PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

28 May 2002

(extract from Book 8)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

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

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

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

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

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

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Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
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Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
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Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

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TUESDAY, 28 MAY 2002

Tuesday, 28 May 2002

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

DISTINGUISHED VISITORS

The SPEAKER — Order! It gives me great pleasure to welcome to the Victorian Parliament today Mr Gerassimos Arsenis, a member of the Hellenic Parliament. Welcome to you, Sir.

It also gives me pleasure to welcome members of the Queensland Parliament Members Ethics and Parliamentary Privileges Committee, who are visiting our Parliament today. The committee chair is Mrs Julie Attwood, MP. I hope the delegation finds question time interesting and informative.

QUESTIONS WITHOUT NOTICE

Shannon's Way Pty Ltd

Dr NAPTHINE (Leader of the Opposition) — My question without notice is to the Premier. Has the Labor Party's advertising agency, Shannon's Way Pty Ltd, in partnership with another little-known firm called Haystac Public Affairs, pulled off the miracle quinella under this government — —

Mr Seitz — Are you prejudiced against small companies?

The SPEAKER — Order! I ask the house to come to order immediately! I ask the honourable member for Keilor to cease interjecting in that vein.

Dr NAPTHINE — I think the honourable member for Keilor should have just yelled 'Bingo!'.

Honourable members interjecting.

The SPEAKER — Order! I ask all sides of the house to come to order immediately. This is not providing a good lesson for our friends from Queensland. The Leader of the Opposition, asking his question.

Dr NAPTHINE — My question without notice is to the Premier. Has the Labor Party's advertising agency, Shannon's Way, in partnership with another little-known firm called Haystac, pulled off the miracle quinella under this government by winning two of the most lucrative government-funded, taxpayer-funded, contracts — namely, Workcover and now the Transport Accident Commission?

Honourable members interjecting.

The SPEAKER — Order! The honourable member Mordialloc!

Mr BRACKS (Premier) — First of all, I thank the Leader of the Opposition for his question. As the house would know, Shannon's Way has gone through a proper and appropriate process, as do all our tenders and contracts. As distinct from those of the previous government, it has gone through an appropriate tender process and been selected on merit.

Mercedes Australian Fashion Week

Mr ROBINSON (Mitcham) — Will the Premier advise the house of recent developments concerning the government's ongoing efforts to secure important major events for Victoria?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Mr BRACKS (Premier) — I thank the honourable member for Mitcham for his question. When my government came to office we changed the name of the Melbourne Major Events Company from one which was about Melbourne to one which acted for the whole of Victoria. We also gave a mandate to the major events company to do two things — to look for not only sporting events, of which Victoria had a large number running successfully, but also other events, including cultural and arts events. It was also asked to look for events for Victoria's regional centres as well as the centre of Melbourne.

I am pleased to say that as a result of that strategy something like $700 million now goes into the Victorian economy from all the events that occur in our state, from the Australian Tennis Open through to the swimming championships that occur at the end of the year.

In the regions we have the surf lifesaving championships at Geelong, which are a new event, and we have already held the triathlon championships and the world ballooning championships, along with other events. In arts and cultural events Victoria has secured the Australian Film Industry awards for some several years.

Together with the Minister for Tourism I was pleased to announce today another event for Victoria. The major international fashion festival week which occurs in Sydney will now also occur in Victoria during

November. Alongside the Melbourne and spring fashion festivals we will also have the Mercedes Australian Fashion Week, which is an international festival of fashion — so we will have retail events at the start of the year and industry events in the second half of the year. This will put Victoria in the position, with New York, London, Milan and Paris, of having a major international fashion festival, which will bring millions of dollars into the Victorian economy.

Alongside the major sporting and film events we will now have major fashion events. Victoria will now be unparalleled in Australia as having the major calendar of fashion events, with, as I said, retail at the start of the year and the industry in the second half of the year.

Water: Melbourne consumption

Mr RYAN (Leader of the National Party) — I must say it all sounds much better than Queensland, Mr Speaker!

I refer the Premier to the report released this week by the Water Resources Strategy Committee which suggests that Melbourne's water demand will exceed current capacity as early as 2012, which is years ahead of previous estimates, and I ask: will the government now implement National Party policy of placing a cap on Melbourne's water consumption?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. As honourable members would know, this was an interim report, with the final report to be presented by the end of the year. However, we take the findings seriously, because we commissioned the report to examine Victoria's long-term water sustainability. I believe the National Party's proposal for a cap in Melbourne is a simplistic solution that will not work.

We need a much more comprehensive policy which is about long-term sustainability and about both environmentally and economically sustainable water practices. That means a range of options, of which a cap is a very simplistic one that will not solve the problem.

We have to ensure that Victoria is much more conserving of its water resources, which means both incentives and a price-based system. We will wait on the final report. We do not believe that a simple cap is the only solution available or one which will work.

Courts: sentencing

Mr STENSHOLT (Burwood) — Will the Attorney-General advise the house of the government's policies on sentencing, and is he aware of any proposal to change those policies?

Mr HULLS (Attorney-General) — The government is currently considering the Freiberg sentencing review. That report recommends incorporating community input into the sentencing process without resorting to the blunt and inflexible instrument of mandatory sentencing, which, as we all know, is inappropriate. Mandatory sentencing abolishes judicial discretion and produces unfair results. It neither deters nor reduces crime.

The government recognises that a comprehensive policy — indeed, a comprehensive strategy — is needed to address sentencing. It has already introduced smarter ways of addressing the causes of crime such as the recently launched drug court and the recently launched Koori court. Our vision, which is shared by the Victorian community, does not involve mandatory sentencing, which is immoral, unethical and racist. It casts an ugly shadow across our community. It is not now and will not be part of this government's policy.

I remind all honourable members that this week is Reconciliation Week. It is a timely reminder of the report of the Royal Commission into Aboriginal Deaths in Custody and why the commission was established. It was to work out why so many Aboriginal people were dying in custody. When a young Aboriginal man died, I think, some two years ago while locked up in jail on a mandatory sentence, somebody said, 'The Liberal Party is opposed to mandatory incarceration and its view on that has been known for many years'. Guess who said that? The Leader of the Opposition said that! But now, in a grab for short-term political survival, he has changed his mind. In a media interview the other day he said — —

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the issue. I am happy to have a debate on the Liberal Party's position on minimum sentencing anywhere and at any time. I am happy to accommodate the Attorney-General, but this is not the time for it.

The SPEAKER — Order! The latter part of that point of order is not a point of order. With regard to the earlier part of the point of order about debating the question, I ask the Attorney-General to return to answering the question.

Mr HULLS — When you have people advising the government in media interviews that: 'They could look at introducing the Liberal Party's policy of mandatory — oh, can we do that again — —

The SPEAKER — Order! I will not permit the Attorney-General to go down that particular track.

Mr HULLS — The cat is well and truly out of the bag. The opposition knows that mandatory sentencing is fundamentally wrong. We believe it is wrong.

Dr Napthine — On a point of order, Mr Speaker, the Attorney-General is continuing to debate the issue. I ask you to bring him back to order.

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the Leader of the Opposition.

Mr HULLS — The government believes — —

Honourable members interjecting.

The SPEAKER — Order! If the honourable member for Doncaster has something to say, he can stand up and get the call.

Mr HULLS — For some, getting votes is more important than a fundamental principle. Sir Anthony Mason once described mandatory sentencing as — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Mordialloc.

Mr HULLS — Sir Anthony Mason described mandatory sentencing as a cruel and unusual punishment. John Howard opposes mandatory sentencing, as did former Liberal premiers such as Dick Hamer and even Jeff Kennett. I am sure the honourable member for Pakenham opposes mandatory sentencing.

The SPEAKER — Order! I ask the Attorney-General to desist debating the question and come back to answering it.

Mr HULLS — I conclude by saying that the only mandatory sentence I would be prepared to support would be the honourable member for Portland's being sentenced to remain Leader of the Opposition until the next election, but the backbench will not grant my wish!

Shannon's Way Pty Ltd

Ms ASHER (Brighton) — My question without notice is for the Premier. Noting that Mr Anton Staindl of Haystac Public Affairs is now a full business partner with Shannon's Way Pty Ltd founder, Bill Shannon, can the Premier inform the house if this is the same Mr Anton Staindl who was on the Workcover panel which awarded Shannon's Way the multimillion dollar Workcover advertising contract?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Mr BRACKS (Premier) — I reiterate that all the probity issues and the probity ought to confirm the issues which the — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Wantirna!

Mr BRACKS — The reality is that the proper processes were adhered to in the awarding of the contract.

Roads: funding

Ms OVERINGTON (Ballarat West) — Will the Minister for Transport advise the house about the government's approach to funding major roads in Victoria and whether he is aware of any recent proposals which threaten this approach?

Honourable members interjecting.

The SPEAKER — Order! I suggest to all sectors of the house that if they want to hear the questions they should quieten down!

Dr Napthine — On a point of order, Mr Speaker, we on this side did not hear the question. Could it be repeated?

The SPEAKER — Order! On the point of order raised by the Leader of the Opposition, the first point the Chair will make is that essentially the question could not be heard because of the interjections by the honourable members for Monbulk and Doncaster. I ask them to cease interjecting whilst the question is being asked. As a courtesy to the house, I ask the honourable member for Ballarat West to ask her question again.

Ms OVERINGTON — Will the Minister for Transport advise the house about the government's approach to funding major roads in Victoria and whether he is aware of any recent proposals which threaten this approach?

Mr BATCHELOR (Minister for Transport) — Honourable members would be aware that over the past 10 years road funding arrangements in Australia have been governed by the 1991 intergovernmental road

funding agreement. Essentially that agreement provides for the commonwealth government to fund national highways and to jointly fund roads of national importance — the RONIs, as they are locally known. The agreement also provides for state governments to fund the arterial road network and for local governments to fund local roads. They do that with assistance from the commonwealth through untied grants and other programs. This system has provided a framework for allocating funding for road projects in Victoria and other states during the last decade.

Last week the Howard government tore up this agreement — it unilaterally announced its intention to tear up the 1991 intergovernmental road funding agreement! That was done by none other than the Deputy Prime Minister, who announced that the 1991 roads agreement would be replaced with a new agreement under which the commonwealth would walk away from its significant national responsibilities. The Deputy Prime Minister said the commonwealth government would no longer accept its full responsibility for the national highway system; instead it is intending to cast part of those costs over to the states.

As well as announcing that the commonwealth would be winding back its commitment to the national highway system, the speech by the Deputy Prime Minister made no mention of whether it would continue its commitment to roads of national importance. This announcement has enormous implications for road funding in Victoria. It threatens the future of a number of projects.

Firstly, the announcement by the Deputy Prime Minister, John Anderson, threatens the construction of the Deer Pass bypass.

Honourable members interjecting.

Mr BATCHELOR — The Deer Park bypass.

Mr Ryan — We're only here to help.

Mr BATCHELOR — The Leader of the National Party says he is only here to help. The test will be whether the Leader of the National Party and the Leader of the Liberal Party stand up with the state of Victoria or whether they stand up with their federal colleagues in cutting back road funding to Victoria. That will be the real test, because it threatens the construction of the Deer Park bypass; it threatens the completion of the duplication of the Calder Highway to Bendigo by the year 2006; and it threatens the construction of the Geelong ring-road as a RONI project, which should be built as a continuation of the Geelong road upgrade, which is currently drawing to a conclusion. As well the commonwealth is putting in jeopardy $26 million of the annual cost of maintaining the national highway network in Victoria. Clearly the Howard government is trying to shift to Victoria all or part of this maintenance cost. If it were successful in getting away with it, it would blow a hole in the funds available for Victorian roads.

Clearly the Liberal and National parties have once again betrayed the state of Victoria, and in particular regional Victoria. As I said before, the real test will be whether the National Party and the Liberal Party in Victoria will choose to stand up for the people of Victoria and stand with this state government in securing funds or whether they will back the commonwealth government in cutting funds, because what is being done in road funding is an advance on what will happen in other areas of commonwealth expenditure. Cutting back road funding is just an advance on cutting back funding for education, for health — —

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr BATCHELOR — The Leader of the Opposition raises the Pakenham bypass. I understand the honourable member for Pakenham bypassed the party meeting today!

The SPEAKER — Order! The minister, back to the question.

Mr BATCHELOR — He bypassed the party meeting today despite a personal appeal from the honourable member for Brighton and a personal appeal — —

Mr Perton — On a point of order, Mr Speaker, the minister is clearly debating the question. I ask you to bring him back to order.

The SPEAKER — Order! I uphold the point of order. I ask the minister to come back to answering the question. I remind him of sessional order 3, which requires succinctness.

Mr BATCHELOR — The test will be whether the Victorian Nationals and Liberals support road funding for Victoria and back up what this government is trying to maintain. Over that 10-year period it is only in this last year that Victoria has got anywhere near its fair share.

It was only under this government, together with local communities, that pressure was put on the federal government to increase road funding to Victoria to anywhere near its fair share. For years the previous government allowed our road funding to be used to build roads in other states. This government is sick and tired of that arrangement, and it is time for these other parties to stand up for road funding for Victoria.

Shannon's Way Pty Ltd

Dr NAPTHINE (Leader of the Opposition) — Can the Premier confirm that Mr Bill Shannon, director of Shannon's Way Pty Ltd and the lucky winner of the two largest taxpayer-funded, multimillion-dollar government contracts is the same Mr Bill Shannon who is the treasurer of the Labor Party's chief funding arm, Progressive Business?

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Bentleigh!

Mr BRACKS (Premier) — The Leader of the Opposition has already correctly indicated that Shannon's Way is the company which undertook the advertising for the Labor Party's last campaign. Therefore it is no surprise that Mr Shannon was involved. But Mr Shannon won the contract on a competitive basis, and in fact — —

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members to come to order, particularly the honourable member for Wantirna.

Mr BRACKS — Just like other advertising companies which deal with all kinds of organisations, including the Liberal Party, Shannon's Way was unanimously selected by the Workcover board on a competitive basis because it submitted the best tender.

Disability services: commonwealth–state agreement

Ms ALLEN (Benalla) — Will the Minister for Community Services advise the house about the government's approach to the renegotiation of the commonwealth–state disability agreement and whether she is aware of any recent proposals which threaten funding for services for people with disabilities?

Ms PIKE (Minister for Community Services) — The Victorian government is currently renegotiating the commonwealth–state disability agreement, which is a five-year agreement that sets out the cost-sharing arrangements for disability services. The current agreement expires on 30 June. The government is working very hard to negotiate a deal that is fair and supports rather than undermines Victoria's position, because it has worked very hard to provide additional support and services for people with disabilities. Funding has increased by 34 per cent since the Bracks government has been in office.

At the upcoming disability ministers conference on 28 June we will continue to vigorously negotiate for a decent agreement which will provide funding, particularly that which has already been agreed on, to meet unmet needs as well as funding for growth and indexation. This government's position is in contrast to the outrageous approach of the Howard government. It is a shameful situation that the Howard government is seeking to withhold $120 million of funding from Victoria for disability services. This is funding that has already been agreed to. How is the federal government planning to withhold that? It is saying that if federal Parliament does not pass the legislation announced to cut disability pensions then it will withhold $120 million from Victoria.

Honourable members interjecting.

Ms PIKE — In spite of all the protestations and interjections from the other side, this clearly demonstrates that those opposite have no care or concern for people with a disability in our community, because while the commonwealth has been proposing this we have had the absolutely unprecedented situation whereby opposition members have sat by absolutely silent. They have not raised any matters of concern with their federal counterparts.

The Howard government is now attaching strings to the commonwealth–state disability agreement. As I said, the agreement has been in place for many years. By applying to the states this unfair condition that it will not fund the unmet needs, the Howard government is penalising and hurting some of the most disadvantaged members of our community. Certainly we on this side of the house want to do, and have done, everything that we can to support people with disabilities.

It is important that we are very clear about what the commonwealth has done and, might I add, that this is completely contrary to the intergovernmental agreement. The commonwealth government is tearing up the rules; it is making its own rules, and it is making it very clear that it does not care about whom it hurts.

We need to be reminded that digging into the pockets of people with disabilities, of people who are on a disability pension, is a desperate act by a federal government which needs to do this because it went on a huge spending spree prior to the last election. I would certainly call on those opposite to stand up and be counted on behalf of people with disabilities in our community, to show that they really care, to put some pressure on their federal counterparts so we can get this funding, which has already been agreed to, and make sure that that funding is not contingent on passing a piece of legislation that in its own right is fundamentally unjust.

Shannon's Way Pty Ltd

Ms ASHER (Brighton) — Given that the Premier has rewarded the Labor firm Shannon's Way Pty Ltd with millions of dollars of government contracts, I ask: in the interests of open and honest government, will the Premier now retender these tainted contracts so the community gets the best firm for the job and not simply one of the Premier's close political mates?

Mr BRACKS (Premier) — First of all I reject the allegation in the question as wrong, wrong, wrong! This went through a proper tender process. It was the decision of the board to accept this tender, and I would have thought that people like Bob Officer, who is on the board, and Paul Barber, the former head of Audit Victoria who is also on the board — people who have been smeared by these comments of the deputy opposition leader — —

An honourable member interjected.

Mr BRACKS — Never happened. This was a decision of the board, undertaken through a proper tender process. I reject the allegations in the question.

An honourable member interjected.

Mr BRACKS — Blah, blah, blah! I totally reject them. The comments in the preamble to the question are spurious, wrong and defamatory.

National Reconciliation Week

Mr NARDELLA (Melton) — My question is to the Minister for Aboriginal Affairs. Given that this week is National Reconciliation Week, will the minister advise the house what action the government is taking to address important indigenous issues in this state?

Mr HAMILTON (Minister for Aboriginal Affairs) — I thank the honourable member for his question and for his interest and commitment and, indeed, the commitment of a large number of honourable members on both sides of this house to reconciliation and to addressing the hurt and the dispossession of indigenous Victorians.

Perhaps there are very few things of which this Parliament can be proud, but I believe there has been a great commitment across this house over a large number of years to dealing with the topic called 'reconciliation'. This week it is absolutely appropriate that we reflect on the past injustices and commit again to dealing with those, not just as a government but as a whole Parliament.

During this week there have been a number of events which form part of addressing injustice, part of a recommitment by this government and, I believe, by the Victorian community, to one of the most serious challenges we have: dealing with what are truly and properly moral responsibilities of all of us. On Sunday I launched the Victorian stolen generations support agency. This agency is funded by the government to empower, enable and support indigenous people in dealing with the great distress so that those who have survived and been part of the stolen generations can actually have support from their own community and assistance from government to deal with that hurt and great trauma.

It is with great sadness that I have heard completely unacceptable and unreal criticisms by people who are criticising the stolen generations. These people have never met, listened to or even started to appreciate the great hurt of people who never knew their mother or their father and who perhaps found out about them after their death. Our government is committed to providing an Aboriginal agency to be the lead agency in this area.

Yesterday with the Minister for Community Services I launched the $7.6 million Victorian indigenous family violence task force. Family violence is of great concern across all communities, but our government believes that to address family violence in indigenous communities it has to be led and driven by the indigenous communities and indigenous community leaders. The task force will be working conscientiously and terribly hard within the next nine months to bring back a report with strategies and directions for the community and government to follow.

