenders, the safety of the community and the wellbeing of victims.

Correspondence from Mental Health Australia states that it is an exhausting document requiring a great deal of thought. Mental Health Australia supports clause 10 because that would alleviate the problem relating to the Queensland patient, but it has concerns about clauses 17, 21 and 22. The concerns are twofold: it believes, firstly, that the provisions may be a breach of confidentiality, and secondly, that there could be the potential for revictimisation of the victim.

I will now quote from a letter from the Law Institute of Victoria, signed by John Corcoran. I am sure the government would have received this. The letter is extensive and deals with several clauses but I will read just one sentence from it:

Of even greater concern is the removal of the right of appeal to the Mental Health Review Board for people refused leave. Whoever makes the primary decision, that right should be retained. It is most troubling, again, that the government proposes to remove a substantive right of an entire group of people based on the conduct of one, or at the most a few. We urge the government to reinstate that right.

I will now turn to some other information I collected in relation to this concern, and that is a submission from Public Advocate Mr Julian Gardner about the right of appeal to the Mental Health Review Board under substituted section 51, inserted by clause 40. So again the government has had plenty of this information.

I refer now to a letter, signed by the Minister for Health, to the Honourable Mary Gillett, chair of the Scrutiny of Acts and Regulations Committee, which covered this issue of appeal. Honourable members will be aware of the independent review panel chaired by Justice Frank Vincent. The other members of that panel were Ms Penny Armytage, Mr Noel Perry and Professor Norman James.

Justice Vincent delivered the panel's report on 1 June 2001, and although I have a copy of that I will not read it, given the constraints of time. The government's response to the appeal process was:

The panel noted that security patients have been either convicted and sentenced by the courts or are on remand awaiting trial.

On this basis the panel concluded that, firstly, a transfer from the prison system to the Victorian Institute of Forensic Mental Health should not, of itself, lead to the elimination of security; secondly, the criminal justice system has a legitimate interest in the extent to which security patients are free to leave the security environment and re-enter the community.

Thirdly, it concluded that a process of considering leave of absence for security patients should be the same as that used for prisoners, with some necessary amendments to ensure that their clinical considerations would be fully taken into account.

Accordingly, the panel recommended that the power to grant leave of absence to security patients should be removed from the Chief Psychiatrist and invested with the Secretary of the Department of Justice to ensure that the security considerations would be appropriately addressed. I take that on board. Again, like the honourable member for Malvern, who raised this issue also, we in the National Party have some concerns with that explanation, because we should always have an appeal process that is open and transparent so that people feel they are getting a fair shake in relation to that matter.

In summary, the National Party strongly believes we need to get the balance right between the victim's rights, the community's rights and the court processes. We know that the Crimes (Mental Impairment and Unfitness to be Tried) Act establishes a system of supervision orders. One of those is the custodial supervision order, where the offender is admitted to the Thomas Embling Hospital — in other words, as a security patient. There is also the non-custodial supervision order, where an offender is integrated back into the community. Both of these are designed to treat and rehabilitate an offender while protecting the community.

This is a summary of our position. The victims and the families are able to make a report to the court when an application is made to reduce a person's level of supervision. We support that the bill broadens the focus of this report to include the impact of feelings and the emotional effects on the victims. Also, currently agencies that supervise those on supervision orders are unable to reveal confidential information about the person. This bill will allow the provision of basic information about the level of supervision to the victim or the family. We must be aware of confidentiality concerns that were raised in some of the letters, and I am sure that will be taken on board by the government and the various agencies.

We also know that at present it is mandatory to notify the victim and their family when an offender has made an application to reduce their level of supervision. In some cases victims and their families do not want to hear anything about the offender — and we support that — and this bill makes it clear that such a person can choose not to be notified. Offenders subject to a custodial supervision order — in other words, a security patient — still can apply for only four types of leave: special leave, on-ground leave, limited off-ground leave and extended leave. These are covered under section 54 of the Crimes (Mental Impairment and Unfitness to be Tried) Act, and I will not go through them in detail. We also know that special leave is currently 24 hours, but the bill extends this to seven days when the leave is for medical purposes, and the National Party supports that.

On-ground leave and off-ground leave are granted by the forensic leave panel. Currently legislation assumes that leave will be granted unless a person can show that it should not be. These amendments provide that leave may only be granted when it can contribute to the rehabilitation of the offender and when the panel is satisfied that the community or the offender are not at serious risk. The hours of day leave — now 7.30 a.m. to 7.30 p.m. — will be extended to 6.00 a.m. to 9.00 p.m. to allow more flexibility, and we strongly support that.

To finish with the interstate transfer issue that I touched on earlier in some of the newspaper articles, I believe the amendments will tighten up this situation, because it is important that we have a process where the states and the ministers involved can deal with this very sensitive matter for the security of people at large. I know the Vincent panel touched on this, and I will not go into it any further because I know there are honourable members who want to speak on another bill.

I finish by saying that we in the National Party come at this from the premise that we want to make sure we protect the community, but it is important to get the balance right for the treatment of the patient, and importantly also for their security. We believe from reading the bill and from consulting widely across Victoria that it tightens up the legislation. I have raised some of the concerns that have been made known to me in relation to this matter, but overall the National Party will not be opposing this legislation.

**Debate adjourned on motion of Mr VINEY (Frankston East).**

**Debate adjourned until later this day.**

## WATER (IRRIGATION FARM DAMS) BILL

### *Council's amendments*

**Message from Council insisting on amendments further considered.**

**Debate resumed from earlier this day; motion of Ms GARBUTT (Minister for Environment and Conservation):**

That amendments 1 to 15 be disagreed with.

**Mr MULDER (Polwarth)** — I open my brief contribution by picking up on some comments made by the honourable member for Ballarat East which are indicative of the Labor Party's position in relation to the Water (Irrigation Farm Dams) (Amendment) Bill. The honourable member for Ballarat East bagged the Liberal Party for pursuing further amendments in the house, but in his conclusion praised the one-off registration, one of the amendments that the Liberal Party had pursued. This is indicative of the Labor Party's approach right throughout this debate, particularly its rural members, who were prepared to stick with the party line and turn their backs on their rural constituents by not supporting the amendments that have been put forward by the Liberal Party.

In relative terms what has happened in relation to the amendments is that the Liberal Party has not only just met but has exceeded the expectations of rural Victoria, in particular its farmers and their peak body, the Victorian Farmers Federation, because I do not know how many times I have had representatives of the VFF knocking on my door saying 'Back off, back off!, don't drown the legislation. You have gone far enough'. Had we followed the position of the VFF and pulled away we would not be in the position we are in today with a number of further amendments that the Labor government had decided to accept.

Once again, when the final bell rang the only party on its feet fighting for rural Victoria was the Liberal Party. Given that the amendments have been a great outcome for rural Victoria, it is interesting to see the position adopted by other parties and individuals involved. Through his stance on the amendments, which can only be described as all over the place, the honourable member for Ballarat East confirmed that the Labor government is really anti-rural Victoria. Also, the Independents — the honourable members for Gippsland West, Gippsland East and Mildura — did not get to their feet during the debate. They did not even climb into the ring, and they were not prepared to support any of the amendments which all parties, including peak organisations and farmers from around

the state, now agree the Liberal Party stood up and delivered for them.

What about my friends in the National Party? Most would agree that the small sniping had finished, but a small ankle tap was delivered by the honourable member for Swan Hill during his contribution. The National Party should learn to play for four quarters. A few egos have been dented because the last team standing on the issue of getting the amendments to the farm dams bill passed was the Liberal Party. I believe that in rural Victoria the Liberal Party has stamped its presence on its representation of Victorian farmers.

In conclusion, I congratulate the honourable members for Monbulk, Evelyn, Warrnambool, Benambra and Kew, and all the others involved in what has been a very lengthy process of getting the farm dams legislation passed. I particularly acknowledge the contribution of my parliamentary mentor, the honourable member for Benambra. I would hate to think I would ever suffer a divorce settlement, but if ever I wanted somebody in my corner clawing back the ground and getting a further resolution, the first person I would be calling on to act on my behalf would be the honourable member for Benambra. I wish the bill a speedy passage.

**Mrs FYFFE** (Evelyn) — There has been considerable discussion and debate on the bill and the amendments. I have no doubt that within about another decade the house will again be debating water management. The issue of water has caused much division and debate around the world. Victoria and Australia cannot escape the need for debate, for decisions and for the leadership needed to manage this scarce resource.

As is expected over such an important issue, at times the debate has been heated. The Victorian Farmers Federation, environmental groups, catchment authorities, grower organisations and individuals have all argued their case strongly, not because they want to be difficult, political or narrow minded but because of a genuine desire to find a way to ensure the fair and equitable management of water for all Victorians.

I place on the record my appreciation of the efforts of my colleagues the honourable members for Warrnambool, Polwarth and Benambra, who have been tenacious in their efforts for a good outcome for their electorates. I also note the professionalism of the shadow minister, the honourable member for Monbulk, who has negotiated with the minister and guided the opposition to the position its members are comfortable with today.

I also mention the minister's staff and advisers. Their accessibility and willingness to listen and explain have been very much appreciated. Some people may think this has taken too long, but they are people who do not understand, or perhaps do not want to understand, the importance of water management being fair and equitable for the whole of Victoria.

The shadow minister has spoken in detail about the changes the Liberal Party has been successful in achieving to improve the bill. Some members of the community may feel we have let them down by not pushing further. I understand and respect their opinions. However, throughout the debate all members of this house have supported the main thrust of the bill — that is, to manage and conserve water. I commend the bill to the house.

**Mr PLOWMAN** (Benambra) — I am pleased that the Liberal Party has achieved further gains for country Victorians and farmers around the state. I am concerned that those changes have not gone far enough, and I roundly condemn the minister for her intransigence in not listening to reasonable debate on the issue. The government and the minister have been hell-bent over the last six months — certainly the government has been so over the last two years — to make sure that there is an absolute limit on the number of dams built in catchment areas in the state.

Goulburn Murray Water has made a deliberate and concerted effort on behalf of the government to try to ensure that happens. The pain and cost to catchment farmers in country Victoria has been extraordinary. I speak with such passion because I represent the concerns of those people, particularly in that patch of Victoria into which 40 per cent of the water of the whole of the Murray–Darling Basin comes, including from my electorate and areas adjoining it.

You would also have to ask why the Murray–Darling Basin Commission has been so strong in putting pressure on the government to achieve this. Quite clearly, it has been meant to try to achieve an end in southern Queensland and northern New South Wales, where extraordinarily large storages have been used to capture overland flows. I appreciate the difficulty they are having, but to bring it to this state and to subject catchment farmers to what they have been subjected to through the introduction of the bill is absolutely and totally unacceptable.

The strategy deteriorated to the extent where people within the Department of Natural Resources and Environment, whose behaviour I find inexcusable in taking this approach, have suggested that building farm

dams is deleterious to the environment. I heard one person say it is environmental vandalism to continue to build dams. For the past 50 years governments of all persuasions have encouraged people to build farms for the right reasons — that is, soil conservation and water conservation — and an extraordinary increase in biodiversity and environmental benefits has resulted from those farm dams being built.

As I said, over the past 50 years governments of all persuasions have introduced and supported policies to encourage the building of dams. Now we have a government that is completely opposed to a policy that has been bipartisan until now.

The government puts a lot of trust in the fact that there was a consultative process. But that process was designed to be totally divisive, and after I attended two consultative meetings in one day — one in Wangaratta, the other in Tatura — I could be excused for not knowing I was in the same country let alone the same state. That process had catchment farmers fighting with irrigators and not trusting each other. I find it totally deplorable that the process was deliberately introduced by the government, and I will never forgive the minister for her part in achieving that end.

There is no reason why in the current situation catchment farmers and irrigators cannot live together under the policy and achieve what they want to within the amount of water that is available. But as I said, on that occasion the debate was deliberately aimed to divide and therefore to seek opposition within those two parties. A high-catchment committee was formed about four or five years ago after a meeting of 600 angry farmers in Tallangatta. That catchment committee, after looking at the rights of farmers and seeing that the government was hell-bent on taking away a right that had been with farmers for 150 years, actually put up four basic recommendations.

The first was that a percentage of rainfall be retained for farmers to use on their own farms, similar to the 10 per cent formula that has been effective and has successfully operated in New South Wales for the past two to three years. The second was that an exchange rate for those farmers who have to buy water from the water storage authorities would be established at a minimum rate of two for one.

The third was that waterways be mapped and gazetted after public consultation with local farmers; and the fourth was for the grandfathering of all existing dams used for commercial processes.

As I said before, I am pleased with the amendments that have been successfully negotiated, the main one being the further grandfathering clause which allows for the continuous rather than five-yearly registration of dams.

More recently the high-catchment committee and others who are vitally concerned have put up further recommendations. Those recommendations are, fundamentally and firstly, that there be a bulk entitlement or allocation of water to the catchment areas of the Murray–Darling Basin in order to give some real contra to the loss of those private rights; secondly, that a flexible exchange rate be determined at a minimum rate of two for one; thirdly, that water trading reform allows water trading to go up in a catchment as well as down — and currently that is not the case; fourthly, that stream flow management plans be used outside the capped areas of the state to determine whether the private right to water should be minimised or extinguished; and fifthly, that the guidelines for all stream flow management plans should be legislated. Frankly, I think that is one of the most important suggestions in recent times.

Those recommendations have gone to the Minister for Environment and Conservation, and the minister's office has considered them. I find it disappointing that the minister has not accepted what I think are fundamental recommendations that would allow the intent of this legislation to go through with no deleterious effect on the catchment farms of the state.

The Victorian Farmers Federation (VFF) has vociferously argued that it received a guarantee from this government that stock and domestic water would not be affected. But what did this minister do? In December 2001 she introduced waterway determination guidelines. In them was a ministerial order that said that there would be an exemption for stock and domestic dams where the catchment was more than 60 hectares. For the VFF, for the Liberal Party and all conservative parties, and for all the farmers in the state to be hoodwinked by this minister's assurance that there would be absolutely no change to stock and domestic water is completely unacceptable.

I will quote from a letter that I received from the chairman of a stream flow management committee that is maybe the longest standing such committee in Victoria. It states:

Having chaired a stream flow management plan I realise how a committee is screwed down by scientific opinion ... by reports which I believe are underpinned to satisfy predetermined environmental flow regimes.

It would appear that ... most, if not all, of the coming stream flow management plans will be curtailed to a different pro forma ...

1. Environmental and hydrological assessment by consultants ...
2. A review by a review committee ...
3. Presentation of the document for public scrutiny.

... the review phase is where the 50 per cent farmer representation may be employed.

It also went on to say that the sustainable diversion limits are the main area of concern for stream flow management plans.

These sustainable diversion limits will be used to inhibit or even prevent any harvesting of water for irrigation in a catchment area. We must strive to retain in the high rainfall areas the maximum reasonable surface run-off catchment. We must tie the permissible catchment volumes down to a calculated percentage in areas where rainfall exceeds a set limit of, say, 25 or 30 inches of rain.

I conclude by saying that I am extraordinarily disappointed in the final outcome of this legislation in the lower house, which we have had three times before the house. I accept the fact that the amendments will be of assistance to catchment farmers. I might add that a legal challenge will probably be mounted, and I would advise the minister and the government to accept the requests of those people rather than to take up that legal challenge and waste taxpayers' money in defending it.

**Motion agreed to.**

**Ms GARBUTT** (Minister for Environment and Conservation) — I move:

That amendments 16 to 19 be agreed to.

**Motion agreed to.**

**Ms GARBUTT** (Minister for Environment and Conservation) — I move:

That amendments 20 to 22 be disagreed with.

**Motion agreed to.**

**Ordered to be returned to Council with message intimating decision of house.**

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

## QUESTIONS WITHOUT NOTICE

### Royal Melbourne Hospital

**Dr NAPTHINE** (Leader of the Opposition) — I ask whether the Minister for Health can give an absolute and unequivocal guarantee that neither the minister nor his private office received any written or oral briefings as early as November last year from the Department of Human Services or the Royal Melbourne Hospital regarding the suspicious deaths of patients at the Royal Melbourne Hospital?

**Mr THWAITES** (Minister for Health) — I answered this question yesterday.

*Honourable members interjecting.*

**Mr THWAITES** — As I indicated, I answered this question yesterday.

**An honourable member** interjected.

**Mr THWAITES** — I answered the question. I said that I and my office received advice of this investigation on Friday last week.

### Schools: discretionary fund

**Mr RYAN** (Leader of the National Party) — My question is to the Minister for Education and Training. I refer to the government's professed support for educational initiatives, and for rural Victoria in particular, and I ask: can the minister explain why the government has abolished the discretionary fund of \$250 per year per principal which has been used to great effect by principals of small rural schools?

**Ms KOSKY** (Minister for Education and Training) — I thank the honourable member for his question. I am glad at least the National Party has an interest in education and training! The previous government, as we know, closed schools and sacked teachers, and now one of the people who was behind that incredible reduction in schools asks a question about a discretionary fund of \$250.

We have made a major investment in our schools — \$2.2 billion additional on top of what the previous government put into schools. We have put education back into schools and we have put teachers back in to assist students. In relation to the discretionary fund, I am not aware of it at the moment. I will seek advice from the department and I am happy to get back to the honourable member with the details.

**Water: allocation framework**

**Mr HOWARD** (Ballarat East) — I ask the Premier to advise the house what improvements the government has delivered to the Victorian water allocation framework and what impediments were overcome to achieve this outcome.

**Mr BRACKS** (Premier) — I thank the honourable member for Ballarat East, who is also the Parliamentary Secretary for Natural Resources and Environment, for his interest in this issue and also in the passage of the farm dams legislation which I am pleased to say went through the house today. I congratulate him on his role, the minister on her role and other members of Parliament on their contribution to that. The passage of that bill marks an important milestone in Victoria's history in leading the nation in water management and water reform.

In particular, this government has now resolved the longstanding problems associated with the current management of farm dams, and this will enable increased water security for all water users. We will have a climate far more conducive to investment in our regions as a result of this new reform which was adopted today. It will also mean improvements for environmental outcomes downstream. It is good for industry, good for our rural communities and good for the environment as well. I congratulate all those who were involved in delivering that. I thank the various individuals and groups who were focused on getting a workable solution to this issue.

I was also asked by the honourable member what impediments there were to getting this outcome in place. I can say to the honourable member that the impediments are sitting opposite in the form of the Liberal Party of Victoria. They were the impediments! Just look at the history of how they mishandled this issue. It shows they are divided, they are weak and they stand for nothing. That was no more evident in their dealings with this issue — —

**Dr Napthine** — On a point of order, Mr Speaker, the bill has passed with the support of both sides of the house. I thought the Premier would be aware of that. But the Premier is now debating the issue, and I ask you to bring him back to order.

**The SPEAKER** — Order! The Leader of the Opposition has once again used a point of order to make a point in debate. The Chair is growing increasingly weary of that occurring.

On the latter part of his point of order about the Premier debating the question, I ask the Premier to desist as it is his responsibility to answer questions.

**Mr BRACKS** — If I can go to the impediments, they were clearly the opposition's stance on this matter since last August. Since last August they have had no fewer than four different positions on this matter. The opposition has had to walk away from each of those positions as they have been discredited.

**Dr Napthine** — On a further point of order, Mr Speaker, you have already warned the Premier about debating the issue and he is proceeding down exactly that track. I ask you to bring him back to order.

**The SPEAKER** — Order! I ask the Premier to come back to answering the question.

**Mr BRACKS** — On the matter of impediments, as I mentioned before, everyone else — —

**An honourable member** interjected.

**Mr BRACKS** — No, the question was in two parts, and on the matter of impediments we also saw significant support for this bill from right across the community here in Victoria. I want to congratulate some of those contributors, some of those groups, some of those organisations and some of those individuals who were involved in that cooperative spirit, including the Australian Conservation Foundation, the Victorian Farmers Federation, the Independent members of Parliament and the National Party here in Victoria. They all contributed to and supported the bill. They showed the courage of their convictions. They stood up for what they believed in — they stood for something — and I am very pleased therefore to see the bill's passage through the house.

There is only one group that stands for nothing and that would not stand up for this bill, and that is the Liberal Party of Victoria. It showed it is divided; it showed it is weak; and it showed absolutely that it stands for nothing.

**The SPEAKER** — Order! I ask the Premier to desist debating the question.

**Questions interrupted.**

**ABSENCE OF MINISTER**

**The SPEAKER** — Order! I have now been advised that the Treasurer will not be present during question

time today. It is my understanding that the Premier will be answering for the Treasurer.

**Questions resumed.**

### Royal Melbourne Hospital

**Mr DOYLE** (Malvern) — I refer the Minister for Health to his answers in Parliament yesterday concerning patient deaths at the Royal Melbourne Hospital and ask: was he aware by question time yesterday that the Royal Melbourne Hospital would, by late afternoon yesterday, refer a further 80 patient deaths to the coroner, and if so, why did he not reveal this to the house?

**Mr THWAITES** (Minister for Health) — The honourable member for Malvern is getting into very dangerous territory. There are currently a coronial inquiry and a police investigation into this matter. It is very dangerous for the opposition to try to politicise an issue that is before the police and the coroner, which politicisation threatens the conduct of this investigation. In fact, the allegation that the honourable member just made is not correct, and he ought to be very careful that he does not interfere with a police investigation. That is the track he is going down.

The hospital has done the right thing in referring to the police the two deaths about which there was an allegation of evidence of wrongdoing. It has done that. In order to take the utmost precaution, the hospital has indicated that it is prepared to set aside the files for all other cases that were dealt with — —

**Mr Cooper** — On a point of order, Mr Speaker, the Minister for Health was asked a question in regard to his knowledge of this event and when he found out about it. He has not answered the question. I ask you to request him to answer the question. It was a very direct question and very specific, and he is dodging and weaving.

**The SPEAKER** — Order! I do not uphold the point of order. The Chair has ruled on numerous occasions that it is not in a position to direct a minister to answer a question in a particular way. As long as the minister remains relevant, I will continue to hear him.

**Mr THWAITES** — It is very important to know that allegations have not been made in relation to any of those cases that the honourable member talked about. The hospital has done the right thing in ensuring that if there were any deaths in that area of the hospital, the relevant files are available for review at a future time by the police or the coroner.

I also point out that there are two people who are subject to an investigation. The implication of the honourable member's question is that those people are somehow involved in other incidents. If he goes down that track — —

**Dr Napthine** — On a point of order, Mr Speaker, under standing order 108 it is inappropriate for any member to make imputations against another member, and the Minister for Health is making imputations about certain inappropriate allegations being made by the honourable member for Malvern. There was nothing in the question other than a simple question to the Minister for Health, which he seems to be determined to avoid answering.

**The SPEAKER** — Order! The latter part of that point of order is out of order. In regard to the point that under standing order 108 the minister was impugning the honourable member for Malvern, I am certainly not of that opinion.

**Mr THWAITES** — The honourable member may have noticed that the lawyers for some of those people are reported in the paper today pointing out the danger of wild allegations being made. The honourable member is going down that track and if he is not careful he will interfere with a police investigation.

### Timber industry: sustainability

**Ms DUNCAN** (Gisborne) — My question is to the Minister for Environment and Conservation.

*Honourable members interjecting.*

**The SPEAKER** — Order! The interjections by the Leader of the Opposition and the honourable member for Monbulk prevent the Chair from hearing the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask opposition members to cooperate and allow the honourable member to ask her question.

**Ms DUNCAN** — Will the Minister for Environment and Conservation inform the house how the government has secured the long-term viability of Victoria's forests and timber industry and outline the impediments to this outcome?

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the honourable member for Gisborne for her question. This is an issue on which she has worked very hard for a long time and she is

undoubtedly committed to a sustainable timber industry. Today is World Forestry Day, so it is an appropriate time to remind the house of the Bracks government's efforts and reforms to ensure that the timber harvesting in Victoria is sustainable.

This government has exposed the problems that had been covered up by the previous government regarding the sustainable yield figures. The previous government had swept under the carpet all the concerns and refused to examine them when asked by anybody about them. Nobody had any confidence in the sustainable yield figures.

We have exposed those figures and taken action to fix the problem. We have had to fix up the mess left by the previous government. But there are impediments to reform — and they sit opposite! The Liberal deception on forest management is continuing. The Leader of the Opposition is simply denying the sins of the past. However, the shadow minister has been trotting around the countryside promising the world. Here he is, the shadow minister for telling porkies!

**Mr Perton** — On a point of order, Mr Speaker, relating to debating an answer to a question, the same sort of question was asked of the Premier using the exact same words — 'what were the impediments'. It seems to be the new government formula for launching an attack on the opposition instead of being responsible for government administration. I ask you to rule that the minister is debating the question and order her to answer it.

**The SPEAKER** — Order! I ask the minister to come back to answering the question.

**Ms GARBUTT** — This government has put up an \$80 million package to ensure that workers, industry and the community will be looked after, but it was a mess left by the government that we had to fix up. It is interesting that the shadow minister chose to make a point at this time, because since I made the announcement about the forest industry package he has said absolutely nothing. He has been missing in action, which is not his usual style at all. For a shadow minister to have absolutely nothing to say about a major — —

*Honourable members interjecting.*

**Mr Perton** — My point of order, Mr Speaker, relates to debating the question. The minister is deliberately flouting your previous ruling, and should she stray that way again, Mr Speaker, I ask you to either sit her down or suspend her from this house.

**The SPEAKER** — Order! I ask the minister to come back to answering the question.

**Ms GARBUTT** — Undoubtedly, however, one of the major impediments to reform in this state is the opposition, which is absolutely weak and divided — and that of course is the reason for the silence of the shadow minister. However on this, World Forestry Day, I am happy to announce a new development that supports this government's commitment to the forests.

Today I announce the establishment of the Dahl Trust, a fund dedicated to the establishment and regeneration of Victorian eucalypt forests. It is a fund of \$4 million, and it is a legacy the state is proud to accept from a former Department of Natural Resources and Environment (DNRE) forest employee, Mr Bjarne Dahl, who was absolutely dedicated to the forests in this state — unlike the opposition, whose mismanagement has clearly put the entire industry at risk.

On every issue, whether it is farm dams or forests or marine national parks, we see that the Liberals are divided, weak and stand for nothing.

*Honourable members interjecting.*

**Mr Perton** — I raise a point of order, Mr Speaker, on the issue of debating the question. I know the minister is not very bright and can only stick to her script, but she has violated your ruling for the third time, and I ask you on this occasion to sit her down.

**The SPEAKER** — Order! I ask the honourable member for Doncaster to stick to taking a point of order and not pass the sort of judgment he just did. I uphold the point of order and ask the minister to come back to answering the question. I remind her that under sessional orders she needs to be succinct.

The minister has completed her answer.

### **Timber industry: sustainability**

**Mr INGRAM** (Gippsland East) — Because of the disastrous impact of the reduction of the timber resource on the timber industry as a result of a series of unsustainable government decisions over a number of years, will the Premier guarantee that all future natural resource-based decisions, including the establishment of new reserves, across all natural resource industries are independently audited to guarantee that all industries are sustainable?

**Mr BRACKS** (Premier) — I thank the honourable member for Gippsland East for his question, and for his

continued concern and support for the forest industry in Victoria and for a balance between a sustainable forest industry and proper and appropriate environmental controls.

I can guarantee to the honourable member that we will not continue the cover-up which occurred under the previous government. We had a cover-up for seven years under the previous government, when many people, including the Victorian Association of Forest Industries, the union and the environmentalists, went to the minister of the previous government and said repeatedly that there was a problem with the figures. At that time the government chose to do nothing.

This government did not do that. When in receipt of information which showed there was a problem we immediately launched an examination of the figures with the best possible international expert we could find. That was done in consultation with the Victorian Association of Forest Industries, the Construction, Forestry, Mining and Energy Union (CFMEU) branch and the environmentalists, who adhered to the detail and worked to collect information to determine what the sustainable yield would be.

That resulted in the decision of the government to reduce the sustainable yield and the amount of timber taken out of forests by some 31 per cent to ensure we had a sustainable long-term forest industry and to ensure we did not denude the forest.

The particular recommendation in the question from the honourable member for Gippsland East is valid, sensible and appropriate, and the government would want any new arrangements not only independently audited but also verified and checked with the industry players and other groups involved. It is a good question — a telling one, and one that shows a commitment to a sustainable forest industry but a balance which includes a better environment.

### Royal Melbourne Hospital

**Mr DOYLE** (Malvern) — Given that yesterday, and again today, the Minister for Health stated that he was not advised until last Friday of the five months of investigation into the suspicious deaths of two patients at the Royal Melbourne Hospital, why has the minister not sacked the chief executive officer of the Royal Melbourne Hospital for a total dereliction of duty and responsibility in not informing his minister on matters of such seriousness?

**Mr THWAITES** (Minister for Health) — The honourable member is clearly desperate. He will say anything; he will impugn anybody's reputation. He is

so desperate for publicity that he is prepared to pre-empt the inquiry into these issues. This is the very matter that the inquiry, headed by Beth Wilson, is looking at. She will examine all of these issues and make recommendations. I would have thought it was appropriate to give people a fair go, a fair hearing, and not to pre-empt outcomes; but we know the honourable member is so sure he is right that he is prepared to do anything to get his way, and that is why he is described within his own ranks as a traitor —

**Mr McArthur** — On a point of order, Mr Speaker, only a few minutes ago you took the honourable member for Doncaster to task for using a word which is very mild mannered in comparison to the word 'traitor'. I ask you to apply the same rules to both sides.

**The SPEAKER** — Order! I ask the Minister for Health to desist from passing judgment on members in that way and to answer the question.

The minister has concluded his answer.

### Schools: funding

**Mr STENSHOLT** (Burwood) — Will the Minister for Education and Training advise the house how the government is delivering on its commitment to education and training for all students in Victoria whether in government, Catholic or independent schools?

**The SPEAKER** — Order! That appears to be a very broad question. I remind the minister that it is question time, and that under sessional orders there is a need to be succinct.

**Ms KOSKY** (Minister for Education and Training) — As has been mentioned the government has made a major commitment to education and training across the state. As I mentioned earlier, the government has committed an additional \$2.2 billion to education and training across the state since it came to office. As has been identified, we do not only make that commitment in public schools, we also make the commitment to Catholic and independent schools.

The previous minister announced funding of an additional \$57.5 million over four years to the neediest non-government schools for operating expenses. We have already delivered \$24 million of that funding on a per capita basis to the neediest non-government schools. A further \$16 million will be distributed this year. The government is targeting those non-government schools that are classified as resource poor. The funding is intended to target priority areas of literacy and numeracy and addresses class sizes and

support for students with special learning needs, so it fits in with the government's priorities.

Today I am pleased to announce to the house that the government is increasing funding to the non-government sector, this time in relation to capital. We are investing in, again, non-government schools in capital assistance programs. I am pleased that during Catholic Education Week I am able to announce that 68 needy non-government schools — 34 Catholic and 34 independent — that are in urgent need of capital works assistance will share \$7.5 million under phase 1 of the government's needs-based capital assistance program.

This is the first time that a Victorian government has provided capital assistance to independent and Catholic schools, and it is another first for the Bracks government. It has taken this government to recognise the needs in education and training across the state.

The previous lot did not care about education and training. It cut resources away from our schools, and we saw retention rates plummet and literacy standards fall to very low levels. The Bracks government wants to make a difference to literacy and numeracy standards, to retention rates and to the quality of education across the state — in government and non-government, independent and Catholic schools.

I particularly congratulate the successful 68 non-government schools that have received funding under the first round of the program. That comes on top of the commitment that has been already made within the public system. I am pleased to say that schools around the state, including those in opposition electorates that languished under the previous government, are now getting funding, as well as schools in National Party seats and obviously in Labor electorates.

It is a very good program that will assist students in independent and Catholic schools to get quality education, with the help of the Bracks government.

### **Employment: rural and regional Victoria**

**Ms ASHER** (Brighton) — I refer the Minister for Employment to the Treasurer's comments yesterday, when he gloated about country Victoria's unemployment rate, and I further refer to the fact that today's country employment figures show a dramatic rise in unemployment in country Victoria from 6.2 per cent to 7 per cent — meaning another 10 000 country Victorians are now out of work already this year. Is this another example of how country Victoria is losing under Labor?

**Mr PANDAZOPOULOS** (Minister for Employment) — I thank the Deputy Leader of the Opposition for her disingenuous question. We all know that monthly figures are volatile. Where was she last month when we had a record low unemployment rate for regional Victoria? Where was she when in seven and a half years her government created fewer jobs than we have in just over two years?

**Dr Napthine** — On a point of order, Mr Speaker, the minister is already debating the question. I ask you to bring him back to answering the question about today's unemployment figures.

**The SPEAKER** — Order! I am not prepared to uphold the point of order, because the minister has just commenced his answer. However, he must not debate the question but must answer it.

**Mr PANDAZOPOULOS** — I remind the other side that for 75 of its 82 months in government the unemployment rate was above the national average compared to us, in 26 of 28 months —

**Mr Maclellan** — On a point of order, Mr Speaker, on debating the question rather than answering it, the question was not about the months of the Kennett government, it was about what is happening at the present time.

**The SPEAKER** — Order! I do not uphold the point of order; however, I ask the minister to come back to answering the question.

**Mr PANDAZOPOULOS** — While opposition members want to know about today's figures, what they do understand — and it is what their excuses were — is that you need to know the trend rates. The trend rates under this government are much better than they were under the previous government. As we know, the local labour market area figures are volatile, but they show that there were actually more people employed in country Victoria during the month of February than there were in the month of January. That is what those figures show.

### **Manufacturing Hall of Fame**

**Mr VINEY** (Frankston East) — Will the Minister for Manufacturing Industry inform the house of developments with the Manufacturing Hall of Fame, including how a person qualifies and the current prospective award recipients?

**Mr HULLS** (Minister for Manufacturing Industry) — The Manufacturing Hall of Fame has been very well received. Anybody who takes any interest in

manufacturing would know that we have to get rid of the image of manufacturing as being a dirty old smokestack industry without a future. The reality is quite different.

We put our sporting heroes up on a pedestal. We have the Brownlow Medal for the best Australian Football League footballer, although unfortunately not enough Geelong players have won that award, and we have the Alan Border Medal for the best cricketer. But we do not put our manufacturers up on a pedestal, and we should. That is why the Victorian government has embarked upon creating the Manufacturing Hall of Fame.

I am pleased to advise the house that early in May we will be holding an event to induct the first of the Manufacturing Hall of Fame legends. These will be individuals or companies who have contributed over a sustained period of time to manufacturing in this state.

How does one qualify? Those who qualify must generally have won a recognised industry award — —

**Mr McArthur** — On a point of order, Mr Speaker, the minister is about to institute a new medal for an award for manufacturing. Can I suggest the Hulls Medal for Manufacturing the Truth?

**The SPEAKER** — Order! That is clearly not a point of order, and I ask the honourable member for Monbulk to desist from taking such points of order.

**Mr HULLS** — Let me recover from laughing myself sick!

Recipients of the award must generally have won a recognised industry award, which could include an award in their own area. I have been made aware of a recent potential inductee into the Manufacturing Hall of Fame. A Tom Wilcox of Kew recently received an award, I understand, for his substantial contribution to manufacturing in Victoria. Apparently he has manufactured some 250 letters — —

**Dr Naphthine** — On a point of order, Mr Speaker, you warned the honourable member for Monbulk for making a frivolous point of order. I ask you now to warn the Minister for Manufacturing Industry for trying to turn question time, which should be a serious issue, into a frivolous matter.

**The SPEAKER** — Order! I do not uphold the point of order raised by the Leader of the Opposition. I am not of the opinion that the Minister for Manufacturing Industry is doing what the Leader of the Opposition has suggested in his point of order. I shall intervene if it becomes necessary.

**Mr HULLS** — Some 250 letters have been manufactured, and indeed they include attacks on the Bracks government, on Independent members of Parliament, on Aborigines and on the ABC, and also defend John Howard, Philip Ruddock and Tony Abbott.

**Mr Perton** — On a point of order, Mr Speaker, the minister is now clearly debating the question. The question from the honourable member for Frankston East asked about an award for the Manufacturing Hall of Fame. The line that the minister is going on now has absolutely nothing to do with that question.

**The SPEAKER** — Order! I do not uphold the point of order, but I ask the Minister for Manufacturing Industry to confine his answer to the question posed.

**Mr HULLS** — So the question was how you qualify, and I think it is important that those whose names have been put forward understand what the guidelines are and, indeed, whether manufacturing 250 letters qualifies for the Manufacturing Hall of Fame. Some would say it may, depending on the content of that manufactured product. But one has to make a formal application and would have to present some of the material that one has manufactured. I expect that if an application was indeed made by Mr Wilcox — it would be his 251st letter — he would send some of the manufactured product in. For instance — —

**Dr Naphthine** — Mr Speaker, it is with disappointment that I raise a point of order with respect to the Minister for Manufacturing Industry trying to turn this question time into a frivolous situation. I ask you to bring him back to order. It would be better to deal with the 25 000 people who have lost jobs in manufacturing in this state under his administration!

**The SPEAKER** — Order! That is clearly not a point of order. I ask the minister to conclude his answer.

**Mr HULLS** — As I said, to qualify you have to have already won an award. Can I say that Mr Wilcox was recently presented with an award by the Leader of the Opposition.

**Mr Thompson** — On a point of order, Mr Speaker. If the minister was going to confine his comments to ACTU Bourke's, ACTU Travel and ACTU Solo he may have some relevance to the debate, but he is clearly at this stage flouting your ruling on the point of order. Manufacturing in this state is very brittle. One needs only to look at Arnott's, Heinz and the

companies that are closing down and leaving their operations. This is an abuse of question time!

**The SPEAKER** — Order! That is clearly not a point of order; the honourable member is making a point in debate. I remind the Minister for Manufacturing Industry that sessional orders require succinctness. I ask him to conclude his answer.

**Mr HULLS** — So does the award that has been received qualify for the Manufacturing Hall of Fame? No, it does not, because it was the Bolte award for getting your Liberal message out there — 250 times — in the paper! It does not qualify, because all it was was an award for peddling deceit and lies.

**The SPEAKER** — Order! The time set down for questions without notice has expired, and the minimum number of questions have been dealt with.

I ask the Premier to pause while copies of the ministerial statement are circulated.

**Mr Maclellan** — On a point of order, Mr Speaker, although I do not wish to delay the distribution of the material, at the end of question time the Minister for Manufacturing Industry used the words ‘deceit’ and ‘lies’. You heard it, Mr Speaker, and I wondered whether you were going to do anything about that or whether it was now parliamentary custom that members, and ministers in particular, are able to allege that other members have used deceit and lies without your correcting them.

**The SPEAKER** — Order! I am prepared to rule on the point of order. I do not uphold the point of order raised by the honourable member for Pakenham. The way I heard the comment made by the Minister for Manufacturing Industry it was not directed at any particular individual member of the chamber. It is similar to the comment from the honourable member for Monbulk on which I made a ruling earlier in the week.

## MINISTERIAL STATEMENT

### Longford gas plant

**The SPEAKER** — Order! I wish to advise the house that due to an inadvertent error copies of the statement are not available but will be made available shortly. I have sought the concurrence of the Leader of the Opposition for us to proceed with the statement, and copies will be circulated as soon as the parliamentary attendants are able to do so.

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his leave to have that occur.

I rise to make a ministerial statement on the Longford gas plant.

Three and a half years ago at 12.26 on the afternoon of 25 September 1998 there was a massive explosion and fire at the Esso Gas Processing and Crude Oil Stabilisation Plant at Longford, causing two deaths, eight injuries and prolonged inconvenience to individual Victorians and businesses for more than two weeks.

My government was elected shortly after the royal commission into this explosion which was reported in June 1999. The report described a litany of problems that had led to the disaster and made a number of recommendations on how to ensure the future safety of the site. I am pleased to report that thanks to some hard work by the responsible ministers, public servants, the employees, the unions and of course the industry, a great deal has been accomplished to improve the security of future gas supply and to improve workplace safety. But more needs to be done.

Last week I had the honour of opening the rebuilt plant at Longford. It is therefore timely and important that I inform the house of what the government has done to guard against such an event recurring and to implement the recommendations of the Longford royal commission.

### The impact of the Longford disaster

Few Victorians will ever forget the tragedy of the Longford disaster and the severe social and economic impact in the nine days following the disaster when Victoria was without gas supplies and the further weeks it took before full gas supply was restored and crude oil production resumed.

I would like to start by paying tribute to the two workers who tragically lost their lives — Peter Wilson and John Lowery — and to all those who were injured by the explosion and fighting the fire.

Let me say to them and their families that the lessons of Longford will not be forgotten.

I would also like to pay tribute to all those who worked at Longford in fighting the fire in the two days it took to extinguish and those who worked to clean up the aftermath — the employees of Esso, the emergency services personnel called in from across Gippsland and the members of the community. They are the heroes of Longford, who stepped up to the challenge and worked

tirelessly to put out the fire and do what could be done to restore supplies as quickly as possible.

It is also appropriate to recognise the positive and constructive role played by the AWU and the other unions representing the Longford work force, and I particularly want to congratulate the secretary of the Australian Workers Union, Bill Shorten, for his contribution. They have been effective advocates for their members and families during tragic and traumatic times whilst also serving the public interest in ensuring supply was secure.

Let me remind the house of some of the consequences that flowed from the disaster, apart from the immediate deaths and injuries from the fire:

1.4 million domestic consumers lost complete access to gas supply under restrictions that had to be imposed. Victorians were forced to endure cold showers and improvise their cooking arrangements.

Small business was hard hit, in particular restaurateurs, manufacturers and those in personal services, general entertainment, recreation and hospitality sectors. Many were forced to lay off staff and sustained losses in sales and exports.

Despite these hardships, I think we were all proud of the resilience and forbearance that the Victorian people displayed in abundance and almost without exception during the gas restrictions.

I would like particularly to acknowledge the volunteers from the SES and the CFA who turned out during the disaster to ensure the gas system was safely shut down and those, including the construction work force, who worked long hours to restore supplies.

The damage to the Victorian economy was significant and the inconvenience suffered by ordinary people was very widespread.

I am not going to attribute blame for the disaster and the subsequent impact on the community. The causes of the Longford disaster were investigated by the Longford royal commission headed by Sir Daryl Dawson, a very eminent former High Court judge and former Victorian Solicitor-General who delivered his report on 28 June 1999.

My government has worked diligently to implement the recommendations from the royal commission, particularly in the area of regulation of major hazardous sites and improving occupational health and safety standards.

I am also not going to comment today on whether liability lies with Esso, the privatised gas suppliers or the state government for compensation to businesses and individuals who were affected by the interruption of gas supply.

There is a class action over those matters that is still before the courts. Under the standing orders I cannot report progress as those matters are sub judice and will be resolved in due course through the appropriate processes.

I can say that there are many people in the community who still feel aggrieved by how the Longford disaster affected them and who feel they were never acknowledged appropriately. In particular, I would like to acknowledge Mr Jim Ward, who was plant operator on that day and a close workmate of the two people who died. Mr Ward and his work mates — there are many — such as Ron Rawson, Robert Miller, Heath Brew, Grant Cumming, Marty Jackson, Steve Bennet, Marty Fahey, Jason Watson, Andy Noble, Steve Young, Martin Gallagher, Bill Visser and George Parker, amongst others, went through a difficult period during the royal commission, and for them the memories of the disaster and its aftermath are no doubt still vivid.

In healing those wounds it was appropriate that when the recommissioned plant was launched last week Esso chairman Robert Olsen publicly expressed the sorrow his company feels, and the deep regret it felt, about the accident.

### **The reconstruction**

I would also like to acknowledge the massive amount of work that has now been undertaken to rebuild the Longford plant, and I congratulate Esso, its contractors and all those workers who have been involved in this rebuilding project.

The Bass Strait operations are one of Victoria's biggest ongoing investment projects with capital expenditure averaging around \$400 million per annum over the last five years.

Operating costs average another \$400 million per annum, and of course a large proportion of this is spent in Victoria on wages, goods and services. Since the tragic events of September 1998, the Longford gas plant has been one of the state's largest construction projects.

Over 6000 people have worked for Esso and its contractors, putting in more than 300 million hours on more than 100 individual engineering projects

including the complete rebuild of the lean oil processing section, which was part of the plant totally destroyed in the fire.

It has been a massive task. In total more than \$500 million has been spent by Esso in restoring and upgrading the Longford facilities.

Last week I inspected the plant and it appeared that the restoration at Longford has been undertaken with a renewed sense of commitment to high standards of safety and best practice in design.

I am advised that Esso has implemented the major recommendations of the Longford royal commission and has put in place improvements in plant design, risk management practices, employee training and increased staffing to prevent any recurrence of the events of 1998.

### **Workplace safety**

My government is serious about workplace safety. The community expects and deserves nothing less! In the last two years we have appointed over 80 new occupational health and safety inspectors — a 40 per cent increase — and doubled the number of prosecutions for health and safety breaches. The Minister for Workcover, Bob Cameron, has continued to implement improvements to worker safety.

The recommendations of the Longford royal commission concerning improved management of major hazards have been implemented through a series of reforms:

Worksafe has been separated from the rest of Workcover to remove a potential conflict of interest and to put a greater focus on occupational health and safety.

Worksafe now has an independent major hazards division with skilled safety analysts and field staff to rigorously administer the new safety regime.

Fifty sites have been registered as major hazard facilities under new major hazards facilities regulations which came into effect on 1 July 2000.

All these major hazard facilities will have safety plans developed by July 2002 and these plans will be rigorously enforced with an increased frequency of inspections.

Importantly workers, the community and emergency services will be involved in preparing these safety cases so that there will be greater transparency and community confidence.

I would like to assure the house that Victoria is strongly committed to improving workplace safety and is now the most advanced of all the Australian states in implementing the new approach to major risks, known as a safety case regime.

However, there is much work to be done and it is vital that we continue to do whatever can be done to reduce the risks at major hazard facilities.

The need for greater vigilance was underlined to me when I learnt that there was another death last week at another major hazards facility when an electrical contractor was crushed to death whilst servicing a large piece of machinery at the Australian Paper plant at Morwell. This tragic event is currently being investigated by Worksafe Australia, and I would like to pass my condolences to his family and those affected by the accident.

Every time a person dies at work is a reminder of the obligation on employers to provide a safe workplace and that we have to tackle the causes and do more to ensure that every time someone leaves for work, their parents, spouse and children can have confidence that they will return safely at the end of the day.

### **Gas supply**

A number of short-term measures were commenced after the disaster to improve future gas supply security. These have now been completed and my government is implementing longer term strategies to boost gas security and establish new gas fields to diversify the sources of supply.

Since the disaster, the risks associated with future failures in the gas system have been addressed by:

Immediately expanding the capacity of the pipeline interconnect between NSW and Victoria by up to five times the original pipeline capacity by augmenting compression.

The eastern gas pipeline commissioned in 2000 provides an additional connection to NSW with capacity to supply 50 per cent of that market, and the potential to give Victoria greater security of supply in emergencies.

Work commenced under the previous government, and being expanded by our government, has connected the Port Campbell area onshore gas fields and the western underground gas storage in south-western Victoria to the rest of the gas transmission grid.

This facility can be used to meet peak or emergency demand and its capacity is being expanded.

The industry is currently enjoying a major upswing in exploration with the last two years seeing the greatest level of investment in Victoria in over a decade, at an estimated value of \$240 million.

A wide range of companies are exploring in each of Victoria's major basins with new discoveries and proposed developments being put forward.

These discoveries are providing opportunities for significant changes in the south-eastern Australian gas market structure. New potential markets and customers are developing in both Victoria and interstate, which are in turn leading to increased exploration activity and new developmental projects. Up to \$2 billion of gas development and pipeline projects are planned for the next five to six years.

The government will continue to encourage exploration and the establishment of new sources of supply, to enhance the security of gas supply to Victoria and to grow our economy.

### **Efficient gas usage**

Victoria is blessed with substantial reserves of gas and has many prospective areas for future exploration.

We need to manage this resource carefully because it is a key factor in the strength of the Victorian economy, and the ready availability of affordable natural gas is important to regional growth.

Long-term security demands sustainable use and energy efficiency maximisation. To achieve this, over the last two years my government has:

- created the Essential Services Commission;

- promoted energy efficiency through energy appliance and housing efficiency rating schemes;

- promoted renewable energy by establishing the Sustainable Energy Authority, providing incentives for wind farms and other measures that will reduce our long-term dependence on fossil fuels.

The lessons of the Longford disaster have been learned and will not be forgotten by this government. We must plan carefully for the future to ensure we have a safe and reliable gas supply to meet our economic and social needs.

We must also be vigilant on worker safety through close external scrutiny of facilities where there are

major hazards and ensure that all Victorians can go to work confident about the safety of their workplace.

The royal commission has taught Victorians some important lessons, but tragically they were learnt at the cost of two lives, eight injured workers, and left many others counting the cost. With the opening of the rebuilt plant we turn a page and can look forward to delivering a safe and secure gas supply in partnership with Esso and other gas producers, distributors and retailers.

In closing, I can assure Victorians that they can now look forward with confidence that careful, unprecedented attention is being paid to improving the security of gas supply and efforts to make our workplaces safer have been stepped up. My government is turning things around and the issues of the past are being tackled. But we should never forget what happened at Longford and the price that was paid.

I move:

That the house takes note of the ministerial statement.

**Dr NAPHTHINE** (Leader of the Opposition) — The impact of the Longford gas explosion was felt right throughout Victoria, but clearly the most significant and devastating effect was that two workers lost their lives. I wish to pass on my sympathy to their families, who even three years later are obviously still suffering the devastating effects of the loss of their loved ones, Peter Wilson and John Lowery. I would also like to pass on my sympathy to those workers who were injured in the accident, and to those injured in responding to the accident. I particularly recognise Jim Ward and his work colleagues, who were involved in the incident. They have suffered through that and also had the difficulty of dealing with the subsequent royal commission and having the focus of attention on them. Our understanding, empathy and sympathy are with Jim and his colleagues.

I place on record a special note of thanks to the Country Fire Authority, the State Emergency Service and all the volunteers and workers who were involved in the response to the Longford gas explosion. Those people who are volunteers and professionals place their lives on the line and at real risk to assist in reducing danger, protecting lives and preventing further injury and damage. I also pay a particular tribute to the workers who worked so diligently around the clock to so relatively quickly rebuild the Longford plant so that gas supplies were able to be restored to the people of Victoria as quickly as possible.

The Longford explosion initiated a crisis in Victoria's gas supply. Victoria is fortunate to have such large and

easily accessible reserves of natural gas, but in that process it has become very dependent on that natural gas supply.

In responding to the aftermath of this explosion it is pertinent to note that the previous government oversaw a comprehensive campaign of informing the public, involving the public and assessing exactly what action needed to be taken to ensure that critical gas supplies were maintained for important emergency services such as hospitals and for those people who are very elderly and frail who are dependent on gas supplies. Gas restrictions were introduced and the community understood the need to strictly enforce those restrictions so that supplies could be maintained to essential services.

The public were fully informed of all aspects of the crisis and the impact it could potentially have on the community. Can I add to the Premier's praise of the community for the way in which it responded to that crisis. People endured difficulties and showed ingenuity, but at all times they put the interests of fellow Victorians and those in most need at the forefront of their considerations.

I also acknowledge those volunteers who assisted by turning gas meters off, checking that people were obeying the restrictions, making sure people were informed about the restrictions and generally making sure that difficult period was managed well.

Most importantly we had a government that took control in a difficult situation. I would like to recognise the leadership provided by the former Premier, Jeff Kennett, the former Minister for Health, Rob Knowles, and the former Treasurer, Alan Stockdale, who worked tirelessly through this difficult period.

It is interesting to contrast that managed situation in a crisis with the disaster we had in Victoria in February 2000, when we had another crisis in this state with electricity supply problems. In that case the public was caught unaware, restrictions were haphazardly enforced and no-one knew what was required of them. We had traffic lights going out; there was chaos on the streets. Farmers found their electricity supplies were cut off in the middle of their milking their cows. Victorians simply were not given the information or the opportunity to assist the government in managing that crisis. The contrast could not have been starker between the ability of one government and the lack of ability of another, the current government, to deal with a crisis

In the longer term the previous government tackled the broad challenges that this tragedy presented. It called

for an absolutely independent and well-resourced royal commission to inquire into the causes of the accident and propose courses of action to avoid its recurrence. It identified major safety hazards within our community, and how we could best improve safety and the management of those hazards. It created a special major hazards unit within Workcover.

I am personally aware of the fact that there was very confidential information sought on where the major risks were in our Victorian society. I was pleased, as Leader of the Opposition, to be able to provide information to the Premier upon his coming to office — to be able to exempt that information from the cabinet confidentiality that normally applies so that the current Premier and government could continue to act in the best interests of the safety and security of Victorians.

The previous government also initiated a number of major projects to reduce the state's reliance on the single Longford gas plant. It trebled the capacity of the interconnect with New South Wales through the addition of new compressors. It developed the south-west pipeline from Port Campbell to Lara, which connects into the Melbourne natural gas grid. It built the western underground gas storage facility and commenced the ongoing project to develop gas pipeline links into South Australia. Those pipelines will subsequently link into the Moomba-to-Adelaide gas system, so that in a few years you will have a connection that will see gas from the Moomba fields in Queensland go to Adelaide, across through South Australia into Victoria and Melbourne, which will improve the reliability of supply.

Like the Premier, I will also not comment on the current actions before the courts, but I note that he has continued Labor's habit of trying to make snide references to privatisation in an attempt to imply this was somehow partially responsible for this accident.

This accident was a tragedy. It was simply not the time for political point scoring. The reality is that the production of natural gas from Bass Strait has always been in private hands. Ever since natural gas was discovered in Bass Strait, the production of natural gas has always been in private hands. It has been under the control of Esso/BHP, now Esso. Despite the tragedy of this accident and the effect it had on the people in Victoria, private operators have over 40 years provided safe and reliable gas supplies to Victoria from Longford and from Bass Strait. It commenced under the government of Sir Henry Bolte and continued through the periods of premiers Hamer, Cain, Kirner and Kennett.

I recognise that Esso has undertaken a massive investment project in reconstructing the Longford plant. The Liberal Party joins with the government in congratulating Esso, the contractors and the workers who have been involved in this massive project. Over 6000 contractors and workers have worked more than 5 million hours to restore and upgrade the plant damaged three and a half years ago, at a cost of \$500 million. The Longford plant and Bass Strait projects are some of Victoria's largest ongoing investments, valued at about \$16 billion and bringing hundreds of millions of dollars of benefit to the economy of the state every year.

I recognise that there are increasing opportunities in Victoria for further exploration in Bass Strait and probably increasingly in the Otway Basin fields that provide natural gas supplies to this state and give Victoria a significant competitive advantage over other states and other territories. They also supply Victoria with a more environmentally clean source of energy, and I encourage and support further exploration, both onshore and offshore, in Victoria to discover new potential natural gas sources. Longford produces over 90 per cent of Victoria's natural gas needs as well as 50 per cent of our crude oil requirements. It is a major facility of advantage to Victoria. The Liberal Party is unashamedly encouraging of these new investments and building on these opportunities for Victorian workers, businesses and families.

I think it is appropriate that I put on the record my support of the fact that the Premier was involved in the opening of this rebuilt facility. It is absolutely appropriate that the Premier of this state was involved in the opening of a major investment in this state, and a major facility that will stand the state of Victoria in good stead for many years to come.

Importantly, we must note that following the tragic events of three and a half years ago and following a commitment to investment in safety by Esso at Longford, Longford is now a safer place in which people can work. There is greatly enhanced employee training, particularly in the area of cold temperatures, a doubling of plant supervision and an increased engineering presence. There is a new state-of-the-art control room overseeing all plant operations. There are better management practices, including HAZOPs, being undertaken on a five-year cycle, and comprehensive written procedures for all aspects of the operations of the plant.

This investment and the plant's performance has seen Esso awarded the Australian Petroleum Producers and Exporters Association industry safety award each year

since 1998. It is important to note that this investment in safety has achieved results. During the period of restoration work at Longford, not a single day of work has been lost through a workplace injury sustained by an employee or a contractor. I think that is a very commendable record.

As I said at the outset, the tragedy of this event affected all Victorians, but the most significant effect was on those two individuals who lost their lives, their families, and the people who were injured in that gas explosion and subsequent events and their families. Our sympathies and our hearts go out to all of those people.

It is important to note that while improvements have been made, we will never ever forget the tragedy, the loss of life and the injuries that occurred through that explosion and subsequent events. It is important for us not only to recognise that history but also to learn from it. It is of significance to note that workplace deaths in Victoria over the past seven years have almost halved from 57 in 1993–94 to 31 last year.

While 31 is still 31 too many, it is a significant improvement. Longford gives us the example that shows the constructive, cooperative approach is the way to go. We need to build our safer workplaces on education and training, using the best safety equipment and the best available technology. We need to share information. We need to better listen to workers on the floor in terms of how they can improve their workplace and make it safer. We need workers and management to work in a cooperative way. By working together we can continue the past successes of reducing workplace deaths and improving workplace safety.

That is the most important lesson we can learn and the best tribute we can pay to those workers who lost their lives. The best tribute we can pay to Mr Peter Wilson, Mr John Lowery and their families and to Mr Jim Ward and his colleagues is to make a firm commitment to ensure that we as parliamentarians and Victorians will continue to work in a cooperative way to encourage workers and management to achieve, as we have done over the past seven years, a cooperative, constructive workplace which is safer, reduces workplace deaths and really does provide a better environment in which every Victorian can work and be proud of.

**Mr RYAN** (Leader of the National Party) — I rise to support the motion moved by the Premier, supported by the Leader of the Opposition.

I live in Sale. It has been my home for almost 30 years. The Longford gas plant is located about 15 kilometres to the south of the city. I represent the electorate within

which the gas plant is located. To know the impact of this awful sequence of events on 25 September 1998 you really need to have lived in Sale or still live in the area to have a proper measure on the extraordinary trauma that was caused to so many people, and which to this day still causes great disquiet in various elements of our community.

First and foremost, of course, I have regard to the loss of Peter Wilson and John Lowery, who were two fine fellows, and all of us pass on commendation to their families. Their loss is still felt very keenly today, and this will always be the case.

I remember very well the days after the tragedy occurred when the people who lived not only in Sale but within the region did what they could to gather around the families of the two gentlemen who had died, but I remember also those many other members of the work force at Longford who were physically injured, together with those many more who suffered the traumatic experience of having been on the site that day and either witnessed the tragedies that occurred or were caught up in them in some way, shape or form. They are the silent victims in many senses in this situation, in that they did not have a physical injury to portray, but nevertheless were impacted upon terribly — a situation which again prevails even until today.

Many of us in the community gathered around these people as local residents to do what we could, to help where we could, to make a contribution in different ways and to share in the grief of those who had been most affected. My wife, Trish, together with her soul mate, Joan Guyatt, prepared the flowers for the altar the night before Peter Wilson was buried, and I vacuumed the carpet of the Sale cathedral that night. To this day they are traumatic events upon which we all reflect with a measure of difficulty.

Of course there are many others who are not listed among those who were injured and who, as I have already remarked, contributed much to that day and who reflect upon it even now. I was present the other day when the Premier came to Longford for the recommissioning of the plant, and I think it was a good thing that he came. There are scars that will be there forever in different ways, shapes and forms for different people, but it was necessary that the Premier did come. I know there are different points of view about that, and I respect those points of view, but as the Premier of the state in an apolitical sense he should have been there, and it is a good thing that he was.

I pay enormous tribute to the many volunteers and others who participated in that fateful day. I was in my

office when the explosion happened, and I went out to the intersection near the gas plant straight after I received the call about it. It was something akin to what you would see in a Bruce Willis movie, in that you were not able to get access to the area — understandably and sensibly — because of the dangers that prevailed and the fires that were still raging. The contribution made by people in the Country Fire Authority, the police force, the State Emergency Service and the various other state authorities, as well as the health professionals who performed miraculously under difficult conditions, the counsellors who worked so hard with those who had suffered trauma and the many other people from many areas of the community who gathered around, was extraordinary and will live long in my memory.

I pay particular tribute to Jim Ward. He was also personally affected by this tragedy and by the whole process associated with the investigation into what happened, who was responsible and matters of that ilk, which was a very raw exercise. It is something that in many senses can be said to have brutalised this man in a way that he will understandably find difficult to ever recover from. I readily empathise with that point of view.

By the same token, Jim Ward worked with Esso for 19 years. I know he has great regard for his former workmates and retains to this day strong friendships with those who continue to work at the plant. He would be the first to say that the work that was done in getting that plant running again in the immediacy of the aftermath of the tragedy, let alone the rebuilding that has happened since that day in 1998, has been nothing less than remarkable. But for all of that, one can well understand how the process that has been undertaken, particularly so far as the court proceedings are concerned, has been a heavy burden on Jim Ward. He is a fine fellow, and he is to be commended for the enormous dignity with which he has conducted himself, not only on that day but beyond it.

Longford continues to make an extraordinary contribution not only to the fortunes of Victoria but more immediately to the electorate that I have the honour to represent. To give context to the issue, it was not until the 1960s that oil was discovered in the region. Sale was completely transformed by what followed as the fields were developed, and over the succeeding 40-odd years we have seen the ups and downs that come with the industry.

Initially there was enormous development. In 1990, of course, we woke up one morning to find that Esso had decided, in its wisdom, to shift its administrative

headquarters from Sale to Melbourne. Ironically enough — some would say for good and others would say for bad, including some in this chamber — that was the catalyst that sent me into politics. There comes a time when we all feel the need to pitch in and give a hand, and ironically enough that event was the start of my becoming interested in those things pertinent to our region and in doing something about them.

At Longford we have seen a transition in the way Esso and BHP have conducted their affairs over the course of the years. We have seen a move away from the emphasis on oil production to what is heading towards being a gas field. One of the quite extraordinary statistics that Robert Olsen, the chairman of Esso, produced in the course of the recommissioning just a few days ago was that the amount of identified gas reserves available to the operators in Bass Strait is greater than the amount of gas that has been used up until now. That is an amazing statistic. It ensures, of course, that in times to come Victoria will be quarantined from any problems that might arise with gas supply. But more than that, it means that this great region will be able to contribute to the fortunes of other states.

The east coast pipeline has now been constructed. Sydney is receiving gas along that pipeline — a supply that now equates to about 20 per cent of the gas consumption of Victoria. Looking south, plans are now well advanced to enable gas from the fields in Bass Strait to be supplied from the Longford plant to Tasmania. That will be happening within the next 8 to 12 months or thereabouts. These sorts of events will ensure that the Longford gas plant continues to play an enormous part in Victoria's fortunes. To this day the Esso-BHP organisation represents an amazing component of our regional development base in central Gippsland. Something of the order of 1000-plus people are directly employed by the organisation. It is one of the great companies that have worked and continue to work in the region, and I am sure it will continue to do so with the passage of the years.

The rebuilding that has been done is nothing less than extraordinary. Something of the order of \$500 million has been expended on it, and I understand it is one of the greatest capital infrastructure projects undertaken by a private company in Australian history, certainly of recent times. People such as Bob Williams, for one, whom I happen to know very well and who is one of the construction managers out at the plant, spoke at length the other day on talkback radio about the workers who have been involved in this amazing piece of work and their pride in their achievement. I emphasise that they have been doing it in circumstances

where, firstly, there was the need to get gas back on supply again, and secondly, where there was the further need to make the improvements in the plant which were regarded as being not only appropriate but absolutely necessary. It has been an outstanding achievement by any measure.

In the end life goes on, and there are those who are left with the aftermath of that dreadful day of 25 September 1998. There were impacts upon many aspects of the community in ways that have been highlighted by both the Premier and the Leader of the Opposition. It happened through a wide scope of events across the community in so many ways. Those issues have been highlighted in the respective addresses that have already been made, so I do not intend to go over them again. But I do believe that in the end the pivotal features of all this, which are captured by the motion that has been moved by the Premier, are that two men did lose their lives; that to this day their families remember them lovingly; that many people were physically injured; and that many others still bear the psychological scars of what eventuated when this tragedy occurred.

Married with that is the fact that the community of Sale in particular and the region in general will always remember that day in a way that they will recall no other. It is something that is now part of the way of life of the city of Sale and the people who live within it.

It is particularly appropriate that this matter has been raised by the Premier in the form of this ministerial statement. As I conclude my remarks I can but repeat that whatever might be spoken of in terms of the commercial aspects and realities of this tragedy, the imperative is always to remember that the people who were caught up in this are those whom we should recall the most.

**Debate adjourned on motion of Mr CAMERON (Minister for Local Government).**

**Debate adjourned until later this day.**

## **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL**

*Second reading*

**Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Health).**

**Mr VINEY (Frankston East)** — The Minister for Health introduced this legislation into the house last year in order to address serious deficiencies in the

legislative regime governing leave arrangements for patients at the Victorian Institute of Forensic Mental Health. The bill also makes improvements to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, identified in a review of the act conducted by the Department of Justice. The house amendments introduced today further strengthen the legislative powers and arrangements in respect of forensic and security patients.

Last year the Victorian community rightly expressed concern about how mental health patients who had committed criminal offences were accessing leave. The Minister for Health established a panel chaired by Justice Frank Vincent to give him advice about how to improve existing arrangements. Justice Vincent, as members noted in debate earlier, delivered the report of the review panel on 1 June 2001. The government accepted the recommendations of the panel, and this bill implements those recommendations requiring legislative amendments to the acts that I previously mentioned.

The bill will assist in making the Victorian community feel safer. It corrects the balance between community safety and patient care and rehabilitation. The amendments will improve the processes required before forensic patients and residents can be granted leave by the forensic leave panel. These are patients who have been found unfit to plead or not guilty because of mental impairment. Currently the forensic leave panel can only grant leave if it is satisfied that the safety of the applicant or members of the public will not be seriously endangered as a result of the applicant being allowed leave.

The amendments will require the forensic leave panel also to consider how the proposed leave will contribute to the person's rehabilitation. The panel will be required to consider detailed information about the person, including a detailed leave plan, before leave can be granted.

The amendments will also change the process for granting leave to security patients — that is, to patients who have been convicted and sentenced for an offence and who are transferred to the Thomas Embling Hospital for treatment for a mental illness. The power to grant leave of absence to security patients will be removed from the Chief Psychiatrist and given to the Secretary to the Department of Justice. Leave will only be able to be granted for a maximum period of six months. Further, security patients will no longer have a right of appeal to the Mental Health Review Board in relation to decisions about leave of absence.

I take the opportunity of noting the comments on this issue raised by the honourable member for Malvern and the honourable member for Wimmera in their earlier contributions and a little later I will address some of the issues that they raised.

The minister recently received a letter from the Scrutiny of Acts and Regulations Committee expressing concern about the removal of the right of security patients to appeal against a decision to refuse leave of absence to the Mental Health Review Board. As I mentioned earlier, I will address some of the issues raised on this matter a little later.

Significantly, when prisoners make an application for leave, there is no right of appeal under these amendments and the removal of the right of security patients to appeal thus ensures that prisoners and security patients are treated as consistently as possible in relation to leave arrangements.

We are all aware that serious legislative gaps also became evident in late 2001 when a restricted patient detained under the Queensland Mental Health Act 1974 arrived in Victoria in breach of the conditions of his leave.

At that time there was no power to apprehend, detain and treat the patient. The incident highlighted the lack of a legislative framework for the apprehension and return of interstate forensic and security patients who enter Victoria after leaving their place of custody in another state or territory without permission or authorisation. The bill will now close these loopholes to ensure that patients who abscond to or from Victoria can be apprehended; and the house amendments will ensure that Victoria can issue a warrant to apprehend a Victorian forensic patient or resident or a security patient who absconds to another jurisdiction. The warrant will be able to be executed in the other jurisdiction under the commonwealth Service and Execution of Process Act 1992.

Victoria has also entered into agreements with the ministers for health in Queensland and New South Wales pursuant to part 5A of the Mental Health Act. These arrangements will enable the apprehension and return of forensic and security patients who abscond interstate. Negotiations are continuing to enter into agreements in other jurisdictions, and I am advised that those negotiations are well under way.

The house amendments create a fall-back regime to ensure that if a patient cannot otherwise be apprehended and returned to the jurisdiction from which the patient absconded, a warrant will be able to

be issued in Victoria to apprehend the patient. If a patient cannot subsequently be returned, their status in Victoria will be determined according to Victorian law.

The bill responds promptly to a number of these community concerns about safety by reducing the risk of forensic and security patients absconding or being inappropriately granted leave. It also ensures that in the future there will be power in Victoria to apprehend any interstate patient who absconds to Victoria.

The honourable members for Malvern and Wimmera both raised matters which have also been raised by the Scrutiny of Acts and Regulations Committee, and I would like to take a minute to clarify some of the related issues. As noted by the honourable members proposed section 51 will remove the power to grant leave of absence to security patients from the Chief Psychiatrist and give it to the Secretary of the Department of Justice. Substituted proposed section 51 provides for appeal from a decision of the secretary of the Mental Health Board, whereas current proposed section 51(4) allows an appeal to the board from a decision of the Chief Psychiatrist.

As I mentioned earlier, this was in line with the recommendations of the Vincent review. It is worth noting that while the opportunity to appeal a decision to refuse leave has been removed — and I think it quite correct of members of this house to raise the issue as a matter of some concern — it is important to put into context the reasons behind the decision based on the Vincent review recommendations. They are not based on some process where the Secretary of the Department of Justice is able to make some kind of cavalier decision. It is important and worth putting on the record that recommendation 5 in the Vincent report states:

That the terms of reference of the ministerial community advisory committee be amended to:

require it to consider all applications for leave ...

I should have made the comment that the Secretary of the Department of Justice is intended to delegate the decision to the Correctional Services Commissioner and that the ministerial advisory committee be given extended terms of reference to require it to consider such leave applications. So in relation to a prisoner detained under these processes applying for leave, there is a process involved in that leave being considered by the Secretary of the Department of Justice.

That the terms of reference of the ministerial community advisory committee be amended to:

require it to consider all applications for leave of absence from security patients;

make the Chief Psychiatrist a member of the committee when considering applications for leave of absence from security patients; and

require the committee to consider the treatment and rehabilitative needs of the applicant in deciding whether or not to approve leave of absence for a security patient.

**Recommendation 5 in the Vincent report goes on to state that:**

The committee should fix criteria by which it will assess requests from security patients. Relevant criteria include:

psychiatric history and current mental state;

nature and circumstances of the offence;

other criminal history;

risk profile and exposure to 'destabilisers';

public interest;

benefit of leave in context of leave plan; and

personal and community support.