Today at lunchtime, together with the Attorney-General, I released the 2002 inaugural indigenous community justice awards, and that was a very moving time. The Attorney-General was able to announce that the justice agreement between this government and the Aboriginal communities across

Victoria was working and was being supported. The leaders in that area were recognised — both Aboriginal and non-Aboriginal people — and it was with a great deal of pleasure that officers of the police force and the Department of Justice as well as members of the broader community were recognised for their work.

Tomorrow the Minister for Local Government will release the Municipal Association of Victoria's study that analyses the efforts of councils and what they are doing towards progress in reconciliation. It is very pleasing for the Minister for Local Government and this government in total to note that members of the municipal association — that is, local councils — have provided great leadership in addressing reconciliation within their communities.

On Thursday there is a screening in this Parliament of a film entitled *Without Prejudice*. It is a documentary that tracks the progress of the people's convention on reconciliation. As part of this government's response a number of events, not just those I have mentioned, are going on across the whole of the Victorian community involving people of all religions and from all ethnic groups. One of the great strengths of Victoria and the Victorian people is that reconciliation crosses all political and religious boundaries.

The SPEAKER — Order! I ask the minister to conclude his answer.

Mr HAMILTON — National Reconciliation Week is one initiative that we should recognise. I thank this Parliament for the respect it has shown me while answering this question. I hope we all recommit to reconciliation.

FRANKSTON CITY COUNCIL

Central activities district development

Mr CAMERON (Minister for Local Government) — By leave, I move:

> That there be presented to this house the report of the inspectors of municipal administration into an investigation at Frankston City Council concerning confidential information relating to the central activities district development project.

Motion agreed to.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Ms GILLETT (Werribee) ***Alert Digest*** **No. 5 of 2002 on:**

Adventure Activities Protection Bill
Agriculture Legislation (Amendments and Repeals) Bill
Albury-Wodonga Agreement (Repeal) Bill
Appropriation (2002/2003) Bill
Appropriation (Parliament 2002/2003) Bill
Building (Further Amendment) Bill
Business Licensing Legislation (Amendment) Bill
Casino (Management Agreement) (Amendment) Bill
Corrections (Interstate Leave of Absence) Bill
Criminal Justice Legislation (Miscellaneous Amendments) Bill
Domestic Building Contracts (Conciliation and Dispute Resolution) Bill
Environment Protection (Resource Efficiency) Bill
Gaming Legislation (Amendment) Bill
Juries (Amendment) Bill
Liquor Control Reform (Packaged Liquor Licences) Bill
Local Government (Update) Bill
National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2)
Pathology Services Accreditation (Amendment) Bill
Residential Tenancies (Amendment) Bill
Sports Event Ticketing (Fair Access) Bill
State Taxation Acts (Further Tax Reform) Bill
Summary Offences (Spray Cans) Bill
Tobacco (Miscellaneous Amendments) Bill
Transport (Further Miscellaneous Amendments) Bill
Travel Agents (Amendment) Bill
Utility Meters (Metrological Controls) Bill
Victorian Civil and Administrative Tribunal (Planning Proceedings) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Casino (Management Agreement) Act 1993 — Authorised changes to drawings of the Crown Limited's Second Hotel Tower pursuant to s 16 (21 papers)

Environment Protection Act 1970 — Neighbourhood Environment Improvement Plan Guideline pursuant to s 19AE

Financial Management Act 1994 — Report from the Minister for Education and Training that she had received the 2001 annual report of the International Fibre Centre Ltd

Murray-Darling Basin Commission — Report for the year 2000–01

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2001

Parliamentary Committees Act 1968:

Response of the Minister for Consumer Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's inquiry into marketplace discrimination against women consumers

Response of the Minister for Finance on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee on the 2001–02 Budget Estimates

Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's inquiry into the *Summary Offences Act 1966*

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

Ballarat Planning Scheme — No C44

Bayside Planning Scheme — No C21

Cardinia Planning Scheme — No C29

Casey Planning Scheme — No C42

Greater Bendigo Planning Scheme — No C9

Greater Geelong Planning Scheme — No C34

Kingston Planning Scheme — No C28

Melbourne Planning Scheme — No C63

Moonee Valley Planning Scheme — No C30

Southern Grampians Planning Scheme — No C4

Wyndham Planning Scheme — No C16

Statutory Rules under the following Acts:

Business Names Act 1962 — SR No. 31

Subordinate Legislation Act 1994 — SR Nos 33, 34, 35

Zoological Parks and Gardens Act 1995 — SR No. 32

Subordinate Legislation Act 1994

Minister's exception certificates in relation to Statutory Rule Nos 32, 33, 34, 35

Minister's exemption certificate in relation to Statutory Rule No. 31.

ROYAL ASSENT

Message read advising royal assent on 21 May to:

Crimes (DNA Database) Bill
Fisheries (Further Amendment) Bill
National Crime Authority (State Provisions) (Amendment) Bill
Racing Acts (Amendment) Bill
Rail Corporations (Amendment) Bill
Theatres (Repeal) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Business Licensing Legislation (Amendment) Bill
Corrections (Interstate Leave of Absence) Bill
Domestic Building Contracts (Conciliation and Dispute Resolution) Bill
National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2)
Residential Tenancies (Amendment) Bill
Sports Event Ticketing (Fair Access) Bill
Tobacco (Miscellaneous Amendments) Bill
Utility Meters (Metrological Controls) Bill

BUSINESS OF THE HOUSE

Constitution (Parliamentary Terms) Bill

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

That so much of standing and sessional orders be suspended on Wednesday, 29 May 2002, so as to allow:

(1) In substitution of a discussion of a matter of public importance due to be proposed by the government pursuant to sessional order 9, consideration of general business order of the day 51 relating to the Constitution (Parliamentary Terms) Bill.

(2) In relation to debate on the question 'That this bill be now read a second time' the number of speakers and length of speeches shall be limited to:

(a) the lead speakers for each of the government, opposition and third party who may each speak for a maximum of 15 minutes; and

(b) any other members who may each speak for a maximum of 10 minutes; and

(c) the member for Gippsland East, who may reply for a maximum of 15 minutes —

provided that the overall time for members to speak pursuant to subparagraphs (a) and (b) shall not exceed 1 hour 45 minutes.

(3) At the conclusion of all speeches permitted by paragraph (2), the Chair shall immediately put the question or questions required to dispose of the second reading of the bill.

(4) If the bill is read a second time by an absolute majority of the whole number of the members of the Legislative Assembly, the Chair shall immediately put the questions required by standing order 138 to commit the bill to the committee of the whole house.

(5) At the expiration of the two-and-a-half-hour period provided under sessional order 9(7):

(a) unless a division is taking place, the Chair will interrupt the business before the house or committee;

(b) if a division is taking place it will be completed without interruption and the result announced and the Chair will then interrupt business.

(6) If the bill is before the house at the time of the interruption:

(a) the Chair will immediately put the question on any amendment or motion already proposed from the Chair; and

(b) except for the question relating to the third reading of the bill which must be put separately, the remaining questions necessary for the passage of the bill through the house and transmission to the Legislative Council shall be combined.

(7) If the bill is being considered in committee at the time of the interruption:

(a) the Chairman will immediately put the question on any amendment or motion proposed from the Chair; and

(b) immediately after resolution of any question put under paragraph (a), the Chairman will put a combined question or a number of questions, the form and number being at the discretion of the Chairman, disposing of any amendments, new clauses and schedules desired by the government which have been circulated during the committee stage — no other amendments, new clauses or schedules will be proposed; and

(c) the Chairman will then report to the house without a question being put; and

(d) after receiving the report, except for the question relating to the third reading of the bill which must be put separately, the Chair will combine any remaining questions necessary for the bill to be passed and transmitted to the Legislative Council.

(8) At the conclusion of the consideration of the bill, whether following the interruption pursuant to paragraph (5) or earlier, the house shall proceed with government business in accordance with the notice paper.

By way of brief explanation, the motion, although lengthy in detail, will simply allow the Parliament to debate a private members bill tomorrow during the time when the government would be proposing for discussion its matter of public importance. By forgoing that opportunity this motion will allow the honourable member for Gippsland East to proceed with his private members bill, which is item 51 under the general business, orders of the day, on the notice paper.

The intent of the motion is to allow that bill to proceed through the general second-reading stage, to allow the honourable member for Gippsland East to sum up, and to allow for a vote to be taken. If there are amendments, clearly the intent of this motion is to allow those to be dealt with adequately. In effect it is a longwinded way of saying that during the time scheduled for discussion of matters of public importance tomorrow we will be dealing with the honourable member for Gippsland East's private members bill.

As I understand it, there is general agreement across the parties as to the form of this procedure, which has been demonstrated by the giving of leave. The motion will enable the Parliament to commence and conclude the debate and vote on the private members bill tomorrow.

Mr McARTHUR (Monbulk) — The Liberal Party supports this motion. Indeed, it was approached some weeks ago by the honourable member for Gippsland East seeking its support to allow a debate on the private members bill standing in his name. Although it did not agree to automatically support the bill, the opposition certainly agreed to support him by allowing it to be brought into the house to be fully and properly debated. The Liberal Party also agreed that it would not seek to move any procedural motions to delay or frustrate the debate but that it would assist in bringing it to a conclusion so the honourable member's proposal could be tested on the floor of the house. I look forward to honourable members doing that very thing tomorrow morning.

Mr MAUGHAN (Rodney) — The National Party will also be supporting the motion before the house. This is a very important discussion, because there are obviously widely held views on the subject of parliamentary reform.

The honourable member for Gippsland East has put forward a proposal that is supported by many community members. The National Party believes the matter should be debated on the floor of the Parliament, and it is more than happy to allow the debate to proceed tomorrow on the terms and conditions as spelt out by the Leader of the House.

Mr INGRAM (Gippsland East) — I thank the Leader of the House for moving that motion; likewise I thank all honourable members for approving leave to allow this important debate to go ahead tomorrow. I thank the government for allowing the debate to replace its matter of public importance. It highlights the need in this place for time to be set down for private members' business. I thank all members of the house for allowing the bill to be debated tomorrow.

Motion agreed to.

Mr McArthur — On a point of order, Mr Speaker, I refer honourable members to the Legislative Assembly daily program, which is available to all members. On my copy, and I presume on the copy available to the Chair, after motions by leave the next item of business is listed as the government business program motion to be moved by the Leader of the House. I wonder what has happened to the government business program motion. The Leader of the House does not seem to be moving any business program this week. Does this mean that the sessional orders are not going to be in place any more; that we will no longer have guillotines; that the government does not have any business to move; or that he has simply ducked for cover because his government business program motion was headed for defeat?

The SPEAKER — Order! On the point of order raised by the honourable member for Monbulk, which was on a procedural point, the Chair was advised immediately before question time that the government would not be moving a government business motion. With regard to the latter part of the point of order, I refer the honourable member for Monbulk to sessional order 6(3), which covers this issue.

Mr Maclellan — On a point of order, Mr Speaker, I wonder whether, as a matter of courtesy to the house, when the Speaker is informed and knows in advance that there will not be a government business program for the week he might advise the house of that information rather than allowing it to be discovered by the absence of a motion.

The SPEAKER — Order! The Leader of the House had the courtesy to advise the Speaker immediately before question time today. However, I refer honourable members to sessional order 6(3), which says:

> On the first day of the sitting week the Leader of the House or his or her nominee before the calling on of government business may move without leave a motion setting times and dates by which consideration of specified bills or items of business have to be completed in that sitting week.

By inference, that means it is the choice of the government leader whether he moves that motion or not. Contrary to the courtesy shown to the Speaker today, there is no obligation for him to advise the Chair, nor is there any obligation for the Chair to make an announcement.

MEMBERS STATEMENTS

National Gallery of Victoria: funding

Mrs ELLIOTT (Mooroolbark) — The 2002–03 state budget has severely disadvantaged the National Gallery of Victoria. While the Melbourne Museum received $17.2 million in the budget, the gallery received nothing. This left the trustees of the gallery totally devastated. Their prudent financial management has been punished.

The redevelopment of the gallery at St Kilda Road and the construction of the Museum of Australian Art at Federation Square are the most significant current cultural projects in the world — initiated and developed by the former Kennett coalition government. Now the small surplus which the trustees have achieved will have to go into the building and running costs instead of into much-needed art acquisitions. The trustees have ruled out the reintroduction of entry fees; therefore, when the gallery finally opens it will be faced with some unenviable choices regarding hours of opening, programs and acquisition of artwork to add to its world-renowned collection because it received no increase in recurrent funding.

The National Gallery of Victoria deserves better treatment and greater recognition from the Minister for the Arts and from this government.

Neighbourhood houses: Burwood

Mr STENSHOLT (Burwood) — I wish to put on record my admiration for the work of neighbourhood houses. The Bracks Labor government has increased their funding by 35 per cent, which is the first increase in 10 years; they were completely forgotten by the former Kennett government. They include the Burwood Neighbourhood House. When I visited the house last week I advised those concerned of a grant to enable its connection to the Internet and to the network of neighbourhood houses and communities throughout Victoria.

Other neighbourhood houses in my electorate include the Alamein Community Centre in Ashburn Grove, which does great work among the community — Jean Christie and others do great work; and the Craig Family

Centre led by Susie Bunn has developed a range of innovative programs serving the communities of Ashburton and Glen Iris. I also commend the work of the Ashburton centre and the neighbourhood houses at Box Hill South and Bennettswood, which have a great variety of programs to be enjoyed by the local people.

I give special mention to the Powerhouse in Ashwood and the Amaroo Centre in Chadstone. I invite all honourable members to attend the annual art show at Amaroo, which opens on Friday night. It is an excellent show and an excellent support for the local community.

Women in Grains

Mr DELAHUNTY (Wimmera) — On behalf of the Wimmera electorate and the people in rural and regional Victoria I wish to congratulate all the women involved in Women in Grains, particularly its chair, Jenny Grigg, coordinator Nickie Berrisford, and editor, Penny Hendy, on the celebratory report entitled *Women in Grains*. The report was prepared to celebrate the achievements of the pilot program entitled Women in Grains Increasing Profitability, which was funded by the Grains Research and Development Corporation (GRDC) and supported by the Victorian Farmers Federation grains group and the grains industry training network.

Women in Grains was formed in 1997 by the VFF. Since the inception of WIGs we have seen many women gain personal and professional confidence, resulting in enhanced enthusiasm for the grains industry and increased participation in farming operations and decision making.

The program established five self-directed learning groups of women and allowed those women to identify the skills and training they needed to increase their involvement in their farm businesses, industry organisations and the community. Research indicated that many women wanted to increase their involvement but lacked the confidence or some skills to do so.

There have been many significant achievements from the project with women taking on new and challenging roles within the farming business, local government and other organisations. The project was so successful that the GRDC has funded a national program known as Partners in Grain, which focuses on developing the skills and confidence of women and young people. I will be putting a copy of the report in the parliamentary library for all to read. Congratulations to all involved!

Narracan: government initiatives

Mr MAXFIELD (Narracan) — I rise to congratulate the Bracks government on its strong contribution to my electorate of Narracan. Following the restructuring of the timber industry the Treasurer attended a meeting in Warragul where he met many community representatives and discussed the issue of job losses.

As a result of that, today $1.83 million of funding has been announced for my electorate. The allocations include: Neerim South, $200 000 for streetscaping work; Drouin, $500 000 to assist with works within the town; Rokeby, $30 000; Longwarry, $80 000 for works in that town; Willow Grove, $20 000; Erica, $330 000 for a major upgrade of the town centre; Trafalgar, $500 000 for a skate park, ensuring Trafalgar completes that magnificent project; and in Noojee stage 2 of a project will receive $170 000 in addition to the $150 000 already spent there.

The funding will be a massive boost to the townships in my electorate and will create many jobs. It is typical of the Bracks government's committing to and working with me as the local member to assist the community. A second stage to create jobs in terms of expanding business growth is to come in the next few weeks.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Alfred medical research and education precinct

Mr DOYLE (Malvern) — Last week I had the pleasure of attending the opening of the Alfred medical research and education precinct. That project brings together four world-class institutions — the Alfred hospital, Monash University, the Macfarlane Burnett Centre for Medical Research and the Baker Medical Research Institute. Bringing these institutions together is an excellent project and an excellent result. It will be of great benefit to Victoria.

It is true that this project was conceived, planned, funded and commenced under the previous government. The planning for it began as long ago as 1997–98. I must admit it sticks in the throat a little that our project had the ribbon cut by the Premier and the Deputy Premier — but after all, openings are the spoils of war.

This may seem only a small matter but it is usual in these programs to acknowledge and thank those who have made a contribution to the project and who are present at the function. It was disappointing that Professor John Funder, the Premier and the Deputy

Premier did not see fit to even acknowledge the former Victorian Minister for Health, Rob Knowles, who was present at the opening. That may seem to be only a small courtesy but it is an important one; it is important to recognise the work of somebody who has gone before. It is a fairly graceless and needless act not to thank the former health minister and it indicates smallness of mind. I publicly put on the record our thanks and gratitude to Rob Knowles for his work in putting together the Alfred medical research and education precinct.

Heather Kendall

Ms GILLETT (Werribee) — It is with pleasure that I place on the record the achievements of a rather fantastic woman in Werribee, Mrs Heather Kendall. Heather has been with the Werribee fire brigade auxiliary for many years. In February the auxiliary celebrated 42 years of service to the brigade and the Country Fire Authority. Heather was a foundation member and there are three other longstanding members.

Heather's contribution was celebrated at the recent annual dinner dance of the Werribee fire brigade. I place on record a few facts about Heather's commitment. She joined the auxiliary in March 1977 and was elected vice-president in October the same year. She held that position for three consecutive years, then took on the president's position for a further three years. Heather represented the ladies auxiliary on the committee 14 times over the past 25 years and attended about 242 meetings out of a possible 275 — a magnificent effort when you have a family and a business to care for.

Heather has been one of the most amazing volunteer contributors to the community of Werribee and the CFA ladies auxiliary. I congratulate her and her family on her efforts and encourage her to continue to make an outstanding contribution in the years to come.

Prisons: Carrum Downs

Mr ROWE (Cranbourne) — I raise with the house the concerns of the residents of Carrum Downs, Seaford, Frankston North, Langwarrin and Cranbourne about the proposal by the Labor government to build a prison in the Carrum Downs area.

This information was received by the opposition through a leak from within the government. Subsequent investigations have found that the government has been negotiating with the Waterfall family via the Crowder real estate network since November last year for the purchase of a site in Carrum Downs.

Although Mr Waterfall is unable to or refuses to confirm whether the sale has taken place, it is of grave concern to the residents of Carrum Downs, as are the statements by the honourable member for Frankston East. In an article in the *Frankston Leader* last week he said that a prison would be good for Carrum Downs and that the location on Thompsons Road and the Frankston–Dandenong Road would be ideal. He said that if prisoners escape, they do not hang around the area but get out. He was dismissing the concerns of the people of Carrum Downs and Frankston North.

I believe the honourable member further told a constituent last night on the telephone, 'It is your bad luck for living in the area'. This is an atrocious response from a member of the government who obviously does not stand up for his constituents and does not put the interests of the people of Frankston or the city of Frankston first.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Synchrotron project

Mr LIM (Clayton) — It is an understatement to say that the third Bracks government budget is the budget that delivers the most and the one that has received the most widespread acclaim from all members of the community. As the local member I am so excited that the government has spent the one largest amount of funding on a single item in my electorate.