The committee may impose conditions of leave it considers appropriate. These may include stipulations as to:

escort arrangements;

time/frequency of leave;

destination;

geographical restrictions;

activities or limitations of activities; and

any other relevant matter.

**The rationale behind the recommendation is covered on pages 17 and 18 of the Vincent report. I will quote briefly from page 17:**

Transfer from prison to Thomas Embling for the purpose of treatment should not, of itself, lead to reduced security. Such a reduction would be inconsistent with the legal status of the person, with any decision of the courts and of the wider social and community expectations.

**A little further on page 18 of the report of the review panel notes that:**

The review panel believes that leave of absence for security patients should not be considered by the Chief Psychiatrist alone. The fact that security patients are under sentence or awaiting trial means that the criminal justice system has a legitimate interest in the extent to which they are free to leave the secure environment and re-enter the community. The panel believes that input into leave decisions by the Department of Justice alone, however, is not sufficient.

The review panel believes that the process for considering leave of absence for security patients should be essentially the same as that used for prisoners, with some necessary

amendments to ensure that clinical considerations are fully taken into account.

Accordingly, it is proposed that applications for leave of absence by security patients should go to the Secretary of the Department of Justice . . . Advice on these requests should be provided by the MCAC —

that is, by the ministerial committee, as I outlined before.

In acknowledging the important issues raised by the honourable members for Malvern and Wimmera it is worth putting into context the means by which the Secretary of the Department of Justice will make the decision in the first place. I add in response to this matter for the honourable member for Malvern that the government is willing to keep an open mind about how this will work in practice, and if any issues arise out of this change in arrangements and the removal of the right of appeal that we think will need to be improved or streamlined the government will be happy to reconsider these arrangements. However, at this stage we wish to proceed with the recommendations of the Vincent review panel.

It is with those notes — I know we do not have much time left for this debate and that other honourable members wish to speak on this matter — that I commend the bill to the house.

**Ms McCALL** (Frankston) — The opposition supports the Forensic Health Legislation (Amendment) Bill. I raise two aspects of the bill before the house: one is in relation to the individuals who are most affected — in other words, those who are patients or inmates of Thomas Embling Hospital; and the other is in relation to those members of the community or victims of crime who are most affected by the incarceration of the perpetrators of the crimes.

Firstly, I congratulate the previous government for the approval, building and running of the Thomas Embling Hospital on the site of the old Fairlea Women's Prison. Anybody who had ever been to the old prison was glad when it finally disappeared. I also acknowledge the difficulty that when the first legislation was introduced in 1997 no legislation would be perfect first time around, and there was an understanding there would be some issues we may well have to revisit. The tragedy of having to revisit the legislation relates to the incident that led to the Vincent review and this amendment before the Parliament.

The people who are tragically inmates or patients of Thomas Embling Hospital are those members of the community who are, by the grace of God, none of us; although some of us might be queried on that

sometimes — you never know. The tragedy is that society has always had a great deal of difficulty dealing with people who have mental illness, whether from a genetic base, addiction or some other reason, and particularly those who as a result of their mental affliction have turned to crime or been responsible for crime and as a result of that do not fall within the normal prison system because they are unfit to be tried.

The tragedy for them is that historically they were incarcerated, particularly in England, in strange prisons like Broadmoor, and were never to see the light of day again. We have moved a long way since then. We have recognised that there are forms of treatment and medication that can help, and that as much as possible these people should be able to learn to adapt, be given skills or perhaps be given a chance. However, the community also says that whatever that chance is, sufficient mechanisms must be in place to ensure that the community is safe.

One of the problems that would inevitably arise is that these people would have a right to a day release to attend a course or a hospital for treatment, and the victims of the crimes for which they are now members of the Thomas Embling Hospital, or those people within the general community who like most of us have little or no direct experience or expertise in dealing with people with mental illness, must be reassured that when those people are released, taken out or given day's leave the community is as protected as it possibly can be. The mistakes of last year that resulted in the Vincent review should as far as possible never be allowed to occur again.

I am particularly attracted to the parts in the bill — which were mentioned in the second-reading speech — that give the victims of crime and the families of people under supervision the right to refuse certain things or to be notified of certain actions that may be taken by the Thomas Embling Hospital in relation to some of these people. It is right and proper that we recognise that the victims of those crimes — and they are probably fairly traumatic crimes; and the impact on the families would be equally traumatic — be informed where necessary that they have the right of refusal and the right to at least be aware of what has happened to the perpetrator of the crime at all stages.

I am conscious that many of my colleagues wish to speak and that we are running rapidly out of time. I commend the government for taking another step forward and for acting quickly — unusually perhaps — as a result of the Vincent review. This is a very important issue for the community in that while we need to be sure inmates are properly looked after and

cared for as is appropriate, at the same time we need to be sure that safeguards will ensure that the members of the community have faith in the system and that they will not be placed at additional risk.

**Mr LEIGHTON** (Preston) — I suspect I am one of the few people in this place who has worked professionally and clinically in mental health. During that time I took a great interest in forensic mental health services, so I welcome the opportunity to speak on the Forensic Health Legislation (Amendment) Bill.

In my day forensic mental health was G division at Pentridge and J ward at Ararat, for the information of anybody who has had experience there. We have certainly come a long way since that time. Indeed, when I attended a conference in and made a number of visits to New Zealand in the early 1990s on forensic psychiatry I came to the conclusion that although generally New Zealand was behind our mental health services, in the area of prison mental health and forensic psychiatry it was doing more innovative things. I suspect that is not actually saying a great deal, but we have come a long way.

Just as mental health has been the poor cousin of health, in turn you can say the same about forensic mental health: it has not been an area that has attracted funding or where specialist staff have been encouraged to go into it. The only time it hits the news is for the wrong reasons. That is why I have appreciated the debate today. I congratulate honourable members on both sides for their contributions, which have been somewhat far more measured than what we have seen in the media. In particular I thought in his contribution to the debate the honourable member for Malvern was quite sensitive to the issues. I wish to follow on from his discussion of the need to find a balance.

Obviously somehow we have to balance the rights of the individual against protection of the community. I was one of the few in 1991–92 in the debate around the Community Protection Act and Garry David who was quite clearly prepared to say that there comes a point in time where the community is entitled to redistribute the risk away from itself and towards the individual. Having said that, we need to be careful that we do not simply incarcerate people and throw away the key forever. That was our problem with Garry David.

We have to put in a range of services and provide rehabilitation, and at times that will involve taking risks. Mental health and psychiatry are not exact sciences and there will be times when we get it wrong, so we need to be careful.

I would like to see more options available in forensic mental health, particularly halfway houses which could be a crossover between psychiatric services and the justice system, with trained specialist staff. We should bear in mind that we have a much larger percentage of the prison population that has a mental illness than the general population. Some people would say, for instance, that 40 per cent of our prison population has antisocial personality disorder. So there are a range of issues that we still have to do more work on, such as the role of alcohol and drugs, intellectual disability and antisocial personality disorder.

The final comment I want to make — because I know honourable members on the opposition side wish to make contributions — is that in giving greater powers to the Secretary of the Department of Justice we need to be careful that we do not lose sight of the health responsibilities. I would argue, for instance, that it is inappropriate for a jailer to also have direct responsibility for health services, so where there has been a transfer of responsibilities to corrections I would argue nevertheless that health professionals ought to be accountable back through health.

I would like to have said a bit more, but I am aware that honourable members opposite who also wish to speak are becoming anxious, so I will give them a chance. I support the bill.

**Mr WILSON** (Bennettswood) — In the short time available to me in this debate I shall take up some of the points made by the honourable member for Preston in his contribution to the debate, particularly his acknowledgment that until recent times mental health and forensic mental health truly have been the poor cousins of mainstream health. It was not until the late 1980s and into the 1990s that those areas were treated by governments and ministers in the way they deserved to be treated.

I place on record my congratulations to the two previous ministers for health in the Kennett government, who made outstanding contributions. I reflect mainly on the contribution of Marie Tehan, who as Victorian health minister between 1992 and 1996 had a strong commitment to furthering mental health in Victoria. It was Marie Tehan who introduced many of the reforms in the health department which took mental health into the mainstream of that organisation.

Her excellent work was then carried on by my friend Rob Knowles, the Minister for Health between 1996 and 1999, who also had a very strong commitment to mental health. It was because of those two former ministers that we saw the building of the Thomas

Embling Hospital and the whole concept of mainstreaming mental health in Victoria.

The bill before the house is a vital contribution to improvement in this area. It is great to see that there is a bipartisan approach to these issues. That bipartisan approach was commenced in the late 1980s, it continued during the 1990s, and I am very pleased to note that that bipartisanship has continued with the change of government.

With those brief words and the knowledge that the National Party wishes to make a very brief contribution, I commend the bill to the house.

**Mr MAUGHAN (Rodney)** — I wish to make two brief comments on this bill. Firstly, I welcome the bill and its provisions. I support the remarks of the honourable member for Preston, because together with him I was a member of the then Community Development Committee that looked into the situation of people who were detained at the Governor's pleasure, and together with other members of that committee we met 30-odd of those people out at Bundoora. So I am very sympathetic to that issue.

The comment I really want to make relates to the provisions of the bill concerning those cross-border mental health issues that bedevil those of us who live on the border. It has been the bane of my life for the 13 years I have been a member of this place trying to overcome cross-border issues and the difficulties between the states. This bill at long last is doing something to resolve those issues where people who have a mental health problem and abscond to other states have been immune from being brought back for proper treatment and care to their home state.

This bill at long last deals with that issue and for that reason alone I welcome it. It is a step in the right direction. We still need to do more to allow people who have a mental health problem who live in, for example, Moama and attend a doctor and hospital in Echuca to be able to get the treatment they deserve without having to go, as they currently do, to Wagga Wagga or Albury to get that treatment.

I conclude by saying that until we get an Australia-wide system, where people with mental health issues are able to obtain the treatment they need that is closest to them irrespective of where that is we still have work to do. My argument is that people should be able to get that treatment for mental health at a hospital close to them, albeit in another state, in exactly the same way as they can get acute health services.

I support the bill and the comments made by previous speakers. I commend the bill to the house.

**Debate interrupted pursuant to sessional orders.**

**The DEPUTY SPEAKER** — Order! The time appointed for debate on this bill has expired.

**Motion agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments as follows agreed to:**

1. Clause 3, line 4, after "section 3" insert "(1)".
2. Clause 3, after line 5 insert —
 

“( ) in the definition of “court”, after “County Court” insert “and in section 47 includes Magistrates’ Court”;
3. Clause 3, line 10, omit “or” and insert “or”.
4. Clause 3, after line 10 insert —
 

“(ac) a person deemed to be a forensic patient by section 73E(4) or 73K(8); or”;
5. Clause 3, line 14, omit “or” and insert “or”.
6. Clause 3, after line 14 insert —
 

“(ac) a person deemed to be a forensic resident by section 73E(4) or 73K(8); or”;
7. Clause 3, after line 23 insert —
 

“( ) In section 4 of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**, after “25(1)” insert “and Parts 7A and 7B”.
8. Clause 7, line 7, omit “insert” and insert “substitute”.
9. Clause 7, line 18, omit “substitute”: and insert “insert”.
10. Clause 10, lines 32 and 33, omit “court that made the supervision order” and insert “Supreme Court, County Court or Magistrates’ Court”.
11. Clause 10, page 11, line 1, after “court” insert “to which the application is made”.
12. Clause 10, page 11, lines 18 and 19, omit all words and expressions on these lines and insert —
 

“(5) The court to which an application referred to in sub-section (4) is made must hear it as soon as possible.”.
13. Clause 10, page 11, lines 33 and 34, omit “court that made the supervision order” and insert “Supreme Court, County Court or Magistrates’ Court”.

14. Clause 10, page 12, line 1, after “court” insert “to which the application is made”.
15. Clause 30, line 1, after “Part 7A” insert “and Part 7B”.
16. Clause 30, page 44, after line 12 insert —  
 “(5) Nothing in this section is to be taken as requiring the Victorian Minister to agree to a transfer of a person to Victoria.”.
17. Clause 30, page 45, lines 5 to 13, omit all words and expressions on these lines and insert —  
 “(6) If the court makes a supervision order, the court must set a nominal term for the order in accordance with section 28 as modified by section 73G.  
 (7) If the court makes a custodial supervision order, the court may grant extended leave to the person if the court could have granted them extended leave on an application under section 57.”.
18. Clause 30, page 47, line 15, omit “defendant” and insert “person”.
19. Clause 30, page 48, line 15, omit “circumstances.” and insert “circumstances.”.
20. Clause 30, page 48, after line 15 insert —

**‘PART 7B — PERSONS ABSCONDING TO VICTORIA FROM INTERSTATE**

**73L. Definitions**

In this Part —

“**interstate supervision order**” means —

- (a) an order under the law of another State of a similar nature to a supervision order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
- (b) an order under the law of another State that a person be kept in custody during the Governor’s pleasure;

“**mental health facility**” means a facility for the detention and treatment of persons who are mentally ill;

“**relevant offence**”, in relation to a person found unfit to stand trial or not guilty because of mental impairment or other mental condition in another State, means the offence with which the person was charged that led to that finding;

“**relevant State**”, in relation to a person found unfit to stand trial or not guilty because of mental impairment or other mental condition in another State, means the State in which they were subject to an interstate supervision order or in which they were on remand awaiting the making of an interstate supervision order;

“**State**” includes Territory.

**73J. Warrant to arrest person who absconds to Victoria**

- (1) The Secretary may apply to the Magistrates’ Court for a warrant to arrest a person if the Secretary reasonably believes that —
  - (a) the person —
    - (i) has, in another State, been found unfit to stand trial for, or not guilty because of mental impairment or other mental condition of, an offence that, if committed in Victoria, would be an indictable offence; and
    - (ii) is subject to an interstate supervision order or on remand awaiting the making of such an order; and
  - (b) the person is in Victoria; and
  - (c) the person could be apprehended in the relevant State, if the person were still in that State, because he or she —
    - (i) is absent without leave or other lawful authority from a mental health facility in the relevant State; or
    - (ii) is in breach of an interstate supervision order that is non-custodial in nature; and
  - (d) one of the following applies —
    - (i) the person cannot be lawfully apprehended in Victoria because a warrant to apprehend or arrest the person has not been or cannot be issued in the relevant State, or such a warrant cannot be executed in Victoria; or
    - (ii) the person cannot be lawfully apprehended in Victoria under section 93K of the **Mental Health Act 1986**; or
    - (iii) although the person could be lawfully apprehended in Victoria, the person would not be able to be returned to the relevant State following the apprehension.
- (2) For the purposes of sub-section (1)(c)(i), a person is taken to be absent without lawful authority from a mental health facility in a relevant State if the person did not return to the facility when required to do so under a law of that State.
- (3) If the Magistrates’ Court is satisfied by evidence on oath, whether orally or by affidavit, of the matters specified in paragraphs (a) to (d) of sub-section (1), the court may order that a warrant to arrest be issued against the person who is the subject of the application.
- (4) Despite section 64(2)(a) of the **Magistrates’ Court Act 1989**, a person arrested under a warrant issued under this section must be brought before the

Magistrates' Court on the day of his or her arrest or on the next sitting day of the court.

**73K. *Interim disposition order***

- (1) When a person arrested under a warrant issued under section 73J is brought before the Magistrates' Court, the court must make an interim disposition order in respect of him or her in accordance with this section, unless the court is satisfied that the matters specified in paragraphs (a) to (d) of section 73J(1) are not made out.
- (2) The interim disposition orders that the court may make in respect of a person are —
  - (a) that the person be granted bail; or
  - (b) that the person be detained in an appropriate place determined by the court as if he or she were subject to a custodial supervision order; or
  - (c) that the person be remanded in custody in a prison.
- (3) The court may, from time to time, adjourn a proceeding in which it is considering making an interim disposition order for any reasonable period not exceeding 7 days on each occasion and remand the person on bail or in custody in an appropriate place or a prison during any period of adjournment.
- (4) The court must not make an order under sub-section 2(b), or an order under sub-section (3) remanding a person in custody in an appropriate place, unless it has received a certificate under section 47 stating that the facilities or services necessary for that order are available.
- (5) The court must not make an order under sub-section (2)(c), or an order under sub-section (3) remanding a person in custody in a prison, unless satisfied that there is no practicable alternative in the circumstances.
- (6) If the court is satisfied that any of the matters specified in paragraphs (a) to (c) of section 73J(1) is not made out, the court must discharge the person.
- (7) If the court is satisfied that the matters specified in paragraphs (a) to (c) of section 73J(1) are made out, but that the person can be returned to the relevant State, the court must order the person to be released into the custody of a person who is authorised to escort the person to the relevant State.
- (8) On the making of an interim disposition order under sub-section (2)(b) in respect of a person or an order under sub-section (3) remanding a person in custody in an appropriate place —
  - (a) if the appropriate place is an approved mental health service — the person is deemed to be a forensic patient;

- (b) if the appropriate place is a residential service — the person is deemed to be a forensic resident.

**73L. *Review of interim disposition order***

- (1) Within 7 days after an interim disposition order has been made in respect of a person, the Secretary to the Department of Human Services must apply to the Supreme Court for a review.
- (2) The purpose of the review is to determine the appropriate disposition for the person.
- (3) The Supreme Court may undertake the review itself or refer the matter to the County Court.
- (4) On a review, the court may —
  - (a) make a supervision order in respect of the person as if the person had been declared to be liable to supervision under Part 5; or
  - (b) order the person to be released unconditionally —

unless the court is satisfied that the person can be returned to the relevant State.

- (5) If the court is satisfied that the person can be returned to the relevant State, the court must order the person to be released into the custody of a person who is authorised to escort the person to the relevant State.
- (6) If the court makes a supervision order, the court must set a nominal term for the order in accordance with section 28 as modified by section 73M.
- (7) If the court makes a custodial supervision order, the court may grant extended leave to the person if the court could have granted them extended leave on an application under section 57.

**73M. *Nominal term of supervision order***

- (1) The court must set the nominal term of a supervision order made under section 73L in accordance with section 28 as if —
  - (a) the relevant offence had been committed in Victoria; and
  - (b) the maximum penalty for that offence were the maximum penalty attaching to that offence at the date the person was arrested in Victoria; and
  - (c) sub-section (2) of this section applied instead of section 28(5).
- (2) For the purpose of declaring a day under section 28(4), the court may take into account —
  - (a) any period of time during which the person was held in custody, or detained in a mental health facility, in the relevant State in

- relation to proceedings for the relevant offence; and
  - (b) any period of time during which the person was held in custody, or detained in a mental health facility, in the relevant State under an interstate supervision order; and
  - (c) any period of time during which the person was held in custody, or detained in an appropriate place, since the person was arrested under a warrant issued under section 73J.
- (3) If the nominal term of the supervision order has expired, the first major review must be undertaken within 12 months after the review under section 73L.

**73N. Appeal against unconditional release**

- (1) The Attorney-General may appeal to the Court of Appeal against an order for unconditional release under section 73L(4)(b) if he or she considers that —
    - (a) the order should not have been made; and
    - (b) an appeal should be brought in the public interest.
  - (2) On an appeal under sub-section (1), the Court of Appeal may —
    - (a) confirm the order; or
    - (b) quash the order and make a supervision order in respect of the person as if the person had been declared to be liable to supervision under Part 5; or
    - (c) quash the order and remit the matter, with or without directions, to the court that made the order for unconditional release; or
    - (d) quash the order and, if satisfied that the person can be returned to the relevant State, order the person to be released into the custody of a person who is authorised to escort the person to the relevant State.
  - (3) If the Court of Appeal remits a matter to a court under sub-section (2)(c), that court must —
    - (a) make a supervision order in respect of the person in accordance with this Act and any directions given by the Court of Appeal; or
    - (b) if satisfied that the person can be returned to the relevant State, order the person to be released into the custody of a person who is authorised to escort the person to the relevant State.
  - (4) The Court of Appeal may make any one or more of the following orders pending the making of a supervision order under this section —
    - (a) an order granting the person bail;
    - (b) subject to sub-section (5), an order remanding the person in custody in an appropriate place;
    - (c) subject to sub-section (6), an order remanding the person in custody in a prison;
    - (d) if it is of the opinion that it is in the interests of justice to do so, an order —
      - (i) that the person undergo an examination by a registered medical practitioner or registered psychologist; and
      - (ii) that the results of the examination be put before the court that is to make the supervision order;
    - (e) any other order the court thinks appropriate.
- (5) The Court of Appeal must not make an order remanding a person in custody in an appropriate place unless the Court of Appeal has received a certificate under section 47 stating that the facilities or services necessary for that order are available.
- (6) The Court of Appeal must not make an order remanding a person in custody in a prison unless satisfied that there is no practicable alternative in the circumstances.
- (7) Any rules of court that apply to an appeal against a conviction apply to an appeal under this section, subject to any necessary modification, as if that appeal were an appeal against a conviction.
- (8) Sub-section (7) does not apply to the extent that the rules of court provide otherwise and nothing in this section affects the power of the court to make rules for or with respect to appeals under this section.’.’
21. Clause 34, line 15, after “section 73E(4)” insert “or 73K(8)”.
22. Clause 35, line 19, after “section 73E(4)” insert “or 73K(8)”.
23. Clause 43, omit this clause.
24. Clause 45, line 30, omit “40” and insert “41”.
25. Clause 45, page 59, line 5, omit “40” and insert “41”.
26. Clause 45, page 59, line 9, omit “40” and insert “41”.
27. Clause 46, line 29, omit “46” and insert “49”.

**NEW CLAUSES**

28. Insert the following New Clause to follow clause 31 —
- “AA. Repeal of delegation provision**

Section 77 of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997** is repealed.”.

29. Insert the following New Clause to follow clause 41 —

**‘BB. New section 53AA inserted**

After section 53 of the **Mental Health Act 1986** insert —

**‘53AA. Warrant to arrest security patient absent without leave who leaves Victoria**

- (1) If at any time it appears to an appropriate person that a security patient —
- (a) is absent from an approved mental health service without leave of absence or special leave of absence; and
  - (b) is no longer in Victoria —

the appropriate person may apply to the Supreme Court, the County Court or the Magistrates’ Court for a warrant to arrest the security patient.

- (2) If the court to which the application is made is satisfied by evidence on oath, whether orally or by affidavit, of the matters specified in paragraphs (a) and (b) of sub-section (1), the court may order that a warrant to arrest be issued against the security patient.

Note: Under the Service and Execution of Process Act 1992 of the Commonwealth, a person who is apprehended interstate under a warrant issued in Victoria is to be taken before a magistrate in the place where the person is apprehended. That Act provides for the magistrate to specify the place in Victoria to which the person is then to be taken.

- (3) in this section —
- “**appropriate person**” means —
- (a) the authorised psychiatrist or any person authorised by the authorised psychiatrist; or
  - (b) the Secretary; or
  - (c) the Secretary to the Department of Justice; or
  - (d) the chief psychiatrist or any person authorised by the chief psychiatrist.’.

30. Insert the following New Clauses to follow clause 42 —

**‘CC. Interstate application of mental health provisions**

- (1) In section 93G(7) of the **Mental Health Act 1986**, for paragraphs (a) and (b) substitute —
- “(a) a prescribed person within the meaning of section 9; or

- (b) an authorised psychiatrist or any person authorised by an authorised psychiatrist; or
- (c) an employee of the Department authorised by the chief psychiatrist; or
- (d) a person who, under the corresponding law, is authorised to take the person to the interstate mental health facility.”.

- (2) In section 93H(2) of the **Mental Health Act 1986**, for paragraphs (a) and (b) substitute —

- “(a) a prescribed person within the meaning of section 9; or
- (b) an authorised psychiatrist or any person authorised by an authorised psychiatrist; or
  - (c) an employee of the Department authorised by the chief psychiatrist; or
  - (d) a person who, under the corresponding law, is authorised to take the person to the approved mental health service.”.

- (3) In section 93K(1) of the **Mental Health Act 1986** —

- (a) after “leave” (where first occurring) insert “or other lawful authority”;
  - (b) for paragraph (b) substitute —
- “(b) a prescribed person within the meaning of section 9; or
- (c) an authorised psychiatrist or any person authorised by an authorised psychiatrist; or
  - (d) an employee of the Department authorised by the chief psychiatrist.”.

- (4) In section 93K(3) of the **Mental Health Act 1986**, omit “, unless they are admitted to an approved mental health service under this Act”.

- (5) In section 93K of the **Mental Health Act 1986**, after sub-section (4) insert —

“(5) Despite sub-section (3), a person who is apprehended under sub-section (1) may be admitted to and detained in an approved mental health service under Division 2 of Part 3 pending his or her return to the participating State.

- (6) For the purposes of this section, a person is taken to be absent without lawful authority from an interstate mental health facility if the person did not return to the facility when required to do so under a corresponding law.”.

- (6) In section 93L of the **Mental Health Act 1986**, for paragraph (b) **substitute** —
- “(b) a prescribed person within the meaning of section 9; or
- (c) the authorised psychiatrist or any person authorised by the authorised psychiatrist; or
- (d) an employee of the Department authorised by the chief psychiatrist.”.

**DD. New Part 5B inserted**

After Part 5A of the **Mental Health Act 1986 insert** —

**“PART 5B — INTERSTATE SECURITY PATIENTS  
ABSCONDING TO VICTORIA**

**93M. Definitions**

In this Part —

**“interstate security patient”** means a person who —

- (a) has been convicted of an offence in another State that would be an offence if committed in Victoria; and
- (b) is serving a sentence of imprisonment in any State (other than Victoria) for that offence (whether in a prison or otherwise); and
- (c) is required to take involuntary treatment for mental illness in the State in which they are serving their sentence;

**“mental health facility”** means a facility for the detention and treatment of persons who are mentally ill;

**“relevant State”**, in relation to an interstate security patient, means the State in which they are serving their sentence of imprisonment;

**“State”** includes Territory.

**93N. Warrant to arrest interstate security patient who absconds to Victoria**

- (1) The Secretary may apply to the Magistrates’ Court for a warrant to arrest a person if the Secretary reasonably believes that —
- (a) the person is an interstate security patient; and
- (b) the person is in Victoria; and
- (c) the person could be apprehended in the relevant State, if the person were still in that State, because he or she is absent without leave or other lawful authority from a mental health facility in the relevant State; and

(d) one of the following applies —

- (i) the person cannot be lawfully apprehended in Victoria because a warrant to apprehend or arrest the person has not been or cannot be issued in the relevant State, or such a warrant cannot be executed in Victoria; or
- (ii) the person cannot be lawfully apprehended in Victoria under section 93K of the **Mental Health Act 1986**; or
- (iii) although the person could be lawfully apprehended in Victoria, the person would not be able to be returned to the relevant State following the apprehension.

(2) For the purposes of sub-section (1)(c), a person is taken to be absent without lawful authority from a mental health facility in a relevant State if the person did not return to the facility when required to do so under a law of that State.

(3) If the Magistrates’ Court is satisfied by evidence on oath, whether orally or by affidavit, of the matters specified in paragraphs (a) to (d) of sub-section (1), the court may order that a warrant to arrest be issued against the person who is the subject of the application.

(4) Despite section 64(2)(a) of the **Magistrates’ Court Act 1989**, a person arrested under a warrant issued under this section must be brought before the Magistrates’ Court on the day of his or her arrest or on the next sitting day of the court.

**93O. Orders Magistrates’ Court may make in respect of interstate security patients**

(1) When a person arrested under a warrant issued under section 93N is brought before the Magistrates’ Court, the court must make —

- (a) an order granting the person bail; or
- (b) an order remanding the person in custody in a prison —

unless the court is satisfied that the matters specified in paragraphs (a) to (d) of section 93N(1) are not made out.

(2) If the court is satisfied that any of the matters specified in paragraphs (a) to (c) of section 93N(1) is not made out, the court must discharge the person.

(3) If the court is satisfied that the matters specified in paragraphs (a) to (c) of section 93N(1) are made out, but that the person can be returned to the relevant State, the court must order the person to be released into the custody of a person who is authorised to escort the person to the relevant state.

**93P. Translated sentence for interstate security patient**

- (1) Within 7 days after an interstate security patient is granted bail or remanded in custody in a prison under section 93O(1), the Secretary must apply to the Supreme Court for a translated sentence to be imposed on the interstate security patient.
- (2) The Supreme Court may deal with the application itself or refer it to the County Court.
- (3) On an application under sub-section (1), the court must, by order, impose a translated sentence on the interstate security patient and determine the period of that sentence already served, unless the court is satisfied that the interstate security patient can be returned to the relevant State.
- (4) If the court is satisfied that the interstate security patient can be returned to the relevant State, the court must order them to be released into the custody of a person who is authorised to escort them to the relevant State.
- (5) The translated sentence must be a sentence of the same duration as that imposed on the interstate security patient in the relevant State in respect of the offence that resulted in them becoming an interstate security patient.
- (6) In determining the period of the translated sentence already served, the court must take into account —
  - (a) the period of the sentence already served in the relevant State; and
  - (b) the period since the interstate security patient was first arrested in Victoria under a warrant issued under section 93N.

**93Q. Provisions relating to translated sentences**

- (1) Subject to this section, a translated sentence imposed on an interstate security patient under section 93P has the same effect as if it had been imposed on the interstate security patient under the **Sentencing Act 1991** on conviction for an offence in Victoria.
- (2) If, under the law of the relevant State, a court has fixed a non-parole period in respect of a sentence imposed on the interstate security patient, that non-parole period is taken to have been fixed by the court in Victoria in respect of the translated sentence.
- (3) If the sentence imposed on an interstate security patient, or any non-parole period in respect of that sentence —
  - (a) is varied or quashed on a review by or appeal to a court in the relevant State, the translated sentence or non-parole period is taken to have been varied to the same

extent, or to have been quashed, by a corresponding court in Victoria; or

- (b) otherwise is varied or ceases to have effect as a result of action taken by any person or authority in the relevant State, the translated sentence is taken to have been varied to the same extent, or to have ceased to have effect, as a result of action taken by an appropriate person or authority in Victoria.’.’

*Remaining stages***Passed remaining stages.**

## COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

*Council’s amendments***Message from Council relating to following amendments further considered:**

1. Clause 11, line 15, omit “**section 115**” and insert “**sections 115 and 116**”.
2. Clause 11, line 17, after this line insert —

**“115. Transitional provision — Country Fire Authority (Miscellaneous Amendments) Act 2001 — Membership of Authority**

- (1) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, the Authority as constituted on and after that commencement is deemed to be the same body as the Authority as constituted before that commencement.
- (2) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, a person who is a member of that Authority under section 7 as in force immediately before that commencement, continues, subject to this Act, to be a member until the expiry of that person’s term of office.’.
3. Clause 11, line 18, omit “**115**” and insert “**116**”.
4. Clause 11, line 23, omit “9” and insert “10”.
5. Clause 11, line 28, omit “9” and insert “10”.

**NEW CLAUSE**

6. Insert the following new clause to follow clause 2 —

**‘A. Constitution of Authority**

In section 7(1) of the **Country Fire Authority Act 1958**, for paragraphs (d), (e) and (f) **substitute** —

- “(d) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Farmers Federation;

- (e) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Employers Chamber of Commerce and Industry;
- (f) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —
  - (i) wholly or partly within the country area of Victoria; and
  - (ii) within an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne;
- (g) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —
  - (i) wholly or partly within the country area of Victoria; and
  - (ii) outside an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne.

**Debate resumed from 20 March; motion of Ms PIKE (Minister for Housing):**

That the amendments be disagreed with.

**House divided on motion:**

*Ayes, 45*

Allan, Ms	Langdon, Mr ( <i>Teller</i> )
Allen, Ms	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lenders, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms ( <i>Teller</i> )
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

*Noes, 40*

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr ( <i>Teller</i> )
Baillieu, Mr	Mulder, Mr
Burke, Ms	Naphine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McCall, Ms	Wells, Mr
McIntosh, Mr	Wilson, Mr

**Motion agreed to.**

**Ordered to be returned to Council with message intimating decision of house.**

**MINISTERIAL STATEMENT**

**Longford gas plant**

**Debate resumed from earlier this day; motion of Mr BRACKS (Premier):**

That this house takes note of the ministerial statement.

**Motion agreed to.**

**Remaining business postponed on motion of Mr CAMERON (Minister for Local Government).**

**ADJOURNMENT**

**Mr CAMERON (Minister for Local Government) — I move:**

That the house do now adjourn.

**Duncan MacKinnon Reserve, Murrumbena**

**Mrs PEULICH (Bentleigh) — I raise for the attention of the Minister for Police and Emergency Services some fairly difficult issues at the Duncan MacKinnon Reserve on North Road, which technically is in the electorate of the honourable member for Oakleigh, although it is very much on the border.**

I happen to be at that facility a lot; my son trains there a number of times a week. Over a long time I have spoken to a number of parents who have come to me

with concerns; I have also spoken to the local council and to the local police. The matter concerns male prostitution that has been taking place, usually after work and often on public holidays.

The problem has existed for quite some time. The Glen Eira council from time to time will send its bylaws officers to lock the gates at the reserve; that seems to stop that sort of activity for some time. Once the reserve reopens, the activity resumes. In the past the police have been responsive but they have virtually given up.

It is a big problem. There is high visibility: at the reserve we have Little Athletics as well as senior and junior athletics; netball girls train and play there regularly; and adults also use the reserve. Many have been exposed to clearly unpleasant experiences in the male toilet. There are also walking tracks, so there is a lot of activity centred around the reserve at that time.

I am almost at my wit's end, and have even entertained the possibility of bulldozing the darned facility, but clearly it is needed. We need the minister to take up the matter with the Chief Commissioner of Police to see what special efforts can be put in place to address this very difficult, uncomfortable and unpleasant problem for many of the children and young people as well as adults in that area.

### **Grace McKellar Centre, Geelong**

**Mr TREZISE** (Geelong) — I raise an issue for action by the Minister for Health concerning the Grace McKellar Centre in my electorate of Geelong.

For the information of the house, the Grace McKellar Centre provides early accommodation and rehabilitation within the community of Geelong. The Bracks government in its last budget allocated something like \$19 million as a commitment to the first stage of an upgrade at the Grace McKellar Centre. This significant contribution signals a new era for the Grace McKellar complex.

The action I seek from the minister is to investigate and advise when the redevelopment construction will commence. The recent history of the Grace McKellar Centre typifies and highlights the difference between the Bracks Labor government and the previous Kennett regime. Under Kennett the once-proud Grace McKellar Centre was allowed to fall into gradual disrepair. The Kennett government at the time admitted that the centre was earmarked for privatisation to the detriment of the elderly and the care of the elderly in Geelong; and to this day the local Kennett government members stand condemned for the sorry saga that was the Grace McKellar Centre story.

But with the election of the Bracks Labor government the centre was saved from sale and privatisation, and in the 2001–02 budget \$19 million has been allocated towards its reconstruction. No longer will it be hawked to the highest bidder, which was going to be the case under the Kennett government. The centre will remain in public hands and is to be totally refurbished. This is great news for the community of Geelong, especially for the elderly. As I said, it really is the dawning of a new age for the Grace McKellar complex in Geelong, and the people of Geelong look forward to the commencement of the reconstruction in the very near future.