The Victorian government's decision to invest $100 million towards the cost of constructing a synchrotron is an important step in the development of the state's high-technology industries into the 21st century. The areas likely to benefit most include such activities as telecommunications, advanced manufacturing and aerospace, as well as the much-vaunted biotechnology. The 110-metre diameter circular instrument, to be built next to Monash University's Clayton campus, will produce high-intensity light and X-rays for probing matter.

Synchrotrons have become fundamental to research involving materials, an area that is one of Victoria's great strengths. Knowledge of the structure, function and development of materials underpins much of what is regarded as high technology — for example, the use of proteins for drugs, the machining of new computer chips, the analysis of mineral ores, medical imaging and the development of new plastics and composite

materials. The most important thing is the Bracks government — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Education Week awards

Mrs PEULICH (Bentleigh) — Each year I have the honour of attending Education Week's gala dinner, which generally is a dinner supported by all sides of politics to celebrate the outstanding achievements and contributions in the field of education. Generally those at the dinner witness the giving of numerous awards, as happened this year, including the curriculum innovations award to the Balwyn High School physics team, an outstanding primary teacher award to Perry Kick of Mentone Park Primary School, an outstanding secondary teacher award to Richelle Hollis of Bendigo Senior Secondary College, a fellowship award to David Reynolds of Princes Hill Secondary College and an outstanding school leadership award to Darrell Fraser of Glen Waverley Secondary College.

Whilst all gave their inspirational thanks and appeared to deserve the awards, I must confess I suffered some embarrassment at the acceptance speech of Darrell Fraser, the Glen Waverley Secondary College principal, in that he decided to make it quite a party-political acceptance speech when he felt the need to ingratiate himself with the government that had given him a $50 000 grant. He used the opportunity to launch an attack on our federal colleagues in relation to education policy.

I must say that if I were a member of the Glen Waverley school community I would be bitterly disappointed that a person who had won the outstanding leader award had embarrassed and diminished the hard work of that school community. In particular I felt the minister really played — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired!

Anton and Maria Gerber

Mr SEITZ (Keilor) — I rise to put on record my congratulations to Anton and Maria Gerber on the celebration of their diamond wedding anniversary. This couple, from Croatia and of German heritage, moved into St Albans a little after I arrived in the area. They established their family there, and indeed still live in the same house!

It is amazing that people who lived through a lot of hardship in wartime and who have worked in country areas and on farms in Australia have reached the ages they have: Mr Gerber is 90 years old and Mrs Gerber is 88. I only hope that I achieve such longevity, and make it to 90 years at least! It certainly says something that they have been united in marriage for all those years. Many people could take a leaf from this couple's book in respect of both longevity and their long marriage. They are a happy unit and have a happy extended family. The neighbourhood in St Albans and the St Albans Senior Citizens Club — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired!

ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 24 April; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PLOWMAN (Benambra) — My speech will emulate the bill — that is, it will be short, simple and, hopefully, to the point! The Energy Legislation (Further Miscellaneous Amendments) Bill does about four things in total. It amends the Electricity Supply Act 1998 and the Gas Supply Act 1997. The bill is relatively simple as it abolishes the Gas Appeals Board and the Electricity Appeals Board and transfers the functions of those boards to the Victorian Civil and Administrative Tribunal (VCAT). The avenues of appeal against certain decisions and actions are in respect of the Office of Gas Safety and the Office of the Chief Electrical Inspector.

Part 2 of the bill amends the existing fire hazard ratings to adopt the Country Fire Authority and the Metropolitan Fire Brigade categories, which are effected under regulation. It also amends the Electricity Industry Act 2000 and the Gas Industry Act 2001. Firstly, this allows amendments to the tariff order in relation to tariffs charged by Vencorp (Victorian Electricity Network Corporation). Secondly, it deals with the cross-ownership exemptions as granted by the Australian Competition and Consumer Commission (ACCC) and accepted by the Essential Services Commissioner (ESC).

The first part of the bill reflects that no appeals have been lodged with either the Gas Appeals Board or the Electricity Appeals Board since their inception. Clearly this makes it difficult for those boards to justify their existence, and it is very difficult for the membership of those boards to be kept up. The transfer to VCAT is sensible because quite clearly VCAT has the capacity

to handle those appeals. It is suggested in the second-reading speech that because industry participants are in many cases well trained and have a good knowledge of the industry standards that will be applied or are likely to be applied, there is little need for appeals to be lodged. That is indicated by the fact that none have been lodged. It is also clear that VCAT has the necessary infrastructure and access to tribunal members with expertise and technical expertise to effectively manage any appeals that are lodged with it.

It should be noted that VCAT does not have, nor should have, the responsibility for hearing appeals based on regulation or regulatory control. Again, the second-reading speech indicates that under section 70(2)(f) of the Electricity Safety Act decisions prescribed by regulation are also appealable, but that this provision is not re-enacted in the bill as it is inappropriate to confer additional jurisdiction on VCAT by regulation. It is a very sensible part of the administration of the legislation in that VCAT could be bogged down if the exemption were not abided by. Appeals in respect of regulations of all sorts could come before VCAT, and that is not desirable.

Although the decisions of the regulators range across the whole gamut of electricity and gas production — generation, production, distribution and supply — and even cover the manufacture and importation of appliances, VCAT clearly has the expertise to cover all those areas. It is also interesting to note that the record keeping that was formerly the responsibility of the two boards will now be vested with regulatory authorities.

This will clearly avoid duplication. I have looked at the bill and at the powers that the Victorian Civil and Administrative Tribunal has to see whether the records kept by the regulatory authorities will be made available to it, and I am sure that will not be a problem.

The second area covered by the bill is the fire hazard rating, which is of concern to me and to all country members. In this respect it is a simplification. What were high, low and very high ratings have been restricted to high and low ratings, which is simpler and easier to comprehend. The Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB) use those ratings at the moment, and it seems appropriate that they are accepted in respect of the fire hazard ratings under the Electricity Industry Act. This is a simple but sensible amendment.

It is interesting to note that the re-mapping of the urban fringe by the CFA and the MFB is the first reassessment of the boundaries for almost 30 years. Considering the growth in the suburban areas of Melbourne, it is clearly time that was done. It is also interesting that both bodies, particularly the CFA, have catered for that increased growth in suburban development. The establishment of the new fire hazard ratings is probably most critical in the verge between the built-up and country areas, where there is a greater incidence of power lines adjoining country areas, which are likely to be a fire hazard. The change in that fire hazard rating and the re-mapping are both sensible and valuable changes for the electricity industry.

The third issue is the tariff order, which expires at the end of this year. This bill clarifies the effect the order has in respect of charges that Vencorp will make after the existing order expires. Again this is just a straightforward minor amendment to ensure certainty in the way the order will work and how it will affect the charges that are levied by Vencorp.

The last part of the bill deals with the cross-ownership exemptions which are to be amended by repealing the current duplication. Either the Australian Competition and Consumer Commission or the Essential Services Commission can procure an exemption. The bill does not require both bodies to do so, but it suggests that an exemption procured by the ACCC would need to be acceptable to the ESC, and vice versa. That simplifies the Electricity Act and is also an improvement to the existing legislation.

This is a very simple bill that is really minor legislation. The opposition supports these amendments, and if the boot were on the other foot and the opposition were in government, it would be introducing amendments that were very similar if not exactly the same.

Mr KILGOUR (Shepparton) — I rise to contribute to the debate on the Energy Legislation (Further Miscellaneous Amendments) Bill. We have looked at several bills in the area of energy, and I am pleased to say that we do not have to deal with the complex circumstances that arose with some other legislation, even the simple parts of which were extremely technical and difficult to understand.

However, this bill, which has four major purposes, is fairly simple. As my colleague the honourable member for Benambra said, it is not a bill which will necessarily take up a lot of the house's time. The National Party does not oppose the bill. We believe it is important that we can change legislation which needs to be changed because things have not worked as was envisaged when the legislation was brought in.

The major purpose of the bill is to abolish the Electrical Appeals Board and the Gas Appeals Board. It also

makes some changes to the fire ratings, amends the transmission tariffs that are set by the Victorian Electricity Network Corporation (Vencorp) and clarifies the cross-ownership exemptions applying to electricity and gas suppliers.

The restructure of the industry resulted in a lot of changes. The bill is designed to restructure the mechanisms for appealing against decisions of the gas and electricity safety regulators by transferring such jurisdictions to the Victorian Civil and Administrative Tribunal (VCAT). The Gas Appeals Board and the Electrical Appeals Board were established under the Gas Safety Act 1997 and the Electricity Safety Act 1998 to provide an avenue of appeal against decisions made and actions taken by the Office of Gas Safety and the Office of the Chief Electrical Inspector. It is important to ensure that people who are dealt with harshly or in ways that the legislation did not necessarily intend have an opportunity to appeal.

No appeals have been lodged since the formation of the electrical and gas appeals boards, so it is important to ask about the use of organisations that are there to hear appeals if no appeals are being lodged and if there are other organisations within the government structure that can make provision to hear such appeals. We therefore find this an opportune time to transfer the hearing of any appeals that might be made against those offices to VCAT so they can be looked at under that system.

Part 2 of the bill is principally aimed at abolishing the Electrical Appeals Board. It transfers the jurisdiction to VCAT, which will not change the categories of the decisions made by the Office of the Chief Electrical Inspector but will enable them to be subject to review. So anybody who was going to bring an appeal will still be able to do so under the same circumstances, and no categories will need to be changed. This will not change the categories of persons who are currently entitled to appeal; it will just change the jurisdiction the appeal will be heard in.

It is also necessary to see whether any changes are needed to the power-of-entry functions and the sorts of things that are involved in the current situation. The Electrical Appeals Board is required to maintain a register showing the power-of-entry functions exercised by enforcement officers, pursuant to division 2 of part 11 of the Electrical Safety Act. Clause 6 transfers those functions to the Office of the Chief Electrical Inspector, which means that any exercise of the power of entry by enforcement officers must be reported to the Chief Electrical Inspector within three business days after any entry. I would have preferred that to have been a little bit earlier. However, I guess there could be times when it might be necessary to wait until maybe the third day to advise the Office of the Chief Electrical Inspector of a forced entry under the enforcement powers that are provided by the bill.

Part 3 of the Gas Safety Bill amends the Gas Safety Act to abolish the Gas Appeals Board and transfer its appeal jurisdiction to VCAT. The amendments are in principal similar to those contained in part 2 of the bill. The transfer of the appeal jurisdiction to VCAT will not change the categories of the Office of Gas Safety that can be subject to the review. Just as the categories in the electricity act will not be changed so far as appeals are concerned, we will not find any change to the people who can be subject to the review. Some sensible housekeeping amendments in this bill simply mean that a tribunal which would normally sit to hear appeals but has not been asked to is therefore probably not necessary, considering that VCAT is set up to do similar sorts of things. I think it is reasonable to expect that that should be changed.

The only other aspect of the bill that I want to comment on is clause 5, which empowers a fire control authority to assign a low or high fire hazard rating for the purposes of the Electricity Safety Act and the regulations rather than a rating of ‘high’ or ‘very high’. Therefore the general situation is that you will be able to rate the fire danger as low or high, as against high or very high, which is currently the case. The amendment will ensure that all areas across Victoria are assigned fire hazard ratings that accord with their level of bushfire risk. I have spoken to the Country Fire Authority, which believes there are no problems with this. In fact it supports everybody across the state working under the same conditions so we can ensure that everybody knows what the actual verifications are.

With those few words, I hope we will see this bill go through to ensure that the acts and the regulations they involve can work better in the future.

Mr HOWARD (Ballarat East) — I am pleased to briefly speak on the Energy Legislation (Further Miscellaneous Amendments) Bill. Having this bill come before the house reminds me very much of an episode in a television program I am sure we have all watched or should watch if we have not — *Yes, Minister*. I remember an episode in which the minister was being shown around a new hospital that had supposedly been in operation for some time. The staff were in place and all the equipment was in place, and the minister was assured that the hospital was functioning very well. The minister said, ‘Yes, but there are no patients’, and it took some discussion and some time before eventually it was realised that the hospital

would in fact have to have patients before it could be claimed to be running effectively

Mr Maughan interjected.

Mr HOWARD — It was indeed. In fact *Yes, Minister* provided me with a very useful education before I was elected to Parliament, and I keep reflecting on some of those episodes as the days go by.

However, in this case we are dealing with legislation on the gas and electricity industries that was brought forward in 1997 and 1998, when it was perceived that the appropriate appeals boards should be set up as the Gas Industry Appeals Board and the Electricity Appeals Board.

Those boards have been put in place and have been running, in *Yes, Minister* terminology, very efficiently for nearly five years. The fact of their efficiency is, however, seen alongside the fact that there have been no appeals lodged! While the *Yes, Minister* logic clearly sees that as being quite good, we have determined that we do need to review this aspect of the legislation and find a more practical and effective way of allowing appeals to be made — if future appeals are made.

The bill notes that the appeal mechanisms will not change but that there is no need to have a Gas Appeals Board or an Electricity Appeals Board in place and that instead the Victorian Civil and Administrative Tribunal is an appropriate body to transfer that opportunity to make appeals to.

As we understand it, VCAT is appropriately established. It can bring in people with appropriate experience as necessary, and it has the necessary infrastructure in place to enable appeals to be heard. So, effectively, 80 per cent or 90 per cent of this legislation recognises the reality that there have been no appeals made to the Gas Appeals Board or the Electricity Appeals Board, transfers those appeals over to VCAT without any change to the nature of the ability of people to appeal decisions of the Chief Electrical Inspector or the gas safety inspectors and ensures that appeals can be heard, if necessary, in the future.

I commend those people who have been appointed to those boards in the past. Having had nothing to do does not mean they have not been there to be made use of as required. Although they have not been required, we commend them for making themselves available.

As we have heard, there are a couple of other important aspects of this bill. One relates to fire hazard ratings. It is simply a clarification of the fire hazard ratings, relating them to the realities in regard to fire hazards. Instead of having two ratings of high and very high, we will now have low and high ratings. The Country Fire Authority is quite happy, as are others who are clearly concerned about the potential of overhead electricity lines to cause bushfires, that we still have in place a clear series of guidelines on when trees need to be lopped, and so on. The legislation does not change those provisions, but it does bring into play an appropriate set of ratings.

Another minor change proposed in the bill relates to cross-ownership exemptions and clarification that there is no need to formally apply to make an exemption in regard to cross-ownership laws. Another change tidies up electricity tariff orders and clarifies the conditions under which they are enforceable.

The bill is effectively a piece of tidying-up legislation. It ensures that our legislation and the opportunities provided previously are still available but are allowed for in a more appropriate manner. Most significantly it relates to the powers of appeal within the existing legislation and simply transfers them over to VCAT. There is little need to speak further on the bill. I commend the bill to the house and believe its enactment will ensure that the electricity and gas industries will be able to operate more efficiently in future.

Mr MAUGHAN (Rodney) — I wish to make a very brief contribution on the Energy Legislation (Further Miscellaneous Amendments) Bill. As our spokesman has already indicated, the National Party will not be opposing the bill, but I simply want to make some comments on clause 5 in part 2 of the bill, which entails the changing of the fire ratings. I welcome the provisions in this bill because the previous legislation was certainly deficient in that regard — or rather, should I say, the application was deficient.

I illustrate by quoting a case I was involved in within the last couple of years. It concerned a farmer in an irrigation area in my electorate who was required to replace a powerline. Under such circumstances you need to look at whether it is in a high fire rating area. On advice from the Office of the Chief Electrical Inspector he was told that it was in a high fire rating area and therefore the powerline needed to be placed underground. In this case it was a relatively small job and did not matter; but in many cases in farming areas those jobs cost up to $20 000 or $30 000, and the differential may be $10 000 to $20 000 between putting the powerline overhead and putting it underground.

In this case I could not see the logic of why this powerline had to go underground and so I took it up with the Office of the Chief Electrical Inspector. An

officer told me the reason was that it was in a fire rating area rated as high. I asked him where he got that advice and was advised that he had written advice. I asked to see the written advice. It has still not arrived, and I have had correspondence with the Chief Electrical Inspector himself and have not received a copy of the written advice. The bottom line was that the Country Fire Authority had rated the area as a low fire rating area and therefore the advice that was in the Chief Electrical Inspector's office was not the current advice. My concern here is that that means a considerable additional cost to the landowner who is required to put in the new powerline. So I welcome this legislation and hope, with the review that is going on, it will tidy up provisions of that sort.

I will make one more brief comment on this particular issue. In my electorate at the moment, in the Leitchville–Cohuna area, there is a lot of disquiet about the way Powercor has been treating many of its former customers. They are now customers of Origin Energy, but as Powercor provides the overhead lines it is responsible for disconnecting the power on a total fire ban day if those lines are not considered satisfactory.

The point I want to make to the house is that on too many occasions Powercor has disconnected the wrong line and has not disconnected the line that has been faulty and the line in relation to which it has given a disconnection notice. Only last week I looked at two cases that involved hundreds of cows. In one case 500 cows were without water because the wrong farm had been disconnected. The landowner concerned had not been officially notified of the disconnection and the cattle on that land were without water.

Mr Maxfield interjected.

Mr MAUGHAN — It has nothing to do with privatisation! The honourable member for Narracan has a bit of a bee in his bonnet about privatisation, and I refer him to the publications put out by what used to be the independent Office of the Regulator-General, and which is now called the Essential Services Commission. If he reads those reports he will find that the cost and efficiency of electricity have improved markedly since privatisation. If the honourable member for Narracan has a look at what other states are doing, he will see they are following what Victoria did. I remind him that the cost of electricity to the average consumer is lower now than it was when the privatisation process started. Before the honourable member for Narracan starts sprouting off on the ills of privatisation and just going off with ridiculous rhetoric he ought to have a good look at the facts that are put out by the independent office.

With those brief comments, having expressed my concerns at the way Powercor is dealing with a number of its consumers in the Leitchville–Cohuna area, which I expect will cost it quite a bit of money in compensation, I support the legislation before the house.

Mr MAXFIELD (Narracan) — I rise to support the Energy Legislation (Further Miscellaneous Amendments) Bill, which is about tidying up legislation. Victoria has had an appeal process through the Gas Appeals Board and the Electrical Appeals Board, which were established in 1997 and 1998 respectively. Since that time those boards have been spectacularly quiet, and as a result the appeal process is being moved across to the Victorian Civil and Administrative Tribunal (VCAT).

I note that the National Party member for Rodney, who has just left the chamber, made some comments about the impact of the privatisation of the electricity industry. Dairy farmers who have seen their power bills go up by $2500 would certainly not agree with his comments about privatisation. Fortunately some of those dairy farmers are getting $1500 compensation through the government's $118 million scheme to ease the effects of those price rises, but when those dairy farmers see the $2500 increase in their electricity bills through TXU and hear the comments made by the honourable member opposite about power pricing and privatisation and how it has been such a great boon to our area, I doubt they will agree, particularly given how often power has been cut in my electorate.

I would be more than happy to circulate a copy of *Hansard* among members of the press in my area, and perhaps the local branches of the United Dairy Farmers of Victoria and the Victorian Farmers Federation, who would be most interested to read the National Party's views on privatisation and its impact in my electorate. I was more than interested to note that the National Party seems to think it has done a great thing for my electorate. That is certainly not the feedback I have received. I do not recall anybody contacting me to say they are quite pleased with the way their power bills have come down, but I have been contacted by people saying how shocked they are at the increases in their power bills.