### **South Gippsland: wind farms**

**Mr RYAN** (Leader of the National Party) — I raise an issue for the Minister for Planning with regard to wind farm developments in the municipality of South Gippsland. I also raise it in the broader context of the development of some appropriate planning mechanisms to enable wind farm development to occur on an ordered basis as opposed to what I suspect is rather an ad hoc basis across Victoria.

I raise the issue on behalf of a group of 300 people in South Gippsland known as Prom Coast Guardians. They have recently made representations to me about the prospect of further wind farm developments in South Gippsland. There has already been approved the development of a wind farm at Toora that will see 9 or 10 nacelles constructed which will generate about seven or eight megawatts of power, and it will be the first of those projects South Gippsland will have seen.

I am also very conscious that other developments have been initiated in other parts of Victoria, most notably the one at Codrington. The people who have come to see me are concerned about the prospect of further wind farm development in the South Gippsland region. Specifically their worry is that those developments will occur across the hills adjoining the magnificence of the Corner Inlet region and the South Gippsland coast generally, and that there is an aesthetic aspect to this which has not been properly taken into account for the purpose of general planning issues.

They are looking to the government to develop some sort of guidelines appropriate to the needs of these forms of development. I emphasise that this group is certainly not opposed to the development of wind farms per se. On the contrary, they are strong supporters of proposals that provide mechanisms for what I might term green power, and indeed in the material which they submitted to me they have indicated a number of other projects that might properly be investigated in the

South Gippsland region that would serve the purpose of initiating projects for the development of power which are more appropriate to the aesthetic magnificence of the general region.

What they seek is, firstly, the opportunity to meet with the minister and put their point of view; and secondly, they want to put that point of view on the basis of the understanding that they accept that the Shire of South Gippsland is in an invidious position in this of not having appropriate guidelines that have a statewide application. They want some help with this, and so it is that I raise this matter for the attention of the minister.

### **Housing: Ballarat**

**Ms OVERINGTON** (Ballarat West) — I raise for the attention of the Minister for Housing the need to provide more housing for low-income earners in my electorate of Ballarat West, and in Ballarat in general. We are serviced there by a number of agencies that provide housing for low-income earners and also in cases of emergency such as family violence — and I can tell honourable members they do an excellent job.

The Uniting Care Outreach Centre in Ballarat operates the Ballarat and district transitional housing program, under which people can over a period of three months have the opportunity of looking for alternative housing. The staff and the many volunteers working at that agency are dedicated, as are the committee members, to helping provide families with housing. Unfortunately, despite the work of this and other agencies, there is a need for further affordable housing in Ballarat. I ask the minister to advise what action will be taken through the social housing innovations program to address the needs of low-income and disadvantaged people in the Ballarat area?

As a former worker in the community sector I understand the concerns facing people who need a secure and affordable roof over their heads. The Bracks government is committed to turning the state around and cleaning up the mess left in public and social housing by the previous government. This is in stark contrast to the actions of previous government, which made no contribution to public and social housing over and above its obligations under the state housing agreement. Last year in announcing the second round of funding under the social housing innovations program the minister called on local government and community organisations to develop affordable housing projects for consideration.

Unfortunately the need for lower income housing in Ballarat was of concern when Uniting Care established

that people on low incomes were paying up to 50 per cent of their incomes on rent. Uniting Care found that the cost of renting a two-bedroom flat in Ballarat had risen 27 per cent in the last six months and of renting a four-bedroom house had risen 17 per cent.

I thank and congratulate those agencies that currently provide housing to low-income people in Ballarat. They have a hard and stressful job, because unfortunately they sometimes cannot meet the needs of all who seek what should be their basic right — that is, housing, not facing possible homelessness.

### **Insurance: public liability**

**Ms ASHER** (Brighton) — The action I seek of the Minister for Tourism is to have him convince his colleague the Minister for Finance to protect tourism operators in the face of the public liability insurance crisis — and specifically, for the Minister for Finance to take a draft bill to the meeting between the commonwealth and the states next week.

On 14 March last I was at a rally in Mansfield in the company of the Honourable Graeme Stoney, a member for Central Highlands in the other place. At that rally we heard how public liability premiums for tourism operators have increased by between 400 and 500 per cent. For adventure tourism, on which Mansfield bases its economy, the average premiums cost is now \$11 000. The tragedy is that those premiums will increase next year. Those at the rally made the point that if those businesses close, as some have already, the town may well close, because so many of the businesses and jobs in Mansfield are completely and utterly dependent on a prosperous adventure tourism industry.

After the rally I met with Sandy Tod, the chair of a group that had put together what it calls the Mansfield proposal, a copy of which has been sent to the government. It would remove about 94 per cent of the claims that now go before insurance companies, representing a removal of 77.5 per cent of the dollar value claims.

I urge the Minister for Tourism to in turn urge the Minister for Finance to prepare draft or template legislation to take to the meeting next week. In other words, the minister should not go to the meeting empty handed or just to listen but should take a lead. Victoria should be taking a lead on the issue. There is not much time left for those businesses.

In short, the Mansfield proposal, which I urge both ministers to consider, is to set up a legislative framework between the commonwealth and the states

to allow for suits if there is negligence on the part of an operator. It would also define 'serious injury' along the lines of the Transport Accident Commission definition; and most importantly, it would have people who are embarking on adventure tourism activities accept minor injury as part of their own personal risk versus putting the risk onto somebody else.

The legislation proposed by the Mansfield group would also require operators to offer personal accident insurance to individual participants. The proposal is very reasonable, and I ask the Minister for Tourism to put pressure on the Minister for Finance to take the proposal to the meeting next week. I am aware of the minister's announcements and repeat announcements on risk management plans, but I call on him to take action; otherwise, these businesses will unfortunately go out of business.

### **Greater Geelong: mayor**

**Mr LONEY** (Geelong North) — I direct a matter to the attention of the Minister for Local Government. This house is keenly aware of the minister's interest in the affairs of the City of Greater Geelong, in particular a number of matters including the Auditor-General's report on the failed Geelong embassy, the Auditor-General's report on Harding Park, and the Ombudsman's report on Harding Park. Arising out of that concern the minister has previously advised the house that he would be seeking detailed information from the mayor on each of those issues.

Recently I was somewhat alarmed to note in further press reports that the minister has had to write follow-up letters to the mayor, reminding him of his obligation to supply the information and his undertakings to provide full details in relation to those matters and to provide evidence of what actions council has taken in response to those damning reports.

Since the raising of those issues there has been a multitude of other issues afflicting the City of Greater Geelong, including the aftermath of the Geelong Cup day car crash, where internal inquiries into the matter are still proceeding in the city; attempts to sack the chief executive officer; constant infighting between councillors and the chief executive officer; and the use of the code of conduct provisions by the chief executive officer against one of the councillors. All of these things have occurred recently.

**Mr Maclellan** — On a point of order, Madam Deputy Speaker, one matter, not a litany of matters, can be raised during the adjournment debate. It is for you to rule that a single matter may be raised in respect of

asking the minister to do something, not a parade or litany of critiques about the local council.

**The DEPUTY SPEAKER** — Order! There is no point of order. The honourable member for Geelong has asked the minister to investigate a number of matters in relation to the Geelong council.

**Mr LONEY** — All that indicates a breakdown of the governance function and a serious failure of managerial control in the City of Greater Geelong. In the next few days the mayor ceases his mayoral term, and according to press reports, he will not be re-elected as mayor — or to any other role. These issues should not be handed on to the next mayor. I ask the minister to publicly report on these matters, to publicly provide the information from — —

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

### **Knox: disabled parking permits**

**Mr ASHLEY** (Bayswater) — The issue I raise about disabled persons parking permits is for the Minister for Transport, although it is partly a health problem. The action I seek is an investigation into assessing the criteria that apply with a view to either widening them a little or allowing for a certain discretion in the issuing of disabled persons parking permits.

The issue comes about as a result of Mr Greg Hammond, who lives in Bayswater, having previously been granted a permit but failing to gain one when he moved to Bayswater and applied to the City of Knox for a renewal. The City of Knox refused him because of the specificity of the criteria that apply. In his case Mr Hammond has a seriously injured, permanently disabled left shoulder, and the problems he has have to do with the mobility of his arms and restrictions with moving around a shopping centre, carrying bags and not being able to use a shopping trolley. Therefore it is not an ambulatory problem, but it is still a mobility problem.

The kinds of criteria that apply at the moment are very strict, as they need to be, in relation to such things as needing a wheelchair, an inability to walk without assistance of various sorts — brace, cane and so on — and the use of various assistant devices that prevent a vehicle getting into a standard-size parking bay. Although his vehicle has been altered for steering purposes and through the installation of assist wiper knobs and so on, it has not been widened.

He has the capacity to walk more than 60 metres, and he does not need to use an oxygen unit, but in going shopping as you or I go shopping, he is restricted.

The additional issue involved these days is that of public liability. If he is unable to control, as he cannot, a shopping trolley for any kind of distance, and if a weakening in the strength of his only able arm causes him to bang or crash into somebody or into a window so that he breaks it, who will be liable? We need to tease out this issue, because we are getting to the stage where people who have suffered from polio and who are now in their latter years may be able to walk but may not be able to hold things well with either both arms or one arm. I seek assistance on that in the hope that we can get a little more movement and flexibility into the grant.

### **Police: Endeavour Hills station**

**Ms BARKER** (Oakleigh) — I ask the Minister for Police and Emergency Services to take action to continue to ensure that 24-hour police stations are located in the areas in which they are needed. I am very fortunate in the electorate of Oakleigh in that I have excellent facilities both in Oakleigh and Caulfield, which service the Monash and Glen Eira councils. They are wonderful 24-hour police station facilities. The concept, buildings and design were all put together with the cooperation of all local authorities. Not only do they undoubtedly present a good visible example of community safety, but also they provide excellent working conditions for the police officers in the Monash and Glen Eira areas. As I said, I would like the minister to take action to continue to ensure that these sorts of excellent facilities are provided.

Because of those excellent facilities I have been contacted by a number of residents — I attended a function about asylum seekers in Glen Waverley the other night — from around the Glen Waverley and in particular Endeavour Hills areas, who want to try to ensure that their 24-police station, which I understand was promised, is going to happen. They are expressing concern that there is no active movement on the establishment of the 24-hour police station in Endeavour Hills. I have indicated to them that I am quite happy to ask the minister to take action to try to ensure that the Endeavour Hills station is back on the agenda and is built.

### **State emblem**

**Mr SMITH** (Glen Waverley) — I raise a matter for the attention of the Premier that concerns a letter I have received from a Mr Bill Wall of Glenburn. He is

outraged at the government's removal of one of our cherished symbols of state. Since it came to office this government, while recognised as being lazy and tardy in most areas of importance, is at the top of the class in the area of iconoclasm.

One of its negative acts, according to Bill Wall, was to remove the symbol of the crown from many of the areas where people have come to expect to see it — for example, removing it from numberplates, leaving only the Southern Cross as the state symbol. He points out that removing the crown from road signs — —

*Honourable members interjecting.*

**Mr SMITH** — You should listen to the other side as well! Removing the crown from the state insignia, removing it from where it says 'Victoria — The place to be' — —

*Honourable members interjecting.*

**Mr SMITH** — Bill Wall says it's 'Victoria — The placebo', that it is about trickery or taking people into its confidence and providing something that is illusory and not for real. Perhaps this might symbolise the Bracks government, which has earned the tag of a do-nothing government.

Bill Wall asks the Premier whether he wishes to deface the 125-year-old symbol of our state heritage. Has he applied — I gather it is part of the procedure if you are going to do this — to the chief of protocol to pursue these actions, or has he done this of his own volition? Does he realise that we voted to remain a commonwealth country?

Mr Wall says that the Premier is offending many people by his iconoclastic actions, and he wants him to explain his actions in this respect and say what he is up to.

### **Employment: Loddon–Mallee**

**Ms ALLAN** (Bendigo East) — I raise a matter for the Minister for Employment and ask what action the government is taking to continue the strong job growth we are experiencing, particularly in the Loddon–Mallee region, which includes Bendigo. The latest regional labour force figures illustrate the strong job growth under the Bracks government. We have seen the unemployment rate in the Loddon–Mallee region drop by 0.9 per cent in the 12 months from February 2001 to February 2002 to 7 per cent. The Loddon–Mallee region also has the strongest jobs growth of all regions across country Victoria, with a growth of 4 per cent over that same 12-month period.

This is also matched by the number of building approvals in the City of Greater Bendigo, which for the month of February was the largest on record. During February 114 council permits worth \$7.8 million and 121 private permits worth \$8 million were issued.

This is no doubt largely due to the marvellous initiatives we have seen the Bracks government introduce into Bendigo. The Bracks government attracted AAPT's Australian call centres headquarters to Bendigo, bringing with it over 400 full-time jobs. We are seeing the expansion of Pauls dairy in Bendigo. We have seen 50 new nurses enter our hospital system, and have heard the announcement only yesterday of the Rural Finance Corporation moving to Bendigo, bringing with it 40 new jobs, which will mean \$6 million per year worth of growth to Bendigo's economy.

This is strong growth, and will also be matched by the improvements. We will see more jobs come with the completion of the fast train service and the duplication of the Calder Highway to Bendigo by 2006.

Contrast this with the growth and commitment to country Victoria under the Liberal-National Party governments. We had privatisation. Their privatisation policies led to the closure of Goninans. The privatisation of Telstra has led to more job losses in Bendigo, and the privatisation of Australian Defence Industries has led to the latest sorry tale where we are seeing over 70 jobs being lost in Bendigo. Their slashing of the public sector saw hundreds of jobs being lost in Bendigo and Bendigo being labelled the privatisation capital of Australia.

Now we are seeing the opposition trying to derail the fast rail project and to con its Canberra mates not to match the Bracks government's contribution to fund the Calder Highway duplication to be completed by 2006. This government is committed to jobs growth in Bendigo, central Victoria, and indeed across country Victoria, and I am very pleased that the latest job figures match this growth in our area.

### **Vicroads: registration payments**

**Mr THOMPSON** (Sandringham) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services on behalf of Jon Payne of Beaumaris in relation to a bureaucratic anomaly where his son paid the registration on his motor vehicle via a legally acceptable means on 28 February this year, yet he received an infringement notice from the police on 2 March the same year.

He argues that the bureaucratic anomaly should be fixed, saying:

It's a waste of time for everyone involved — the police, Vicroads, Civic Compliance —

and also on the part of Mr Payne's son. He says \$500 is a massive penalty that represents well over a month's rent for his son, and in this particular case he did not do anything wrong. He suggests as a solution that perhaps the police be instructed not to issue infringement notices within 48 hours if the Vicroads system cannot give accurate information within 48 hours of the due date. He also notes that there is nothing written on the renewal notice saying, 'Keep your receipt with you'.

The circumstance is outlined: what if you mailed your registration renewal and it was held up in the mail or through other delays at Vicroads? Mr Payne queries whether this is another fundraiser for the government and says that, if so, it is a very unfair one. For too many people, especially the young, registration represents a very large expenditure, and Mr Payne asks if commonsense could be utilised.

So I ask the Minister for Police and Emergency Services to review this circumstance so that these bureaucratic anomalies do not arise, which in *Yes, Minister* terms are unacceptable.

### **Liquor: low-alcohol beer**

**Mr ROBINSON** (Mitcham) — I raise a matter for the attention of the Minister for Consumer Affairs concerning the very serious issue confronting patrons of nightclubs in the lack of availability to them as consumers of low-alcohol beer.

The investigation I seek by the minister, possibly in conjunction with other ministers who have responsibilities in this area, is of the potential shortfalls in relevant legislation and regulations.

**An honourable member** interjected.

**Mr ROBINSON** — As honourable members have interjected, the burdens of government get you down occasionally. I was representing the government at a function late last year, and in the course of waiting for my role that evening I partook of an alcoholic beverage but was surprised that I could not purchase any low-alcohol beer. That venue was at the Crown Casino, and it may well be that there were exceptional circumstances of which I am not aware that prevented the casino from supplying that, but it does seem to me that with low-alcohol beer now making up 22 per cent of the market, and alcohol being a known factor in

causes of trauma on the roads, it should be possible for people attending nightclubs as consumers to have the option of either full-strength or low-alcohol beer, and I seek an investigation.

**The DEPUTY SPEAKER** — Order! The honourable member's time has expired. The time for raising matters during the adjournment debate has expired.

### Responses

**Mr PANDAZOPOULOS** (Minister for Employment) — I will also be replying as Minister for Tourism to the honourable member for Brighton.

I thank the honourable member for Bendigo East for her great support for employment in Bendigo and her understanding that certainly the message from regional Victorians is that they are doing much better under the Bracks government than they did in the seven and a half years of the Liberal Government. This government has certainly not sacked teachers, nurses and police across the state, including country Victoria. In fact, they are being employed.

What has been happening in places like Bendigo, though, is decisions like those of the federal government that are affecting employment. We have been hearing what is happening at Australian Defence Industries. We have heard about the former defence minister and his role that might disadvantage Bendigo. We have workers at Telstra in Bendigo protesting about possible job cuts as well. So thank you, John Howard!

But the reality is, as the honourable member has said, that under this government the trend on employment is obviously going in the right direction. She highlighted some figures. When we look at the number of jobs in the Loddon–Mallee area from February last year to February this year, we see the number of people employed has increased by 4 per cent from 114 000 to 118 600. It has increased in one year, and it has increased from the month of January as well.

When we look at the unemployment rate, as the honourable member said, we see that one year ago the unemployment rate in Bendigo was 7.9 per cent. Now it is 7 per cent — the same as in the month of January.

One year ago the participation rate was 62.7 per cent. Now it has gone up to 64.9 per cent — the same, again, as last month. The opposition knows that these regional labour market figures are volatile, but it produces them in those months where it thinks it can make a song and dance about it and mislead rural and regional Victorians. Only last week the shadow Minister for

Tourism was quoted in regional papers, again deceiving regional Victorians by saying that money for marketing is all going to Melbourne, yet we have seen the biggest boost in marketing of tourism for regions that we have ever seen by the Bracks Labor government. So we had deceit and lies from the opposition only last week on tourism, and again on labour market figures. The fact is that, of the five labour market regions in regional Victoria, four have an unemployment rate equal to or less than the state average.

When you look at some of the things happening in Bendigo — and we had the Treasurer yesterday releasing his report about the Rural Finance Corporation and saw what happened in relation to the State Revenue Office going out to Ballarat — you see we are prepared to look at those sorts of things. We also work with companies like ADA, which is a specialist garment manufacturer which recently received a training grant from the state government that will lead to employment of new staff who were retrenched by Rocklea spinning mills. They are the facts about the region.

The opposition never cared about regional Victoria. That is why it lost so many seats. That is why Labor has more regional seats than the Liberal Party does. I thank the honourable member for Bendigo East for her great work and look forward to going up there for the Bendigo Easter Fair.

The honourable member for Brighton has suddenly discovered concerns and issues about public liability insurance and the importance of the adventure tourism industry. I note that in her years as Minister for Tourism there was no adventure tourism development plan, which there is now, developed by this government, identified by this government in opposition as a market weakness for Victoria.

Since the events that happened recently, obviously the cost of public liability insurance has gone through the roof, and who has been dealing with it? This government has. We were the first government to give money to the Victorian Tourism Operators Association. When we approached it and said, 'What is the most immediate thing we can do?', the association said that the key issue at the moment is that a whole lot of businesses cannot even get insurance. We need risk management plans. It is identified in our adventure tourism plan, which will assist adventure tourism brokers to get insurance, and better priced insurance, but it is not the only answer on its own.

I met with Sandy Tod a few weeks ago when I launched the adventure tourism plan in Mansfield, and

we have said we are prepared to entertain those things. When Joe Hockey, the federal minister for tourism, raised nationally the suggestion that all states should consider reforming talks, we said we were prepared to talk about it. But the next day the federal Assistant Treasurer said, 'Oh no, we haven't agreed on that as a federal government. What we will do is have a national summit' — something we have been calling for since September last year! Then she said, 'Maybe we're not ready to have a national summit' — but we are very pleased that there is to be one next week. That just shows the complexity of this issue and the disorganisation of the federal government.

We have been prepared to put our money where our mouth is. The Victorian Tourism Operators Association told us that it needed immediate support of \$100 000, and we provided that, and yesterday we heard the Minister for Finance announce extra support for community events. We will be leading with a package for the meeting in Canberra next week, and the Minister for Finance will deal with that.

**Ms PIKE** (Minister for Housing) — I thank the honourable member for Ballarat West for her ongoing concern about the shortage of affordable housing in her community and for continually raising these issues with me. The Bracks government has an excellent plan to assist people in rural and regional Victoria. We are now rolling out the funding of our \$94.5 million social housing innovations project, which has already delivered \$48 million of affordable — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask the honourable members for Mordialloc and Bentleigh to cease interjecting.

**Ms PIKE** — As I said, the social housing innovations project is \$94.5 million of new money — money over and above the commonwealth–state housing agreement — which is helping local communities right across Victoria get projects up that will really assist people with affordable housing issues.

We have already rolled out \$48 million of this program, and now we are spending an additional \$26 million. I am happy to advise the honourable member that \$3.1 million will be provided for 30 units within the Ballarat region. In fact this \$3.1 million is partnered with additional resources from that community, so we are able to now deliver \$4.24 million of housing in that region. There will be new, high-standard, low-cost accommodation in the Ballarat area, including sites in Trentham.

We are very pleased that we have had the opportunity to work in partnership with excellent organisations such as Uniting Care Ballarat Parish Mission to make sure that we can develop safe and secure housing that is purpose built to meet local needs.

Of course, the other spin-off of creating this housing in rural and regional Victoria is that we are providing more jobs for that community. That is terrific news for the building industry and terrific news for that community. We are certainly turning the state around and providing some very positive and good news in public and social housing right across Victoria.

**Ms DELAHUNTY** (Minister for Planning) — The Leader of the National Party raised an issue that had been raised with him by constituents from the South Gippsland region, in particular an organisation named the Prom Coast Guardians. The issue it raised was planning guidelines for wind farms. This is an important issue, because the Bracks government inherited a situation where there were no statewide guidelines in place for the development of wind energy facilities in Victoria. There are no guidelines whatsoever, so there is no chance of a consistent and transparent approach to this.

The Bracks government is very determined to manage a secure, affordable and sustainable power industry — and that is a priority of the Victorian government. When it comes to wind farms we must also be sensitive to the protection of the environment and the visual amenity, which is really the issue that the Prom Coast Guardians raised with the Leader of the National Party.

In January the former Minister for Planning, my predecessor, initiated a review of the need for wind farm guidelines. In fact, the review decided that we needed to set up a panel to provide advice to the government on what would be the most effective guidelines not just for South Gippsland but for right across the state. A number of wind farm proposals have emerged, predominantly along the coast, but the local communities have been rather anxious about the potential for these wind farms to disturb their environment. A steering committee at the executive level is overseeing the consideration of a range of initiatives which will be included in these guidelines.

Without pre-empting the advice that will come to government from this committee, I know it will be looking at the need for any applicant for a permit for a wind farm to supply information about the landscaping of the work — in other words, how it will look. The landscaping work has to be competent, it has to be cognisant of the local fauna, and of course it needs to

give clear advice on risk assessment. So the visual amenity is important, as is the protection of biodiversity.

The appropriate location and design of wind turbines have the potential to dramatically assist Victoria's electricity supply, but the guidelines must give clear advice to potential applicants about what is required by government before any permit will be entertained. I repeat that these guidelines will apply right across the state. I thank the Leader of the National Party for raising this issue on behalf of his constituents.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — The honourable member for Geelong raised a matter for the attention of the Minister for Health relating to the Grace McKellar complex, and I will ensure that that is passed on.

The honourable member for Geelong North raised the ongoing traumas down at the City of Greater Geelong for the attention of the Minister for Local Government. There are certainly some very concerning things occurring there, and the Minister for Local Government will inquire into the matters raised by the honourable member.

The honourable member for Bayswater raised for the attention of the Minister for Transport a matter relating to parking permits for the disabled, and I will ensure that that is drawn to the attention of the minister.

The honourable member for Glen Waverley raised for the attention of the Premier a very pressing matter that is on everybody's lips, that being the removal of the symbol of the crown. I am glad to see the honourable member for Glen Waverley knows what is important. I will make sure that that is drawn to the attention of the Premier.

The honourable member for Bentleigh raised for my attention the issue of male prostitution taking place around public toilets in the Duncan MacKinnon Reserve. This matter has also been drawn to my attention by the honourable member for Oakleigh. It is certainly an unpleasant state of affairs, and I know the police are aware of it, but I will draw it to their attention and see what additional steps can be taken to try to clear the problem up. Public toilets and parks should not be allowed to be spoilt by this sort of activity taking place around them. It certainly does not inspire public confidence in terms of encouraging people to allow their children to frequent those parks, so I will certainly raise that with the chief commissioner and find out what additional steps might be able to be taken.

The honourable member for Sandringham raised for my attention an issue in relation to a Mr Payne, whose son had registered his car through the legally acceptable means of a credit card payment on 28 February and who received an infringement notice only two or three days later. Certainly, there needs to be some sort of investigation into what took place. The \$500 penalty is a fairly heavy one, especially when he appears to have done the right thing. I will draw this matter to the attention of the Victoria Police. There might have to be some sort of negotiation with Vicroads about this, because I think it affects both agencies. I will get back to the honourable member for Sandringham in due course.

The honourable member for Oakleigh raised an issue in relation to the provision of 24-hour police stations, and she is quite right in pointing out that both the Oakleigh and Caulfield police stations were built with the support of all local members across all parties. They were built with the support of the local councils and they were, in fact, delivered. However, on behalf of some residents of Endeavour Hills who have approached her she has expressed concern that the building of their police station might not proceed because of the actions of the honourable member for Berwick and his cronies on the Casey City Council.

I was extremely angry about the way the Casey City Council dealt with this situation and indicated that perhaps this police station project would have to take a back seat. I think it is perhaps inappropriate that the residents of Endeavour Hills should have to suffer simply because of the actions of their local member and some of their councillors.

I am very happy, under the circumstances, to ensure that that police station project is again afforded the priority it deserves. However, I note that in an article in the Dandenong *Journal* the honourable member for Berwick claims that he has been pursuing this police station all along, when I know that he has at all stages been doomsaying on it. At various times he has claimed it was not necessary, but here he says — —

**Mr Leigh** — On a point of order, Madam Deputy Speaker, the minister is having a shot at another member who is not here to defend himself. He is not telling the truth. He is telling fibs, as he usually does, and it is basically an outrage.

**The DEPUTY SPEAKER** — There is no point of order, as well the honourable member for Mordialloc knows, and I ask him to control himself in an appropriate manner in the house.

**Mr HAERMEYER** — The honourable member for Berwick says in the Dandenong *Journal* article:

I have been pressuring the government since they took power to get on with the job and build the 24-hour Endeavour Hills police station they promised ...

I have gone through *Hansard*: in 10 years in this place the honourable member for Berwick has mentioned Endeavour Hills twice — it was nothing to do with the police station, but he mentioned the suburb of Endeavour Hills. He has mentioned Endeavour Hills in passing on two occasions in this house in 10 years!

**Mr Baillieu** — On a point of order, Madam Deputy Speaker, the honourable member for Berwick has been very active in this campaign, and for the minister to speak about the honourable member in this way is not appropriate.

**Mr Leigh** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Mordialloc! The honourable member for Hawthorn is making a point in debate; it is not a point of order.

**Mr HAERMEYER** — A very large suburb in his electorate that contains thousands of his constituents gets two mentions from the honourable member for Berwick in 10 years, and certainly not one mention of the police station. I thought perhaps he has not raised it in Parliament; maybe he has written to the Victoria Police or the Department of Justice, so we checked our records. Not a single letter from the honourable member for Berwick! In reality what he is claiming in his favour is a mountain of press releases.

**Ms Asher** — On a point of order, Madam Deputy Speaker, the standing orders on this issue are clear. If the Minister for Police and Emergency Services wishes to raise matters in relation to the honourable member for Berwick, he can do so by substantive motion and should not be doing so via this mechanism.

**The DEPUTY SPEAKER** — Order! The minister is responding to an adjournment topic raised by the honourable member for Oakleigh. He has not, as far as I interpret it, gone outside the standing orders or the sessional orders. There is no point of order.

**Mr HAERMEYER** — He claims a mountain of press releases, so he has been doing it through the media rather than talking to people who can do anything about it. His press releases have all been talking down the police station — —

**Mr Leigh** — On a point of order, Madam Deputy Speaker, this is the same person who when he was shadow minister did not want the police to do things, and now he is interfering personally. They wrecked the system and continue to do that. It is basically an outrage. He is misusing his position to blacken the name of a very good member who works hard in this area.

**The DEPUTY SPEAKER** — Order! There is no point of order. The honourable member for Mordialloc knows full well that that was a point of debate. I ask him not to persist in this manner, and I ask the minister to conclude.

**Mr HAERMEYER** — I can assure the honourable member for Oakleigh and the residents of Endeavour Hills that, despite the fact that the honourable member for Berwick does not want it to happen, I will proceed with the Endeavour Hills police station and we will make sure the station is built. I understand the people of Endeavour Hills wish the honourable member for Berwick well in his attempts to get preselected for the seat — —

**The DEPUTY SPEAKER** — Order! Responses during the adjournment debate are not an appropriate opportunity to attack honourable members.

**Mr Smith** — On a point of order, Madam Deputy Speaker, this is going into utter farce with the Minister for Police and Emergency Services. We know his sort of straying ways, but to keep the debate going along these lines — —

**The DEPUTY SPEAKER** — Order! What is the point of order?

**Mr Smith** — It is under standing order 108. The minister's comments are completely irrelevant to what we are talking about. What happens with the honourable member for Berwick is no business of the Minister for Police and Emergency Services.

**The DEPUTY SPEAKER** — Order! There is no point of order, and the minister has concluded. However, the minister has not mentioned the matter raised by the honourable member for Mitcham for the Minister for Consumer Affairs.

**Mr Baillieu** — On a point of order, Madam Deputy Speaker, where is the honourable member for Mitcham?

**The DEPUTY SPEAKER** — Order! There is no point of order. The honourable member for Hawthorn will resume his seat.

**Mr HAERMEYER** — The honourable member for Mitcham is having his crown repaired! I apologise to the honourable member for Mitcham, who raised — —

**The DEPUTY SPEAKER** — Order! The honourable member for Mordialloc on a point of order, within the guidelines.

**Mr Leigh** — On a point of order, is the Deputy Speaker able to inform the house what the ruling is in answering a concern to a member when the member does not bother to stay in the — —

**The DEPUTY SPEAKER** — Order! There is no point of order. In fact, it is a frivolous point of order, and I ask the honourable member for Mordialloc to be more sensible.

**Mr HAERMEYER** — I apologise to the honourable member for Mitcham. He raised a matter for the Minister for Consumer Affairs about patrons of nightclubs having the option of either full-strength or low-alcohol beer. It certainly seems a reasonable proposition to me, and I will draw it to the attention of the Minister for Consumer Affairs.

**Motion agreed to.**

**House adjourned 5.03 p.m.**



**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown.  
 Questions have been incorporated from the notice paper of the Legislative Assembly.  
 Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
 The portfolio of the minister answering the question on notice starts each heading.*

**Tuesday, 19 March 2002**

**Health: Bennettswood — Royal Dental Hospital waiting list**

**365. MR WILSON** — To ask the Honourable the Minister for Health — how many Victorians from each of the postcodes 3125, 3128, 3130, 3149 and 3151 were on the Royal Dental Hospital waiting list for treatment at the end of each month from August 2000 to April 2001 inclusive.

**ANSWER:**

The previous answer to Question 365 provided incorrect figures supplied by the Royal Dental Hospital.

The correct figures have now been supplied and the number of Victorians from postcode areas 3125, 3128, 3130, 3149 and 3151 who were on the waiting list for treatment at the Royal Dental Hospital at the end of each month from August 2000 to April 2001 inclusive is as follows:

Number of Victorians on RDHM Waiting List for Postcodes 3125, 3128, 3130, 3149 and 3151 as at:								
31/8/00	31/9/00	30/10/00	30/11/00	31/12/00	31/01/01	28/02/01	31/03/01	30/04/01
603	624	643	676	675	686	660	653	656

**Education: ministerial officers' pecuniary interests**

**433(i). MR KOTSIRAS** — To ask the Minister for Education whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment.

**ANSWER:**

All staff working in the Minister for Education's office are employed by the Premier. Therefore there are no ministerial officers employed by her.

**Police and emergency services: boating accidents**

**452. MR THOMPSON** — To ask the Honourable the Minister for Police and Emergency Services — how many boating collisions and groundings in Victoria, by region, have been investigated by the Water Police for — (a) 1997; (b) 1998; (c) 1999; (d) 2000; and (e) 2001 to date.

**ANSWER:**

I am informed that statistical data on the above issues is readily available in electronic format from 1999 to 2001 inclusive. Details of boating collisions and groundings for both commercial and recreational vessels is provided in the table below.

Date	Type	Number of Incidents
1999–2000	Collisions	20
	Groundings	36
2000–2001	Collisions	14
	Groundings	55
2001–2002	Collisions	1
	Groundings	7

Statistical data from 1997 to 1999 is not readily available and would have to be located from individual records. This would be extremely labour intensive for Victoria Police.

Regional breakdowns are not readily available for any year as the data base does not record by region and again would require tracking individual records.

There are approximately 800 records per year and each record would need to be checked individually to ascertain if it was relevant to the above request. This would require considerable redeployment of Victoria Police resources, which would not seem to be warranted.

**Transport: City Link infringements**

**464. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to infringements on City Link since the introduction of tolling — what is the — (a) number of infringements; (b) total revenue collected by month for the following infringement types — (i) speeding fines; (ii) absence of e-tag; and (iii) other infringements; and (c) number and cost of outstanding infringements by month.

**ANSWER:**

The City Link enforcement system is administered through the Department of Justice and accordingly the question you have asked should be directed to the Victorian Attorney-General, the Hon. Rob Hulls, MP.

**Transport: W-class trams**

**466. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to W Class Tram brake works —

1. What is the breakdown of costs to date of — (a) government payments; and (b) private operator payments.
2. Has an agreement been reached as to when the entire fleet will return.
3. Who will pay for remaining brake works.

**ANSWER:**

The Government has paid \$621,732 as at 30 October 2001 primarily for the purchase of track brakes and new pneumatic brake systems.

This information has been requested from Yarra Trams and will be provided when it becomes available.

No — the focus has been on trialing two trams (one for each company) with the new pneumatic brake. The return to service will depend on the supply of the new brake equipment and satisfactory completion of trials. It is anticipated that agreement will be reached with the franchisees before the end of December 2001.

The basic principle is that the Government will fund the cost of the new brake equipment and expects the franchisees to meet the cost of the overhaul of retained equipment.

**Transport: W-class trams**

**473. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to W Class Trams —

1. How many trams are back in service.
2. What are the dates when each tram returned to service.
3. What is the cost of repairs incurred by the Government for each tram returned to service.

**ANSWER:**

As of 30 October 2001, 6 trams are completed and available for service.

The following list shows dates trams were completed and made available for service.

<b>Tram No</b>	<b>Date modification completed</b>
909	10/5/2001
842	15/5/2001
925	13/8/2001
957	24/9/2001
728	8/10/2001
1000	26/10/2001

The Government has not paid costs for individual trams but has paid a total of \$621,732 as at 30 October 2001.