As an electrician I have an interest in the electrical area, and I note with interest the amendment we are briefly touching on today. Because of the shortage of time I cannot go into much detail other than to say that I support this further miscellaneous amendment, which will streamline the appeal process. A situation existed whereby appeals were not coming forward under the

two boards established by the existing acts, and quite frankly if the boards are not being used then we are better off transferring their functions to VCAT to achieve a far better outcome. I indicate my support to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MAGISTRATES' COURT (KOORI COURT) BILL

Second reading

Debate resumed from 24 April; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — It is a pleasure to support this bill. While it is part of the policy that the Liberal Party would have implemented if it had been in government, we are very pleased to see that the government has implemented legislation along those lines.

As shadow Minister for Aboriginal Affairs as well as shadow Attorney-General, I have a commitment to a number of matters affecting the indigenous people of Australia, and in particular the indigenous people of Victoria. I note that earlier today the justice agreement between Aboriginal communities and the government was celebrated. I am sure the Minister for Aboriginal Affairs would be happy to acknowledge that the bulk of the work in relation to that Aboriginal justice plan, as it was originally called, was done by a committee chaired by me, with Alf Bamblett, his brother Lionel, and a number of other indigenous people, which put together the framework of what is now known as the justice agreement. We could jump up and down and say, 'This was our plan', but we do not, because indigenous affairs in this state are a bipartisan effort, and that is certainly something I will be pursuing. Unless and until the government does something which we do not believe is in the interests of indigenous people or goes down the wrong road, it will operate with our support.

Indigenous affairs is the one area in the operation of government, party politics and so forth in this country that really does require a bipartisan effort. Although there is a program which I have been following now for some years in relation to higher education for indigenous people in Victoria — I will not go into the details of it — I am pleased to say that on the occasion when I took that policy another step further the minister came to the lunch held for that purpose and we operated without any political acrimony of any sort. It should therefore not surprise this house that we are fully supporting this legislation.

The opposition believes these courts are a great idea. We believe that this community has specific and special needs. We believe that they are a very special community, being if you like the first people to inhabit this continent. We are not just talking about those who happened to arrive a little bit before the whites, we are talking 40 000 years back, which is an extraordinary pedigree. Many of us like to say we are second or third-generation Australians and regard that as a very proud moment. I do not know what 30 000 or 40 000 years worth of pedigree is, but that is a few mothers, grandmothers and great-grandmothers — and I think you would probably go on until you ran out of the word 'great', because that is an extraordinary thing. They are therefore a very special group within the community, but compared with the rest of the community they have deep problems in education and health and involvement in the criminal justice system.

That is something that no community should tolerate. No community can sit by and allow any separate group to be in that situation as a group, let alone the indigenous people of this country. Although the justice plan did not incorporate Koori courts and at the time — I am quite open about it — the then Attorney-General did not believe that Koori courts were the way to go, I did and I do; I see them as a separate and very important policy.

I am pleased to see that the Koori courts will be operating as a division of the Magistrates Court. In relation to drug courts the opposition always said that if we were going to have a specialist jurisdiction, the physicality should not be a barrier; in other words, it is the type of court and what goes on in the room that is important, no matter where the room is or the physical structure of it. It is very important that that is the way this has been structured.

I am very pleased to see that a respected person or Aboriginal elder will be able to have very close contact with the magistrate. I know there are magistrates who want to be part of this system. There are some magistrates who, as is their right and as they well understand themselves, do not believe they would be any good at this and they should not be involved, but there are other magistrates who wish to be part of it. I know of one in particular who has been central to the whole process and was very much part of the justice plan developed under the previous government. I am

sure he will be the first to put up a hand and say he wants to be part of this process.

When you have a situation where the justice system as it is set up is not breaking a cycle of inclusion in criminal justice, when you have a tenfold or twelvefold increase in inclusion in the justice system of a certain group — the indigenous community is 10 or 12 times overrepresented in the justice system — and that has been going on for a long time with no alteration, any logical and reasonable person would acknowledge that we have to do something to break that cycle. No matter how much we grit our teeth, stamp the floor in frustration and point fingers left, right and centre, the fact is there has been no change in this statistic for a long time; in fact it has got worse. That is something all governments have to live with. The previous Liberal government, the Labor government before that and now this government all inherited this problem. This is not a matter of saying someone was politically right or wrong; the fact is that the system as it is set up is not coping with this problem.

I have said that it is important that this is our indigenous community, but it could be any other community which was suffering from a problem that was being perpetuated decade after decade. Any reasonable person in the community would ask what we were going to do — just sit down and let this happen forever? If this is something that has been happening for 200 years are we going to say we cannot do anything about it? I am not built that way. Most of the people in this Parliament have come in here because they are vigorous, motivated people who want to change things; when they see something that is not right and has not been able to be fixed their first thought is, 'I want to fix this'. Most people in this Parliament would say we have to try something to fix it; we have to try and get it right. Every year that goes by that we do not get it right is another year that we have failed in that process.

It is very easy to point the finger at the victims, but the people who are at the end of the process are there because of a whole range of things starting from where they grew up, what happened to them on their life's journey and what happened when they got into the justice system. The environmental impact on human behaviour is incredibly strong; no-one has ever doubted that. Consequently we have to do something about that environment to assist things to change. This is one step. I might say that it is only a very small step; it is the start when someone is caught up in the criminal justice system which is a symptom of before.

We need to remember that the criminal justice system is what happens after the event: it is picking up the pieces. The criminal justice system is not correcting an original problem: it is dealing with a problem that was created before the person got there. It is the cart, and one day I hope we will be spending much more time on the horse to work out why it happens and what we can do to stop young indigenous people getting into the justice system. However, because we have not been able to correct that over 100 years we have to do what we can when they get into the cart, if you like — when they get into the justice system. Hopefully, this process will be a first step to try and divert them away from what has been for some time a lifetime of involvement in the justice system once they get involved in crime and so forth.

Basically the new system de-escalates the whole thing. It removes the adversarial nature of the process and brings in the indigenous elder and respected person. It puts the emphasis back on families in the indigenous community and it puts emphasis on the people in corrections because they are also there and see the problem. We should be doing this. It is resource and time intensive, but it takes a single individual, considers all the people who affect that individual and comes up with a plan designed for that individual. It looks at that individual's past, at his or her family background and everything that has happened, determines where that individual is at and the people who can affect the individual, and then comes up with a plan just for this person. That is what this court will be able to do. It is intensive and very expensive, but when you have a problem you have been unable to solve for 100 years it is about time you spent money in that direction.

I cannot guarantee that this will work, but I believe that that amount of care and concern which also contains the element of punishment is a mixture of impacts on a young individual's life and can help turn this individual in another direction. The corrections people and justice people are there, as is the prosecutor. They are not going to say that the best thing for this individual is a tap on the head so they can go out and do it again. They do not want this individual to do it again, so as part of the plan they will be coming up with a range of things that will have an impact on the individual. Part of it will be that the person has to serve punishment. Part of it will be rehabilitation; this is another way to go. Part of it will be lifting self-esteem, and hopefully part of it might be to assist them in getting a job to give them something to hang on to in the future.

The whole concept is correct. It is a break with the past. It is resource intensive, but it has to be because the problem has been around for so long without being

fixed. I hope it will succeed because we as Australians along with our indigenous community have an obligation to try to sort this out. It is a matter of national — it is hard to think of the word, the opposite of pride — —

Mr Ryan — Shame?

Dr DEAN — Shame is too strong. It is a matter of national concern that this is happening to the indigenous community of Australia, to our indigenous community which typifies Australia. When we have Olympic Games and big things the indigenous community and the ceremonies we have are an intrinsic part of the way Australia is seen. What sort of a country are we if that part of us is ill and we are not doing our best to correct that? It reflects on the whole country. It is one thing to say that this is our indigenous community and when we open the Olympic Games we are going to have a ceremony with the indigenous community doing this and that and so forth and proudly watch them go through the ceremony and think that that is Australia, that it is intrinsic to us but at the same time we do not want to spend the money to try and correct horrific problems in the community. I am pleased we are spending this money. It will be expensive, but that does not matter. I wish it every success.

I wish to say one other thing: I think the court has been wrongly named. It is a pity that the parliamentary secretary and the Attorney-General are not in the house. The Koori community occupies a large part of southern New South Wales, and a very large part of the Victorian indigenous community are Kooris. However, a significant proportion of the Victorian community — the Wurundjeri tribe and others — are not and do not see themselves as Kooris. I am sure the Kooris would not mind, but I believe the bill should be called either the indigenous court or the Aboriginal court.

It is not something the Liberal Party is going to make a song and dance about. The Minister for Aboriginal Affairs and I operate on a bipartisan basis in virtually everything we do, and it is the same with this issue. However, I believe this matter needs to be taken up. I will not go into it any further, as I understand the honourable member for Evelyn will be doing that.

I fully support what she will say, which is not in any way to denigrate the bill. The Liberal Party believes it is a terrific bill and is totally in favour of it. This is just a small point in relation to its naming, about which the opposition has concerns.

Mr RYAN (Leader of the National Party) — This legislation is very important. The reality is that there is an overrepresentation of Aboriginals in the judicial system. As the second-reading speech says on its face, the legislation contemplates an experiment which is intended to accommodate the many issues with which our communities, and particularly the Aboriginal communities, are contending.

It is important to highlight the fact that there are many mutual interests operating here. In some circles there is a temptation to say that the principles underpinning this legislation offer in some way, shape or form a benefit to one element of the community as opposed to others. That commentary flies in the face of reality.

At the end of the day the judicial system is there to accommodate all the aspects that have gone before. It is about an outcome; it is about what is left after whatever else has gone on previously. Whatever the historical reasons might be — and many are advanced — the regrettable and tragic fact is that Aboriginal people are overrepresented among the raw numbers of people who form part of the judicial system.

That is not an issue of recent times but one of decades upon decades past. Attempts have been made to address it in a variety of fashions. Over the years those attempts have coincided with an ever-increasing effort to incorporate the Aboriginal communities themselves in the delivery and administration of the judicial systems to which they are subject. I believe that is a healthy state of affairs that offers the best prospect of bringing about the outcome everybody in our communities seeks.

So it is that the legislation is before us. It will add to a number of initiatives that have been already undertaken with a view to including the Aboriginal and broader Koori communities in the operation of the judicial system, and in the Magistrates Court in particular, so that an outcome is achieved that hopefully benefits all.

Having said that, it is also fair and appropriate to put into the debate the problems that arise in various communities. Those problems happen in Shepparton, for example, where this court will initially be established. The local community generally has complained and expressed concern — perhaps it has been the business community in particular — about the difficulties encountered in and around the main city centre. Those issues are on the public record and do not need any amplification in this place.

It is true that those who are carrying out their lawful business activities, be they within the Aboriginal communities or within the community generally, feel a sense of frustration that the current administration of

justice is simply not having the required effect of ensuring that the antisocial behaviour that is being displayed in some instances is being dealt with in a way that properly represents a deterrent and a means of applying appropriate levels of punishment.

What will happen is that some lateral thinking will be applied. I emphasise the point that no favours are being extended to anybody. Rather, the point is that it is the intention of all concerned to bring about outcomes which are of mutual benefit and that a system is being established which seems to take proper account of all of the relevant factors, with a view to delivering results which in the end will benefit everybody.

Conversely, this is not a situation where some sort of discriminatory process is being established whereby the Aboriginal communities are to be spared what would otherwise happen to people who are not members of those communities. Rather, the endeavour is to bring together an historical form of judicial administration and couple it with representation from the Aboriginal communities to ensure their participation in the administration of a judicial system which we all hold so dear and which, in the end, underpins the society in which we live.

I do not believe any favours are being done or anything is happening that ought not be undertaken. Rather we have a situation where demonstrably the system is not delivering the outcomes that everybody wants and needs, and we need to think laterally. That is the essence of the legislation.

We will have an emphasis on prevention and accessibility to different areas where assistance can be given to the people who are the subject of the processes established under this legislation. An emphasis will be placed on the effectiveness of justice that is related to those services particularly to do with rehabilitation and, as I said earlier, this is one of a series of already established initiatives.

The basic intention is to incorporate Aboriginal knowledge, skills and values into the process of the court system. These courts exist in South Australia, New South Wales, Queensland and in other countries throughout the world. This experiment is an amalgam of all the above. In Victoria what is being sought to be done is develop its own process to take the best from those other systems and construct it into the one we now have represented by this legislation.

This initial pilot, as it is properly termed, will commence at Shepparton in August this year for two years. By design, at least, it is to operate out of Broadmeadows by the end of this year. I pause to say that the pilot is for two years and I am unsure that that is not too long in the sense of some sort of examination on how the pilot is proceeding. I say that in the context of this proposal inevitably being subject to close scrutiny by the communities where it is functioning. It is therefore important that there be a regular reporting system made available both through the court system and ideally through Parliament as to how it is progressing. In that sense I cannot help but think that two years is too long prior to any actual reporting occurring about how the pilot is progressing. I ask the government to have regard to that point.

The court will be concerned with crime at a relatively low level, if it may be so termed. It is to do with antisocial behaviour in particular and low-level drug and alcoholism problems and it is to exclude more serious forms of crime. I will turn to that during the course of my outline on how the court is to function.

The court will be a new division of the existing Magistrates Court. That is a good idea in that it is a pilot program. We need to extend existing facilities to see if that pilot will deliver the outcomes that the legislation proposes. Therefore it is a good idea that it remains a division of the Magistrates Court as we now know it.

There will be input from the elders of the Koori community in circumstances where, under clause 4, an Aboriginal elder or respected person will be able to participate in the process of consideration by the court of any offence brought before it. The definition of such a person is set out in clause 4 as:

> … A person who holds office as an Aboriginal elder or a respected person under section 17A.

Clause 7 inserts proposed section 17A, which contains a complete definition of the person in the manner that I have quickly described. A person of the nature of an Aboriginal elder or respected person will be eligible to participate in the court's deliberations. However, the magistrate retains the ultimate decision on sentencing. I return to the point that I made at the commencement of my contribution, that in some circles concern has been expressed about how the actual sentencing regime will occur under the bill. Any concerns are ill-founded because the magistrate will retain the ultimate power. The magistrate will take advice, there will be consultation, and there will be input from the Aboriginal elder or respected person, but in the end the magistrate will determine the sentence.

The defendant in the particular cases must be of Aboriginal or islander origins. The principal act

contains definitions to accommodate those who come within the ambit of that particular description. There will be a Koori court team comprising five people who will assist. That will ensure there is involvement from the prosecution, the judiciary and from those there to represent the interests of the defendants, as well as involvement from different social aspects. We will have a well-rounded team of five people engaged in the process of ensuring the experiment is given its maximum opportunity to function properly.

Very importantly, the defendant must plead guilty to gain access to the options offered by the court. That is a significant and important criterion because I strongly believe people who are in the circumstance of potentially being assisted by the terms of the legislation will not be able to realistically undertake that course without an admission of the fact that they need help. It is no good having people involved in the system who are trying to protest and say they are innocent of whatever charges that have brought them before the court. They cannot have it both ways. If they are to seek the assistance that the process contemplates they have to be prepared to acknowledge the fact that they have a problem. They have to plead to it. Then the door is opened and an opportunity is extended to them through the operation of the court.

There will be a need for a code of conduct of the Aboriginal community to be taken into account. Upon that pillar one could say will be built one of the fundamentals of all this — that we will have a transparent mechanism whereby that code of conduct will recite the style of actions and activity that members of the Aboriginal community are expected to comply with. That will, no doubt, be one of the tools that the magistrate and the elder have regard to for the purposes of the ultimate determination on what may happen, bearing in mind the important caveat that the magistrate will make the final decision.

As I said earlier, only basic crimes will be dealt with. On the face of it they would seem to be mainly property offences and will exclude issues concerning family violence or sexual offences. Without harping on the issue, I recognise the very important issue of having this whole process operate in a way that will give relief to some of the community problems that exist in the city of Shepparton and, ultimately, in Broadmeadows, but also in the broader community in different parts of Victoria.

Mr Maughan interjected.

Mr RYAN — I hear the honourable member for Rodney interject that Echuca is another centre that is facing difficulties. In these communities the business centres and people of all persuasions, of whatever relevance to the community — the Aboriginal community and others — are to a point of near desperation in trying to get a system that will best accommodate the needs of all concerned. It is why a court focusing on issues to do with property offences primarily may well attract the best outcomes.

The court will operate on the basis that a defendant will have to reside within the court's area to enable proper supervision. That is a sensible criterion because it would be pointless to try to introduce such a system without proper mechanisms for supervision. That is a necessary component of the trial of this system, although I point out that it will also apply to other parts of Victoria. If it can be demonstrated that the system works, the faster it can be expanded into other parts of the state the better it will be, because all aspects of our communities are facing problems in a range of centres around Victoria.

The complete range of sentencing options will be available to the magistrate; none has been trimmed from the court. The raft of alternatives available to a magistrate in the operation of his or her court will be available in this court, and that is important.

Another aspect relates to issues of failure by some members of the Aboriginal community to appear on bail. There has been a consistent problem with this over the years, and it applies not only to those who are directly charged with offences. By definition they cannot be on bail unless they are charged with offences, so in the first instance it is important that this legislation will relate to those people.

The general operation of this legislation and, hopefully, the cultural change that can be rendered in the way courts operate will also overcome the problem that quite often arises where an Aboriginal witness does not attend court for the purpose of giving evidence. On many occasions during my former life in the law trials had to be postponed — delayed, or whatever other term might be used — because a member of the Aboriginal community who was a witness did not attend. That is not to say that this issue is confined only to Aboriginal witnesses; it is a problem that can arise with all witnesses, but perhaps more often than not it had a tendency to rear itself in the case of Aboriginal witnesses. I would hope that the general operation of this court succeeds in being able to ensure better outcomes in that regard.

Page 7 of the second-reading speech refers to a number of the aims the Koori court is intended to achieve, but I

will not go through them now; they are there to be read by all concerned. Suffice it to say that in the broad they are in the nature of those I have outlined.

The funding for this proposal has been committed under the Victorian Aboriginal justice agreement. That is also important, because this is a trial and an experiment that will necessarily be expensive to operate because of the number of personnel involved, but it is necessary. Equally, it should operate on the basis that it does not detract from funding that already applies in the operation of the mainstream court system, so I am pleased to see additional funding being made available.

As I said, it is a pilot scheme, and eventually it will be evaluated to determine its success or otherwise. The government needs to make sure that the review of its progress is undertaken more regularly than over a period of two years as is contemplated in the second-reading speech.

I believe that when we have difficulties of this sort for which we have struggled to get solutions that demonstrably have not worked, we ought to try something else, and that is what we are doing with this piece of legislation. On behalf of the National Party, I hope we see some success out of this. It is a lateral approach, and I am sure its success will be watched very carefully by all members of the community — both the Koori community and the general community.

Mr WYNNE (Richmond) — I rise to support this important measure, the Magistrates' Court (Koori Court) Bill, and I sincerely thank the honourable member for Berwick and the Leader of the National Party for their contributions and their fulsome support for this excellent piece of legislation, which comes on for debate on the first day of Reconciliation Week in Australia.