**Transport: tram insulation**

**474. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of all occurrences of the insulation of trams since 1996.

**ANSWER:**

Swanston Trams have reported 19 incidents between April and May 2000. There have been no incidents since.

**Police and emergency services: Barwon South ambulance facility**

**487(b). MR PATERSON** — To ask the Honourable the Minister for Police and Emergency Services — whether the co-location of the Torquay Country Fire Authority fire station and the proposed ambulance facility for Barwon South has been considered and, if so what is the status of such consideration.

**ANSWER:**

I am informed that:

Plans are in preparation for the building of a collocated Country Fire Authority/Rural Ambulance Service Victoria facility at Torquay. The facility will be established on the new CFA land in Grossmans Road, Torquay.

Construction works for the collocated facility are planned to commence early in 2002, with a scheduled completion date of mid-2002.

**Finance: e-procurement program**

**507. MR PERTON** — To ask the Honourable the Minister for Finance with reference to KPMG Consulting's 'Review of government purchasing arrangements' last year which recommended the Government establish the online tendering program 'EC4P e-procurement program' —

1. Why did it take the Government so long to announce the project.
2. Why will it be two years between the recommendation and the implementation.
3. How will small businesses register to participate.
4. Will there be any cost of registration; if so, what will the cost be.

**ANSWER:**

I am informed that:

There has been no delay in announcing the project. The Review of Purchasing Arrangements includes some recommendations relating to the EC4P project, but the project was not announced by the Review. All recommendations of the Review in relation to EC4P have been implemented.

The EC4P project has not changed the tendering requirements for selection of suppliers to Government. There is no requirement for small businesses to register to participate in EC4P.

A key objective of EC4P is that Departments engage an appropriate mix of small and medium enterprises (SMEs) and regional suppliers. The recently completed DNRE pilot included some seventy SMEs and regional suppliers, out of a total of one hundred suppliers selected for the pilot. Each Department is responsible for determining which suppliers, including SMEs and regional suppliers, are engaged and may offer financial assistance to current or future suppliers to bring these businesses online.

**Police and emergency services: emergency medical response service**

**508. MR WELLS** — To ask the Honourable the Minister for Police and Emergency Services with reference to the 'First responder' emergency medical response service provided by the Metropolitan Fire and Emergency Services Board — (a) what types of medical emergencies are Metropolitan Fire and Emergency Services Board personnel actually responding to; (b) how much longer will the emergency medical response pilot scheme continue before the program becomes a regular service of the Metropolitan Fire and Emergency Services Board; and (c) what level of medical training have the Metropolitan Fire and Emergency Services Board personnel attained to date.

**ANSWER:**

I am informed that:

- (a) The Emergency Medical Response (EMR) Firefighter First Responder program is designed to provide early access to basic life support skills, particularly defibrillation, in cases of suspected cardiac arrest. Fire Brigade vehicles with First Responder trained crews, are dispatched simultaneously with MAS ambulances to time-critical life threatening medical emergencies focusing on patients who are unconscious and non-breathing (which implies a high probability of cardiac arrest).

The types of calls attended have included — cardiac arrest, severe breathing difficulties, drowning, suicide and drug overdoses. The services provided by firefighter First Responders' have included defibrillation, airway management, CPR and, assisting The Metropolitan Ambulance Service (MAS) with patients on-scene and, when required, en-route to hospital.

- (b) In early October 2001, the Minister for Health, The Hon. John Thwaites MP, agreed that the EMR pilot be confirmed as a continuing program. This followed the release of the assessment of the first twelve month's

(February 2000 to February 2001) operation of the pilot program and a recommendation from the Steering Committee overseeing the pilot program.

Each of the emergency services involved was advised of the Minister's approval and asked to inform staff accordingly.

- (c) The medical training and skills set determined appropriate for MFESB First Responders concentrates on those procedures with major value in the first few minutes only. These include performance of an emergency patient primary survey and vital signs survey, airway management including suction, oropharyngeal airway insertion, oxygen administration and fitting of cervical collars. Defibrillation using a computerised external semiautomated defibrillator is also an integral part of the First Responder protocols within the EMR program.

Medical and clinical oversight for the program is provided by an MFESB medical officer and ambulance paramedics. The MFESB medical officer reports to the Metropolitan Ambulance Service Medical Standards Committee.

First Responder training program for firefighters was developed in conjunction with the MAS and delivered by the Centre for Ambulance and Paramedic Studies at Monash University. The training program comprises of 8 days training and is delivered by ambulance paramedic instructors.

Ongoing skill maintenance training and continuing education is incorporated into the operations of the First Responder program with support from MAS ambulance paramedics. As appropriate, paramedics undertake clinical review of cases attended, support and debrief attending firefighters about the operational and clinical aspects of cases attended.

Currently there are 59 MFB Fire Brigade EMR-capable vehicles, with over 1350 First Responders trained firefighters.

### **Transport: Yarra Trams Collins Street superstops**

- 510. MR LEIGH** — To ask the Honourable the Minister for Transport — (a) what level of community consultation has been in place in regard to the Yarra Trams Collins Street superstops; and (b) what are the community consultation arrangements for the remainder of the Route 109 project.

#### **ANSWER:**

Yarra Trams have conducted six public and stakeholder forums and four meetings with traders and associated stakeholders. There have also been presentations to Council candidates for the City of Melbourne and to the Opposition Spokesperson for Transport and Liberal MPs, as well as various meetings with officers and Councillors of the City of Melbourne.

Details of community consultation arrangements for the Route 109 project are currently being developed. This will include the establishment of Community Advisory Groups that will provide advice on local and transport user issues, and to provide a forum for information sharing.

### **Transport: City Link tolls**

- 511. MR LEIGH** — To ask the Honourable the Minister for Transport were the following issues raised in negotiations with Transurban Limited regarding the changes as announced on 19 September 2001 which allowed for the expansion of tolling technology outside the single-purpose agency — (a) the issue of State access to the tolling system; (b) off-peak concession tolls; (c) lower City Link fines; (d) a royalty payment to the State instead of a one-off fee; and (e) the Wurundjeri Way compensation; if so — (i) what are the details and (ii) why were they not incorporated into the negotiations for the expansion of tolling.

**ANSWER:**

There was a range of matters discussed with Transurban in the recent negotiations and the announcement by the State and Transurban on 19 September sets out the agreed position between the parties.

There remain matters that are of interest to the State and these will be pursued in different forums. In order to maximise the benefit to the community in the outcome of any future negotiations, it is not appropriate to reveal information that may prejudice the State's negotiating position.

**Transport: fare evasion**

**513. MR LEIGH** — To ask the Honourable the Minister for Transport — with reference to tackling fare evasion on Melbourne's public transport system — (a) what are the details and outcomes of the Government initiatives; and (b) what are the costs involved.

**ANSWER:**

The Government takes fares evasion very seriously. In order to tackle the high level of fare evasion, the Government is working in conjunction with Franchise Operators who are deploying Customer Service Employees and Revenue Protection Officers at City Loop Stations, on-board Trams and at outer Metropolitan Stations.

Consistent with its earlier election commitment, the Government has funded 100 Roving Safety Officers on after-dark rail services and 100 Roving Conductors. The full compliment of staff are now deployed on the metropolitan train and tram network.

The additional staff are fully accredited in the same manner as Revenue Protection Officers and are able to conduct ticket checks when required to do so.

Franchisees are taking an active part in reducing the level of fare evasion across the metropolitan train and tram network and have increased the level of revenue protection exercises conducted by their staff at city and outer metropolitan stations and on-board trams.

In addition, the Government in conjunction with the Franchise Operators is in the process of developing a strategy to investigate common issues across all franchisees such as:

- fare evasion policies and strategies
- staff training and deployment
- a consistent approach among operators in dealing with fare evaders
- public education about the penalties if commuters avoid purchasing Met tickets.

The strategy will also include conducting surveys to measure levels of fare evasion and to understand the influence of various factors.

The current cost of the additional 100 Roving Safety Officers and 100 Roving Conductors is \$11.7 million for 2001/2002. It is important to note, that fare evasion is only part of the overall functions carried out by these staff.

The costs associated with the employment of Customer Service Employees / Revenue Protection Officers is the responsibility of the franchisees and does not involve any additional funding from Government over and above the existing subsidy levels.

**Transport: Melbourne Airport rail link**

**516. MR LEIGH** — To ask the Honourable the Minister for Transport — when is the construction of the Melbourne Airport Rail Link expected to — (a) commence; and (b) be completed.

**ANSWER:**

A decision on when to proceed with a rail link to the Airport has not yet been made. However, this Government has recently announced that it will not be proceeding with the Broadmeadow rail corridor as the potential route for any Airport Rail Link.

The Panels Victoria report favours development of a heavy rail link along the Albion corridor and we are currently reviewing the various technical recommendations by that Panel and reviewing cost estimates.

Construction along the Albion corridor and procurement of rolling stock would take approximately three years from commencement.

**Transport: regional fast rail project**

**523. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the Regional Fast Rail Project — (a) what environmental issues have been identified which may interfere with the delivery of the project; (b) are the habitats of the striped legless lizard and warty swamp frog potential problems for the project; and (c) what has the Government done to provide adequate environmental protection for sensitive areas.

**ANSWER:**

No environmental issues have been identified which may ‘interfere with the delivery of the project’. Tenderers have been provided with existing planning, cultural, heritage, archaeological and environmental information that relates to the corridors and are required to comply with relevant laws and policies pertaining to these issues.

Further information is required on the habitat of the striped legless lizard and warty swamp frog as it relates to any of the rail corridors. If these fauna are extant on the corridor(s), the contractor(s) will need to ensure that appropriate environmental management regimes are put in place.

The Government has approved in principle the requirement for contractors to prepare a Site and Environmental Management Plan (SEMP) prior to works occurring. The SEMP must take into account all relevant environmental issues along the corridor during construction and provide details of appropriate management and mitigation measures. The SEMP must be prepared in consultation with local government and any other relevant Government agency or other normal referral agency, and undergo a peer review from an appropriately qualified person. The SEMP must be prepared to the satisfaction of the Minister for Planning.

**Transport: City Link tunnels**

**534. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the City Link tunnels — what is the monthly summary of the number of hours for which the — (a) Burnley; and (b) Domain tunnels have been closed for either — (i) maintenance; or (ii) other closures.

**ANSWER:**

The table attached indicates the periods when the Burnley and Domain tunnels were closed for maintenance or other purposes, as recorded by Transurban’s operator, Translink Operations (TLO).

TLO has advised that the Sydney tunnels under the Harbour are closed for maintenance every six weeks for five consecutive nights. It is an aspect of tunnel operation that the many safety and operational systems require regular maintenance and performance checks. To ensure the safety of maintenance staff, such work is sometimes carried out under tunnel closure conditions. Wherever possible, such works are aggregated to make the most efficient use of the period of closure. As a general rule, programmed maintenance is undertaken in the early hours of the morning when the impact of diverting traffic along the old surface routes is least inconvenient.

**Burnley Tunnel**

<b>January 2001</b>				<b>0.0 Hours</b>
<b>February 2001</b>				<b>161.0 Hours</b>
19-Feb-01	to	26-Feb-01	Arch Wall Failure near Fire Box B27	
<b>March 2001</b>				<b>14.0 Hours</b>
7-Mar-01	21:00	5:00	Preparatory works for repairs to arch wall failure	
28-Mar-01	0:00	5:00	Establishment of work site at Fire Box B30 for wall rectification works	
30-Mar-01	18:30	19:30	Critical Mass protest	
<b>April 2001</b>				<b>7.0 Hours</b>
11-Apr-01	22:00	5:00	Asphalt Pavement replacement near Fire Box B10, joint sealing and reinstatement of NJB near Fire Box B33	
<b>May 2001</b>				<b>5.0 Hours</b>
16-May-01	0:00	5:00	Maintenance (inc. jet fans, toll gantry repairs, joint sealing and tunnel inspections)	
<b>June 2001</b>				<b>12.0 Hours</b>
16-Jun-01	22:00	10:00	Removal of work site near Fire Box B30, test of extensometer, various maintenance (inc drainage flushing, inspection of smoke duct)	

**Domain Tunnel**

<b>May 2000</b>				<b>0.0 Hours</b>
<b>June 2000</b>				<b>5.5 Hours</b>
25-Jun-00	22:30	4:00	Maintenance — Inc. Jet Fans and system testing (CCCS)	
<b>July 2000–October 2000</b>				<b>0.0 Hours</b>
<b>November 2000</b>				<b>14.0 Hours</b>
12-Nov-00	21:00	5:00	Maintenance (inc. jet fans and signage) and systems testing (inc. smoke dampers, traffic plans, deluge, METS phones, signage) & Emergency Services tours	
26-Nov-00	22:00	4:00	Burnley Tunnel ventilation system test (required Domain system to be shut down), maintenance and AID & RRB system test.	
<b>December 2000 and January 2001</b>				<b>0.0 Hours</b>
<b>February 2001</b>				<b>7.0 Hours</b>
4-Feb-01	22:00	5:00	Maintenance — Inc. Jet Fans, AM antenna, tunnel lighting, air monitoring equipment, signage and Tunnel Inspections	
<b>March 2001 and April 2001</b>				<b>0.0 Hours</b>
<b>May 2001</b>				<b>7.0 Hours</b>
20-May-01	22:00	5:00	Maintenance-Inc. Jet Fans, joint sealing and system testing (CCCS)	

**June 2001–September 2001**

**0.0 Hours**

**October 2001**

**10.5 Hours**

6-Oct-01 21:00 7:30 Maintenance — Inc. Jet Fans & joint sealing

**Transport: Vicroads appointment**

**535. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the employment of the Hon. Mal Sandon at Vicroads —

1. What are the details of the nature of his employment for two periods totalling 28 days.
2. What was he employed to do.
3. What responsibilities did he have.
4. Whether an assessment was made at the conclusion of employment that the task had been completed.
5. What was the selection process for his position.
6. Who was his direct supervisor.
7. Who was responsible for his selection.

**ANSWER:**

VicRoads employed Mr Sandon as a contractor within the Road Safety Department, at \$320 a day, to carry out specified tasks.

Mr Sandon was employed to:

- assist with the development of a communications strategy and material for the launch of the Victorian Road Safety Strategy;
- liaise with key stakeholders including Government agencies to facilitate the launch;
- assist with identification of major initiatives to be recommended for announcement at the launch;
- facilitate a process of public consultation on the proposal to introduce alcohol ignition interlocks.

It is standard practice during provision of services of this nature to hold regular discussions with the contractor to review progress. This process was applied in this instance.

Mr Sandon was approached by VicRoads who discussed the proposed assignment with him and sought his services on the basis of his extensive experience in the area.

His direct supervisor was VicRoads' General Manager–Road Safety.

VicRoads' General Manager Road Safety in consultation with the then Chief Executive, VicRoads was responsible for his selection.

**Transport: Metcard fare evasion**

**540. MR WILSON** — To ask the Honourable the Minister for Transport with reference to Metcard ticketing and fare evasion —

1. What was the level of fare evasion in mid 2001 for — (a) Connex Melbourne; (b) M Train; (c) M Tram; (d) Yarra Trams; and (e) metropolitan bus operators.

2. What 'differences in survey methodology' caused the wide variation in levels of fare evasion noted by Yarra Trams as opposed to other rail and tram franchisees, as stated in the Minister's answer to question on notice 266.
3. What financial resources has the Government committed to pursuing a more uniform approach to conducting fare evasion surveys.
4. How many passengers on — (a) Connex Melbourne; (b) M Train; (c) M Tram; and (d) Yarra Trams received infringement notices from the Department of Infrastructure in — (i) 1999–2000; and (ii) 2000–2001.
5. What was the total value of fines levied by infringement notices issued by the Department of Infrastructure for — (a) Connex Melbourne; (b) M Train; (c) M Tram; and (d) Yarra Trams in — (i) 1999–2000; and (ii) 2000–2001.
6. What amounts of fines remain outstanding for — (a) Connex Melbourne; (b) M Train; (c) M Tram; and (d) Yarra Trams.

**ANSWER:**

1. The estimated fare evasion levels in mid 2001 (as reported by the operators) were as follows:

Connex	6.0%
M Train	14.2%
M Tram	27.7%
Yarra Trams	21.6%
Buses <sup>1</sup>	5.0%

2. The change in methodology by Yarra Trams in measuring the level of fare evasion on its services has been as a result of the refinement of the method in collecting data. Fare evasion, by its very nature, is difficult to measure accurately, and estimates can vary significantly, particularly depending on how tightly the system is cordoned off to prevent non-paying passengers from escaping. The comparative openness of the tram system makes revenue protection more difficult for that mode. The approaches used by the rail and tram franchisees are being made more uniform, to the extent that this is possible, to ensure that information collected is more consistent across all modes.
3. Under the Franchise Agreement, each operator is required to conduct surveys to determine the level of fare evasion on their network. The Franchisee is required to provide reports to the Director of the levels of fare evasion and any action taken by it to reduce the levels of fare evasion.

In order to tackle the high level of fare evasion, the Government is working in conjunction with Franchise Operators who are deploying Customer Service Employees and Revenue Protection Officers at City Loop Stations, on-board Trams and at outer Metropolitan Stations.

Consistent with its earlier election commitment, the Government has agreed to fund 100 additional Station Staff and 100 additional Conductors over a period of three years. The full complement of staff have been deployed on the metropolitan train and tram network. The primary role of these staff is to provide a safer and a human face to public transport and not specifically to deal with the issue of fare evasion. The additional staff are fully accredited in the same manner as Revenue Protection Officers and are able to conduct ticket checks when required to do so.

Franchisees are taking an active part in reducing the level of fare evasion across the metropolitan train and tram network and have increased the level of revenue protection exercises conducted by their staff.

<sup>1</sup> An audit of Government subsidised buses is in the process of being conducted. This figure represents the best available estimate at the time.

Although in the past the methodology adopted by transport operators vary from company to company, the Director of Public Transport has sought common protocols and procedures from Melbourne's private transport operators such as:

- fare evasion policies and strategies
- staff training and deployment
- a consistent approach among operators in dealing with fare evaders
- public education about the penalties if commuters avoid purchasing Met tickets

The strategy will also include conducting surveys to measure levels of fare evasion and to understand the influence of various factors.

The current cost of the additional 100 station staff and 100 Conductors is \$11.7 million for 2001/2002. It is important to note that fare evasion is a small part of the overall functions carried out by these staff.

The cost associated with the employment of Customer Service Employees/ Revenue Protection Officers are the responsibility of the franchisees and do not involve any additional funding from Government over and above the existing subsidy levels.

4. The Penalty Enforcement by Registration of Infringement Notice (PERIN) system records offences/infringements, and some offenders have multiple offences. The numbers of Infringement notices issued are as follows:

	<b>1999/00</b>	<b>2000/01</b>
Connex	10,380	18,592
M Train	24,917	25,690
M Tram	19,104	5,983
Yarra Trams	10,578	8,704
Total	64,979	58,969

5. The amounts provided below are the total face value estimate only. The usual fine is \$100, but not all infringement notices are for this amount. The figures below do not take into account infringement notices withdrawn on appeal, juvenile warnings and court elections.

Estimated total value of fines:

	<b>1999/00</b>	<b>2000/01</b>
	<b>\$'m</b>	<b>\$'m</b>
Connex	1.038	1.859
M Train	2.492	2.569
M Tram	1.910	0.598
Yarra Trams	1.058	0.870
Total	6.498	5.896

6. The following figures indicate the amounts currently outstanding (including administrative costs) with the Department of Justice for 2000/2001.

	<b>2000/01</b>
	<b>\$'m</b>
Connex	0.792
M Train	0.972
M Tram	0.378
Yarra Trams	0.387
Total	2.529

**Education: Torquay secondary school**

**543. MR PATERSON** — To ask the Honourable the Minister for Education — what processes has the Government instigated to examine the possibility of establishing government secondary schooling in Torquay.

**ANSWER:**

I am informed as follows:

In 1996, the then Minister for Education, the Honourable Phillip Gude, endorsed a statement that *'the projected long term enrolment of the study area (Torquay, Jan Juc, Bellbrae) is not sufficient to meet current benchmarks and/or criteria to establish a secondary component of a P-10 school, or a 7-10 or 7-12 campus, in Torquay. If the catchment were to include Anglesea and surrounding areas to the west the student base remains insufficient to meet the necessary benchmarks and criteria'*.

In 1997, an independent consultancy firm, Hames Sharley Holdings Pty Ltd, was commissioned by the Department of Education to undertake a school planning provision study for the area of Torquay including Jan Juc and surrounding areas. The report concluded that *'based on population estimates and projected student yield there is no demand in the foreseeable future for the opening of a Government Secondary School within the area'*.

With the knowledge of the area gained in the earlier study Hames Sharley Holdings Pty Ltd were again commissioned by the Department of Education in 1999 to review the 1997 recommendations in the light of changes that may have occurred in the study area.

The report, completed in March 1999, states in part: *'based on these projections there is insufficient demand to sustain a government secondary school within the study area until some time after 2016'*.

The Department of Infrastructure projections, published in 2001 indicate that the number of school age children within the Shire of Surf Coast will, when compared to the current population, decline by 15.24% by 2016.

**Police and emergency services: 50 km/h speed limit**

**545. MR WELLS** — To ask the Honourable the Minister for Police and Emergency Services with reference to the 50 km per hour default vehicle speed limit applied to Victorian roads in built-up areas from 22 January 2001 —

1. How many drivers have received traffic infringement penalty notices for breaching the 50 km per hour speed limit since its introduction.
2. How many vehicles tested by speed measuring devices in 50 km per hour speed zones, in actual numbers and percentage terms, have breached the 50 km per hour limit since its introduction.
3. How much revenue has been generated from traffic infringement penalty notices for breaches of the 50 km per hour speed limit since 22 January 2001.
4. What resources are being allocated to detecting breaches of the 50 km per hour default speed limit.
5. How many hours, in actual number and percentage terms, have been spent in the monitoring of 50 km per hour speed limit zones by traffic cameras since 22 January 2001, compared with other speed limit zones.
6. What measures are in place to monitor and assess the performance of the 50 km per hour default speed limit in terms of the actual impact on road trauma in Victoria.

**ANSWER:**

The 50 kmh speed limit in built up areas was introduced by this Government with the clear intent of reducing Victoria's road toll. While it was introduced before the formal launch of the Government's Road Safety Strategy, 'Arrive Alive', it is a major component of that strategy and one that is obviously required. In the 2001 calendar year 80 pedestrians were killed in Victoria, a 31% increase on the previous year.

Another way of thinking about the 50 kmh restriction is to consider the following figures relating to pedestrians being hit by vehicles:

Speed of collision	Approx. % probability of pedestrian death
50 kmh	35%
60 kmh	65%
70 kmh	90%

Victoria Police is awaiting the report of a research project being jointly undertaken by VicRoads and the Monash University Accident Research Centre on the impact of the 50 km/h default speed limit on road trauma outcomes in Victoria. The data underpinning this research is partly provided by Victoria Police from collision reports.

For details on other components of the Governments Road Safety Strategy I would refer you to the various published 'Arrive Alive' documents.

**Education: Reading Recovery program**

**546. MR DIXON** — To ask the Honourable the Minister for Education — whether there is any franchise agreement between the Department of Education, Employment and Training, and the 'Reading Recovery' program; if not — (a) what other form of agreement is there; and (b) what form does either the franchise or other agreement take.

**ANSWER:**

I am informed as follows: (a) and (b) There is no other form of agreement. There is no franchise agreement between the Department of Education, Employment and Training and the 'Reading Recovery' program.

**Treasurer: Bulleen land tax**

**556. MR KOTSIRAS** — To ask the Honourable the Treasurer with reference to properties located in postcodes — (a) 3105; (b) 3106; (c) 3107; (d) 3108; and (e) 3109 —

1. How many properties are expected to have land tax levied on them in 2001–2002.
2. What is the total expected value of land tax in each postcode for 2001–2002.

**ANSWER:**

I am informed that:

Land Tax that will be collected in the 2001–02 year will be largely derived from the issue of the 2002 Land Tax Assessments. Land Tax is assessed on a calendar year basis, and the 2002 calculations will be based on a landowners total land holdings at midnight on 31/12/2001, excluding exempt land.

The 2002 Land Tax assessments are currently being calculated and are not yet publicly available.

**Health: Geelong hospital**

**557. MR PATERSON** — To ask the Honourable the Minister for Health with reference to the Geelong Hospital — (a) what action is the Government taking to resolve the declining availability of anaesthetists; and (b) what is the number of surgery cancellations due to the declining availability of anaesthetists.

**ANSWER:**

- a) Barwon Health has advertised, recruited and is in the process of finalising the appointment of 2 additional full-time anaesthetists and 3 Visiting Anaesthetists.
- b) I refer the Honourable Member to the most recent Hospital Services Report published on the Department of Human Services web site.

**Health: Barwon Health**

**558. MR PATERSON** — To ask the Honourable the Minister for Health with reference to the ‘unexpected gains’ for Barwon Health referred to in the *Geelong Advertiser* on 31 October 2001 at page 1 — what are the details of the \$2.8 million of ‘unexpected gains’; and (b) is there an underlying deficit of \$1.5 million for Barwon Health.

**ANSWER:**

Barwon Health does not have an underlying financial deficit of \$1.5m. The financial result for 2000–01 was an operating surplus of \$1.5m.

The financial results for 2000–01 did include specific items which totalled \$2.8m. These items were separately identified by Barwon Health in its presentation of results to its Annual General Meeting, but cannot be termed ‘unexpected gains’.

The items were:

- a downward adjustment in the depreciation provision as recommended by Barwon Health’s auditors; and
- the government assuming responsibility for the increased cost of existing long service leave liabilities and contribution to the increased annual leave liabilities that arose from the nurses and other enterprise bargaining agreements.

**Police and emergency services: Mount Waverley police station**

**560. MR WILSON** — To ask the Honourable the Minister for Police and Emergency Services —

1. What was the full-time equivalent staffing level at the Mount Waverley Police Station at — (a) 1 July 1999; (b) 1 July 2000; and (c) 1 July 2001.
2. Whether there are any plans to increase the number of police based at Mount Waverley.
3. Whether there are any plans to open Mount Waverley Police Station to the public for longer than normal business hours Monday to Friday.
4. What were the ten most frequently recorded criminal offences, and how many offences were detected in each category, for the postcodes — (a) 3125; (b) 3128; (c) 3130; (d) 3149; (e) 3150; and (f) 3151 for — (i) 1999–2000; and (ii) 2000–2001.

**ANSWER:**

I am informed by Victoria Police as follows:

1. The full-time equivalent staffing levels at the Mount Waverley Police Station are as follows:

		<b>Senior Sergeant</b>	<b>Sergeants</b>	<b>Senior Constable / Constables</b>
(a)	1 July 1999	1	3	9
(b)	1 July 2000	1	3	10
(c)	1 July 2001	1	3	10

2. There are no plans to change the number of police based at Mount Waverley. The level of service provided by Mount Waverley police is continually monitored by Region 4 management with a view to maintaining its effectiveness.
3. There are no plans to change the operational hours at Mount Waverley Police Station. It is currently open from 9 a.m. to 5 p.m. on weekdays. The police station may occasionally be open outside these hours, should a member be in attendance while performing other duties.
4. I am informed that the information you seek is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Gaming: TAFE courses**

**561. MR WILSON** — To ask the Honourable the Minister for Gaming with reference to the responsible gaming courses —

1. What specific funding has been provided in 2001–2002 for the William Angliss Institute of TAFE or any other Victorian Institutes of TAFE for such courses.
2. How many courses are expected to be held by 31 December 2001 at each TAFE venue.
3. How many participants have enrolled in the course to date, at each venue.
4. What is the charge per participant at each TAFE venue offering the course.
5. Whether any TAFE venues offer discounts for multiple registrations; if so what are they.

**ANSWER:**

I am informed that:

1. The William Angliss Institute received no funding from the Department of Treasury and Finance. If other Departments have provided funding for the initiative then the Honourable Member will need to ask the appropriate Minister.

2,3,4 and 5

For accurate information about the course I suggest you contact the William Angliss Institute directly.

**Police and emergency services: Bayside policing facility**

**569. MR THOMPSON** — To ask the Honourable the Minister for Police and Emergency Services with reference to the study to identify the most appropriate location of policing facilities to best serve the local community of Sandringham — (a) when will a decision be made regarding policing facility requirements for the City of Bayside; and (b) the location of such facilities.

**ANSWER:**

I am informed as follows:

The study by Victoria Police is to identify the most appropriate location of policing facilities for the City of Bayside to best serve the local communities. The study is not limited to one specific location. Of course, the scope of the study includes the Sandringham area.

The advice as to priorities in the City of Bayside for the development of police facilities will need to be balanced alongside other police requirements across the State.

My current advice is that the review is expected to be completed before the end of the year.

Any subsequent question of where to deploy police and how many police to deploy is an operational decision for Victoria Police.

**Police and emergency services: Sandringham crime rate**

**570. MR THOMPSON** — To ask the Honourable the Minister for Police and Emergency Services — what were the five most frequently recorded criminal offences, and how many offences were recorded in each such category, for the post codes — (a) 3188; (b) 3190; (c) 3191; (d) 3192; (e) 3193; and (f) 3194 for — (i) 1998–1999; (ii) 1999–2000; and (iii) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Police and emergency services: Dromana crime rate**

**574. MR DIXON** — To ask the Honourable the Minister for Police and Emergency Services — what were the five most frequently recorded criminal offences, and how many offences were recorded in each such category, for the postcodes — (a) 3936; (b) 3939; (c) 3940; (d) 3941; and (e) 3943 for — (i) 1998–1999; (ii) 1999–2000; and (iii) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Treasurer: Knox land tax**

**575. MR LUPTON** — To ask the Honourable the Treasurer with reference to properties located in postcodes — (a) 3155; (b) 3156; (c) 3152; and (d) 3178 —

1. How many properties are expected to have land tax levied on them in 2001–2002.
2. What is the total expected value of land tax in each postcode for 2001–2002

**ANSWER:**

I am informed that:

Land Tax that will be collected in the 2001–02 year will be largely derived from the issue of the 2002 Land Tax Assessments. Land Tax is assessed on a calendar year basis, and the 2002 calculations will be based on a landowners total land holdings at midnight on 31/12/2001, excluding exempt land.

The 2002 Land Tax assessments are currently being calculated and are not yet publicly available.

**Police and emergency services: South Barwon crime rate**

**576. MR PATERSON** — To ask the Honourable the Minister for Police and Emergency Services — what were the five most frequently recorded criminal offences, and how many offences were recorded in each such category, for the postcodes — (a) 3216; (b) 3221; (c) 3227; (d) 3228; and (e) 3240 for — (i) 1998–1999; (ii) 1999–2000; and (iii) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Premier: Community Support Fund**

**578. MR WILSON** — To ask the Honourable the Premier with reference to page 128 of the Department of Premier and Cabinet's 2000–2001 annual report —

1. Which Community Support Fund projects failed to meet the 'quality' benchmark
2. Which electorate/s did the Community Support Fund projects that failed to meet the quality benchmark operate in.
3. Which Community Support Fund projects were in the five per cent of failing to achieve satisfactory acquittals by 30 June 2001
4. Which Community Support Fund projects in 2000–2001 failed to have their reporting dates meet performance agreement time lines.
5. What action has the Government taken to remedy these deficiencies since 1 July 2001.

**ANSWER:**

I am informed that:

1. 31 CSF funded projects were identified as having come to completion during 2000–2001. Two of these projects were considered to not totally meet the quality benchmark in that the original objectives were not fully met within the time lines and specifications contained in the terms and conditions of grant. The two projects concerned were for the Department of Human Services (DHS) and the Birchip Cropping Group.

CSF funding was allocated to DHS for a 3 year Community Education program aimed at Problem Gambling Harm Minimisation. In January 2000 the media campaign was discontinued after consultation with the problem gambling services sector indicated that the message was not sufficiently targeted to achieve an early intervention outcome and to engage gamblers in problem gambling services. In response to the perceived failure of the original program to achieve its objectives, additional CSF funding was allocated for a revised problem gambling strategy and communication program.

Commencement on a project to provide a new business operations centre for the Birchip Cropping Group was delayed considerably because of changes in the proposed location and scope of the project. This led to additional funds being required. The grant recipient introduced the above amendments after the initial CSF approval of the grant. Agreement to the proposed amendments was subsequently approved and the project has now been successfully completed.

2. The CSF database identifies funded projects by local government municipalities. No classification or information on projects is available by electorate. The DHS project was statewide and Birchip is in the Shire of Buloke.

3. A total of 17 projects were acquitted during 2000–2001. The reporting provided by the Department of Human Services for a grant provided to that department for a Major Infrastructure for Homeless Youth project was considered to not fully comply with the conditions of grant relating to acquittal of grant. The CSF considered that the financial and program reporting provided by the department did not provide adequate information relating the outcomes of the project.
4. On occasion during 2000–2001, the receipt of reports as required under the agreed terms and conditions of grant have been outside the specified reporting time lines. Follow up requests from the CSF has resulted in reports then being provided within a reasonable period. The delay in the provision of reports has not been considered as significant, nor has it resulted in any material impact on the outcomes of the projects concerned. On several occasions reports from departments responsible for implementation of drug strategy initiatives were delayed, in part, by the complexity of gathering data from funded agencies.
5. The Community Support Fund monitors the progress on all current projects. The monitoring process can include site visits, contact with the recipient organisation, and follow up requests on any outstanding matters relating to the project. The procedures relating to reporting and acquittal of CSF grants are being reviewed as part of the Unit's annual review process. New reporting requirements have been introduced for CSF funded projects being supported under the Government's Drug Strategy Program.

**Transport: Melbourne–Sydney Countrylink passenger services**

**579. MR WILSON** — To ask the Honourable the Minister for Transport —

1. When did financial support for the Melbourne–Sydney Countrylink passenger services commence.
2. How much is being provided by the Victorian Government in 2001–2002 to — (a) Countrylink directly; (b) the NSW Government; and (c) any other providers for these services.
3. Whether the day and overnight services receive an equal subsidy; if not, why.
4. How many passengers were carried on the northbound day and overnight services in — (a) 1999–2000; and (b) 2000–2001 whose journeys originated at — (i) Melbourne Spencer Street; (ii) Benalla; (iii) Wangaratta; and (iv) Albury.
5. How many passengers were carried on the southbound day and overnight services in — (a) 1999–2000; and (b) 2000–2001 whose journeys terminated at — (i) Melbourne Spencer Street; (ii) Benalla; (iii) Wangaratta; and (iv) Albury.
6. What is the lowest number of passengers recorded for the — (a) day; and (b) overnight Melbourne–Sydney services leaving from — (i) Melbourne, for northbound; and (ii) Albury, for southbound services within 2000–2001 and what date did this occur in each case.
7. What percentage of passengers departing from Melbourne on each Countrylink service used pensioner free travel vouchers.
8. What is the average revenue per interstate passenger travelling, excluding pensioner free travel and similar vouchers or passes for which Countrylink receives no fare box revenue on the — (a) day; and (b) overnight service.
9. When will the subsidy be reviewed.

**ANSWER:**

Countrylink has provided all interstate operations to NSW with its XPT service since 1993. Prior to this time both Victoria and NSW were involved in the provision of interstate services. Both before and after 1993 financial support has been necessary to maintain the interstate service.