Along with a number of colleagues, on the weekend I went along and saw *Conversations with the Dead*, a powerful play by Richard Frankland. It is running for a week in Melbourne. Richard Frankland lays bare the hurt and anguish he endured as an investigator with the Royal Commission into Aboriginal Deaths in Custody and also the hurt and anguish of his community. It was extraordinarily powerful. The performance was also attended by the Chief Commissioner of Police and senior police officers, the Chief Magistrate, a number of senior members of the judiciary and senior officers of the Department of Justice. Perhaps the message of the play was to give non-indigenous people some insight into the pain the Aboriginal community carries, both individually and collectively, because of the wrongs that have been so systematically done to it over generations.

I recommend that play. Clearly it is not possible for members of Parliament to attend because the house will be sitting through the week, but when the play — as I am sure it will — does another round, I recommend it. *Conversations with the Dead*, directed by Richard Frankland, is a most powerful insight into the Koori community.

On behalf of the government I am delighted to lead the debate on this bill. The establishment of a Koori court is connected with the concept of empowerment for Aboriginal people and is consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The commission's final report stresses the importance of reducing the intimidating atmosphere of courts, and in many respects the bill goes to that very question. We need to learn from our indigenous partners the best ways to reduce the numbers of people interacting with the criminal justice system, and frankly to find more creative sentencing processes.

The legislation was prepared with the full agreement and support of the indigenous community. During his contribution to the debate the honourable member for Berwick had one minor concern about the naming of the bill — that being the use of the term 'Koori court'. I inform the honourable member for Berwick that extensive consultation occurred within the Aboriginal community and most particularly on a regional level through our regional structures to ensure there was wide support for not only the name of the court but its actual functioning. While there was some discussion around the question of 'Koori court' being the most appropriate name for the court, it was widely and unanimously supported through the forums of the Aboriginal justice agreement that this was the appropriate name for the court.

I understand why the matter is raised by the honourable member, but in the Victorian context 'Koori' is not a tribal or a clan name but indicates essentially a group of people living within Victoria. Similarly my understanding is that indigenous people living in New South Wales are called Murris and those living in South Australia are collectively called Nungas, so it is widely accepted terminology and in no way is meant to pertain to a particular tribal or geographic group as such. I can satisfy the honourable member for Berwick's concern that there was careful consultation before the name was agreed to. I understand other contributors to the debate may take up this question. I want to satisfy the house

that this was properly consulted on, and we are comfortable with the terminology.

Clearly there are enormous issues to be addressed on the overrepresentation of Aboriginal people within the criminal justice process. That is exactly what the Aboriginal justice agreement is aimed at. We are seeking practical outcomes, but outcomes that are in partnership. This government is on about a clear partnership between the government and the Aboriginal community.

Some significant projects have arisen from the justice agreement which are already on the ground and making a difference: 13 bail justices, Koori police and court liaison officers, 2 Aboriginal welfare officers for the prison system, and 12 Koori accredited mediators. We have established what will potentially be one of the most interesting projects — that is, a Koori recruitment and career structure within the state public service — and will ensure a number of young Koori graduates are integrated into all levels of the public service.

The other fantastic project with which we have had huge success over the past two years has been our Koori legal scholarship program, which provides a financial base for young people seeking to study law or associated legal study areas within our universities. We provide financial support to assist them to get through their courses.

There is limited time for debate today but I wish to refer to the key to success of this particular model. The justice department officers, led by Angela Cannon, have studied all the options for Koori courts in both Australia and Canada. We have come up with an option which we believe not only fits the needs of the Victorian Aboriginal community but is widely supported. The first Koori court will open in Shepparton and the second will open later in the year in Broadmeadows. That was ticked off by the Aboriginal justice advisory board.

The key to success is not only that a Koori elder will sit with a magistrate to provide support and assistance to that magistrate in terms of advice about particular cases but also that a support structure will be built around the court, including a community corrections officer, an Aboriginal justice worker, police prosecutors and lawyers, all engaged in case managing the person appearing before the court. What is absolutely clear about this particular initiative is that it is the magistrate who will ultimately decide the sentence, but advice will be provided by an elder who can give specific advice about not only the offender before the court but perhaps even the victim, and any culturally appropriate information that may assist the magistrate in coming to an appropriate sentence.

The success of all the Aboriginal justice initiatives only comes through partnership with the Aboriginal community, through extensive consultation and by working it through systematically. I am sure this project will be a hallmark of the success over time of this justice agreement. It is incredibly important that the government, and indeed this Parliament, puts all its efforts into ensuring that the interactions between our indigenous community and the criminal justice system are kept to an absolute minimum, and that where there is interaction it is culturally appropriate. The Koori court is a glowing example of that. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to support the Magistrates' Court (Koori Court) Bill. The opposition is also pleased that the government is adopting the Victorian Aboriginal justice agreement. Both the government and the opposition recognise the need to address the recommendations of the Royal Commission into Aboriginal Deaths in Custody. We all recognise the overrepresentation per head of population of indigenous offenders in the prison system. We are also very aware of the high rate of repeat offenders. The explanation for that overrepresentation is complex; repeat offenders is a complex and multilayered issue. There are social, economic and cultural disadvantages; nonetheless they need to be and must be addressed. The bill will help in addressing some of those issues.

Although the concept of a Koori court is new to Victoria, it is not new to the rest of Australia. Many magistrates in different Australian jurisdictions have experimented, often unofficially, with ways of making the court and its procedures more relevant and understandable to Aboriginal people. In 1979 in the Northern Territory, Chief Magistrate Galvin introduced modified court procedures when he sat at the Port Keats Aboriginal community. He would arrive at Port Keats a day or two before the court would sit to familiarise himself with the local scene and to discuss the matters generally with the elders. During the court sittings the elders sat with the magistrate, and he would discuss with them the appropriate punishments. This would be done in all but the more serious offences.

Magistrates Grubb and Lewis, when sitting in the north-west of South Australia, the Pitjantjatjara land, made it a practice to consult the tribal elders during court proceedings. The elders performed the role of assessors which included discussion of appropriate penalties. That is similar to what we are talking about now. In South Australia in June 1999 — the Nunga

court was established to deal with Aboriginal people who pleaded guilty to an offence. The magistrate sits on a bench at eye level with the offender. An Aboriginal justice officer or a senior Aboriginal person sits beside the magistrate to advise on cultural and community matters. The offender sits at the bar table with his or her lawyer and may have a relative sitting with him or her. Once the prosecutor and the defence counsel have had their say the offender, the family and community members or the victim, if present, have a chance to speak to the magistrate. The magistrate may ask them questions to help him or her in the sentencing process. The family and community members are invited to attend.

Aboriginal justice officers and an Aboriginal court orderly work in the court and they can help the offender. I am not quite sure whether it is the intention here in the Victorian Koori courts to have Aboriginal justice officers and Aboriginal court orderlies working all the time in the courts.

Even though we have a bipartisan approach to this bill, this does not mean that we cannot point out some of the concerns we might have with it. I am concerned about whether there is sufficient funding to support these courts with the extra officers required. I am also concerned about the name of the court. The honourable member for Richmond said there had been extensive consultation with the Aboriginal community. I quote from an email from a respected elder of the Wurrundjeri tribe, Ms Joy Murphy:

> My comments are in point form, hope you understand my views. I support the concept given it is a pilot program. I do not like the title of Koori court because Koori is a NSW word and I don't believe the group will constitute a court. Sadly some are calling 'it' a kangaroo court. I believe that the Shepparton region is the best court to pilot the program as they already have a fairly successful community work program through Rumbalara.

Ms Murphy has concerns about appropriate training and the focus on responsibility and accountability — she does say these are her personal views. Yesterday when I attended the smoking ceremony at the opening of National Reconciliation Week at the museum, I spoke to members of the Aboriginal community. Two people independently told me they were not comfortable with the word 'Koori' in Koori court. The joint chairman of the reconciliation board was clearly not happy with the use of the word 'Koori'. I would like this fact to be taken on board. I do not think it is important enough to hold up the passage of this bill, but the question of whether the word 'Koori' or some other suitable word should be used needs to be dealt with. Consultation is sometimes carried out and people may nod and say yes without thinking the issue through. Now that there has been time for thought and discussion on the name, it should perhaps be looked at by both houses. Joy Murphy and the two ladies I met yesterday raised this with me, not in an angry way but in a concerned way and I would like the parliamentary secretary to talk to them about this issue.

It is very important that the police are properly trained within this concept. They often have very heavy workloads and cross-cultural training should be provided, particularly in the areas where the courts will be located. The magistrates will be trained but it is important that the local police officers also receive training. One of the reports I read said that the biggest downfall with the Aboriginal courts was the lack of liaison between police and the indigenous communities and that sometimes the police did not fully support the way the courts worked.

Over the last couple of weeks while I have been talking to people about this bill concern has been expressed that it might promote disharmony between white and black people — in other words, treating Aboriginal people differently may be seen as treating them in a special way, a softer way.

Concerns have been expressed to me by a group in Healesville that when a group of offenders which is reflective of today's multicultural society and comprises white Australians, Asians and indigenous young adults is charged for offences against property and goes through the due process, and the Australian and the Asian offenders go through one system and the Aboriginal person goes through another, it will perhaps be seen that the Aboriginal person gets a more lenient sentence. These are things we have to guard against carefully, because the last thing any of us want to do — and this bill has been brought in with very good intent — is promote any anxiety that Aboriginal people are being treated differently from white people and getting preferential treatment.

Not all the community understand that many Aboriginal people need this extra support because of the disadvantages they have had, so it is something that has to be handled very carefully. The training of magistrates and police must cover this, so that if a group of young people is being charged, whether it is youths or young men, every care is taken that no favouritism is seen to be given to any particular members.

The Koori court is aimed at adult offenders who plead guilty to offences. I am concerned that we are not also at the same time looking clearly at juveniles. We talk about the overrepresentation of repeat offenders; it

would also have been good if we could have tackled the 12 to 18-year age group at the same time to ensure that they are given the same assistance, because often by the time they reach the age of 18 and are recognised as adults the damage has set in, which makes it much harder to change.

Concerns have also been raised with me about what defines an Aborigine, and that is a question that has been around a long time. Gough Whitlam tried to define it at one stage.

Mr Wynne interjected.

Mrs FYFFE — Gough Whitlam.

Mr Wynne interjected.

Mrs FYFFE — Yes, he did try to define Aboriginality. He said it was identification by a community as an Aboriginal. You could have just 1 per cent of Aboriginality in your blood and if your community defined you as an Aboriginal, you were an Aboriginal. I have no problem with that, none at all, but we also have to look at something I talked about in the briefing — that the broad perception of what we are trying to do here today is that people will say, 'That person is being given specialised treatment. He is not an Aboriginal; he is a white person'. These are the things we must be aware of. The last thing we want is the unintended consequence of creating more racial antagonism out in the community.

This week is National Reconciliation Week. We all want things to work, and we must think these things through and ensure that the training covers all these aspects. This is very important. There is bipartisan support for this bill, but like anything, things can be improved. I would like the name looked at seriously and more discussion. There will be time for that while the bill is between the houses. I see the honourable member for Richmond shaking his head. Two ladies who are highly regarded within the Aboriginal community have raised that with me, and I think you must respect their opinions and consider it. I am so disappointed that you shake your head just because you have heard of it now. Mr Acting Speaker, I am sad about that, because this is supposed to be something we are doing together. The adamant statement is, 'We have consulted'. Perhaps you have — you may have consulted with 2000 but there are a few thousand more.

The ACTING SPEAKER (Mr Kilgour) — Order! Will the honourable member speak through the Chair.

Mrs FYFFE — I am sorry, Mr Acting Speaker. The honourable member for Richmond may have consulted with several thousand or 20, I do not know, but there is room to consult more, to listen to other opinions. I sincerely ask the minister to listen to other people. I wish the bill a speedy passage through the house.

Mr MILDENHALL (Footscray) — It is with a great deal of pride that I participate in this debate. It is measures like this that make me proud in my role as a parliamentarian — that I have the opportunity to support and to play a very small part in the establishment of measures like those contained in this bill.

At the outset I pay tribute to the Attorney-General, to the Minister for Aboriginal Affairs and to the parliamentary secretary, my colleague the honourable member for Richmond, not only for their commitment to the strategies that underpin this legislation but for their efforts in establishing partnerships, in undertaking consultation — for their commitment that is not only part of the Labor Party philosophy of looking after those who have generally had a raw deal over the history but also a personal commitment, which is evident from the range of strategic considerations and legislation that is coming before this house.

As other honourable members have said, this legislation has a very strong pedigree. It is part of a series of recommendations from the Royal Commission into Aboriginal Deaths in Custody. It comes out of the work of the all-party parliamentary Law Reform Committee and has strongly featured in the Victorian Aboriginal justice agreement. Many of us had the privilege and pleasure of being part of the ceremony at lunchtime today to commemorate the first anniversary of the signing of that agreement. The problems of overrepresentation of the Koori community in the justice system are well known. Some of the startling figures are outlined in the second-reading speech, and I urge honourable members to consider the gross overrepresentation and the enormous problems that those figures represent for Aboriginal people in our community.

The objectives of the legislation are also fairly obvious and come out of those difficulties. They include strengthening the ethos of reconciliation, strengthening the partnerships with Aboriginal people, the diversion of Koori offenders away from imprisonment, the reduction in the failure-to-appear rate at court, the decrease in rates at which court orders are breached, and the deterrence of crime in the community generally. These are worthy objectives, and I am sure the whole house would support those.

I saw the strength of the ethos behind this legislation on a recent trip. I have the honour to be the deputy chair of the parliamentary Drugs and Crime Prevention Committee. Recently we undertook a trip to New Zealand as part of our chroming inquiry to try to work out why New Zealand has the most successful treatment and prevention of chroming of any international jurisdiction that our committee could find. Part of that had to do with the work in the Maori community. As part of our trip we were accompanied by the chair of the Gippsland regional Aboriginal justice advisory committee, Mr Peter Hood, who made a substantial contribution to our deliberations in New Zealand.

Two things happened. One was that immediately Peter's cultural origins became obvious to the Maori communities, which traditionally experience the most difficulty with the chroming issue, there was an instant connection, an affinity and an empathy that enabled a level of communication that I do not think the formalities of the committee system would normally provide. The second was that the major message that we got from the successful New Zealand programs was that chroming as an issue ought to be dealt with in a cultural context. The most successful programs were doing that.

In a similar way, given the ethos behind this legislation, the most successful programs involved respected people in the indigenous community, including family members and the elders of that community. They were the most successful, and that is why the New Zealanders were so successful. And so it is that this legislation picks up that broad strategy and the strength of the experience that has been shown to work in other places.

I would also like to remark on the role of Magistrate Paul Grant, a man well known to me as a former member of my local community and someone of integrity and intellect. He is the coordinating magistrate behind this program, and I am sure his personal commitment will mean that it will have a lot of impetus and momentum.

Finally, like many other honourable members I look forward to the regular publication of the results of this trial as part of the annual report on the implementation of the Aboriginal justice agreement. We all look forward to the outcome of this trial, and we are confident that, given these principles, it will be successful. For the sake of the cohesion of our whole community, it must be successful.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I rise to speak briefly on the Magistrates' Court (Koori Court) Bill. I do so because I have had two constituents come to my office to speak to me about opposing the bill. Even though I thought their arguments were simple and, to some extent, naive, I think it is important that I stand up to explain why I support the bill.

The purpose of the bill is to establish a Koori court division of the Magistrates Court and to ensure that there is a greater participation by the broader Aboriginal community in the sentencing process. Under proposed section 4F(1), an offence will be referred to the Koori court if the defendant is an Aboriginal and:

> (b) the offence is within the jurisdiction of the Magistrates' Court …
>
> (c) the defendant —
>
> (i) intends to plead guilty to the offence; or
>
> (ii) pleads guilty to the offence; or
>
> (iii) intends to consent to the adjournment of the proceeding to enable him or her to participate in a diversion program; and
>
> (d) the defendant consents to the proceeding being be dealt with by the Koori Court Division.

It sounds fair and it sounds simple. But unfortunately, as I said earlier, I have had two residents in my electorate who have come to me asking me to oppose the bill. The two reasons they have given me are as follows. Firstly, they asked, 'Why just have a Koori court? Why not also an Italian court, a Greek court and a Serbian court?'. Secondly, they pointed out that for years we have argued against the legal system in South Africa, with its two different jurisdictions. While I appreciate their concerns about this matter, I believe their arguments are simple and naive. There are problems with Aborigines in our criminal legal system, and we need to do something to resolve them.

According to the *Review of Legal Services in Rural and Regional Victoria*:

> The committee notes … Aboriginal overrepresentation in the criminal justice system …
>
> …
>
> Given these factors the committee is of the very strong view that the sentencing options available to magistrates dealing with members of the Aboriginal community must include provision for further education, training, jobs skilling and job placement. Such sentencing options need to be identified in consultation with the Aboriginal community and their use considered on a case-by-case basis.

A problem exists, and we need to try and alleviate it, not just close our eyes and pretend it does not exist.

The bill sets up two pilot courts, one in Shepparton and one in Broadmeadows. If in a few years time we find that the idea has not worked, we can always review it and then come up with different initiatives. However, as I said, there is a problem. According to an Australian Bureau of Statistics publication, on 30 June 2000 there were 4095 indigenous prisoners in Australia, accounting for 19 per cent of the total Australian prisoner population. That means the national rate of imprisonment for indigenous persons is 1727 per 100 000 — approximately 14 times more than it is for members of the non-indigenous population. In Victoria we had 993 indigenous prisoners per 100 000 of the adult indigenous population. As if that were not disturbing enough, in the following year there was an increase: in 2001 there were 4445 indigenous prisoners, a rise of over 400 from the previous year. This translated to approximately 15 times the rate for non-indigenous Australians. In Victoria in the same year there were more than 1060 indigenous prisoners per 100 000.

As I said from the start, this is a problem, and we cannot simply close our eyes and pretend it does not exist. We need to do something about it; we need to try new initiatives. For these reasons I support the bill, which provides for a pilot program. I do, however, urge the government to provide the necessary funds to enable this pilot program to succeed. I also think it is important that we look into the naming of the court. Again, I support the bill and wish it a speedy passage.

Mr LANGUILLER (Sunshine) — It is my pleasure and honour to support the Magistrates' Court (Koori Court) Bill, which is one of those bills that make, or should make, this Parliament very proud.

I belong to that group of people in the community who believe very strongly that there is unfinished business in this area. On behalf of the government I commend the initiatives that have been provided in the bill through the work of the Attorney-General, the Minister for Aboriginal Affairs and the honourable member for Richmond, in consultation with the Aboriginal community. They are fantastic!

I am particularly happy to know that it has been a bipartisan effort and that the bill is being supported by all sides in this Parliament, which makes this an institution to be proud of, particularly in my case. I have been involved with indigenous issues not only in Australia but also where I come from in South America, but I will not go into that now.

I am particularly happy to put on record that I am a member of the Law Reform Committee, chaired by the honourable member for Sandringham, and that the committee went to South Australia and looked into the Aboriginal court there.

Mr Wynne — The Nunga court.

Mr LANGUILLER — The Nunga court — I thank the honourable member for Richmond. It was an extraordinary experience, which I will not forget, and it gave me the opportunity to better understand the Aboriginal culture; to understand the process of alienation and how the Aboriginal people feel in relation to the law and the justice system, which is fundamentally British and European, which they are not; and to understand how that system could work better in a multicultural society. Indeed, Australia has had a multicultural society since well before the arrival of Europeans, because the Aboriginal people themselves were multi-ethnic well before then.

The Nunga court in South Australia has worked fantastically well since its establishment in 1999. Only cases where the offender pleads guilty to an offence come before the court; the magistrate sits on the bench on an eye-to-eye level with the offender; an Aboriginal justice officer or a senior Aboriginal person sits beside the magistrate to advise on cultural and community matters; and the court process includes community workers and justice office workers as well as the offender's partner, family members, and on occasions, friends. That is important because it is a more realistic reflection of the Aboriginal community — and other communities — where family ties, relationships and community membership are particularly strong; and being able to work through and resolve legal and judicial issues in that more comprehensive way is welcomed by the Aboriginal community, and indeed by other communities.

The Nunga court has been successful so far, and I look forward to a similar experience with the Koori court in Victoria. The attendance rate for Aboriginal offenders at the Nunga court in Port Adelaide, South Australia, has been over 80 per cent, which is higher than normal. As a matter of fact, the attendance rate for Aboriginal offenders in other courts extends to below 50 per cent.

If we are to measure the success of the Aboriginal court in South Australia perhaps one of the areas we should be looking into is the number of cases of reoffending. My recollection is that according to the limited amount of data available at the time the Law Reform Committee visited that court the number of reoffending cases was diminishing. If one were to compare the

number of cases of reoffending in the mainstream courts with the number in the Aboriginal court in South Australia one would inevitably find that not only is the attendance rate of Aboriginal people at their own court higher but also that the level of reoffending is lower. They are two important variables that need to be examined progressively.

This bill is a good initiative of the government that arises out of the Victorian Aboriginal justice agreement. Prior to the last election Labor said it would advance this agenda, and this issue goes to the heart of what this government, and luckily all political parties in Victoria, stand for — that is, social justice and access to and equity in justice. As legislators in this Parliament we must ensure that we make things better for all the people in our community and that wherever possible we make a difference in people's lives. I believe that will be the case with the Aboriginal court.

I conclude my brief remarks by again commending the government, the Attorney-General, the minister, the parliamentary secretary and all political parties in this chamber on this legislation. It makes me very proud to be a member of this institution.

Mr MAUGHAN (Rodney) — I am pleased to be able to make a brief contribution to the debate on what I regard as a very important initiative. I have a real interest in Aboriginal affairs, representing as I do an electorate that has a large Aboriginal population. Echuca–Moama has a population of about 600 Koori people, so I am particularly interested in this bill because the first court will be established in Shepparton and will hopefully service the Echuca area.

I say as a prelude that I have been concerned in the last week or so about the amount of petty crime and vandalism that is currently getting out of hand in the Echuca community. There has been an increase in the deliberate smashing of shop windows, vandalism of cars, theft of mobile phones and breaking into premises. Only last week I met with a group of elderly residents who are afraid to leave their own homes after dark. This is an unacceptable state of affairs. I met with representatives of the local chamber of commerce, the police and the Shire of Campaspe, and with a range of residents, to see what can be done about it.

As honourable members would well know, we have a high proportion of Koori people in our community and unfortunately a disproportionate number of these crimes — not all, and I am certainly not blaming the Koori community for all these crimes — involve members of the Koori community. I will add that there is a great deal to be proud of in the Koori community in our area. It is Yorta Yorta country, which has produced people like the late Sir Doug Nicholls from Cumeroogunja, a former Governor of South Australia and noted footballer; Jimmy Little, the noted folk singer; and so on. Personally I have a very good relationship with members of the Aboriginal community, and many are welcome in my home at any time. I have a real friendship and good relationship with many Aboriginal people.

The honourable member for Richmond commented on the name 'Koori', and I agree with his comments. My understanding is that the term 'Koori' is perfectly appropriate for Aboriginal people in Victoria. The Aboriginal people to whom I speak are perfectly comfortable with the word 'Koori', so the name chosen is appropriate.

Despite the many positive things that are happening for Aboriginal people in health, housing and education of which we as a community can be proud, there is a whole range of problems in the Aboriginal community that we need to deal with. I believe that education is the key to Aboriginal integration, and it is vitally important that we encourage Koori people to maximise their educational opportunities. That would be a positive step towards a real reconciliation within the community. However, we cannot ignore the fact that there is a disproportionate number of Koori people before the courts and in the justice system, and we really need to deal with that issue.

I will conclude by saying that whatever we are doing for the Aboriginal community is clearly not working and is not achieving the desired outcome, so we need to do something different. I sense in my own community that a backlash is building up against the Aboriginal community because members of the broader community feel the Aboriginal people are receiving, if you like, a much fairer run than other members of the community. Whether that is the fact is beside the point. The perception is that Aboriginal people are getting a much better run that those in the general community.

It is easy to say that the elders of the Aboriginal community should exert more influence over their people — and I think they should — but that is much easier said than done, particularly when in my area more than half the community are not of that tribe or that culture. Instead they come from other parts of Australia, and the elders of that community do not have a great deal of control over people from other tribes. We need to look at the alternatives; therefore I welcome the initiative before the house today.

I welcome the bipartisan support that we have seen. I welcome the first Koori court division of the Magistrates Court being established in Shepparton, which will deal with the Koori population in the Goulburn Valley area. I further welcome moves to establish jurisdictional and procedural rules with a view to including the Aboriginal community in the sentencing process, because I think that is most important.

I conclude by saying that this is an experiment to try to overcome the problems to which I have referred. I note that there are similar courts in South Australia, New South Wales and Queensland and in overseas jurisdictions, one of which the honourable member for Footscray referred to. This effort is an amalgam or a merging of those various experiments in other parts of the world. Hopefully we have learned from those experiments and come up with an even better model. The important feature is that there will be input from the offender's community that is culturally appropriate. However, I note that the magistrate will retain the ultimate decision on sentencing, which is also very important.

I welcome this initiative, which puts more responsibility back onto the Aboriginal community to deal with unacceptable behaviour in a culturally appropriate way. I personally will observe this experiment with a great deal of interest. I believe the court is off to a very good start given the support that has been expressed by both sides of this house. I wish the court a very successful future.

Mr HARDMAN (Seymour) — It is a great pleasure to speak on the Magistrates' Court (Koori Court) Bill. This bill is very important, not just because it meets a commitment the government made to the Koori community and the wider community upon coming to office but also because it recognises that the present justice system is failing the Koori community and is therefore failing our whole community.

The Koori community is overrepresented in the justice system. This bill will introduce a court that aims to divert Kooris from our prisons, and I know a lot of families in my electorate will be very pleased about that. I have a fairly strong Koori community in Healesville, and a Koori community is starting to become obvious in Seymour. They are proud and strong, which is great to see. We all know that if you go to prison you are more likely to reoffend; that is a fact regardless of whether or not you are a Koori. If Koori people are overrepresented in our prison system more Koori families see that as a role model for their lives. Therefore a cycle develops, and it becomes a situation where it is difficult to hop off.

This bill aims to break that nexus. It will give us an opportunity to look at a different way of dealing with society's problems. Rehabilitation will occur more effectively through the alternative programs that are being offered. As the honourable member for Rodney said, the first Koori court will be in Shepparton, and Seymour will benefit from that as it is close by. When you look at the deaths in custody issue and the effect imprisonment has on people, this will be a great thing for my community.

Reconciliation is a process which includes the reform of the justice system, as well as many other things. This is a big step towards that. I had the pleasure of attending the inaugural Koori community justice awards at lunchtime today. I could see that the community has a great deal of pride in the way it is dealing with the justice system, making it better for its people. The benefits of this will include more compliance by Kooris with the courts, and that is a great thing.

I commend the Attorney-General and all the other people who worked on this bill. I have read the second-reading speech, which comprehensively covers what this bill aims to do. Its objectives uphold the values of those of us who believe in a decent and caring society. Our community will be safer because of this bill, and that includes the Koori community. I know the evaluation of the court system in Shepparton and Broadmeadows will show it to be successful. It will be fantastic to see it spread right across the state so that the entire Koori community can have access to this very important system.

Obviously imprisonment will still be an option of last resort after the rehabilitation process has taken place and all the other things have been taken into consideration. This is a necessary bill that has been very well thought out. It will be good for the whole community, especially the Koori community, and I commend it to the house.

Mr THOMPSON (Sandringham) — I wish to make a few brief remarks on the bill, principally arising out of the work of the Victorian parliamentary Law Reform Committee.

Recommendation 121 of the committee's report, which was submitted to Parliament in May last year, proposed that the state government establish an Aboriginal court in a regional location as a matter of priority. This recommendation in part built on the committee's

observation of the Nunga court in South Australia, which differs from mainstream courts in a number of ways. I quote from the legal services review report, which says that the South Australian court:

> … deals only with Aboriginal people who are pleading guilty.
>
> The magistrate sits in the body of the court rather than at the bench …
>
> An Aboriginal justice officer or senior Aboriginal person sits beside the magistrate to advise on cultural and community matters.
>
> The offender sits at the bar table with his or her lawyer and may have a relative sitting with him/her.
>
> Family and community members are encouraged to attend.

One of the things that struck a number of members of the committee in their review work was the comment made by various people that an appearance before the court might be construed by some members of the Koori community as a rite of passage. Any constructive steps that can obviate that circumstance are to be commended.

In reviewing the role of and background to community and Koori courts the Law Reform Committee drew on a number of reference points, including data from the 1996 census. It indicates that the unemployment rate for Aboriginal people in Victoria is 21.4 per cent, that young Aboriginal men in Victoria have a life expectancy 18 years less than the state average, and that Aboriginal people in Victoria are significantly overrepresented in prisons. That means that Aboriginal adults are 11.5 times more likely than non-Aboriginal adults to be placed in prison, and Aboriginal juveniles are 14.5 times more likely to be placed in juvenile justice custodial facilities than non-Aboriginal juveniles.

It is notable, however, that this overrepresentation rate has reduced from the 1991 figure of 38 times more likely. During the course of the inquiry I was very impressed with the evidence given by Mr Brian Cavanagh from Robinvale who indicated that a number of issues relating to Aboriginal housing, health, education and employment opportunities needed to be addressed concurrently. The remark was made that in many Victorian country towns very few Koori people were directly employed. Evidence was given that in Echuca in the 16 to 24-year-old age group some 85 per cent of Koori young adults were unemployed. A range of issues need to be tackled on a number of fronts.

My principal remarks are directed towards the end that no longer should the court process be construed as being a right of passage for young Koori Victorians. Rather, there should be strong life opportunities where they can actively contribute in their own communities and in the context of their own cultural background to their own advancement and the advancement of all Victorians.

Mr HULLS (Attorney-General) — I thank the honourable member for Berwick, the Leader of the National Party, my erstwhile parliamentary secretary, the honourable member for Richmond, and the honourable members for Evelyn, Bulleen, Sunshine, Rodney, Seymour and Sandringham for their contributions to this debate.

In summing up I wish to make a few comments, in particular about the policy basis for this legislation. It is now some 10 years on since the Royal Commission into Aboriginal Deaths in Custody handed down its report. Whilst it is true that the number of deaths in custody in Victoria has decreased, in my view Aboriginal people remain grossly overrepresented in our criminal justice system.

Would you believe that Aboriginal people are 11 times more likely in the year 2002 to be incarcerated than non-Aboriginal Victorians? The royal commissioner was of the view that there were two levels at which the problem of disproportionate numbers of Aboriginal people in the criminal justice system could be tackled. The first — and I guess in some ways the most immediate — is at the level of the criminal justice system itself. The second is at the level of those more fundamental factors which bring Aboriginal people into contact with our criminal justice system. The establishment of a Koori court seeks to tackle that disproportionality at the first level by providing a forum where the Aboriginal community has input into the sentencing process through the role played by the Aboriginal elder or respected person and the Aboriginal justice worker to ensure that the process itself is culturally responsive to both the offender and the indigenous community.

I am sure all honourable members recognise that the establishment of the Koori court is consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The commission's final report stressed the importance of reducing the intimidating atmosphere of courts and noted that this process was essential if courts were to gain an accurate appreciation of issues relevant to the sentencing of Aboriginal offenders.

In relation to the intimidating nature of courts — I think honourable members may have heard me relay this in the past — I vividly recall being involved in a coronial

inquest taking place in north Queensland. An old Aboriginal fella had seen a fatal collision take place on the Camooweal Road in north-west Queensland. Camooweal is a little township on the Queensland and Northern Territory border. The Camooweal Road was then a shocking old road on which a fatal collision took place.

The old Aboriginal fella was called in to give evidence about what he saw in relation to this car accident. He came into the court and saw lawyers, police officers and a magistrate, and when asked what he saw he looked around and said, 'I will plead guilty'. On one view that is a funny story but it shows how intimidating our court process is to many Aboriginal people. This Koori court proposal aims to humanise our courts and justice system and make it far more relevant to Aboriginal people. I am pleased that this proposal has bipartisan support.

An issue was raised relating to the name of the court. Koori court is the right name. Substantial consultation has taken place with the Aboriginal community. The name Koori represents a geographic area where people live, which happens to be Victoria. When I was in Queensland the area was known as Murris and Aboriginal people were called Murris. There is a Nunga court in South Australia which again describes a geographic area. Koori court is certainly the right name.

This is a pretty proud moment and I am sure it is a pretty proud moment for everybody who has spoken on this bill. It is a proud moment for me as Attorney-General to be receiving bipartisan support for what I think is a very important initiative.

Mr McIntosh — The issue, not for you.

Mr HULLS — I hear an interjection that it is support for the issue, not me, which is fine. I take a great deal of pride in the fact that there is bipartisan support for such an important issue. The Koori court is one of the initiatives that I am most proud of as Attorney-General because I believe it will play a substantial part in giving Aboriginal Victorians ownership of our justice system, making it more relevant to them, and it will also have an educative role for our magistrates, and that is important.

I conclude by thanking Rose Coombs, a person who has done a substantial amount of work in relation to this proposal with Angela Cannon from my department. Rose was an executive officer with one of the regional Aboriginal justice advisory committees and has been working in legal policy on this issue. Just as importantly, today Rose received one of the inaugural community justice awards for the work she has done in relation to those committees and this proposal. I congratulate her, Angela Cannon and other members of the Department of Justice for not just the work they have done but for the timely nature of that work in relation to this bill.

I made it quite clear that when it came to the Koori court I wanted to push this through as quickly as possible. The time lines that were given were, some may say, a touch unfair.

Mr Wynne — Ridiculous.

Mr HULLS — My parliamentary secretary may say ridiculous, but they were up to the mark and they were able to do it in a tight time frame. I thank them for that because they are, some would say, overworked. They work hard on a range of issues, but they realised I and the government are passionate about this proposal and they certainly burnt the midnight oil in relation to the Koori court. I thank them very much for that.

This is a great initiative. I think it will stand the test of time. It is true that it will be appraised over a period, that the pilot study is to take place in Shepparton and Broadmeadows and that it is planned to extend the Koori court into other areas of Victoria. I wish this bill a speedy passage and thank all those who have supported it. As I said earlier, I stand here today as a proud Attorney-General knowing that this legislation has received bipartisan support.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 9 May; motion of Mr BATCHELOR (Minister for Transport).

The ACTING SPEAKER (Mr Phillips) — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr LEIGH (Mordialloc) — While not opposing this legislation, I shall make some points about the parameters of it. Anybody reading the bill would understand that it revolves around a number of issues

concerning public transport — everything from taking control of the public transport system if a company fails, the hire car industry, some aspects of the minister's recently announced taxi reform package, the tow-truck industry, ticketing inspectors and the Essential Services Commission.

In the brief time I have available to comment I will touch on a number of significant issues in the bill. I commence with the ticketing inspectors powers. This can only be described as a government of hypocrisy. This is a good demonstration of a government that is in control of nothing; it is sitting in the captain's cabin, the public service is running the ship and it is hoping like hell it runs in the same direction and runs the state efficiently. I will shortly refer to an example of the absolute hypocrisy on this aspect from the government's point of view.

It is a deep and philosophical political party that is in government today. Only in the early 1990s did the then Kennett government introduce reforms to the police force that revolved around the police being able to ask for names and addresses, and I will refer to the comments of the then opposition. What is happening in this bill with the powers of the ticketing inspectors is a return to the bad old days prior to 1992 when unfortunately in some respects the then transit police force contained decent people, less-than-decent people, and crooks. Its standards were appalling and the operations of the public transport system were then appalling, and frankly now this government is travelling again down the same path. The minister from the left of the Australian Labor Party now stands before Parliament and introduces reforms that will probably give ticketing inspectors the same powers as police officers. In a moment I will establish that they do not have the same training as police officers.

I refer to what the ALP said on 19 June 1992 about the police being able to ask somebody walking down the street for their name and address. The then police minister, Mal Sandon, who these days is on the payroll doing Vicroads — —

Mr Richardson — What happened to good old Mal?

Mr LEIGH — He is actually on $88 000 a year to do the road safety strategies of Vicroads that were shredded. He gets $88 000 from the Transport Accident Commission! He is doing really well.

At the time one of Victoria's worst police ministers commented about the police having the power to ask for somebody's name and address. An article that appeared in the *Herald Sun* states in part:

> The government has consistently refused to grant these powers because, as Mr Sandon publicly said, it regards them as draconian.

The then government regarded it as draconian to give the police those powers, yet this bill will give similar powers to ticketing inspectors from the Public Transport Corporation, now rented out to private companies such as Yarra Trams, which is run by that great Labor stalwart, David White, who may be described as the non-executive chairman of Yarra Trams. Not only did Mr Sandon say that, but the *Age* of 16 September 1992 refers to what the then Attorney-General, Mr Kennan, said:

> … people who were simply walking down the street should not be obliged to give their names and addresses.

Yet if you are on a tram tomorrow — not a problem!

The present Federal Court judge Alan Goldberg was reported by the *Herald Sun* of 26 July 1993 as saying:

> Council president Alan Goldberg, QC, said it was in the public's interest to know where they stood legally when dealing with police.

This part of the bill concerns the same issue. The same article in the *Herald Sun* refers to a Legal Aid Commission booklet entitled 'Police powers — your rights'. It states:

> You have a right to silence. It is usually best to give your name and address and to answer 'no comment' to further questions unless you have legal advice.

Who else? In the *Herald Sun* of 8 June 1993 Robert Richter, representing the Victorian Council of Civil Liberties, said that he regarded the passing of such clauses of the Crimes (Amendment) Bill as an 'avenue of abuse' for police simply to obtain a name and address from an individual. He said that, potentially, it was an abuse of this power by police.

Former federal Human Rights Commissioner, Brian Burdekin, mentioned that the fine at the time was outrageous. It was $500. By sheer coincidence, all these years later the fine in this bill is exactly that amount. Mr Burdekin warned that the federal government might intervene if the laws were passed, raising the prospects of a High Court challenge on state rights. He said he was worried that the legislation would have breached Australia's legal obligations under international civil rights arrangements.

In a letter to me, the managing director of the Royal Automobile Club of Victoria, Mr Colin Jordan, said:

> RACV has considered the contents of this bill, and I write to express our concerns at the proposal to allow non-police personnel, namely, ticket inspectors, to demand proof of correctness and proof of name and address from commuters.
>
> We encourage our members to use all forms of public transport, and casual users of public transport who are most unlikely to carry identification should not be put in the position of having to prove their identification to anyone but a member of the police force.
>
> RACV sees this proposed amendment to the act an unacceptable step towards compulsory carrying of identification, and seek your assistance in having it removed from the bill.