Under the current arrangement, Victoria pays the State Rail Authority (SRA) of NSW, which operates the Countrylink service, one third of the operating subsidy required to maintain it.

The amount to be paid by Victoria to the SRA for 2001–2002 will not be known until the annual financial result for the service is determined after June 2002. The subsidy payment for 2000–2001 is \$5.37m.

Victoria is also obliged to pay SRA for major upgrades of the XPT train owned by Victoria (but managed and operated by SRA) when this occurs. Engines in the two power cars were replaced last year by SRA and a payment is due for this work.

There are no other payments to the NSW Government or to any other provider.

The subsidy paid by Victoria is based on the overall financial result for the interstate service and is not separated into a subsidy for the day service and a subsidy for the night service. Information is not available to determine the relative amount of subsidy these two services receive. Patronage is higher on the day service, so that it may be expected that the subsidy per passenger is higher on the night service.

Separate data on trips made to and from Melbourne, Benalla, Wangaratta and Albury is not readily available, being held by Countrylink in New South Wales. In 2000 the total number of passengers either travelling interstate or travelling within Victoria northbound was 132,800 and southbound was 128,500.

Countrylink has been approached regarding the availability of such data. I will respond directly to the Member for Bennettswood when a response from Countrylink is received.

Of northbound services for passengers travelling interstate or within Victoria in 2000, 19.3% of the daytime passengers and 13.6% of the overnight passengers were travelling under the pensioner free travel authority.

Using total fare box revenue for 2000/01 matched against total patronage for 2000, average revenue per passenger trip, excluding pensioner free travel passengers was \$40.00. Data is not available on revenue for each of the daytime and overnight services or by interstate and intrastate journeys.

Subsidy arrangements are currently under review with Countrylink.

### **Treasurer: employee satisfaction survey**

**580. MR WILSON** — To ask the Honourable the Treasurer with reference the second employee satisfaction survey mentioned on page 14 of the Department of Treasury and Finance's 2000–2001 annual report —

1. What were the five most frequent areas for improvement mentioned by employees in the survey.
2. How much would implementation of each area of improvement cost over a financial year.
3. What steps is the Department taking to address each area of concern.
4. What timeframe applies to the implementation for each of these measures.
5. Who conducted this survey.
6. What was the cost to the Department.

### **ANSWER:**

I am informed that:

The Department is currently developing a comprehensive Human Resources Strategy for the period 2002 to 2004. The proposed Strategy draws on a range of data, including data from the staff survey. Particular matters addressed by the Strategy will include Organisational Capability, Attraction and Retention, Performance Management and

Leadership Development. The costs of implementing the Strategy will be integral to the administration of the Department.

The survey was conducted by Insight SRC Pty Ltd at a cost of \$65,000.

**Premier: employment and conduct principles**

**582(a). MR WILSON** — To ask the Honourable the Premier with reference to pages 67 and 137 of the Department of Premier and Cabinet’s 2000–2001 annual report and the Commissioner for Public Employment’s 2000–2001 annual report —

1. Which organisations — (a) failed to comply with the employment and conduct principles expressed in the Public Sector Management and Employment Act 1998; and (b) what was the main reason given for this failure by each organisation.
2. Why did the figure of 85 per cent compliance not meet the target of 90 per cent.
3. How many organisations were monitored in 2000–2001.
4. What target for compliance has been set for 2001–2002.
5. How many organisations are expected to be monitored for compliance in 2001–2002.
6. What were the five most common ‘causal factors’ why organisations did not assess themselves as A1 or A2 in 2000–2001.
7. By what year and month will systems be put in place to monitor overall organisations’ satisfaction with development programs.
8. How much is being spent on the monitoring of overall organisations’ satisfaction with development programs in 2001–2002 and what forms does this expenditure take.

**ANSWER:**

I am informed that:

1(a) ‘Compliance’ with the Principles, as measured in terms of OPE’s budget output statements, relies on organisations having documented processes in place. Those documented processes relate to the four areas of Merit Selection, EEO/Managing Diversity, Avenues of Redress and Conduct Management.

Organisations reporting that they do not have documented processes in place in any one or more of the four areas, are counted in the 15% not complying. This does not necessarily mean that the lack of documented processes is across all four areas. It simply means that they do not have a full set.

The Commissioner does not publish the individual self-assessment outcomes, as he believes that the existence of such a ‘league table’ would prove counterproductive.

1(b) The main reason for this compliance ‘failure’, is provided in the explanation to the first part of this question. That is, it is the consequence of the way in which ‘compliance’ has been defined. An organisation need only have no formal processes in **one** of the four relevant areas, to be counted as not complying.

The one clear attribute of organisations generally associated with their ability to meet the criterion for full compliance (ie having formal processes in all four areas), is size. This is shown in Figure 1.13 of the Commissioner’s annual report (page 1.9).

2. The 85 per cent ‘compliance’ rate did not meet the 90 per cent target rate, because an insufficient number of organisations met the strict criterion outlined in response to question 1(a).

As the footnotes to this item in both the Commissioner for Public Employment's and the Department of Premier and Cabinet's annual reports indicate, the causal factors associated with the target are largely outside of the OPE's (that is, the Commissioner's) control.

3. For 2000–2001, there were 245 organisations that were subject to the Public Sector Management and Employment Act 1998 (this figure is reported at page 1.5 of the Commissioner's annual report and the organisations are listed at Appendix D to that report).

Of those 245 organisations, 228 were required to complete the *Organisation Self Assessment*, which is the Commissioner's means of 'monitoring' them in terms of the output measure in question. Organisations with 10 or fewer employees are not required to complete the *Organisation Self Assessment*. Both of these facts are reported at page 1.8 of the Commissioner's annual report.

At page 1.8 of his annual report, the Commissioner also notes that 17 of the 228 organisations did not meet that requirement. Those 17 organisations are identified in Appendix D of the annual report. A further 8 organisations did not return the required information in time for inclusion in the Commissioner's annual report.

4. The compliance target for 2001–2002 remains unchanged. That is, 85%.
5. The number of organisations subject to the Public Sector Management and Employment Act 1998 inevitably fluctuates slightly from year to year. All of the organisations monitored in 2000–2001 will be monitored in 2001–2002, as long as they remain subject to the Act (defined as all public service departments/agencies and all other Victorian public sector organisations that meet the definition of a 'public authority' under the Act). Any new organisations with more than 10 employees, meeting these definitional requirements, will also be monitored.
6. As stated in the response to Question 1, the existence of documented processes in a particular area allows the organisations to achieve an 'A2' rating in that area. The absence of relevant documented processes is the sole reason that organisations did not assess themselves as 'A2' ('A1' goes beyond this, to 'better practice' hallmarks).
7. Systems to measure organisation satisfaction with development programs will be in place by the commencement of the next Graduate Recruitment Scheme program, in February, 2002. (The GRS is the major development program for which the Office of Public Employment has accountability in terms of content and quality).

As measurement will occur at both the early and late stages of the GRS year, data will be available to enable reporting against this budget output measure for the 2001–2002 financial cycle (at 30 June 2002).

8. It is not possible to quantify expenditure on monitoring organisations' satisfaction with development programs. The systems for measurement identified in the response to the previous question will be developed over the next three months, as part of new contracting arrangements.

### **Health: Bennettswood — Royal Dental Hospital waiting list**

583. **MR WILSON** — To ask the Honourable the Minister for Health — how many Victorians were on the waiting list for treatment at the Royal Dental Hospital at the end of each month from May 2001 to October 2001 inclusive in the postcodes — (a) 3125; (b) 3128; (c) 3130; (d) 3149; and (e) 3151.

#### **ANSWER:**

The number of Victorians from the postcode areas on the waiting list for treatment at the Royal Dental Hospital at the end of each month from May 2001 to October 2001 inclusive in the postcodes — (a) 3125; (b) 3128; (c) 3130; (d) 3149; and (e) 3151 is as follows:

The Number of Victorians on the RDHM Waiting list for Postcodes 3125,3128, 3130, 3149 and 3151 as at:					
31/05/2001	30/06/2001	31/07/2001	31/08/2001	30/09/2001	31/10/2001
598	547	567	569	584	580

**Premier: Community Support Fund guidelines**

**584. MR WILSON** — To ask the Honourable the Premier with reference to page 35 of the Department of Premier and Cabinet’s 2000–2001 annual report —

1. When will the Community Support Fund’s published guidelines be ‘revised’ and ‘clarified’.
2. What expenditure is the Department of Premier and Cabinet devoting to this revision and clarification in 2001–2002.
3. What is the target number for applications in 2001–2002.
4. What is the target for the percentage of applications approved in 2001–2002.

**ANSWER:**

I am informed that:

1. It is anticipated that the Community Support Fund revised guidelines material will be released early in 2002.
2. Staff within the CSF Secretariat, as part of their normal duties, have prepared the revised guidelines.
3. A total of 210 applications are anticipated in 2001/02
4. The percentage of applications approved is expected to be 35%.

**Premier: Office of Women’s Policy**

**588(a). MR WILSON** — To ask the Honourable the Premier with reference to page 53 of the Department of Premier and Cabinet’s 2000–2001 annual report —

1. Why was the Office of Women’s Policy only consulted regarding 58 per cent of board or committee appointments in 2000–2001.
2. What percentage of board or committee appointments were the Office of Women’s Policy consulted with between 1 July and 31 October 2001.
3. How many board or committee appointment has the Office of Women’s Policy been made aware of — (a) in 2000–2001; (b) between 1 July 2001 and 31 October 2001; and (c) or expects to be made aware of for the remainder of 2001–2002.

**ANSWER:**

I am informed that:

*The Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committee* were revised and released in April 2001. These guidelines make clear the need to consult with the Office of Women’s Policy on all appointments. While the Office was consulted on 58 per cent of appointments overall in 2000–2001, the Office was consulted on 96 per cent of all appointments in the fourth quarter of 2000–2001 following the release of the revised guidelines.

The Office of Women's Policy was consulted on 96 percent of all appointments from July–October 2001. The Office was made aware of 898 appointments in 2000–2001, and 224 appointments between July–October 2001. While it is possible to predict vacancies where the appointment term is due to expire, a range of other factors impact on the number of vacancies in any given year. This includes resignation of board members and the establishment of new boards and committees. It is therefore not possible to indicate the number of appointments the Office expects to be made aware of for the remainder of 2001–2002.

**State and regional development: VicOne network**

**590. MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to the Minister's press release of 22 August 2001 regarding the \$52 million expansion of the high-speed broadband network VicOne managed by AAPT —

1. Whether any expansion of the network has occurred since the press release.
2. What — (a) physical infrastructure has been constructed; (b) further services have been offered; and (c) further services have been ordered under the expansion.
3. What benefits have been obtained by the Victorian — (a) public sector; and (b) private sector as a result of the expansion.
4. How much commercial support for AAPT has the Government pledged in exchange for the expansion of Vic One.
5. How much Government expenditure has been pledged towards the expansion of VicOne.
6. Have any State funds been spent on the expansion of VicOne.

**ANSWER:**

I am informed that:

1. Since August 22 of 2001, AAPT has built new network infrastructure in Bendigo, Shepparton, Horsham, Ararat, Wangaratta and Bairnsdale as part of the VicOne network. AAPT will continue to expand its network to other regional areas over the next year.
2.
  - (a) Telecommunications towers and high speed broadband wireless infrastructure has been constructed at each of these locations and connected to AAPT's broadband core network.
  - (b) AAPT's expanded network offers new services to the Government and business including high speed broadband data services, video-conferencing services and Internet services.
  - (c) Each Government agency will make its own decision in respect to additional services to be ordered.
3. (a) & (b). As AAPT rolls out the network, both government and the private sector will have access to high speed broadband services at reduced prices due to improved competition. A number of private businesses in Melbourne, Geelong, Bendigo, Shepparton, Horsham, Ararat, Wangaratta and Bairnsdale have connected to the upgraded network and are benefiting from reduced prices for broadband services.
4. In September 1997 the Victorian Government awarded AAPT, by public tender, the VicOne contract to deliver Internet Protocol (IP) network services to Victorian Government agencies for five years. Use of the VicOne network was mandated for all budget sector agencies, which includes government offices, schools, hospitals, police stations and the courts.
5. All Departments and agencies enter into individual contracts with AAPT for the services they use over the entire VicOne network infrastructure.

6. No — VicOne is owned and operated by AAPT and all capital invested in the network is funded by them.

**Premier: synchrotron project**

**591. MR PERTON** — To ask the Honourable the Premier with reference to the Government's Synchrotron project —

1. Why is this project being two-thirds underwritten by the State of Victoria instead of by Federal government funding.
2. Whether the project is \$57 million short of funding.
3. What agreements are in place with the private sector and academic institutions to provide funding.
4. What budget is in place for recurring costs, future plant upgrades and maintenance.
5. Whether there is a business plan for the project; if so, what are the details.
6. Was there financial support in place at the time of announcement of the project.
7. Whether future financial support is dependent on the project's building being ready to use.

**ANSWER:**

I am informed that:

The synchrotron project is currently on course. On 21 June 2001 it was stated that Victoria would finance up to \$100 million of the \$157 million project capital cost with the balance derived from a range of other sources.

The Commonwealth Major National Research Facilities program offered a maximum \$45 million towards the project. Even with matching Victorian funding further finance would need to have been found from other sources.

The Victorian Government decision ensures that there will be an Australian synchrotron, which the Major National Research Facilities program could not guarantee, and that the synchrotron will be in the best location at Clayton. This large and extremely complex project requires engineering precision of the highest order and will take five years to complete.

The initial focus has necessarily been on settling the technical design parameters. Other matters, particularly finance and construction issues, will then be addressed as was always proposed. Therefore future financial involvement in the project by other parties, including the Commonwealth Government, will be addressed soon.

The Victorian Government has gone to the market with a Request for Registration of Interest for project management services to gauge the capability, willingness and ideas of Australian industry in delivering the project. The Victorian Government will go to the market by early 2002 for advice on how the synchrotron project may be financially structured consistent with the highly technical nature of the project.

**State and regional development: tri-state alliance**

**592. MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to the Tri-State Alliance and the involvement of New South Wales and Queensland —

1. What announcements have New South Wales and Queensland made regarding the Alliance.
2. What resources has Multimedia Victoria applied to the Alliance.
3. Whether the New South Wales and Queensland governments hold any documentation about the agreement to form the Alliance.

**ANSWER:**

I am informed that:

1. The multi-state alliance concept has proven successful in lobbying for change in Commonwealth policy and programs. For example, the Television Black Spots program run by the Department of Communications, Information Technology and the Arts (DCITA) was heavily modified after a coordinated approach from the States led by Victoria. Other examples include coordinated approaches to regional telecommunications and ICT research and development.
2. Multimedia Victoria maintains a good working relationship with other State Governments and is ever vigilant for opportunities to work with the NSW and Queensland Governments in situations where State boundaries are irrelevant. Multimedia Victoria services the Alliance from within existing resources.
3. The Victorian Government is unaware of the record-keeping arrangements of other State Governments.

**State and regional development: tri-state alliance**

**593. MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to the Connecting Victoria statement, which states that one of the key intentions of this policy statement is to establish a Tri-State Alliance on regional communications with Queensland and New South Wales —

1. What agreements have been put in place under the Alliance on regional communications.
2. What work has been undertaken under the Alliance.
3. Have there been any meetings of the Alliance.
4. Whether there is a working party or committee responsible for the Alliance; if so — (a) who are the members; and (b) when has it met.
5. How does the Alliance fit in with, detract or differentiate itself from Federal government efforts.

**ANSWER:**

I am informed that:

1. The Tri-state alliance on Regional Communications is now a multi-state alliance. The arrangements are not formalised as various States are involved in different cross-border and national initiatives to varying degrees.
2. The multi-state alliance concept has proven successful in lobbying for change in Commonwealth programs. For example, the Television Black Spots program run by the Australian Department of Communications, Information Technology and the Arts (DCITA) was heavily modified after a coordinated approach from the States, led by Victoria. Other examples include coordinated approaches to regional telecommunications and ICT research and development.
3. State government officials have met when and where necessary to address the various cross-border issues as outlined at point 2.
4. There are no resources committed to a formal working party or committee.
5. The Alliance compliments Federal Government efforts.

**Planning: water sources**

**596(b). MR WILSON** — To ask the Honourable the Minister for Planning with reference to page 3 of the Plumbing Industry Commission's 2000–2001 annual report which states that 'our water resources are

limited' and further 'it has been estimated that, with our present resources, this demand is not sustainable far into the next decade' — how does this statement accord with Melbourne Water's *The Source* magazine, edition 16, page 2, which states that new water sources are not required for Melbourne until 2040.

**ANSWER:**

The Source magazine quoted in the question refers specifically to water supply for Melbourne. The comments from the Plumbing Industry Commissioner in the Annual Report are not referring specifically to the Melbourne situation but to the broader issue of a limited resource and the need to conserve this vital resource.

The Plumbing Industry Commission should be commended for its effort in promoting energy efficiency measures and for increasing the awareness among the plumbing practitioners and the consumers of the benefits of using water saving products and installations.

**Community services: community visitor appointments**

**597. MR WILSON** — To ask the Honourable the Minister for Community Services with reference to pages 38 and 39 of the Office of the Public Advocate's 2000–2001 annual report —

1. How many of the 79 prospective Community Visitors who were undergoing training at 30 June 2001 have been appointed as Community Visitors.
2. How many appointed Community Visitors have left the program between 1 July and 31 October 2001.
3. How many appointed Community Visitors were there at 31 October 2001.
4. Has any specific additional funding been provided to the Office of the Public Advocate for further recruitment campaigns in 2001–2002; and — (a) if so, how much; and (b) if not, what expenditure does the Office of the Public Advocate expect to commit from existing funding in this area in 2001–2002.

**ANSWER:**

I am unable to answer this question as it does not fall within my portfolio responsibilities and should be more appropriately referred to the Attorney-General.

**Premier: volunteers festival**

**598(a). MR WILSON** — To ask the Honourable the Premier —

1. How many volunteer organisations have registered with the Melbourne Museum for free entry for their members in conjunction with the International Year of Volunteers Festival on 2 December 2001.
2. What details are volunteer organisations registering for free entry to the Melbourne Museum required to supply.
3. Whether the names of volunteer organisation coordinators, their telephone numbers, or other details supplied to the Melbourne Museum will be used by the Government or departments and agencies for future telephone canvassing, mail-outs, or similar party political promotions.
4. Whether the Melbourne Museum is supplying the Department of Human Services, the International Year of the Volunteers secretariat or Ministers access to the list of volunteer organisations registered for free entry to the Museum.

**ANSWER:**

I am informed that:

I refer the Honourable Member to the response in the Legislative Assembly question number 598B provided by the Minister for Community Services.

**Community services: volunteers festival**

**598(b). MR WILSON** — To ask the Honourable the Minister for Community Services —

1. How many volunteer organisations have registered with the Melbourne Museum for free entry for their members in conjunction with the International Year of Volunteers Festival on 2 December 2001.
2. What details are volunteer organisations registering for free entry to the Melbourne Museum required to supply.
3. Whether the names of volunteer organisation coordinators, their telephone numbers, or other details supplied to the Melbourne Museum will be used by the Government or departments and agencies for future telephone canvassing, mail-outs, or similar party political promotions.
4. Whether the Melbourne Museum is supplying the Department of Human Services, the International Year of the Volunteers secretariat or Ministers access to the list of volunteer organisations registered for free entry to the Museum.

**ANSWER:**

1. More than 350 organisations registered with the Melbourne Museum by Friday, 30 November, for free entry to the Museum for their members in conjunction with the International Year of Volunteers Festival on 2 December 2001. Each organisation was asked to nominate the number of volunteers who would attend from their organisation. Melbourne Museum advised that approximately 1000–1500 volunteers were registered to take advantage of the free Museum access.
2. Volunteer organisations registering for free entry to the Melbourne Museum supplied the following information:
  - Organisation name
  - Name of contact person at organisation
  - Organisation phone number
  - Estimated number of volunteers requiring free entry to the Museum
3. Melbourne Museum took full responsibility for the process of registering volunteers for the offer of free entry to the Museum on 2 December. Melbourne Museum did not supply registered volunteer contact details to any other body.
4. Melbourne Museum has supplied a list to the Department of Human Services of the organisations that registered volunteers to receive free entry to the Museum. This list provides only the names of the registered organisations. The list does not include volunteer contact names, addresses or phone numbers.

**Premier: volunteers festival**

**599(a). MR WILSON** — To ask the Honourable the Premier with reference to the — (a) double-sided purple brochure; (b) invitation; and (c) poster printed for the International Year of Volunteers Festival on 2 December 2001 —

1. How many copies of each were produced.
2. What was the cost of the printing of each.
3. Were public tenders let for each; if not, why.

4. Who printed each document.

**ANSWER:**

I am informed that:

I refer the Honourable Member to the response in the Legislative Assembly question number 599B provided by the Minister for Community Services.

**Community services: volunteers festival**

**599(b). MR WILSON** — To ask the Honourable the Minister for Community Services with reference to the — (a) double-sided purple brochure; (b) invitation; and (c) poster printed for the International Year of Volunteers Festival on 2 December 2001 —

1. How many copies of each were produced.
2. What was the cost of the printing of each.
3. Were public tenders let for each; if not, why.
4. Who printed each document.

**ANSWER:**

1. There were no official invitations produced for the IYV Festival. The promotional material that was produced includes an A4 double-sided flyer, an A2 poster and a bookmark. The quantities of each produced was:

– A4 double-sided purple brochure:	92,000
– A2 poster:	5,000
– Bookmark:	12,000

2. The total cost of printing the above Festival promotional material was \$11,110.

– A4 double-sided purple brochure:	\$6706
– A2 poster:	\$2021
– Bookmark:	\$2383

3. As per Victorian Government Purchasing Board (VGPB) rules the Department obtained three written quotes to determine the most cost effective and best value price. Public tenders were not required.
4. Each of the above-mentioned documents was printed by Print Bound Pty Ltd.

**Transport: Victrack infrastructure works**

**606. MR WILSON** — To ask the Honourable the Minister for Transport with reference to page 11 of Victrack's 2000–2001 annual report and the railway stations and associated infrastructure at — (a) Kangaroo Flat; (b) Malmsbury; (c) Creswick; (d) Manangatang; (e) Pirron Yallock; (f) Irymple; (g) Chiltern; (h) Rosedale; and (i) Bridgewater —

1. What is the cost of 'upcoming maintenance and restoration works' planned in 2001–2002 for each area.
2. Whether any works have been carried out at each area since 1 July 2001; if so, what is the nature of such works.
3. What is the nature of any further works scheduled to be carried out at each area during 2001–2002.

4. Whether tenders have been called for the leasing of any of the railway stations; if not, why.
5. Whether all the stations are currently unattended.
6. Whether it is possible for some of the stations to be occupied as residences, either through long term lease or sale.
7. Whether any restoration work undertaken will be monitored to minimise vandalism; if so, how will such monitoring be undertaken.
8. Whether vandalism at Creswick station has been a problem.

**ANSWER:**

1. Cost of 'upcoming maintenance and restoration works' planned in 2001–2002

Kangaroo Flat	\$ 180,000
Malmsbury	\$ 60,000
Creswick	\$120,000
Irymple	\$ 40,000
Chiltern	\$ 60,000
Rosedale	\$ 20,000
Bridgewater	\$ 60,000

2. Works carried out since 1 July 2001:

Kangaroo Flat — double-storey section of station building:

Removal of rubbish and fire damaged material, New slate roof (Oregon pitched rafters, New Welsh slate ILO second hand slate tiles), roof finishes including fascia and barges, decorative eave corbel brackets and lining boards to eaves, gutters, brickwork repair, two chimney tops rebuilt, 3 new timber framed windows, painting.

Malmsbury

Assessment of structural damage to goods shed roof carried out.

3. Works scheduled to be carried out during 2001–2002

Kangaroo Flat

Completion of restoration of exterior and interior works including — electrical/services installation, ceilings and render of walls, floors, doors and surrounds, windows, staircase, painting and generally redecorate.

Malmsbury

Works to be determined following assessment of report on goods shed roof.

Creswick

Station building — reslate roof, new verandah sheeting and fascia, rebuild chimney, replace flashings, guttering/downpipes, reglaze windows, brickwork repair, clean brickwork, asphalt resurfacing.

Signal box — new weatherboards, reglaze windows, replace upper level doors, roof repairs, painting and balcony repair.

Van shed — roof repairs, new weatherboards, painting.

Lamp room — brickwork repair, new door, roof repairs, painting.

Irymple

Discussions presently taking place re: possible relocation of buildings to Redcliffs.

Chiltern

Roof repairs, new galvanised iron roof, new gutters/downpipes, polycarbonate roof sheeting over central ridge, brickwork repairs, repair steps and secure building — in negotiation with Heritage Victoria regarding scope.

Rosedale

Roofing works, internal and external painting and connection to sewer.

Bridgewater

Services, roof repair/clean, gutters/downpipes, fascias, windows, lining boards, replaster walls, painting, lattice work, wall repairs, secure outbuildings, re-asphalt platform and general tidy-up.

4. Tenders called for leasing of railway stations:

Kangaroo Flat — station to be advertised along with goods shed after current external works are completed on station building. Station to be fitted out according to proposed tenants requirements in conjunction with Heritage Victoria.

Malmsbury — station building and goods shed leased.

Creswick — Creswick goods shed is leased. Lease arrangements for the remaining buildings on the site including station are being negotiated.

Irymple — presently vacant but has been advertised.

Chiltern — goods shed to be advertised once the building has been made weather proof. Station building is presently under offer.

Rosedale — station building and goods shed are leased.

Bridgewater — presently under offer.

5. Stations currently unattended:

None of the stations are currently used for rail operations.

6. Stations leased (or sold) as residences:

All of the stations could potentially become residences.

7. Monitoring following restoration work to minimise vandalism:

Regular site visits are undertaken to check on the condition of stations. It is the intention that once restoration works have been completed at a particular site the building/s can be leased and hence having a presence on site will deter vandals. Between the time that restoration works are completed and the time that a suitable tenant is found the building will be secured ie. shutters installed on windows and doors.

8. Vandalism at Creswick Station:

The Creswick Station buildings were damaged by vandals earlier this year. At least two separate incidents were reported. In response to the vandalism the buildings were secured to a higher level and are regularly inspected. No further vandalism has been observed since securing of the buildings.

**Transport: Victrack rail services**

**607. MR WILSON** — To ask the Honourable the Minister for Transport with reference to page 4 of Victrack's 2000–2001 annual report —

1. Was the railway line between Mildura and Yelta omitted from the map of the Victorian railway network.
2. Whether the railway line between Strathmerton and Cobram is currently in use.
3. When did the last train run between Strathmerton and Cobram.
4. Whether the Strathmerton to Cobram section of track is being maintained; if so what — (a) is the cost in 2001–2002; and (b) speed are freight trains authorised to run at over this section.
5. Whether there are any plans to dismantle the track between Strathmerton and Cobram.
6. What efforts are being made to encourage rail traffic between Strathmerton and Cobram.
7. When did the last train run between Cranbourne and Nyora.
8. Whether the Cranbourne to Nyora section of track is being maintained; if so what — (a) is the cost in 2001–2002; and (b) speed are freight trains authorised to run at over this section.
9. Whether the railway line between Warrnambool and Dennington is still open.

**ANSWER:**

1. The line from Mildura to Yelta was omitted from the map of the Victorian railway network, as it was diagrammatic only and showed only the major centres. Victrack is primarily a land manager. The diagram depicts major areas of land management as much as it purports to show live operating rail lines.
2. The railway line between Strathmerton and Cobram is under the Freight Australia primary lease and is currently closed for operations.
3. The last train ran between Strathmerton and Cobram in February 1996.
4. The Strathmerton to Cobram section of track is on minimum maintenance only, with reserve management and level crossings being inspected and maintained. The costs for maintenance are contained within Freight Australia's annual maintenance budget, and have not been separated out. When closed, freight trains were operating at 80 kph.
5. At this stage, there are no plans for dismantling the track between Strathmerton and Cobram.
6. Currently, Victrack is not aware of any rail freight customers interested in operating on the Strathmerton to Cobram line. Rail facilities at Tocumwal adequately handle current rail requirements.
7. The last scheduled service to run between Cranbourne and Nyora was in January 1998.
8. The Cranbourne to Nyora section of track is on minimum maintenance only, with reserve management and level crossings being inspected and maintained. The costs for maintenance are contained within Freight Australia's annual maintenance budget, and have not been separated out. When closed, freight trains were operating at 20 kph. It should be noted that the Government intends to reintroduce the rail passenger service to Leongatha by the end of 2004, as part of the Linking Victoria Project.
9. The railway line between Warrnambool and Dennington is still open.

**Police and emergency services: Victoria Police Workcover premiums**

**612. MR WELLS** — To ask the Honourable the Minister for Police and Emergency Services —

1. What were Victoria Police's Workcover premiums, in actual dollar terms, for the financial years ended — (a) 30 June 2000; and (b) 30 June 2001.
2. What was the percentage change, compared to budget, in Victoria Police's Workcover premiums for the financial years ended — (a) 30 June 2000; and (b) 30 June 2001.

**ANSWER:**

I am informed that the difference between the initial premiums of 1999/00 and 2000/01 are attributable to a range of factors including, the introduction of the GST, increases in industry rates and wage increases as well as differences in claims experience. With the exclusion of claims experience all other increases have been fully supplemented by government.

The Government, together with Victoria Police, the Police Association and the CPSU/SPSF are working on a strategy to reduce claims. However, anecdotal evidence suggests that stress related claims increased following the deliberate reduction of police numbers by 800 during the last 3 years of the previous Government. The Bracks Government has taken steps to address this and I am pleased to report that we have achieved over 10,300 effective full-time sworn police (including recruits in training) in Victoria Police as at 17 December 2001. This is up from 9,500 on 30 June 1999.

**Transport: regional fast rail project**

**617. MR WILSON** — To ask the Honourable the Minister for Transport with reference to page 25 of Vicroads' 2000–2001 annual report — what changes to the road system will be made to support the regional fast rail projects between Melbourne and — (a) Geelong; (b) Ballarat; (c) Bendigo; and (d) Traralgon in — (i) 2000–2001; and (ii) 2002–2003.

**ANSWER:**

- (i) No changes will be made in 2001–2002 as the rail projects are in the planning phase.
- (ii) Any necessary changes to the road system will be identified in the planning phase for the rail projects.

**Transport: tram route 109 project**

**623. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the response to question 470 — (a) how much of the \$100 million investment in new 'low floor' trams for Yarra Trams is being provided by government; and (b) will other private operators be provided with similar support.

**ANSWER:**

- (a) The financing arrangements for all of the rolling stock purchases currently under way were put in place by the previous Government under contracts signed by the Kennett Government and public transport operators in August 1999.

These arrangements involve:

- Purchase of the rolling stock directly by a third party lessor (usually a financier);
- Leasing of the rolling stock by the lessor to the relevant franchisee;
- The lease entered into will run for 15 years with provision to novate the lease to a succeeding franchisee and for the Government to buy back the vehicles at the end of 15 years; and

- Payment by the Government of a franchise subsidy adjustment on account of the additional lease payments incurred by the franchisee.

The franchise subsidy adjustments to be paid by Government were bid by franchisees at the time of the letting of franchises as was the buy-back price at the end of the lease should the Government wish to pursue this option. Assuming that the Government of the day does exercise the option to purchase the rolling stock (or enter into a second long-term lease) the Government contribution will effectively cover the whole of the purchase price and financing costs.

- (b) The funding framework described above applies to all of the private operators purchasing new trams and trains.

### **Transport: traffic management**

**625. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the response to question 471 —

1. What are the details of the traffic management proposal for — (a) Collins Street in the Melbourne central business district; (b) Victoria Street, Richmond; (c) Kew Junction; and (d) High Street and Cotham Road, Kew, being part of the Route 109 development.
2. What impact will these traffic management proposals have on — (a) parking, (b) traffic speeds at tram stops; and (c) traffic movements at intersections.

**ANSWER:**

1. The City of Melbourne has responsibility for Collins Street through the Melbourne central business district, including any traffic management proposals associated with construction of superstops by Yarra Trams as part of the Route 109 development.

Details of traffic management proposals associated with the Route 109 development through Victoria Street, Richmond; Kew Junction and High Street and Cotham Road, Kew have not yet been developed. Traffic management measures in these areas will be dependent on the final form of the Route 109 treatments following the associated community consultation process.

2. Yarra Trams' construction of superstops in Collins Street at Swanston Street and of the westbound superstop in at Spring Street has resulted in the removal of 18 on-street parking/loading bays in Collins Street. The proposed eastbound superstop in Collins Street at Spring Street will involve banning the right turn movement from Collins Street into Spring Street, but is not expected to lead to the removal of any on-street parking/loading bays in Collins Street. There is no information available on the impacts on traffic speeds at these tram stops.

As final designs and proposals are not yet available, impacts on parking are not yet known. However, parking and traffic management issues will be key issues discussed with Councils, community and traders groups along the route.

Traffic speeds at tram stops will be dependent on the form of stop adopted at particular locations along route 109. Tram stops along route 109 will be made compliant with the Commonwealth Disability Discrimination Act 1992, however, the stops may take a number of forms. Where tram commuters are stored in the footpath area (as is currently the case at most tram stops) traffic would by law, still be required to stop when a tram is stationary. Where tram commuters are able to be stored within the roadway area (as is the case with existing 'safety stops' and with the new superstops in the Melbourne Central Business District) traffic as is currently the case, would not be required to stop by virtue of there being a stationary tram at the tram stop.

### **Transport: Metroplan strategy**

**626. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the Metroplan strategy — (a) what are the costs involved in the development of the strategy; and (b) what is the breakdown

which shows the total costs involved in — (i) community forums; (ii) distribution; (iii) printing; and (iv) administration.

**ANSWER:**

The Government has made significant progress in the development of the Melbourne Metropolitan Strategy. This is the first major update of the Metropolitan Strategy for 15 years and will provide guidance for the development of Melbourne and its region for the coming 20–30 years.

The 2000–2001 State Budget included funding of \$1.0m in 2000–2001 and \$0.5m in 2001–2002 for the development of the Metropolitan Strategy Initiative. Existing Departmental resources have also been assigned to the project with the total cost for the project as at October 2001 being \$2.7m.

	1999/00	2000/01	2001/02	Totals
<b>ERC Funding</b>	N/A	\$1.0m	\$0.5m	\$1.5m
<b>Departmental Budget</b>	\$0.16m	\$1.13m	\$0.15m	\$1.4m
<b>Total Expenditure</b>	\$0.16m	\$2.13m	\$0.4m (as at Oct 01)	\$2.7m (as at Oct 01)

During the periods of October to December 2000 and April and May 2001 over 2,200 people attended the forums to participate in the development of the strategy. In total there were 33 community forums held in metropolitan and regional Victoria. The total cost to date to provide these valuable forums has been \$0.82m. This figure includes the hire of equipment, facilities and facilitators.

The Metropolitan Strategy has generated a number of publications, which have enabled all Victorians to understand the challenges facing Melbourne’s development, and to contribute to the strategy. The total cost to date for the printing and distribution of these items has been \$0.27m.

The administrative expenses that relate directly to this project to date are \$0.23m, this figure includes expense items such as data purchases, telecommunications, travel related and office expenditure.