And what did the government spokesman say? This government always hides behind its spokesmen! An article in the *Age* of 22 May states:

> A spokesman for transport minister Peter Batchelor said the RACV's comments were misleading and irresponsible.
>
> 'All the legislation is doing is confirming that ticketing inspectors can verify names and addresses, which has already been upheld in the Magistrates Court …

There was a more substantial press release from the RACV, but we will come to that in a minute. What did the Public Transport Users Association (PTUA) say about this legislation? It is fascinating! It sent me a copy of correspondence to the minister dated 17 May. I will not read the whole letter because I do not want to take up too much of the house's time, but it states:

> We are also concerned that:
>
> There has been no consultation with the PTUA or (to our knowledge) any other public interest organisation on the appropriateness or need for such a provision. This is surprising, and unsatisfactory, given that the provision amounts to a very serious curtailment of the privacy and civil liberties of the Victorian travelling public.
>
> The Law Reform Committee of state Parliament is currently in the process of an inquiry into these and related matters, to which the PTUA and several other organisations made submissions. This bill would appear to pre-empt the report of the committee.
>
> There are a number of issues associated with inadequate training and accountability of ticket inspectors, as well as many unpleasant instances involving significant physical conflict between inspectors and passengers which are well documented.
>
> It is almost universally acknowledged that the problem of fare evasion is caused by a combination of the notoriously dysfunctional automated ticketing system and the associated removal of customer service staff from the system. Rather than pursuing a strategy of aggressive fare enforcement, which we believe is actively counterproductive to maximising patronage and fare compliance, the government ought to be working with the operators, the PTUA and other organisations to achieve a satisfactory, workable ticketing system.
>
> The PTUA does not advocate that any passenger should break the law.

We will come to the ticketing system in a minute. What does the government say about the training capacity of these individuals? I had a question on notice put in the Legislative Council because it is easier to get them answered in that chamber for the simple reason that a response is required in 30 days. The government hates that arrangement, but it is stuck with it and that is just too bad. I emphasise that although the question's number is 2435, not all of the preceding questions are mine; I do not have that many! On my behalf, the Honourable Gerard Ashman asked the Minister for Energy and Resources, who represents the Minister for Transport in the other place:

> What has the government done to ensure public transport commuters are not treated unfairly by heavy-handed and unreasonable tactics by revenue protection officers and other forms of ticketing inspectors?

You have to remember that since the election of this government there has been a mishmash of people checking tickets across the public transport system. Some of these are paid for by the transport companies and others are paid for by the government.

On 3 December last year in response to that question, the Minister for Transport wrote:

> However, there is an element of discretion available to revenue protection officers in the application of their powers. Following recent complaints, the director of public transport has requested the three transport franchise operators to review their protocols and report back to the director of public transport. The director of public transport has also obtained agreement from all three transport franchise operators to adhere to a common set of protocols and practices.

These people get pretty basic training and have been put in the place of effectively being police officers on the public transport system. Make no mistake! They are able to question anyone, be they 13-year-old boys or older persons, and there are many examples of them doing so in recent times. Amazingly, at 8.30 a.m. the other day the Neil Mitchell program on 3AW played Gestapo music in relation to what these characters have been doing. They were playing Nazi Gestapo music! You have to ask, 'Is this government fair dinkum about fare evasion?'.

The government says — and the transport companies say — that about $50 million a year is being stolen from the system by people who evade fares. Finally we have a minister who agrees that he has the ticketing system operating over 90 per cent of the transport system. From now on, Minister, it is all your baby! This minister used to whinge about the ticketing system that

was in operation, but the house should be reminded that when the Labor Party was last in power it may not have given us a ticketing system, but it did give us 120 years worth of scratch tickets which were hidden in a room somewhere!

While it is true that some aspects of this happened under the former government, it was nothing in comparison to the mess that happened prior to 1992. You only needed to see the trams parked all the way down Bourke Street to realise that. So hindsight is a great thing from the Labor Party's point of view. I also point out that at least these ticketing machines have the capacity to become more intelligent ticketing machines!

Is this government fair dinkum about fare evasion? In my view it is not. Why is this so? Let me tell the house about a gentleman by the name of Mr Lev Lafayette, who is actually part of the Victorian ALP. This guy is the no. 1 fare evader in the state of Victoria. I have not read all the evidence, but in my view he was really stretching it in saying what he said about the system when he applied for a Magistrates Court ruling. The magistrate decided that he had done nothing wrong — I am not going to pick on the magistrate; that's fine — but all the companies concerned were outraged by his ruling and wanted the minister to take action. I quote from the *Herald Sun* of 7 March 2002:

> Lev Lafayette, who won a court battle despite travelling without a valid ticket, operates the ALP's web site. He has also been active in the party's left-wing Pledge faction —

which the honourable member for Coburg is well acquainted with —

> [which is] known for its opposition to privatised transport.
>
> The embarrassing disclosure came as transport minister Peter Batchelor said the government would seriously consider appealing against the court's decision.
>
> If an appeal fails, Victoria's ticketing system could be thrown into chaos, with commuters being able to use the same excuse as Mr Lafayette for travelling without a ticket.
>
> …
>
> Mr Batchelor said he was not embarrassed that Mr Lafayette had strong Labor Party links.
>
> It might be an embarrassment for the Labor Party', he said.
>
> 'I don't care who he is, or where he works'.

That is commendable.

> 'He was riding a tram without a ticket and was issued with a fine, but he got no special treatment at all'.
>
> The case has the private transport operators worried. It follows huge debts and a $91 million bail out from —

and so forth. I will tell the house what was not revealed at the time but was instead uncovered a little later. The spin doctors in the Premier's office, perhaps better described as the Ministry of Truth, were out there spinning documents — and you only have to look up the web site to know that what I am saying is accurate. Who does Mr Lafayette really work for? Is it the honourable member for Coburg? No, I don't think so. Is it the honourable member for Geelong? No, I don't think so. Is it the honourable member for Northcote? No, I don't think so. Mr Lafayette works for none other than that great god-like creature, the Honourable Steve Bracks, Premier of Victoria. He is the Premier's second electorate officer. So the chief fare dodger in the state of Victoria is employed by the Premier to operate the ALP web site, presumably out of the Premier's electorate office. I have actually seen him walking around Parliament House. What do those great spin doctors in the Labor Party say?

> The state government confirmed today that Lev Lafayette was part of a pool of parliamentary staffers.
>
> 'He is one of those people … they are used by MPs or by their parties at various times for different things'.

He sounds like he is almost a member of the CIA! But what is he? He is Premier Bracks second electorate officer. What does that say to Victorians? It says there are thieves cheating the public transport system of $50 million a year. The Minister for Transport, Mr Batchelor, said, 'This is an outrage. I am going to deal with him'. He had a different view back in the 1980s when he was doing something similar himself in another area. Leaving that aside, we have to say that at least the minister was right this time in saying, 'I don't care who he works for'. Then he said, 'Oops, he works for the Premier. I'd better be careful here; I'm not going to do too much after this'. What a standard for the administration to set, having the chief fare dodger working for the Premier!

In all honesty I would say to people, 'Next time you look at the web site of the Victorian ALP, remember that it has been done by the chief fare dodger of the state of Victoria!'.

There is a lack of professionalism on the part of some of these officers and a lack of real commitment by the Bracks administration to get on with solving fare dodging. The Minister for Transport says the machines are now all his. I say, as I said earlier, that he is welcome to them, given what I know about it. But I can tell you that because of his sloppy attitude in dealing with the contracts and the companies, more machines have broken down in the life of this government than broke down under the former government. That has

happened because he did not care and left the bureaucracy to operate them.

When people look at that web site they should remember that Lev is there and that he has probably got there without using a ticket, so he is a dodger and a person who is not fit to work for the Victorian taxpayers, never mind the Premier of Victoria. As I did at the time, I call on Premier Bracks to dump this clown and instead put him on the payroll of the Australian Labor Party. Let him do what he is doing for the ALP, not the taxpayer. But as we all know, this is a government of incredible honesty and integrity, so he would not do anything as shoddy as that, would he?

The second aspect of this legislation deals with taxis, hire cars and the tow-truck industry. To start with, I have something which is really fabulous. I would love to have had this incorporated into *Hansard*, but sadly I did not give it to the Speaker in advance — and as I know, there are no photos in *Hansard*! I refer to a very interesting notice which has been handed out by some taxidrivers, which states:

> Fares are to rise by 20 per cent under the proposed Bracks government taxi reforms.
>
> Premier Steve Bracks and his transport minister, Peter Batchelor, are planning to introduce a range of reforms in the taxi industry.
>
> Passengers will be worse off, drivers will be worse off, owners will be worse off.
>
> Fares to jump 20 per cent.
>
> $176 million —

it is actually $180 million —

> paid by the federal Howard government to the Bracks government to implement these Bracks reforms.

That is under competition policy. It continues:

> The $176 million —

that figure again —

> bonanza will be kept by the Bracks government and will not be used to improve services.
>
> Drivers will struggle to earn a living as passengers choose cheaper transport options.
>
> Late night taxi surcharge will encourage more people to drink and drive.
>
> 600 extra part-time taxis will flood the market.
>
> Say no to the Bracks government's devastating reforms.
>
> Phone 9399 9029 to express your outrage.

There is a lovely photo of the Premier with a big X across it, and quite deservingly so.

This is all a stunt. Firstly, let's get a couple of things right. When the government put this proposal to the taxi industry only 300 licences were involved. This is a common thing, the Labor Party having access to 300 licences, because as I am sure the honourable member for Swan Hill will remember, by sheer coincidence back in 1985 Tom Roper, the then transport minister, introduced 300 new licences, too. There was outrage and uproar, and there were threats and strikes over the damage that was being done to the industry.

The taxi industry approached me about this legislation. Initially there were what you might describe as complimentary comments coming from many elements of the industry. However, it is true to say that these 600 licences were forced on the minister, allegedly as a result of Treasurer Brumby saying, 'We do not want 300, we want 600'. They are to be put out over six years, with half going to the drivers and half going to the fleet operators, and after six years half of them will become regular licences. The yearly licences will allegedly cost between $3000 and $5000. I am told nobody is putting in for $3000, because they all know what the maximum is, so most of the guys are putting in $5000.

Will this serve the taxi industry well? I am yet to be convinced. There are things that need to be done in the taxi industry, but under this government taxi complaints have gone up and the system is deteriorating.

It is clear that while the former Liberal government saw taxis as the first point of contact for tourists coming to Melbourne, therefore presenting an image of Melbourne that some people may well retain, that is not the case now. You need only to talk to your average taxidriver to find that he would be one of many who say very complimentary things about former Premier Kennett and his involvement in getting the system back on the road and operating effectively. On the other hand, Premier Bracks and transport minister Batchelor, with no disrespect to the parliamentary secretary, are not interested.

The honourable member for Coburg can rightly claim that he has been more involved in this, although one wonders how much Mr Stanko has been involved versus the honourable member. I think this has the imprint of someone other than the honourable member for Coburg. I hope that is not the case, and if he wants to take credit for this over the minister I would be delighted. Personally I would prefer the minister to take

the credit, because I think he will get himself in a bigger mess.

What will this do? The taxi association is now saying it is unworkable and that the last-minute changes are fundamentally flawed. Once again I make the point that this is an attempt to get money from the National Competition Council. However, none of it will be invested in the taxi industry. No money will be put into the increased regulation of taxidriver standards, which have long been demanded by owners, drivers, passengers, the tourist industry and the media. There will be no investment in the capacity of taxi telephone booking lines, which are often under-resourced.

The Victorian Taxi Association (VTA), which represents taxi owners and operators, has said that increased numbers of taxis will result in an oversupply and will lower their earnings. It also expressed concern that the details of the taxi package have not been finalised and that overnight surcharges may cripple the industry. The 20 per cent surcharge has been slammed by the VTA as being unsustainable because it will impact on customers.

There is another issue, which is that the government is now interfering in the contractual arrangements between the taxidriver and the company, which is a concern. I understand that the government regulates this system, but when you start interfering with the contractual arrangements between an employer and his employee, there are potential problems. The VTA says the reforms may compromise the viability of the taxi industry — and then we have the really interesting muck-up that has gone on as well.

Mr Nardella interjected.

Mr LEIGH — If you bothered to ever find out anything, honourable member for Melton — —

Mr Nardella interjected.

Mr LEIGH — You know nothing about taxis. You should learn a lesson, you goat, and behave yourself for a change.

Let's talk about one of the great standards of the Bracks administration.

The ACTING SPEAKER (Mr Phillips) — Order! I inform the honourable member that it is unparliamentary to call members by anything other than their correct titles.

Mr LEIGH — Presumably you will offer him the same recommendation. He called me something, and in response I referred to him as a goat, so I thought I would quietly — —

Mr Nardella interjected.

Mr LEIGH — I was deeply hurt. Here we have one of the great bright shining lights of the Bracks government! The government said it was going to improve the security of the taxi industry by introducing cameras. This program was originally set in place by the former Liberal Minister for Roads and Ports, the Honourable Geoff Craige in another place. He did a good job, getting the program to the point where it was going to take off. He even put aside $6 million to implement it. What has happened? Two and a half years later — —

Mr Nardella interjected.

Mr LEIGH — You are playing games with the budget, and you know it! Over two and a half years later, one-third of taxis have cameras. I was asked the other day about the things that should be done for taxidrivers, and I said one of the things should be a self-defence course, because by the time they get the cameras they will all know how to defend themselves a bit better!

The fact is that the camera technology has moved on from what was originally going to be implemented by the then Liberal government and there are now better cameras available, yet the Bracks government has mucked it up. It has really made a big mistake.

Let me give an example of the stupidity that is going on with this bunch. We have two kinds of camera, the ones with audio and the ones without. What we are going to make sure of is that the ones with audio do not have audio. Why? Because we are concerned — that is, the government is concerned — that privacy may be affected. I share that concern. The fact is, however, that the only people who have access to these cameras are the police and the inspectors from the taxi directorate. We all know that in any event that may take place in a car the picture will tell you half the story but may not tell you the whole story about what happened in the incident between the driver and the other person who was in the car because there is no audio — except that there is audio, but it is different. It is supposedly for security protection that the photos may be taken when a driver may be under assault. Let's say we have got a film star in the car who is behaving drunkenly. We are concerned that the footage of the famous film star and the audio may become available, so we protect the film. However, although there is no audio, the driver can still

put his foot on an emergency button enabling the whole control room to hear the entire conversation.

I do not know about any other honourable members, but I would have thought that a system that allowed a police officer and taxi directorate personnel to look at and hear information from a secure camera was a lot more private than the information being given to a roomful of operators answering calls from people wanting taxis. I would have thought that under the second way the *Herald Sun* would be much more likely to get the story than under the first way, yet for some strange reason the government has decided on this path.

Mr Nardella — It is called an emergency, that is the difference.

Mr LEIGH — There is a goat in the background again; I do not know where.

The fact of the matter is that the government has twisted the whole system, and I am not convinced this is the way to go. I believe the audio and the film should be under strict supervision. I believe it is better to do it that way for the safety of both the driver and the passenger because there are less people controlling it. If someone sitting in the control room has a dictaphone and puts it to the microphone when the famous film star and the taxidriver are having an argument and then gives the tape to 3AW, which is the easier to get control of? I rest my case. This is a small example of where the government has not thought through the process. I genuinely plead with the government to go back and have a serious look at rectifying that aspect of it, because it is silly.

Hire cars are another issue. Once again, the government is basically following what has been going on in New South Wales, and I have some serious qualms about those aspects of the legislation. When the government was asked about the issue of hire cars in the bill committee briefing, which unfortunately the honourable member for Coburg was unable to attend due to circumstances beyond his control, what took place —

Honourable members interjecting.

Mr LEIGH — I was being mean that day. Just for the record, the honourable member for Coburg says he was thrown out of my bill committee briefing; he never got in the door, I can tell you that.

In relation to hire cars, the department was asked about why we were going down this path. Currently a hire car licence, particularly a VHA licence, is worth say $55 000, and what happens is that you may want to apply for a licence so you go to the Department of Infrastructure and apply for the licence. Department officers tell you no. Then you go off to the Victorian Civil and Administrative Tribunal, and from memory the department says about half the cases get a licence and the other half do not. How does the department solve this one? This is where it gets cute. The department says, 'We will control it. What we are going to do is require you to apply to us and then, as long as you meet security requirements — being a good person, having a great driving record, not being a murderer or a rapist, all that type of stuff — we will give you a licence'. There is a catch, of course, 'You give us the $55 000, very nice, thank you very much!'.

Mr Perton — And how much to the Labor Party?

Mr LEIGH — I have no knowledge of how much the Labor Party will get out of this, but we get $55 000 for each of the licences. Anyone who wants to apply for one, go on and apply! That will mean more VHA licences out there — terrific news! However, there is a catch. You do not have all the money — and remember these are business people out there too, including the VHA holders and also the special purpose licence-holders, although special purpose licences are a bit easier to get — so they say, 'Have we got a deal for you! We will let you pay $10 000 — —

Mr Carli interjected.

Mr LEIGH — You are going to change that now?

Mr Carli — We never had it.

Mr LEIGH — No, I am sorry, given the way this is going to be implemented — and you can look at your own legislation — the applicants will be told, 'Have we got a deal for you! Look, make four payments, and the first one is $10 000. Then if you go broke you can sell the licence on to somebody else and they can make the payments'. What a great way to do business with the Bracks government! With special taxi licences at $55 000 this is like being on *Who Wants to Be a Millionaire?*, but you are not going to make the money out of it, the government is going to make the money out of it again. This is the Bracks government milking everybody again! This will cheapen the existing licences out there.

But it gets even worse than that. I commend one thing that has happened in recent times out at Melbourne Airport. When a particular bus company was getting heaps of people onto its buses and operating illegally out of the airport, to the department's credit it wrote to all of the bus companies telling them if they continued to do that it would pursue the licences of people who were misusing the arrangements.

At the Qantas desk there is a fellow called Fast Eddie, who has a VHA licence. I would regard what he is doing through the Qantas desk as bordering on the illegal. I can see from the nods of the honourable member for Coburg that even he agrees with that.

What is the government doing about that? It is saying, 'We are happy to go crunch with the big bus operators', but where is the government's tough streak when it comes to all those small business people out there who have VHA licences? It has disappeared! It is a bit like all the meetings that went on about taxis and the rest of it. The minister would turn up at 10 o'clock in the morning and sit in the meeting and tell everybody he had had a great morning and a good swim and that he felt great. The drivers and the VHA members would be thinking, 'We've been working until 6.00 this morning but this guy turns up to work at 10.00 yawning after his terrific swim'. That is the conversation that took place, word for word! I can see from a couple of smiles around the place that they know I know, because somebody told me about it.

It is a great life being Minister for Transport when you do not have to do anything because somebody else does it for you. By the way, you should not think that when the bureaucrats muck it up I am going to chase them. I am going to chase him, because he is in charge! When he was opposition spokesman he was the first to criticise somebody else, jumping off bridges — well, he did not jump, unfortunately, but never mind that — and screaming and carrying on about the various things that went on.