**Transport: rural and regional bus subsidies**

**627. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of the annual financial subsidy for Victoria’s rural and regional bus services broken down into payments to each private operator for — (a) 1995–1996; (b) 1996–1997; (c) 1997–1998; (d) 1998–1999; (e) 1999–2000; and (f) 2000–2001.

**ANSWER:**

The information requested is confidential to the individual contract arrangements between Rural and Regional Bus operators and the Department of Infrastructure and therefore cannot be provided in this instance.

The outturn payments in aggregate are available for Rural and Regional Bus Services see below

Year	Cost in today’s \$ \$M
1995/96	21.30
1996/97	23.27
1997/98	21.42
1998/99	21.33
1999/00	24.92

Year	Cost in today's \$ \$M
2000/01	24.40

Note that ERC funding for airconditioning and student revenue issues was included in the base contract from 1999

**Transport: metropolitan bus subsidies**

**628. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of the annual financial subsidy for Melbourne metropolitan bus services broken down into payments to each private operator for — (a) 1995–1996; (b) 1996–1997; (c) 1997–1998; (d) 1998–1999; (e) 1999–2000; and (f) 2000–2001.

**ANSWER:**

The information requested is confidential to the individual contract arrangements between Metropolitan Bus operators and the Department of Infrastructure and therefore cannot be provided in this instance.

The outturn payments in aggregate are available for Metropolitan Bus Services (see below).

Years	Cost in today's \$
1995/96	204.61
1996/97	196.80
1997/98*	198.91
1998/99	203.73
1999/00	205.61
2000/01**	208.30

Note : Bus contracted services were managed by PTC and DOT in the years prior to June 1996

1997/98\* MBL won the tender for Government bus contract and started operating in April 1998.

1998/99 The full year impact of MBL took effect in 1998/99.

2000/01\*\* The volatility of world fuel prices and unexpected increases in Wage oncosts contributed to an increase in budget outturn.

Note: ERC funding for new services and airconditioning was included in the base contract from 1999.

**Transport: regional fast rail project**

**630. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to costs for the regional fast rail project —

1. What are the details of the additional costs which have been identified by the Rail Projects Group of the Department of Infrastructure which exceed the Government's allocation of \$340–\$380 million towards the regional fast rail project.
2. What are the details of the commitment by the Government to funding these additional identified costs.

**ANSWER:**

1. As set out in the Request For Tender (RFT) documentation, the Nett Present Value (NPV) of the Government's \$550M commitment is \$430M as at 1 July 2000 at a discount rate of 8.65% (nominal). This commitment is intended to fund infrastructure upgrades; infrastructure related costs such as land acquisition (if required) and track occupations; and non-infrastructure elements such as the incremental cost of the new higher performance rolling stock and service subsidies for new regional fast rail services.
2. Further disclosure of the budget breakdown at this stage would prejudice negotiations to be held with the operating franchisee, the lessee of the track and the preferred bidders, and hence is considered as commercial-in-confidence.

**Transport: regional fast rail project**

- 631. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of the maximum Government commitment to the regional fast rail project.

**ANSWER:**

The Government's commitment to the Regional Fast Rail Project is \$550 million.

**Transport: City Link concession fees**

- 634. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of the write down of \$63 million in concession fees receivable by the Melbourne City Link Authority in 2000–2001, as described in the 2001–2002 Financial Report for the State of Victoria.

**ANSWER:**

This change was fully described in the Authority's 2000/2001 Annual Report, at page 9 and in Note 12 to the Financial Statements, page 59.

In 1999/2000, the Authority in preparing its statements, assumed that Transurban would be successful in its dispute with the Australian Taxation Office (ATO) about the deductibility of Concession Fees.

However, during 2000/2001, the ATO rejected Transurban's formal objection and little progress was made on the matter through the courts. It is very likely that the dispute will be drawn out. Given the uncertainty of the outcome along with now certain delay involved, the Authority has now adopted a more conservative approach to the valuation of the Concession Fees and has assumed that Transurban will not be successful in its court action.

The change in policy adopted by the Authority manifests itself as a write down of the present value of the notes at the 30 June 2000 from \$103.3 million to \$40.6 million.

Under the arrangement negotiated by the former Kennett Government, the State carries a risk that the value of the Concession Fees will be impacted by Transurban's financial performance.

**Transport: City Link outstanding issues**

- 635. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the City Link project —
1. What outstanding issues remain.
  2. What are the details of the compensation which may be payable as described in the 2001–2001 Financial Report for the State of Victoria.
  3. What action is being taken by the Government in the resolution of the outstanding issues.

4. Why have these not been resolved at various stages of the negotiation process, such as the \$10 million release from a single purpose entity.
5. What mechanisms are in place to prevent significant losses to the State.

**ANSWER:**

In a project of the size and complexity such as the City Link, there are always a range of matters under discussion for resolution. In construction terms, the major issues to be resolved include:

- the resolution of remaining minor defects and omissions identified by the Office of the Independent Reviewer (OIR) at Completion. The OIR was of the opinion that these works did not impact on the full and safe operation of the Link. Most of these matters have now been resolved under the defects correction provision of the Concession Deed;
- additional enhancements to the Burnley Tunnel that have been identified by Transurban's contractor following the failure in a panel of an arch in the tunnel in February 2001. These works are being undertaken from December 2001 at the cost to the contractor; and
- finalisation of a ground water strategy to manage the impact on surface assets due to accelerated settlement. The strategy can only be determined when the ground water recharge has reached equilibrium.

These matters are outlined in the 2000/2001 Annual Report of the Melbourne City Link Authority (pages 6–17). In addition, the Authority lists a number of work fronts that will need to be addressed over the coming year (Chief Executive's Report, page 7).

Compensation matters referred to in the 2000/2001 Financial Report for the State of Victoria concern land and a Material Adverse Effect (MAE) claim by Transurban of \$35.8 million received by the State in February 2001. This claim relates to the decision of the Kennett Government to construct the North–South Road and make other changes to the road network in the Docklands area. The Bracks Government is now endeavouring to minimise any exposure to taxpayers this has created.

Land compensation details are outlined in the Authority's Annual Report (page 27) and relate to the acquisition of land for the project. As stated in the Report, during the year, 11 claims for compensation were settled by negotiation, 14 claims remain outstanding and two cases were suspended due to expiry of time. The outstanding claims with private landowners will be dealt with through negotiation and some may be resolved through the Victorian Civil and Administrative Tribunal (VCAT) or through the courts. These matters are unrelated to the State's recent agreement with Transurban concerning Transurban's release from single purpose entity.

As you would be aware, the agreement between the Bracks Government and Transurban concerning Transurban's release from single purpose entity was the outcome of discussions between the two parties. The agreement enables the company to take part in other projects and at the same time benefits the Victorian community through the development of new export industries and the promotion of Melbourne as an international centre of tolling and Intelligent Transport Systems (ITS) technology.

As you would be aware, amendments to Transurban's Concession Deed to release it from single purpose entity were tabled last October in both Houses of the Victorian Parliament and were passed in both Houses of Parliament without opposition.

State management of the Concession Deed has been carefully considered by the Bracks Government in the period before the wind-up of the Melbourne City Link Authority. The Board of the Authority finished its appointment on 31 December 2001.

In recognition of the importance of the management of the Concession Deed, the Government has established the Director, Melbourne City Link as an appropriate long-term administrative structure to oversee the project.

As you would be aware, legislation was introduced in November into Parliament to establish the statutory position of Director, Melbourne City Link, to be employed under part 3 of the Public Sector Management and Employment Act 1998, within the Department of Infrastructure. This legislation took effect from 1 January 2002.

The Director, Melbourne City Link, is responsible for the State management of the Concession and to ensure that public safety, operational and commercial issues are addressed.

By establishing a statutory function to the Director, Melbourne City Link, the Government has ensured a clear accountability for the State's interests in the project.

**Transport: city loop capacity**

**636. MR LEIGH** — To ask the Honourable the Minister for Transport —

1. What is the capacity of the City Loop system.
2. What is the current volume on the City Loop system.
3. What measures have been undertaken to ensure future capacity can be met.
4. What alternatives are being investigated for the City Loop service.

**ANSWER:**

1. The City Loop has 4 separate tracks and has a signal headway at 130 seconds at line speed of 60 kph.

Based on a 180 second headway (which includes 130 signal headway plus 50 seconds for dwell times to load and unload passengers) the capacity of each of the four tracks is approximately 20 services per hour.

2. Currently each of the tracks through the City Loop carries about 16–18 services per hour during the AM peak period. The total number of services operating through the City Loop is 4,608 per week.
3. There are no current measures being undertaken other than planning exercises to address future capacity. Achievement of long term objectives to increase the use of public transport in Melbourne will inevitably place increasing pressures on the inner part of the rail network. The Northern/Western access needs to provide for services to major suburban growth areas (such as Werribee and Sydenham) as well as to Geelong, Ballarat and Bendigo and will be a major pressure point in the years ahead.
4. In the long term, consideration will need to be given to providing additional rail capacity in and around central Melbourne. Options may include major resignalling programs and construction of new tracks.

**Transport: Infrastructure operating expenses**

**640. MR LEIGH** — to ask the Honourable the Minister for Transport —

1. Why has the Department of Infrastructures operating expenses risen from \$838 million in 1998 to \$2.377 billion in 2001.
2. What is the itemised breakdown of this increased expenditure and where was the money allocated in each year since 1998.

**ANSWER:**

The basis for the significant increase in expenditures relates to 'changes to accounting policies' effective from the 1998/1999 year and were summarised in the audited financial statements under Note 1(c) and Note 7 of the 1998/1999 Annual Report.

The changes were as a result of the implementation of Accrual Output Based Management (AOM) which was introduced by the former Government under changes to the Financial Management Act 1994 during the 1998/1999 year. Three information booklets with regard to the AOM changes were released by the Department of Treasury and Finance to coincide with the new reporting requirements (see attached copies).

In 1997/1998 and prior years, funding and budgeting were based on cash costs only. In 1998/99 and onwards output costs were higher due to the inclusion — for the first time — of non-cash items. Depreciation expense which is a significant non-cash item, therefore impacts on both the revenue (funding) and expenditure (purchase of outputs) sides of the Statement of Financial Performance.

Activities which were previously classified as ‘administered’ in 1997/1998 are now treated as ‘controlled’ activities in the provision of outputs and other activities which were previously classified as ‘controlled’ in 1997/1998 are now treated as ‘administered’. These changes are reflected for the first time in 1998/1999 and onwards in the Statement of Financial Performance. As such there was also a transfer of expenditures between ‘administered’ and ‘controlled’ disclosure within the audited financial statements.

Note 1(c) of the audited financial statements for the 1998/1999 year clearly itemises the major impacts of the expenditure changes on the audited financial statements in the first year following the introduction of Accrual Output Based Management. This reflects the basis for the significant increase to the 2001 year. These changes became effective from the 1998/1999 year for State Budgets and annual financial reporting of departmental operations under the Financial Management Act.

The major impacts as a result of the changes (as itemised in Note 1(c) of the 1998/1999 Annual Report financial statements) are:

- Expenditure for the purchase of road, rail, bus and marine services (reflecting the impact of the inclusion of non-cash items, eg. depreciation and items previously treated as ‘administered’, now ‘controlled’) — \$1.6 billion — as follows:

Extract from Note 7 — 1998/99 financial statements

‘7. Expenditure on Road, Rail, Bus and Marine Services

	1999 (\$'000)	1998 (\$'000)	Difference (\$'000)
Government rail services	828,160	6,480	
Government road services	739,345	—	
Private bus and rail services	222,071	205,540	
School bus contracts	101,402	96,070	
Multipurpose taxi	32,668	29,341	
Non-electrified track services	40,220	29,764	
Other	3,789	785	
	<u>1,967,655</u>	<u>367,980</u>	<u>1.6 billion (approx)</u>

Activities which were previously classified as ‘administered’ in 1998 are now treated as ‘controlled’ activities in the provision of outputs (see also Note 1(c) and 1(d).’

Commonwealth funding on-passed to Local Councils (previously treated as ‘controlled’, now ‘administered’) — \$289 million.

*[Attachment referred to in answer has been supplied to honourable member and a copy tabled in the parliamentary library.]*

### Transport: Infrastructure salaries

- 641. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of the \$2.409 million increase in salaries as described in the 2001–2002 Financial Report for the State of Victoria itemised by — (a) each sector within the Department of Infrastructure; and (b) each salary classification level.

**ANSWER:**

The 2001–2002 Financial Report for the State of Victoria has not yet been produced therefore, the Department of Infrastructure is unable to provide an answer.

**Transport: Infrastructure liabilities**

**642. MR LEIGH** — To ask the Honourable the Minister for Transport —

1. What are the details as to why the Department of Infrastructure’s total liabilities has risen from \$31.7 million in 1999 to \$139.4 million in 2001.
2. What are the itemised details of the breakdown of creditors and the details of what is owing.

**ANSWER:**

The audited financial statements of the Department of Infrastructure show total liabilities in 1998/1999 of \$61.7 million (not \$31.7 million as stated in the Question) which has increased to \$139.4 million in 2000/2001.

This increase reflects the activities of the ‘Director of Public Transport’ established under the Transport Act by the former Government, and which was effective for the first time in the 1999/2000 financial year. The Director’s powers and functions include responsibility for the general administration of the tram and train service contracts which transferred to private operators from the State owned rail corporations in August 1999. This is summarised in the audited financial statements under Note 1(b)(ii) of the 1999/2000 Annual Report.

Essentially, the increase in liabilities relates to the creditors and accruals relating to the activities of the Director of Public Transport which did not exist in the 1998/1999 year. Prior to the franchising of the public transport services, the creditors and accruals relating to these services were essentially reflected in the four Met (train and tram) entities and the Public Transport Corporation. However, under the revised public transport arrangements these creditors and accruals now appear in the accounts of the Department of Infrastructure.

The nature of the goods and services provided but not yet paid reflects mainly payments due to the tram, train and bus operators for metropolitan and country public transport rail and bus services (including school bus) and also the impact of GST payable for the first time at year end. Goods and services also include payments for rail infrastructure capital works, concession payments, special events, and the operational performance regime system costs.

*[Attachment referred to in answer has been supplied to honourable member and a copy tabled in the parliamentary library.]*

**Transport: Infrastructure revenue**

**643. MR LEIGH** — To ask the Honourable the minister for Transport —

1. Why has the revenue of the Department of Infrastructure risen from \$513 million in 1998 to \$2.306 billion in 2001.
2. What is the itemised breakdown of this increased revenue in each year since 1998.

**ANSWER:**

The total operating ‘revenue’ of the Department was \$841 million in the 1997/1998 year and \$2.452 billion in the 2000/2001 year.

The basis for the significant increase in revenues relates to changes to accounting policies effective from the 1998/99 financial year and which were summarised in the audited financial statements under Note 1(c) of the 1998/1999 Annual Report.

The changes were as a result of the implementation of 'Accrual Output Based Management' (AOM) which was introduced by the former Government under changes to the Financial Management Act 1994 during the 1998/1999 year. Three information booklets with regard to the AOM changes were released by the Department of Treasury and Finance to coincide with the new reporting requirements (see attached copies).

In 1997/1998 and prior years, funding and budgeting were based on cash costs only. In 1998/1999 onwards, output costs were higher due to the inclusion — for the first time — of non-cash items. Depreciation expense which is a significant non-cash item, therefore impacts on both the revenue (funding) and expenditure (purchase of outputs) sides of the Statement of Financial Performance.

Activities which were previously classified as 'administered' in 1997/1998 are now treated as 'controlled' activities in the provision of outputs and other activities which were previously classified as 'controlled' in 1997/1998 are now treated as 'administered'. These changes are reflected in the Statement of Financial Performance from 1998/1999. As such there was also a transfer of revenues between 'administered' and 'controlled' disclosure within the audited financial statements.

Note 1(c) of the audited financial statements for the 1998/1999 year clearly itemises the major impacts of the revenue changes on the audited financial statements in the first year following the introduction of Accrual Output Based Management, i.e. this reflects the basis for the significant increase to the 2000/2001 year. These changes became effective from the 1998/1999 year for State Budgets and annual financial reporting of departmental operations.

The major impacts as a result of the changes (as itemised in Note 1(c) of the financial statements in the 1998/1999 Annual Report) are:

'Appropriation' funding for purchase of outputs (reflecting the impact of the inclusion of non-cash items, e.g. depreciation and items previously treated as 'administered', now 'controlled') — \$1.6 billion — as follows:

Extract from Note 7 — 1998/99 financial statements

Funding required for expenditure on road, rail, bus and marine services

	1999 (\$'000)	1998 (\$'000)	Difference (\$'000)
Government rail services	828,160	6,480	
Government road services	739,345	—	
Private bus and rail services	222,071	205,540	
School bus contracts	101,402	96,070	
Multipurpose taxi	32,668	29,341	
Non-electrified track services	40,220	29,764	
Other	3,789	785	
	<u>1,967,655</u>	<u>367,980</u>	<u>1.6 billion (approx)</u>

Activities which were previously classified as 'administered' in 1998 are now treated as 'controlled' activities in the provision of outputs (see also Note 1(c) and 1(d)).

Commonwealth funding for on-passing to Local Councils (previously treated as 'controlled', now 'administered') — \$289 million.

[Attachment referred to in answer has been supplied to honourable member and a copy tabled in the parliamentary library.]

**Transport: Infrastructure/Vicroads road services**

**644. MR LEIGH** — To ask the Honourable Minister for Transport —

1. What road services was the Department of Infrastructure responsible for in 2001 which was not the responsibility of Vicroads.
2. What is the itemised breakdown of where \$808 million was spent on road services, as shown in the Department of Infrastructure’s 2000–2001 annual report.

**ANSWER:**

The road services for which the Department of Infrastructure was responsible in 2001 which were not the responsibility of VicRoads are:

- Docklink Road Extension
- Docklands North South Road

The itemised breakdown of expenditure on road services as shown in the 2000/2001 DOI Annual Report is as follows:

<b>Output Group</b>	<b>Output</b>	<b>\$M</b>
Support for Local Government	Grants Funding for Public & other Local Government Services	6.6
Balanced Planning & Environment System	Environment Strategies & Initiatives	1.8
Regional & Rural Transport Infrastructure	Major Regional Road Projects	83.6
	Regional Arterial Road Links	67.5
	Regional Road Network Maintenance	134.5
		285.6
Metropolitan Transport Infrastructure	Major Metropolitan Road Projects	89.1
	Metropolitan Arterial Road Links	110.8
	Metropolitan Road Network Maintenance	136.5
		336.4
Transport Safety and Accessibility	Accessible Transport Initiatives	2.8
	Accident Blackspots	32.6
	Traffic & Road Use Management Improvements	25.2
	Vehicle and Driver Regulation	77.7
	Road Safety Initiatives and Regulation	40.3
		178.6
	<b>TOTAL</b>	<b>809.0*</b>

\* Difference to \$808,962 as shown in Annual Report, Page 101 is due to rounding.

**Transport: Infrastructure outcomes**

**645. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the Department of Infrastructure —

1. What processes have been established at the Department to shift the focus from systems to outcomes, as described in the Department's 2000–2001 annual report.
2. What restructuring has been undertaken to facilitate these changes.
3. What measures have been developed to assess the outcomes.
4. What arrangements are in place to reward the desired outcomes.

**ANSWER:**

1. The DOI outcomes framework provides the basis for delivery of DOI's outputs and services to meet the Government's policy objectives.

DOI's outcomes are:

- Public safety
- Regional development
- Seamless freight and logistic system
- Travel, mobility and access
- Liveable communities
- Local governance
- Infrastructure delivery and management

These outcomes enable the Department and its agencies to maintain and communicate a shared focus within a changing environment. They provide an integrating framework for the activities of different parts of the Department and between the Department and portfolio agencies. Management by outcomes also helps the Department to aim for innovative solutions, rather than improving output delivery through incremental change.

The Department has developed a Corporate Governance approach. This provides a matrix structure for efficient decision making, appropriate resource allocation and strategic planning for desired government outcomes.

The eight Executive Directors are each responsible for a) a division, b) region c) outcome and d) corporate accountabilities.

Outcome teams have been established for each of the outcomes groups.

2. There has been no formal restructuring of Divisions within the Department of Infrastructure (DOI) in response to these changes, but the Department has undertaken significant reorganisation of administrative and procural practices to effectively implement its outcomes focus. As mentioned above, DOI's eight Executive Directors each have a range of matrix responsibilities (ie. Divisional, regional, outcome and corporate accountabilities), and an Outcome Secretary has been appointed to each of the seven outcome groups to monitor and report on progress against targets.

DOI's business planning processes are structured around the outcome groups, and the Department's performance planning and management processes are closely linked to its business and corporate planning.

3. Performance indicators and targets have been published in the Corporate Plan (copy attached). The Corporate Plan which was released in April 2001 sets out the vision, mission, values, corporate planning framework, outcomes approach, corporate objectives, indicators and strategies under each outcome, the strategies to enhance organisational capability and the corporate governance framework.
4. The Department of Infrastructure (DOI) has developed a Performance Management system which aims to recognise the contributions of staff to the Department's performance and to enhance individual performance and career potential. It also provides a framework for the planning and monitoring of work and for the communication needed for ongoing individual and team performance improvement. The Performance

management system links individual performance with the Department's Corporate and Business Plans and therefore links to the Departments Outcomes and Objectives. It also:

- Facilitates the planning of work by individuals and teams.
- Facilitates improved performance through better communication between managers and staff.
- Enables staff to develop the competencies to meet current and future work requirements.
- Recognises staff achievements and reward these appropriately.

### **Transport: integrated transport measures**

**649. MR LEIGH** — To ask the Honourable the Minister for Transport —

1. What is the Government doing to introduce 'integrated transport' measures to Victorian and Melbourne transport systems, as described in the Infrastructure Planning Council Interim Report.
2. What are 'integrated transport' measures.
3. How will the Government implement the 'integrated transport' measures to Victorian and Melbourne transport systems.

**ANSWER:**

The Bracks Government established the Infrastructure Planning Council as an independent body, in May 2000, to advise the Government on Victoria's future infrastructure needs over the next 20 years. The Council brings together a diverse range of experiences and expertise covering engineering, business and finance, and rural, regional and urban issues.

The work of the Council is focused on four areas of infrastructure: transport, water, energy, and telecommunications. Its Interim Report, released in October 2001, gives Victorians an opportunity to take part in a public discussion about the State's long term infrastructure needs.

The Interim Report builds on the Government's \$3.5 billion of infrastructure projects already under way or in the pipeline. It highlights some common themes in each of the four areas of infrastructure and presents the Council's preliminary findings and proposals for public feedback.

The Council will provide its final report for consideration by the Government during 2002. The Government will then provide its response taking into account the views expressed as part of the community consultation process.

Integrated measures the Government is pursuing include:

- Integration of transport facilities with adjacent land use to improve accessibility to jobs, services and other opportunities.
- Development of intelligent transport systems, which integrate transport tasks and information systems to increase service levels and efficiencies through real time information for public transport and travel routes.
- Development of integrated transport strategies comprising an optimum mix of passenger and freight transport modes.
- Intermodal interchange facilities, for example bus interchanges at rail stations.

The Government is taking an integrated planning approach to improving the State's transport infrastructure. Its '*Linking Victoria*' strategy provides a forward program to upgrade and enhance the State's rail, road and ports system in partnership with the private sector. The Government has continued its commitment to improving the efficiency, accessibility and safety of Victoria's transport network with more than \$1 billion allocated over five years for transport initiatives in the 2001–2002 Budget. A key focus of this Budget is to:

- Upgrade public transport to deliver environmentally sustainable outcomes and reduce car dependency. The Government’s Transit Cities Program will design and develop urban precincts around key transport nodes to improve the interaction between land use and transport.
- Upgrade Victoria’s economic infrastructure — to provide efficient freight links for industry to Victoria’s ports, the interstate road and rail system, and the national and global economies. Improving rail freight access to Victorian ports and container terminals through rail gauge standardisation will significantly improve the freight and logistics system between modes of transport and the production chain.

Other initiatives being undertaken by the Department of Infrastructure that pursue integrated transport outcomes include:

- An integrated public transport strategy (train, tram and buses).
- A Freight and Logistics Strategy: improving intermodal rail/road facilities and increased rail freight access to ports.
- The Victorian TravelSMART Program which aims to reduce the negative impacts of car travel through a reduction in vehicle trips and kilometres travelled, achieved through voluntary changes by individuals, households and organisations towards more sustainable travel choices. More sustainable travel can be achieved through: smarter use of the car; *lessening the need for travel by* encouraging use of local activities, shops, and services, and doing more things in the one location; and encouraging walk, cycle, use of public transport and ride-sharing.

Complementary programs include, Travel Smart — Better Ways to Work, Travel-On, Every Trip Counts, Walking Bus. All these initiatives are aimed at promoting better ways to travel through promotion, education and experience.

- Implementing the new residential development code (Rescode) which includes changing the subdivision development component to make it more public transport, walking and cycling focused in line with the neighbourhood character.

### **Transport: Nicholson Street, Essendon**

**650. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the closure of Nicholson Street, Essendon —

1. What works are being undertaken or considered for Nicholson Street.
2. What consultative process has been established for this street closure to occur.
3. What process has been developed to allow local residents’ views to be heard and incorporated in the final assessment.
4. Whether a final decision has been made on the street closure.

**ANSWER:**

The matters raised in the question do not fall within the Minister for Transport’s portfolio responsibilities as Nicholson Street, Essendon is a local road and the responsibility of the Moonee Valley City Council.

### **Transport: train and tram maintenance**

**652. MR LEIGH** — To ask the Honourable the Minister for Transport — what were the levels of maintenance each month since the introduction of franchising in 1998 for — (a) V/Line; (b) M Tram; (c) M Train; (d) Connex; and (e) Yarra Trams.

**ANSWER:**

The Franchise Leases commenced on 29 August 1999.

Under the terms of the franchisees' Infrastructure Leases with the Government, the franchisees are obliged to provide an annual Asset Management Report. This report must include Actual annual expenditure on maintenance works. However, this information is not required on a monthly basis. Therefore, the Department on Infrastructure does not record the franchisees' maintenance expenditure by month.

The following summarises the franchisees' annual expenditure on maintenance of core infrastructure by asset class. National Express Group Australia (M Train and M Tram) reports on a calendar year and therefore information is only available to 31 December 2000.

(a) V/Line Passenger planned maintenance expenditure on station buildings in year 2000 was \$170,000. Information for reactive maintenance is being sought.

**(b) M Tram Maintenance Expenditure from Aug 99 to 31 December 00**

Track	\$3.5m
Buildings and Structures	\$1.1m
Power	\$2.6m
Signalling	\$0.2m
Communications	\$0.5m
<b>Total</b>	<b>\$7.9m</b>

**(c) M Train Maintenance Expenditure from Aug 99 to 31 December 00**

Track	\$12.4m
Buildings and Structures	\$11.4m
Power	\$3.8m
Signalling	\$10.5m
Communications	\$2.0m
<b>Total</b>	<b>\$40.2m</b>

**(d) Connex Maintenance Expenditure from Aug 99 to 30 June 01.**

Track	\$7.4m
Buildings and Structures	\$5.5m
Power	\$12.8m
Signalling and Communications	\$15.5m
<b>Total</b>	<b>\$41.2m</b>

**(e) Yarra Trams Maintenance Expenditure from Aug 99 to 30 June 01**

Track	\$4.7m
Buildings and Structures	\$0.8m
Power	\$5.6m
<b>Total</b>	<b>\$11.1m</b>

**Transport: public transport ombudsman**

**653. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the Public Transport Ombudsman — (a) what progress has been made towards the establishment of the Public Transport

Ombudsman, since revealed in August 2001; and (b) what processes and avenues to appeal will be available to commuters and how will this fit into the current system.

**ANSWER:**

- (a) The options for proceeding to establish a Public Transport Ombudsman are being considered at this stage.
- (b) The processes and avenues of appeal that should be made available to commuters and how this will fit into the current system, will be considered as part of the consideration of the appropriate options for proceeding.

**Transport: tram route 109 project**

**657. MR LEIGH** — To ask the Honourable the Minister for Transport — what is the Government's — (a) financial; (b) bureaucratic; and (c) technical contribution towards the Yarra Trams' Route 109 Project and — (i) what is the breakdown of the funding and other assistance provided; and (ii) what are the areas where these resources are being allocated.

**ANSWER:**

Tram 109 is a major project with many elements. The project is being coordinated by the Department of Infrastructure with project management by VicRoads and delivery of some elements by Yarra Trams under its franchise agreement with the Government. The full program of works, which is currently being developed, includes Yarra Trams franchise commitments for the Box Hill tram extension and elements of its Superstop and tram stop enhancement program.

The Box Hill tram extension project, as one component of Tram 109, is a Yarra Trams franchise commitment. Yarra Trams is managing the delivery of this project and under the Franchise Agreement the Government will make a contribution of \$14M towards the cost of the project. In addition the Government is required to deliver and fund the acquisition of land required for the project. The Government has also agreed to contribute \$1M towards the \$1.76M cost of the following enhancements proposed by Yarra Trams:

- Rubber boot resilient track
- Grassed track
- Weight tensioned overhead
- New left turn slip lane at Elgar Road

The Government has also agreed to contribute \$300,000 towards the cost of a significantly enhanced terminus at Box Hill including enhanced connection between the tram terminus and the train and bus stations. The detailed design for the terminus is being developed by Yarra Trams.

Yarra Trams is implementing its \$4.8M franchise commitment for the construction of Superstops and tram stop enhancements. The Collins Street Superstops at Swanston Street have been completed as part of this commitment and the Spring Street stops have commenced.

**Transport: intersection treatments**

**660. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to intersections treated with skid resistant materials — what intersections were treated in 2000–2001, and what intersections will be treated in 2001–2002 in the cities of — (a) Kingston; (b) Ballarat; (c) Bendigo; and (d) Geelong.

**ANSWER:**

- (a) Kingston City Council — Nil.
- (b) Ballarat City Council — Nil

(c) Greater Bendigo City Council — Nil

(d) Geelong City Council:

- Princes Highway — Sparks Road (treated in 2000/2001).
- Princes Highway — North Shore Road (treated in 2000/2001).
- Princes Highway — Cuthbertson Road to Bellbird Avenue (treated in 2000/2001).
- Bacchus Marsh Road — Plantation Road (to be treated in 2001/2002).

### **Transport: Lilydale–Belgrave rail grade separation**

**662. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the rail grade separation on the Lilydale/Belgrave train line and the Springvale Road intersection — (a) what action is the Government taking with regard to the intersection; (b) what funds have been allocated to this project in the 2001–2002 budget; (c) what funds have been allocated for future works on the project; and (d) when are the works expected to commence and when will they be finished.

**ANSWER:**

Initial discussions on the Springvale Road rail crossing, involving the City of Whitehorse, Department of Infrastructure and VicRoads, took place in early December 2001. It was agreed that Council would develop terms of reference for a proposed feasibility study.

There is no current allocation of funds for this project.

As part of the Government's commitment to improve public transport, the Outer Eastern Public Transport Plan (OEPTP) is being developed to provide a strategic framework for transport infrastructure projects in this area. The consideration of upgrades to rail lines and rail crossings will form part of the plan.

The future allocation of funds will depend on priorities determined by the Outer Eastern Public Transport Plan, which is expected to be completed in mid-2002.

### **Transport: Spencer Street station upgrade**

**663. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the Spencer Street Station subway upgrade — (a) what are the details of the cost of the upgrade; (b) what are the details on how this project was assessed and decided upon, based on the various other competing areas for money to be spent on the Spencer Street Station project.

**ANSWER:**

(a) The cost of the upgrade is \$838,248.85.

(b) The Authority therefore made a decision to upgrade the subway, to achieve three things:

- (i) to eliminate health problems by removal of asbestos and termite infestation;
- (ii) to open up the passageways by removing three shops from the centre aisle; and
- (iii) to provide better retail facilities for the public, bearing in mind that those on the two upper levels may have to be closed at certain stages during the redevelopment.

The improvements currently being carried out are fully funded by the Authority using revenue it generates from its retail activities and property leases, including public car parking and rentals paid by the train and bus operations.

**Transport: Infrastructure/Vicroads staffing**

**664. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to staffing at the Department of Infrastructure and Vicroads — (a) what are the staff numbers at the Department and Vicroads for the last five years; and (b) what is the breakdown in each division where these staff are employed.

**ANSWER:**

**VICROADS**

At 30 June in each of the last five years, the staff numbers by division were as follows.

**1997**

Chief Executive	9
Deputy Chief Executive	48
Business Operations	511
Commercial Services	475
Major Projects	149
Regional Services	1273
<b>Total</b>	<b>2465</b>

**1998**

Chief Executive	9
Deputy Chief Executive	50
Business Operations	496
Commercial Services	463
Major Projects	149
Regional Services	1246
<b>Total</b>	<b>2413</b>

**1999**

Chief Executive	8
Deputy Chief Executive	53
Business Operations	422
Commercial Services	446
Major Projects	149
Regional Services	1218
<b>Total</b>	<b>2296</b>

**2000**

Chief Executive	8
Deputy Chief Executive	54
Business Operations	386
Commercial Services	442
Major Projects	149
Regional Services	1206
<b>Total</b>	<b>2245</b>

**2001**

Chief Executive	8
Deputy Chief Executive	57
Business Operations	367
Commercial Services	442
Major Projects	159
Regional Services	1213
<b>Total</b>	<b>2246</b>

**DEPARTMENT OF INFRASTRUCTURE**

At 30 June in each of the last five years, the staff numbers by division were as follows.

**1997**

Minister Offices	16
Office of the Secretary	9
Organisational Development	96
Corporate Finance	28
Strategic Planning	45
Planning, Heritage & Building	266
Director of Public Transport	101
Building Services Agencies	132
Marine Board of Victoria	21
Office of Major Projects	17
<b>Total</b>	<b>731</b>

**1998**

Minister Offices	18
Office of the Secretary	10
Organisational Development	105
Corporate Finance	28
Strategic Planning	54
Planning, Heritage & Building	265
Director of Public Transport	108
Building Services Agencies	110
Marine Board of Victoria	22
Office of Major Projects	18
<b>Total</b>	<b>738</b>

**1999**

Minister Offices	16
Office of the Secretary	8
Organisational Development	101
Corporate Finance	40
Strategic Planning	101
Planning, Heritage & Building	204
Director of Public Transport	115
Building Services Agencies	0

Marine Board of Victoria	21
Office of Major Projects	16
<b>Total</b>	<b>622</b>

**2000**

Office of the Secretary	3
Organisational Development	99
Corporate Finance	36
Strategic Planning	74
Planning, Heritage & Building	188
Director of Public Transport	177
Ports & Marine	21
Local Government	32
Marine Board of Victoria	22
<b>Total</b>	<b>652</b>

**2001**

Office of the Secretary	3
Organisational Development	105
Corporate Finance	41
Strategic Planning	73
Planning, Heritage & Building	197
Director of Public Transport	188
Ports & Marine	35
Local Government	38
Rail Projects Group	35
Marine Board of Victoria	27
<b>Total</b>	<b>742</b>

**Transport: Tullamarine Freeway advertising signs**

**669. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to Tullamarine Freeway advertising signs —

1. What is the current situation for advertising billboards on the Tullamarine Freeway.
2. When did the current contract for advertising signs on the Tullamarine Freeway expire and —  
(a) whether a new contract has been signed; if not, why; (b) who are the parties who have an interest in this contract; and (c) what has been done since the current contract expired.
3. What financial benefit has Tullamarine Freeway outdoor advertising for the State.

**ANSWER:**

1. The contract for advertising billboards on the Tullamarine Freeway includes the leasing of 13 signs. Two of these signs are reserved for use by Government for community or road safety messages.
2. The previous contract expired on 14 August 2000.
  - (a) A new contract was signed on 19 November 2001. The lease agreement is for 5 years with an option for a further 5 years.

- (b) The new contract has been awarded to Cody Outdoor Advertising by VicRoads, acting as an agent for the Government.
  - (c) The previous contract was extended on a month-by-month basis until the award of the new contract.
3. The new contract will generate revenue of \$10.315m over 5 years for the State.

**Transport: West Gate Bridge**

**672. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the works being undertaken to ensure the future capacity of the West Gate Bridge and any additional demands which will be placed on the bridge infrastructure.

**ANSWER:**

Vicroads has commenced a process to conduct a total review of the West Gate Bridge. The West Gate Bridge Review Study will investigate the structural integrity and performance of the bridge, review the maintenance strategy and determine the ultimate capacity requirements of the bridge. Structural capacity improvement options will be developed to address the traffic demand in the corridor.

**Transport: Collins–Spring street intersection**

**673. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to Yarra Trams and Collins Street — what is the Government doing in reference to the proposals by Yarra Trams for —

- 1. The Collins Street and Spring Street ‘superstop’.
- 2. The removal of the right-hand turn from Collins Street into Spring Street.
- 3. The removal of two stops on the length of Collins Street.
- 4. The fundamental adjustment to the traditional pattern of a tram stop at every intersection.

**ANSWER:**

The Government is working with Yarra Trams to implement improvements to the Tram network. The construction of Superstops in Collins Street forms part of Yarra Trams’ franchise commitment to construct ‘Superstops’ and enhance tram stops across the tram network. In relation to the specific issues raised:

- 1. The Government has supported Yarra Trams in the construction of the Superstops in Collins Street at Spring Street. The westbound stop has been completed and plans have been developed for the eastbound stop.
- 2. The Government through the Department of Infrastructure, has supported Yarra Trams in its discussions with the City of Melbourne to ban right turns from Collins Street into Spring Street. At its meeting on 6 December 2001 the City of Melbourne approved the banning of the right turn which will allow Yarra Trams to commence plans for construction of the eastbound Superstop.
- 3. The Government is working with Yarra Trams, the City of Melbourne and other stakeholders to review the number of tram stops in Collins Street.
- 4. The Government is also working with Yarra Trams, the City of Melbourne and other stakeholders to review the location of tram stops in Collins Street.

**Transport: tram route 109 project**

**674. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to Yarra Trams’ Route 109 Project —

1. What is the program of community consultation.
2. What measures have been taken to ensure concerned stakeholders have a say and their views are incorporated into the proposals.
3. What is the Government doing in reference to their commitment to community consultation.

**ANSWER:**

The Government is fully committed to community consultation on all projects. In respect of the Tram 109 project:

1. The Government has appointed VicRoads as project manager for the Tram 109 project. VicRoads has met with representatives of the affected municipalities to establish a coordinated approach to community consultation for the project and is currently developing a program for community consultation, which will include the establishment of Community Advisory Groups.

Yarra Trams is also required to conduct community consultation for projects it is constructing under its franchise commitments. Yarra Trams, in conjunction with the City of Whitehorse (and particularly the Elgar Ward) has to date held four community consultation meetings for the Box Hill tram extension project. These meetings have been well attended with up to 120 residents, traders, and community representatives attending.

2. The Community Advisory Groups and the community consultation program will ensure that concerned stakeholders will have an opportunity for input into the project and that their views are incorporated wherever possible.
3. The Government has established a Tram 109 Reference Group to provide input into the development of the Tram 109 project. The Reference Group, chaired by the Secretary of the Department of Infrastructure, comprises:
  - the Mayors and Chief Executives of the five municipalities along the route,
  - VicRoads Chief Executive,
  - Yarra Trams CEO,
  - representatives from RACV, Victorian Retailers Association, Public Transport Accessibility and Customer Charter Committees, Property Council, Rail, Tram & Bus Union and the Department of Infrastructure.

The Reference Group will also assist in guiding consultation mechanisms in the development and implementation of the Tram 109 project.

**Transport: railway reserve maintenance**

- 676. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the Government's financial support of railway reserve maintenance — what are the itemised expense figures by month for each individual train line for — (a) vandalism; (b) rubbish removal; and (c) weed removal for — (i) 1996–1997; (ii) 1997–1998; (iii) 1998–1999; (iv) 1999–2000; and (e) 2001 to date.

**ANSWER:**

The Question cannot be responded to due to a number of reasons which include:

- information being sought is not available/itemised in the format sought
- information sought is not held by the Department of Infrastructure
- responsibility for the various tasks in question has changed between a number of organisations over the timeframe stipulated (see table below).

Prior to July 1997	The Public Transport Corporation (PTC) was the responsible body
July 1997 to July 1998	The Victorian Rail Track Corporation (Victrack) responsible for the interstate network.
July 1997 to May 1999	Victrack responsible for the country intrastate network
July 1998 to August 1999 (Corporatisation to Privatisation)	Bayside & Hillside responsible for the metropolitan network
May 1999 to present	Freight Australia responsible for country intrastate network
July 1998 to present	Australian Rail Track Corporation responsible for the interstate network
August 1999 to present	National Express Group Australia and Melbourne Transport Enterprises responsible for the metropolitan network.

**Transport: regional fast rail project**

**677. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the details of the fare structure for the regional fast rail projects.

**ANSWER:**

- Rail fares are currently determined by the Office of the Director of Public Transport under the existing franchise agreements. Pricing can only be increased by CPI.
- There is currently no proposal to increase fares as part of the Regional Fast Rail Project.

**Transport: Collins–Spring street intersection**

**679. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to construction of the Collins and Spring Streets intersection —

1. When was Yarra Trams issued an approval to start construction on the intersection.
2. What process was put in place for — (a) community input; and (b) Melbourne City Council input and what was the result.
3. Who gave approval for the tram ‘superstop’.
4. What objections were raised.
5. What is the cost of the project.
6. Who will fund the project.

**ANSWER:**

Collins Street through the Melbourne Central Business District is an unclassified road under the care and management of Melbourne City Council.

The Government is working with Yarra Trams and Melbourne City Council on the implementation of the Superstop at the Collins Street/Spring Street intersection as part of Yarra Trams’ franchise commitment for tram ‘Superstops’ and tram stop enhancements.

1. The Director of Public Transport approved Yarra Trams' Tram Stop Enhancement and Superstop strategy on 9 August 2000 which included the Collins Street/Spring Street Superstops. Melbourne City Council gave conditional approval to construction of the Superstops on 26 June 2001. Following further discussion with Yarra Trams and VicRoads, Council at its meeting on 6 December 2001 approved banning right turns into Spring Street and gave approval to Yarra Trams to construct the eastbound Superstop.
2. Yarra Trams is required under its franchise agreement to undertake consultation and obtain all necessary approvals for the construction of the Superstops. Yarra Trams and Melbourne City Council held a formal consultation meeting on 6 August 2001. In addition, Yarra Trams has undertaken extensive consultation with traders, heritage and interest groups to resolve issues. There has been positive support for the tram Superstops.
3. Melbourne City Council as planning authority for the City of Melbourne gave approval for the tram Superstops.
4. Melbourne City Council raised issues concerning changes to car parking in Collins Street and the impact on the right turn from Collins Street into Spring Street. These issues are within Melbourne City Council jurisdiction and were considered by Council prior to approval being given.
5. The Superstops are part of Yarra Trams \$4.8M franchise commitment to construct 15 Superstops and enhance 200 tram stops across the network. The actual cost to construct the individual Superstops is a commercial matter for Yarra Trams.
6. The Collins Street / Spring Street Superstop is in part funded by the Government's contribution to Yarra Trams totalling \$4.8M for its franchise commitment to construct 15 Superstops and enhance 200 tram stops across the network. Any additional costs to Yarra Trams in excess of the \$4.8M to construct the Superstops and enhance tram stops, is a commercial issue for Yarra Trams.

**Transport: new rolling stock**

**680. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the new rolling stock for Yarra Trams —

1. What is the Government's position on the introduction of the new rolling stock.
2. Will the Government pay the estimated \$100 million for this new rolling stock; and if so, why.
3. Will similar concessions be afforded to — (a) M Tram; (b) V/Line; (c) Connex; and (d) M Train.

**ANSWER:**

1. The Government is pleased to have achieved a greatly improved level of Australian content in the new rolling stock than was provided for when the former Kennett Government entered into the contracts.
2. The financing arrangements for all of the rolling stock purchases currently under way were put in place by the previous Government under contracts signed by the Kennett Government and public transport operators in August 1999.

These arrangements involve:

- Purchase of the rolling stock directly by a third party lessor (usually a financier).
- Leasing of the rolling stock by the lessor to the relevant franchisee.
- The lease entered into will run for 15 years with provision to novate the lease to a succeeding franchisee and for the Government to buy back the vehicles at the end of 15 years.
- Payment by the Government of a franchise subsidy adjustment on account of the additional lease payments incurred by the franchisee.

The franchise subsidy adjustments to be paid by Government were bid by franchisees at the time of the letting of franchises as was the buy-back price at the end of the lease should the Government wish to pursue this option. Assuming that the Government of the day does exercise the option to purchase the rolling stock (or enter into a second long-term lease) the Government's contribution will effectively cover the whole of the purchase price and financing costs.

2. The funding framework described above applied to all of the private operators purchasing new trams and trains.

**Transport: Dingley freeway**

- 681. MR LEIGH** — To ask the Honourable the Minister for Transport — (a) what is the progress of the Dingley Freeway; (b) what funds have been allocated to this project; and (c) when will construction of the Dingley Freeway commence.

**ANSWER:**

A planning assessment report for the Warrigal Road to Springvale Bypass section of the Dingley Route is being finalised.

The Government has committed \$30 million to the development of the Dingley Route.

A construction timetable would be determined following completion of the project planning and development phase.

**Transport: patronage figures**

- 682. MR LEIGH** — To ask the Honourable the Minister for Transport — what is the monthly patronage figures for public transport since January 1999.

**ANSWER:**

Patronage data from Franchise Operators is only received at the end of each financial year and therefore monthly data is not available. Detailed below are the annual patronage boardings from 1998/99 to 2000/01 on all Government subsidised public transport services.

	1998/99 Millions	1999/00 Millions	2000/01 Millions
Metro	329.9	343.1	351.9
Country	48.4	48.5	48.9
Total	378.3	391.6	400.8

**Transport: Blackburn–Mitcham third train line**

- 683. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the third rail track between Blackburn and Mitcham — (a) what is the progress of the project; (b) how much has been allocated to the project; and (c) when will the project be completed.

**ANSWER:**

- (a) A study into the operational and engineering aspects of upgrading the Ringwood line including the proposal to provide a third track between Blackburn and Mitcham for flier trains is nearing completion. The study reported on various options for upgrading the line to enable the operation of 'flier' trains to Belgrave and Lilydale.

- (b) The State budget of 2000/01 allocated \$70 million dollars as a contribution towards seven rail projects including the provision of flier trains on the Ringwood line. The operational and engineering study has found that the scope of works required on the Ringwood line needs to be broader than simply triplicating between Blackburn and Mitcham and costs will be correspondingly higher.
- (c) Implementation of works on the line are expected to proceed progressively in stages as soon as scope and funding issues are finalised.

**Transport: flyer trains**

- 684. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to proposed flyer trains — (a) what is the current progress on the proposed flyer trains; (b) have any flyer trains been introduced since September 1999; and (c) when will the flyer trains be in operation.

**ANSWER:**

- (a) Flier trains proposed for the Frankston, Dandenong and Ringwood rail lines are being scoped and costed.
- (b) No.
- (c) Implementation decisions will be made after scoping and costing work is completed.

**Transport: East Burwood–Knox City tram line extension**

- 685. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the proposed East Burwood to Knox City tram line — (a) what is the status of this proposed tram line extension; (b) how much money has been allocated to this project; and (c) whether any arrangements have been put in place to facilitate adequate public transport integration with the surrounding areas.

**ANSWER:**

- (a) A comprehensive feasibility study is under way.

This study is investigating a range of options being developed in conjunction with local government and public transport operators. These options included improvements to existing bus services, as well as various tram scenarios.

Each option is being costed and assessed in both financial and economic terms.

The Knox Light Rail extension is one of a number of projects being developed as part of the Scoresby Integrated Transport Corridor Project.

- (b) The Government has committed \$70 million towards several metropolitan public transport projects, of which the extension of the tram to Knox City is one.
- (c) When opened, any new tram service will be integrated into the public transport network serving the Knox region.

Public transport operators in the area are being involved in the development of project options and will be fully aware of the potential to integrate their existing services with the new tram service.

**Transport: Coolaroo–Craigieburn train line extension**

- 686. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the proposed Coolaroo to Craigieburn train line extension — (a) what is the status of the project; (b) how much money has been allocated to this project; (c) when will construction commence; (d) where will the train line stop; and

(e) whether arrangements have been put in place to facilitate adequate public transport integration with the surrounding areas.

**ANSWER:**

- (a) The projects are being scoped and costed and staging identified.
- (b) The State Budget of 2000/01 allocated \$66.4 million dollars as a contribution towards seven rail projects, including these three. The funding is to be distributed over four years. Operator and development contributions are being explored.
- (c) Construction is expected to commence progressively in stages after scope and funding issues are finalised.
- (d) Planning is proceeding on the basis that electrified services will initially extend to the existing Craigieburn rail station where the intermodal bus station is currently under construction. The project is now described as Broadmeadows to Craigieburn.
- (e) The scoping of each project is being conducted in conjunction with the Council concerned. The Craigieburn Transport Interchange was designed in conjunction with the City of Hume to ensure a high level of integration with the rail project. In addition, the Roxburgh Park Shopping Centre has been constructed with the Roxburgh Park rail station in mind.

**Transport: Epping–South Morang train line extension**

**687. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the proposed Epping to South Morang train line extension — (a) what is the status of the project; (b) how much money has been allocated to this project; (c) when will construction commence; (d) where will the train line stop; and (e) whether arrangements have been put in place to facilitate adequate public transport integration with the surrounding areas.

**ANSWER:**

- (a) The projects are being scoped and costed and staging identified.
- (b) The State Budget of 2000/01 allocated \$66.4 million dollars as a contribution towards seven rail projects, including these three. The funding is to be distributed over four years. Operator and development contributions are being explored.
- (c) Construction is expected to commence progressively in stages after scope and funding issues are finalised.
- (d) Planning is proceeding on the basis that electrified services will initially extend to Civic Drive South Morang so that the Plenty Valley Town Centre and Whittlesea Municipal Offices are well served.
- (e) The scoping of each project is being conducted in conjunction with the Council concerned. The Council and the Department of Infrastructure are finalising a Whittlesea Transport Strategy that provides a context for the South Morang rail extension.

**Transport: Cranbourne–East Cranbourne train line extension**

**688. MR LEIGH** — To ask the Honourable the Minister for Transport with reference to the proposed Cranbourne to East Cranbourne train line extension — (a) what is the status of the project; (b) how much money has been allocated to this project; (c) when will construction commence; (d) where will the train line stop; and (e) whether arrangements have been put in place to facilitate adequate public transport integration with the surrounding areas.

**ANSWER:**

- (a) The projects are being scoped and costed and staging identified.
- (b) The State Budget of 2000/01 allocated \$66.4 million dollars as a contribution towards seven rail projects, including these three. The funding is to be distributed over four years. Operator and development contributions are being explored.
- (c) Construction is expected to commence progressively in stages after scope and funding issues are finalised.
- (d) Planning is proceeding on the basis that electrified services will extend to the complex for Cranbourne East. This means the train station will readily serve the Chisholm Institute of TAFE.
- (e) The scoping of each project is being conducted in conjunction with the councils and roading issues at Cranbourne East are being addressed.

**Housing: waiting list**

**689. MRS SHARDEY** — To ask the Honourable the Minister for Housing — what was the number of applicants waiting on the list for access to public housing for the September 2001 quarter for — (a) each region; (b) the whole of Victoria; and (c) each segment within the waiting list.

**ANSWER:**

It should be noted that waiting list information is compiled annually and is readily available in the Office of Housing's annual publication *Summary of Housing Assistance Program*. The Honourable Member is referred to this document for information regarding Office of Housing waiting lists.

**Housing: housing estates**

**690. MRS SHARDEY** — To ask the Honourable the Minister for Housing with reference to redevelopment of public housing estates —

1. What is the itemised list of estates earmarked for redevelopment, including a progress report on each public housing site.
2. Whether the redevelopment of these estates involve contributions in kind from the not-for-profit sector or private developers, including details of the type of contribution made towards each such redevelopment.
3. What are the details of public estates where the Government has already undertaken or proposes to undertake the subdivision and sell the land for private sector development.
4. What are the details of the type of contractual arrangement the Government proposes to negotiate with 'private developers' to encourage a mix of private and public housing developments on Government-owned sites.
5. What are the details of private investors who have submitted a joint venture proposal for the redevelopment of public housing estates.

**ANSWER:**

1. Eleven public housing estates are currently earmarked for redevelopment: Victory Boulevard, Ashburton; Long Gully, Bendigo; Rathdowne Street, Carlton; Peace Court, Doveton; Thomson Estate, Geelong East; Kensington Estate, Kensington; Maidstone/Braybrook Estate; Raglan/Ingles Sts, Port Melbourne; Elizabeth Street, Richmond; Parkside Estate, Shepparton and Mark/Rundle Estate, Wodonga

Each of these redevelopment projects is subject to a variety of factors, including but not limited to, planning processes, tender processes, tenant relocation processes, construction processes and community consultation mechanisms.

In addition to these redevelopments, public housing estates in Wendouree West and the Latrobe Valley (East Morwell, Churchill, Moe and Traralgon) have been designated as neighbourhood renewal projects.

2. None of the redevelopments to date involve contributions in kind from private developers.
3. The Government has not undertaken sub-division on any of the presently planned redevelopments of public housing estates, but the following sub-divisions are proposed: Ashburton, Kensington, Port Melbourne and Wodonga.
4. Any types of contractual arrangements proposed to be used by the Government to encourage a mix of public and private housing on Government-owned sites will accord with the Government's existing guidelines and policies, such as those for the purchase and sale of land, the Code of practice for the Building and Construction Industry, the Partnerships Victoria policy and the relevant rules governing such contracts, such as the Directions under the Project Development and Construction Management Act.
5. No joint venture proposals have been submitted by private sector investors for the redevelopment of public housing estates.

### **Housing: Ashburton housing estate**

**691. MRS SHARDEY** — To ask the Honourable the Minister for Housing to provide an update on the current status of work in progress for the Ashburton public housing estate.

#### **ANSWER:**

1. Demolition works for the concrete walk-up flats at Victory Boulevard were completed by early October 2001.
2. The Office of Housing has developed a design for 37 Older Persons Units and lodged a town planning application on 2 January 2002.

### **Transport: project funding**

**692. MR LEIGH** — To ask the Honourable the Minister for Transport — what percentage of the total funds for the following projects have been, or will be, funded by the Government for the — (a) Box Hill tram extension; (b) construction of the Spencer Street/Collins Street 'Superstop'; (c) construction of the Spring Street/Collins Street 'Superstop'; and (d) introduction of 'low floor' trams for Yarra Trams.

#### **ANSWER:**

The projects in question are all part of Yarra Trams franchise commitment for the operation of the Yarra Tram network. The Government is committed to make payments to Yarra Trams as set out in the Franchise Agreement. Yarra Trams is committed to deliver the work irrespective of whether the Government contribution covers the full cost. Yarra Trams' total cost for these projects is not known, however the Government contributions are:

- (a) Box Hill tram extension is funded through a \$14M franchise payment. In addition the Government is required to acquire the land required for the project. As the land acquisition process has not yet been finalised, the final cost of the land acquisition is not known at this stage. The Government has agreed to make a \$1m contribution to additional enhancements (valued at \$1.76M) to the Box Hill project including rubber boot resilient track, grassed track, weight tensioned overhead and a left turn slip lane at Elgar Road.

The Government has also agreed to contribute \$300,000 towards the cost of a significantly enhanced terminus at Box Hill including enhanced connection between the tram terminus and the train and bus stations.

- (b) The construction of a Superstop at the Spencer Street / Collins Street intersection is being considered by Yarra Trams. If approved it would be funded as part of the Government contribution to Yarra Trams' \$4.8M franchise commitment to construct 15 Superstops and enhance 200 tram stops across the network.
- (c) The Spring Street/Collins Street Superstop is funded as part of the Government contribution to Yarra Trams' \$4.8M franchise commitment to construct 15 Superstops and enhance 200 tram stops across the network.
- (d) Yarra Trams is introducing 36 low floor trams as a \$100M franchise commitment. The new trams are fully funded through the franchise payment.

**Transport: Box Hill tram line extension**

**693. MR LEIGH** — To ask the Honourable the Minister for Transport — why won't the Box Hill tram extension be going all the way to Box Hill Station and given this fact, what is the purpose of an integrated system.

**ANSWER:**

The Box Hill tram extension will extend the tram services from the current terminus at Union Road, Mont Albert along Whitehorse Road to a brand new terminus in the median of Whitehorse Road near Market Street, Box Hill. The terminus will provide a convenient link to the Box Hill train and bus stations and the shopping centre as well as providing flexibility for any future extension of the tram network. Bus, train and tram services will be further integrated with real time passenger information for all services.

Consideration was given to terminating the tram in the railway station but this would reduce the capacity for additional rail services in the future.

**Transport: City Circle penalties**

**694. MR LEIGH** — To ask the Honourable the Minister for Transport — what is the total penalty which Yarra Trams have been penalised for the limited City Circle tram service.

**ANSWER:**

Services on the City Circle were reduced by agreement with the Department of Infrastructure. This was due to shortages of rolling stock arising from the withdrawal for safety reasons of the W Class trams under the instructions of the Director of Public Transport.

The City Circle tram service does not fall within the Operational Performance Regime which applies to other route services under the Franchise Agreement with Yarra Trams. Consequently, no penalty has been applied for the reduction in service on the City Circle tram.

**Transport: Middle Footscray station**

**695. MR LEIGH** — To ask the Honourable the Minister for Transport — (a) what is the status of Middle Footscray Station; (b) how will the regional fast rail project affect the Middle Footscray Station; and (c) how will the Albion route for the proposed airport rail service affect Middle Footscray Station.

**ANSWER:**

- (a) Middle Footscray Station is approximately 600 metres away from West Footscray and Footscray Stations with bus services operating to both these stations. National Express provides metropolitan passengers train services.
- (b) Works required in the metropolitan area as part of the Regional Fast Rail Project (RFRP) (including the area around Middle Footscray Station) have yet to be specified. These will be tendered under the Alliance Agreement in 2002 after the country works have been awarded.

- (c) The Government recently announced that the proposal for an Airport Rail Link through the Albion corridor would be postponed for at least a period of ten years.

**Transport: Eastern Freeway–Greensborough bypass link**

- 696. MR LEIGH** — To ask the Honourable the Minister for Transport — whether the Government supports a freeway link between the Eastern Freeway and the Greensborough Bypass.

**ANSWER:**

No.

**Transport: northern central corridor study group**

- 698. MR LEIGH** — To ask the Honourable the Minister for Transport — (a) why was the Public Transport Users Association banned from the Northern Central Corridor Study reference group; and (b) what advice was given to the Minister by the Department of Infrastructure in relation to banning the Public Transport Users Association from the Northern Central Corridor Study reference group.

**ANSWER:**

- (a) At no stage did I say there was a ban on the PTUA. In fact, the PTUA has been invited to sit on a number of Government committees including the Public Transport Consultative Committee and the Metropolitan Strategy Reference Group.

In the case of the Northern Central City Corridor Study, more than 20 community groups were invited to participate, including many with strong views on public transport, such as Environment Victoria.

- (b) The Department of Infrastructure provided a list of recommended groups for invitation onto the Northern Central City Corridor Study’s Community Reference Group. The list was prepared with the aim of keeping the Group to a manageable size whilst also providing reasonable representation, particularly of local community representatives. Whilst the PTUA was not included in the list of recommended Community Reference Group members submitted by the Department they are among a range of organisations being consulted for this study.

**Transport: signalling works**

- 700. MR LEIGH** — To ask the Honourable the Minister for Transport — how much money has been spent on — (a) train signalling maintenance in — (i) the Melbourne metropolitan area; and (ii) rural Victoria; (b) new train signalling infrastructure in — (i) the Melbourne metropolitan area; and (ii) rural Victoria; and (c) all train signalling in — (i) the Melbourne metropolitan area; and (ii) rural Victoria — for — (A) 1995–1996; (B) 1996–1997; (C) 1997–1998; (D) 1998–1999; (E) 1999–2000; (F) 2000–2001.

**ANSWER:**

- (i) The Melbourne Metropolitan Area

Financial Year	(a) Maintenance Expenditure (\$m)	(b) Renewal Expenditure (\$m)	(c) Total Expenditure (\$m)	Notes
(A) 1995 / 1996				1
(B) 1996 / 1997				1
(C) 1997 / 1998				1
(D) 1998 / 1999				1
(E) 1999 / 2000	10.6	15.6	26.2	2
(F) 2000 / 2001	10.5	20.1	30.6	2, 3

**Notes:**

1. Pre-privatisation data (ie before 29 August 1999) not available within DOI. The data is being sought from other parties but may not be available to the breakdown level requested.
2. Includes total expenditure on some multi-year projects.
3. Excludes six months of data from one franchisee that reports on a calendar year basis.

(ii) Victorian Interstate Standard Gauge Network

Financial Year	(a) Maintenance Expenditure (\$m)	(b) Renewal Expenditure (\$m)	(c) Total Expenditure (\$m)	Notes
(A) 1995 / 1996				1
(B) 1996 / 1997				1
(C) 1997 / 1998				1
(D) 1998 / 1999				1
(E) 1999 / 2000				1
(F) 2000 / 2001	0.8			2

**Notes:**

1. Pre-privatisation data (ie before 1 July 2000) not available within DOI. The data is being sought from other parties but may not be available to the breakdown level requested.
2. Data is only available for Major Planned Maintenance. Information for reactive maintenance and renewals is being sought.

**Victorian Intrastate Network**

Financial Year	(a) Maintenance Expenditure (\$m)	(b) Renewal Expenditure (\$m)	(c) Total Expenditure (\$m)	Notes
(A) 1995 / 1996				1
(B) 1996 / 1997				1
(C) 1997 / 1998				1
(D) 1998 / 1999				1
(E) 1999 / 2000				2
(F) 2000 / 2001				2

**Notes:**

1. Pre-privatisation data (ie before 1 May 1999) not available within DOI. The data is being sought from other parties but may not be available to the breakdown required.
2. Post privatisation data for signalling expenditure is not available. The data is being sought from other parties but may not be available to the breakdown required.

**Transport: W-class trams**

**702. MR LEIGH** — To ask the Honourable the Minister for Transport — what has the Government done to bring back the W-class tram fleet.

**ANSWER:**

The Government, through the Department of Infrastructure has worked with the public transport operators to return the City Circle trams to service as a priority. This has now been completed. The City Circle trams have been modified with track brakes; interim improvements have been made to the tread brake system, and a speed-limiting device has been installed on all trams.

The Government is working with the original manufacturer of the tread brake equipment to replace the interim improvements to the tread brake systems on the W class trams. This requires the development, installation and testing of modern brake equipment that is compatible with these older trams. Yarra Trams has just successfully completed initial testing of a first set of this equipment. National Express also is in the process of installing the same equipment on one of their trams.

The Government recognises the community commitment to these trams and their return remains a Government priority.

**Transport: industrial action**

**703. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the monthly figures for public transport industrial action between January 1995 and November 2001 for — (a) days lost; and (b) hours lost.

**ANSWER:**

- (a) Actual days lost have not been recorded on the PTC payroll system, nor recorded by the franchisees.
- (b) The following table presents the number of labour hours lost due to industrial action, according to payroll data held by the PTC since 1995 on a financial year basis.

Year (ending June 30)	Hours
1995	69761
1996	12132
1997	51798
1998	54170
1999	362
2000	755

Since the commencement of privatisation, ie August 1999 to 30 November 2001, 1539 labour hours have been lost due to industrial action.

**Transport: fare increases**

**704. MR LEIGH** — To ask the Honourable the Minister for Transport — what are the — (a) percentage increase; and (b) nominal price increase in public transport fare increases for all metropolitan zones, since 1985 for — (i) full fare and concession 2-hour; (ii) full fare and concession daily; (iii) full fare and concession weekly; (iv) full fare and concession monthly; and (v) full fare and concession yearly tickets.

**ANSWER:**

- 1. Details of the price of individual tickets since 1985 is not available. However, it is the understanding of officers within the Department of Infrastructure that all ticket types have increased by the same proportion when fare rises have occurred over this period.
- 2. General fare rises since 1985 have been as follows:

Year	Month	Average increase
1985	November	7.1%
1986	July	5.7%
1987	July	6.1%

Year	Month	Average increase
1988	—	—
1989	August	4.1%
1990	September	15.0%
1991	March	10.0%
	October	9.2%
1992	—	—
1993	January	10.0%
1994	January	3.2%
1995	—	—
1996	—	—
1997	January	3.4%
1998	—	—
1999	January	3.0%
2000	July	5.0%
2001	January	8.3%

Note: the price rise in July 2000 was GST-related, and the price rise in January 2001 was based on the CPI rise in the previous two years and included some GST effects.

3. Changes in the prices of the identified fares since 1999 are as follows:

Ticket type	Zone	1999	July 2000	January 2001
<b>Full fare</b>				
Two hour	1	\$2.30	\$2.40	\$2.60
	2	\$1.70	\$1.70	\$1.90
	3	\$1.70	\$1.70	\$1.90
	1+2	\$3.90	\$4.00	\$4.40
	2+3	\$3.20	\$3.30	\$3.60
	1+2+3	\$5.30	\$5.50	\$6.00
Daily	1	\$4.40	\$4.60	\$5.00
	2	\$3.00	\$3.10	\$3.50
	3	\$3.00	\$3.10	\$3.50
	1+2	\$7.10	\$7.40	\$8.00
	2+3	\$5.90	\$6.10	\$6.70
	1+2+3	\$9.50	\$9.90	\$10.80
Weekly	1	\$19.10	\$20.00	\$21.70
	2	\$13.10	\$13.70	\$14.80
	3	\$13.10	\$13.70	\$14.80
	1+2	\$32.30	\$33.90	\$36.70
	2+3	\$26.30	\$27.60	\$29.90
	1+2+3	\$39.50	\$41.40	\$44.90
Monthly	1	\$71.50	\$75.00	\$81.30
	2	\$48.00	\$50.40	\$54.50

QUESTIONS ON NOTICE

<b>Ticket type</b>	<b>Zone</b>	<b>1999</b>	<b>July 2000</b>	<b>January 2001</b>	
<b>Full fare</b>	3	\$48.00	\$50.40	\$54.50	
	1+2	\$110.00	\$115.50	\$125.00	
	2+3	\$96.50	\$101.30	\$109.70	
	1+2+3	\$134.50	\$141.20	\$152.90	
	Yearly	1	\$770.00	\$808.50	\$875.00
		2	\$525.00	\$551.20	\$597.00
		3	\$525.00	\$551.20	\$597.00
		1+2	\$1,230.00	\$1,291.50	\$1,398.00
		2+3	\$1,030.00	\$1,081.50	\$1,171.00
1+2+3	\$1,525.00	\$1,601.20	\$1,734.00		

<b>Ticket type</b>	<b>Zone</b>	<b>1999</b>	<b>July 2000</b>	<b>January 2001</b>	
<b>Concession</b>					
	Two hour	1	\$1.30	\$1.35	\$1.45
		2	\$0.90	\$0.90	\$1.00
		3	\$0.90	\$0.90	\$1.00
	Daily	1+2	\$2.00	\$2.10	\$2.25
		2+3	\$1.70	\$1.75	\$1.90
		1+2+3	\$2.70	\$2.80	\$3.05
1		\$2.30	\$2.40	\$2.60	
2		\$1.60	\$1.65	\$1.80	
3		\$1.60	\$1.65	\$1.80	
Weekly	1+2	\$3.60	\$3.75	\$4.05	
	2+3	\$3.00	\$3.15	\$3.40	
	1+2+3	\$4.10	\$4.30	\$4.65	
	1	\$9.50	\$9.95	\$10.80	
	2	\$6.50	\$6.80	\$7.35	
	3	\$6.50	\$6.80	\$7.35	
Monthly	1+2	\$16.10	\$16.90	\$18.30	
	2+3	\$13.10	\$13.75	\$14.85	
	1+2+3	\$18.30	\$19.20	\$20.80	
	1	\$36.00	\$37.80	\$40.90	
	2	\$24.00	\$25.20	\$27.25	
	3	\$24.00	\$25.20	\$27.25	
Yearly	1+2	\$55.00	\$57.70	\$62.50	
	2+3	\$48.00	\$50.40	\$54.55	
	1+2+3	\$63.50	\$66.65	\$72.20	

No concession available

**Police and emergency services: Bulleen crime rate**

**706. MR KOTSIRAS** — To ask the Honourable the Minister for Police and Emergency Services — what is the total number of offences of crime against the person including — (a) homicide; (b) rape; (c) sex (non-rape); (d) robbery; (e) assault; and (f) abduction and kidnap — recorded in the postcodes — (i) 3105, (ii) 3106; (iii) 3107; (iv) 3108; and (v) 3109 during — (A) 1999–2000; and (B) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Police and emergency services: Bulleen crime rate**

**707. MR KOTSIRAS** — To ask the Honourable the Minister for Police and Emergency Services — what is the total number of offences of crime against property including — (a) arson; (b) property damage; (c) aggravated burglary; (d) residential burglary; (e) other burglary; (f) deception; (g) handling stolen goods; (h) theft from motor vehicle; (i) theft (shop steal); (j) theft of motor vehicle; and (k) theft of bike — recorded in the postcodes — (i) 3105, (ii) 3106; (iii) 3107; (iv) 3108; and (v) 3109 during — (A) 1999–2000; and (B) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Police and emergency services: Bulleen crime rate**

**708. MR KOTSIRAS** — To ask the Honourable the Minister for Police and Emergency Services — what is the total number of drug offences including — (a) cultivation; (b) manufacturing; (c) trafficking; (d) possession; and (e) use — recorded in the postcodes — (i) 3105, (ii) 3106; (iii) 3107; (iv) 3108; and (v) 3109 during — (A) 1999–2000; and (B) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

**Police and emergency services: Bulleen crime rate**

**709. MR KOTSIRAS** — To ask the Honourable the Minister for Police and Emergency Services — what is the total number of crimes in the categories — (a) going equipped to steal; (b) justice procedures; (c) regulated public order; (d) weapons and explosives; (e) harassment; and (f) behaviour in public — recorded in the postcodes — (i) 3105, (ii) 3106; (iii) 3107; (iv) 3108; and (v) 3109 during — (A) 1999–2000; and (B) 2000–2001.

**ANSWER:**

I am informed that the information sought by the Honourable Member is publicly available for purchase from the Statistical Services Branch of Victoria Police.