He was a man on a mission to fix transport in Victoria. Well, he squibbed it! What is he doing now? Has he stood up to Qantas and Fast Eddie to protect the drivers out there? No. Is he going to reduce the value of existing licences? Yes.

Once again, this bill is about the government getting its hot little hands on part of the $180 million federal government competition policy package to spend it on God knows what. It has nothing to do with the taxi industry, and it has nothing to do with the hire car industry. The house will be aware that the bill also has some minor amendments dealing with the tow-truck industry, which I will not get involved in to any great extent. They relate to arrangements made outside this house, and the minister has said he is going to extend those arrangements to Mornington. I see that as a good thing, because the last thing any of us wants is to have five tow trucks turning up at a serious accident where people who are hurt have to sign them off. The 72-hour cooling-off period has the potential to be okay, but I warn the government that it also has the potential to delay the repair of vehicles, so there is a flip side to the arrangements as well.

The hire car industry in particular is very upset about some aspects of the bill. I understand that representatives of that industry saw the honourable member for Coburg yesterday, and hopefully he gave them some good news — either a nod or a wink — —

Mr Carli interjected.

Mr LEIGH — He gave them some good news? That is not what I hear, and I have been in contact with them today. The proposed system is similar to the seriously flawed system that has been tried to some degree in New South Wales, where it has not worked. It will seriously damage the businesses of people involved in the hire car industry. I will give the house a good example of how well thought out it is and why it will not work. According to the government, this is a revolutionary package — the best in the world! — for hire cars and taxis in Victoria. The minister — —

Ms Delahunty interjected.

Mr LEIGH — The Minister for Planning is a bit upset, but at least I read speeches that I make up at the right time rather than somebody else's speech at the wrong time. I know who the dill is in this house, and it ain't me!

Ms Delahunty interjected.

Mr LEIGH — The minister laughs. I can inform the house that the minister is looking beetrootish at the moment, so I know who is laughing and who is not. I will give the house an example.

Mr Nardella — You are a dill!

Mr LEIGH — If I were a goat who lived in Melton and I came out of Crown Casino and saw the taxi ranks full and the hire car ranks not so full, I would say to myself, 'I'm going to use a hire car to get home tonight, because I've made a few bucks at the casino', and off I would go. I would knock on the window and say to the driver, 'Excuse me, how much to drive me to Glen Eira?', and if he was really fair dinkum about it he would say, 'I'm terribly sorry, sir, you're breaking the law. I cannot actually drive you there. However, here is my business card. If you ring me, I will answer and we will see what business we can do'. With that, he would push the button and up would go his electric window. Standing beside his car door I would ring him on my mobile phone and say to him, 'Excuse me, sir, how much would it cost me to get to Glen Eira?', and he would say, 'Forty bucks', and I would say, 'Thank you

very much'. With that I would hang up my phone, open the back door of his car and get in, and he would drive off.

This is the world-class system that the Bracks government is giving to Victoria! The taxi industry thinks it is dumb, and the hire car industry think its dumber. What will this world-class, well-thought-out system come up with? The exact same arrangements that have applied for historic reasons more than anything else! Has the government fixed up those arrangements in this bill? No. Is it going to fix them up in this bill? No.

Mr Nardella interjected.

Mr LEIGH — That is what I really like about the government: when it is caught out it cannot concede that there has been an error or that it cannot fix it.

Mr Nardella — And what would you do?

Mr LEIGH — I would fix it, you goose!

Mr Nardella — How?

Mr LEIGH — I will, if I may, make use of a very good quote. Sir Robert Menzies, a former Prime Minister of Australia, was speaking in the House of Representatives one day when a Labor member of Parliament interjected, saying, 'Prime Minister, tell us what you know. It will only take a minute', and Prime Minister Menzies replied, 'Why don't I tell you what we both know; it won't take any longer'. That is what is going on today on the other side of the house.

It is a very simple thing to change the law. After all, that is why we sit in the Parliament! My suggestion to the government is that it should make an amendment to a bill that says, 'If I am driving a hire car and I am in the appropriate area, I can sign for it'. This bill has not been well thought out, and from what I can see it is a disaster that will help nobody.

I turn to the next aspect of the bill, which is another example of the government mucking around with the public transport system. The house should be aware that the companies who run the public transport system — for example, Yarra Trams and M Tram — rent it for a period of time, and at the moment they probably have 9 or 10 years left. But the Minister for Transport controls the system — he is going to control it even more under this bill — and when those companies come crying poor to this government, the minister rushes out there with a big wheelbarrow of money and chucks it at them in the hope that they will go away, and he does not ask for anything back on behalf of the state. This bill seeks to alter the powers of the department as well as clarify a few issues, such as what would happen if and when it had to take control of one of these transport companies — for example, in relation to tree clearing on the side of railway lines.

An honourable member interjected.

Mr LEIGH — One of my colleagues is making a suggestion. If he talks on the bill he might specify the significant problems that can occur with foliage alongside railway lines when a train puts on its brakes and sparks fly off. This bill clarifies the power of the minister through the Public Transport Corporation.

The house should also be aware that when the Minister for Transport handed over this $105 million he sought an extension of the bond to $220 million, from the $110 million put in place by the previous government. That bonds lasts for two years and no longer. One wonders why the government put in an extra $110 million bond for only two years. I do not know; it is very strange. I would be interested to know what the minister's explanation for this is.

There are some other issues covered by the bill which relate to the Essential Services Commission and its ability to investigate and report on hire car special purpose licences, taxi fares and hiring charges and tow-truck charges. Again I caution the Bracks government that at the end of the day it is the government that winds up responsible for it. When the franchises were put in place there were some on my side of politics who said that that meant government was no longer responsible for the public transport system and that people could blame the companies. They are not blaming the companies any more; they are blaming the minister because he is in ultimate control.

If you read the act and the contracts you will see that the Minister for Transport is in control of the system — he chooses to make it run well; he chooses to make it run badly. As we saw from the Bracks government's brilliant, revolutionary, wonderful $810 million country package where it is $260 million short, the government has no idea where it is going. This is relevant because V/Line is operated by National Express, the biggest player in metropolitan Melbourne's transport system.

An honourable member interjected.

Mr LEIGH — National Express runs V/Line and M Trams so I would have thought it was the biggest operator in the system. The point is the Minister for Transport controls it. There has temporarily — for two years only — been an increase in that bond. The minister is clarifying what can happen if he has to take

back control of the system. Given that the Minister for Transport has already chucked $105 million at the public transport operators I have a sneaking suspicion that there is more at stake in this than the house is aware. I sought information about this under freedom of information, but like everything else under the Bracks government everything is a cabinet document and is not available through freedom of information. I do not know what happens on a Monday when the ministers meet in that cabinet room, but there must be no room for people to sit down with all the documents in the room — it must be incredible. This was an open and honest administration that promised to let people read documents.

Why is the government hiding the arrangements for what will happen if it has to take over a private company? I think it is hiding them because there is the serious possibility of one of the operators — I believe I know which one it is but do not think it appropriate that I name it — is in serious trouble. That is why I wrote to the Auditor-General asking about what happened and how the payments were being made. One company sacked staff, but prior to that it had been given $3 million to put on staff; it sacked the staff it had employed and used the money government gave it to employ its own staff. There are some serious ramifications of what is happening behind the scenes of this legislation.

I think I have covered most of the things dealt with by this bill. To conclude by going back to the ticketing inspectors, it is extraordinary that a body like the Royal Automobile Club of Victoria has come out in fundamental opposition to what is going on — there is a lack of training, a lack of will, a lack of direction. That is the emphasis in most of the things happening under this government. Most of its cabinet are part-timers — they are out the door before the public servants go home and it is not with the red box that they take home at night. It is off for fun, to have a great night, to go to the theatre, the opera or whatever. Life in government is a gay event and you can enjoy yourself. I think government is more than that.

Ms Delahunty — On a point of order, Mr Acting Speaker, while I am enjoying the eloquence of the shadow Minister for Transport I think it would be preferable if he confined his remarks to the bill rather than discussions of the opera and the post-work responsibilities of the cabinet.

Mr LEIGH — On the point of order, Mr Acting Speaker, if the Minister for Planning had been here longer I am sure she would know that in a second-reading debate honourable members can generalise about some aspects of the bill. If the minister had been listening she would know I was simply making a point about what is going on as part of the public transport thing and I was not spending a long time talking about cabinet; it was a passing reference.

The ACTING SPEAKER (Mr Phillips) — Order! I will not uphold the point of order at this stage, but all honourable members know that regardless of whether one is the lead speaker one must be relevant and speak to the bill. Although lead speakers are generally given a bit of latitude, if the honourable member for Mordialloc is doing a right-hand turn I suggest he get back into the lane quick smart and talk directly on the bill. Will the honourable member be winding up or going on after tea?

Mr LEIGH — I am happy to wind up but I am happy to go after tea if you like; it depends what the minister wants.

The opposition is not opposing this legislation. It has questions about aspects of it. The government's civil rights record is being seriously challenged by some aspects of this, as I have shown and will continue to show. The onus is on the Minister for Transport to show what arrangements will be put in place to ensure better training of the people who will be dealing with this ludicrous system. I will be watching closely. There are other aspects of it that the opposition will be watching closely, particularly those affecting the taxi industry, the number of cars and the regulated arrangements that are nothing to do with this house and the expansion of the industry. The opposition does not oppose the legislation, but I shall be watching it very closely.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Honourable members interjecting.

Mr STEGGALL (Swan Hill) — They have sent the strength in! The honourable member for Mordialloc and I are here to look after their interests.

Mr Leigh — As always.

An honourable member interjected.

Mr STEGGALL — Werribee is alive and well — but only just!

An honourable member interjected.

Mr STEGGALL — It is. I was down there the other week and was most impressed.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Swan Hill will resist replying to interjections. They are disorderly, and I am sure he can deliver his speech without assistance.

Mr STEGGALL — Thank you, Mr Acting Speaker, I appreciate the protection you give me, which I need from time to time.

Before the house rose for dinner the bill before it was the Transport (Further Miscellaneous Amendments) Bill, which is a bill containing seven areas. It is the Labor Party's effort at the type of omnibus bill we used to have in this place. I suggest to all backbenchers and to the organisers of government business that every now and again an omnibus bill is very handy in this house. Because the government has not had a business program that anyone could be proud of we have not had an omnibus bill but rather a series of very small pieces of legislation. This bill presented to the house brings together all the bits of miscellaneous transport amendments.

As I said, the bill runs through seven areas: taxi and hire car industry reform; the taxi surveillance camera scheme is introduced; tow-truck industry reform; clarification of the powers of the director of public transport; the power of the Secretary of the Department of Infrastructure to access medical records; powers to authorised transport enforcement officers to request verification of names and addresses from suspected offenders, on which the honourable member for Mordialloc gave quite a dissertation; and the extension of backdating provisions on the Melbourne City Link pass, which we are all delighted at and rather surprised about.

I will take the first area, which is the taxi and hire car industry reform. Reform proposals for Victoria's taxi and hire car industry were released on 9 May this year and the bill addresses those issues that require legislative change. At present the public interest test can act as a barrier for entry to the granting of a licence for a hire car or special-purpose vehicle such as small commercial passenger vehicle licences other than taxi cab licences. The bill removes the public interest test but retains the fit and proper persons test.

The bill also sets out the new licence fees for hire car licences, and special-purpose licences will be introduced. That issue was fully discussed by the honourable member for Mordialloc, and I do not need to go over it. The licence fee will be set at market value, which at present is approximately $50 000. In some ways that will change and distort the balance and the values that have been built up over the years. The determination of taxi fares will be the responsibility of the Minister for Transport, where currently that responsibility lies with the Secretary of the Department of Infrastructure. I am sorry if I am interrupting the honourable member for Bendigo East!

Ms Allan interjected.

Mr STEGGALL — When I am going to get to the Calder is when you get your planning right so that we know where it will go.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Swan Hill will ignore interjections, and the honourable member for Bendigo East is out of her place and disorderly.

Mr STEGGALL — I do appreciate the guidance and protection which you offer, Mr Acting Speaker.

As I said, the determination of taxi fares will be the responsibility of the Minister for Transport, and it is currently the responsibility of the Secretary of the Department of Infrastructure. That is an interesting but subtle change. I am not sure why the government is doing that, but we have no problem with it.

The price determination will be made after the director of public transport receives the report of an independent investigation by the Essential Services Commission. I will probably return to that subject later.

A late-night flat-rate surcharge of $1.10 currently applies between midnight and 6.00 a.m., with a fifty-fifty split of the charge between the driver and the owner. This legislation replaces that rate with a 20 per cent surcharge that is to be paid in full to taxidrivers and is to apply between 1.00 a.m. and 6.00 a.m. A possible problem is that the existing taxi meters cannot calculate the 20 per cent, but I mention that only quietly at the moment.

Mr Hamilton interjected.

Mr STEGGALL — Don't bet on it, we will come to that, also! The new proposal allows for the accreditation of taxi depots, dispatch networks, taxi operators and taxi cab drivers. They are the main changes to the Transport Act insofar as it deals with taxis, and I will deal with those first.

The 20 per cent late-night surcharge is intended primarily for metropolitan Melbourne — isn't everything! — where ongoing problems have been caused by a shortage of taxis for late-night or early-morning services. I can vouch for that, with my family living in Melbourne. The current late-night

surcharge of $1.10 is not sufficient to attract drivers onto the roads during those hours. The 20 per cent surcharge will replace the $1.10 flat surcharge and, as I said, will be retained in full by the driver. That difference in the sharing of the take is a subtle change that is being introduced for the first time.

The problem does not occur to the same extent in the country, where a late-night fee of $2.20 applies between midnight and 6.00 a.m., and I will also return to discuss that. The 20 per cent surcharge in regional and country Victoria, according to the minister and the advice I have been given, will be reviewed by the implementation working group to assess if it is necessary. For many trips the current late-night fee would be equivalent to or in excess of the 20 per cent surcharge.

At present taxi meters do not have the capacity to calculate and add 20 per cent to the fare at designated times. Metropolitan Melbourne cabs will have an electronic interface between the meter and the EFTPOS terminal. The terminal, which has a time recording facility, will automatically allow the meter to record a 20 per cent tariff increase between 1.00 a.m. and 6.00 a.m. This modification will need to be implemented over about six months, because it takes that long to get the technology into the vehicles. All metropolitan taxis have EFTPOS terminals, and country taxis are being progressively fitted with them. A similar electronic connection could be made in country taxis if a change to a kilometre-based input tariff is made.

The bill creates several areas of confusion. The EFTPOS terminals are okay, because they will automatically calculate the 20 per cent charge after 1.00 a.m.; but I am not sure, nor is anyone I have spoken to, that the cash amount can be calculated in that way. I am sure that in Melbourne they will be able to sort that out in time. In the country the issue is somewhat interesting, because taxis are an interesting part of our lives. In some places we have them, in other places we do not. EFTPOS terminals are being installed in taxis in country areas — that is, those country areas that have EFTPOS! — and that will continue progressively.

As I am about to mention the minister for the first time, I must say how disappointed I am that the Minister for Transport has not participated in any of this debate, apart from delivering his second-reading speech a couple of weeks ago. That is something Parliament has been deficient in under this government — and I exclude from my assertion the Minister for Agriculture, who is at the table now and who has been present in the house for the debate on every one of his bills. I appreciate that and congratulate him on it. However, the Minister for Transport, who stands in this place many times as Leader of the House and makes a lot of noise about the issues that we wrestle with, is not here for his own bill. He is letting the government down, as is the Premier in not making sure that his ministers are in the chamber to hear at least the two lead speakers in second-reading debates.

I appreciate that the parliamentary secretary is in the chamber, but as I spent about seven years as a parliamentary secretary I can assure the house that having a parliamentary secretary present is not the same as having the minister.

Mr Carli interjected.

Mr STEGGALL — The honourable member for Coburg may not agree with me, but as one who has had some experience in that regard I know that when the chips are down it is the actual minister the opposition wants, not the parliamentary secretary.

The 20 per cent increase in fares between 1.00 a.m. and 6.00 a.m. is interesting. In the country it will be even more interesting, because as the honourable member for Coburg will be well aware, a surcharge of $5 for taxis was introduced for New Year's Eve 2000. In the country it worked okay because of all the hype, but you cannot pick up a $5 taxi surcharge for New Year's Eve now. They accepted it for New Year's Eve 2000, but country people have refused to charge it or pay it for the last two new years.

The capacity of the absent Minister for Transport to impose something and his ability to make it work are two different things. In many ways we cannot pass it on. There are many areas in the country in particular where residents will not tolerate this type of operation.

I pose a couple of questions to the Minister for Transport that relate to the powers of the Victorian Taxi Directorate. This part of the bill is necessary only because we cannot get enough taxis on the ground in Melbourne after midnight during the week and at weekends. It is a problem.

Mr Maxfield interjected.

Mr STEGGALL — I imagine it could be a problem in Narracan, but they probably don't use taxis in Narracan! The issue I would raise with the minister if he were here, which he might respond to if and when he comes into the chamber to close the debate on the bill, is about the power of the taxi directorate.

Mr Maxfield interjected.

Mr STEGGALL — Don't you start! The honourable member for Narracan has been here for 5 minutes, and he has become rather painful very quickly. I say to the honourable member for Narracan and other government members that there are already areas within the Transport Act that deal with a lot of the issues in this bill. The former government wrestled with these things, so I am not surprised at the minister's approach through this bill to put a monetary incentive in place to get taxis onto the road to handle the late-night demand for them in Melbourne.

I believe, and I refer to the act, that the responsibility of the Victorian Taxi Directorate is to make sure that this happens. The directorate was set up under the act, and the honourable member for Coburg might like to look at it. Section 131 states:

> The function of the Victorian Taxi Directorate is to assist the Secretary with the administration of this Act, and, for this purpose, to coordinate the exercise of any of the Secretary's powers that are delegated to officers assigned to the Directorate.

It would probably be a good thing to have a look at the secretary's powers. Section 6 of the Transport Act states:

> (1) The Secretary has power, on behalf of the Crown, to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the performance of the functions of the Department and the achievement of its objectives under this Act.
>
> (2) The generality of sub-section (1) must not be taken to be limited by any other provisions of this Act conferring a power on the Secretary.

My point is that in this Parliament when we see a problem like the one that exists in Melbourne at the moment, where there are not enough taxis on the road after midnight during the week but particularly at weekends, we look at a way to make a change. We should, as the minister has done with this bill, introduce changes to bring in a financial incentive for change so that taxidrivers may decide to keep their cars on the road for longer periods. I suggest that the powers of the Victorian Taxi Directorate should be to enforce the responsibilities of licence-holders. If you apply for a taxi licence you should accept the responsibilities that go with that licence — the responsibilities go with you — and the taxi directorate has responsibility for making those things happen. The government and the minister are not taking this into account at all, and I suggest that would be a very good starting point on this issue.

As it turns out, the National Party and the opposition are not opposing the legislation because we do not see it as being of great import in that way. If the government wishes to go this way, so be it; but I say to the Minister for Transport through the Minister for Agriculture, who is at the table, that if only this government would look at the mechanisms it has within legislation we could resolve things. It might mean making some difficult decisions. It might mean that the honourable member for Coburg might have to put some responsibilities on licence-holders and also get the Victorian Taxi Directorate to do what it is directed to do under the powers of the secretary of the department. I do not see that as a great problem.

From my experience of this place I believe one of the biggest weaknesses is bureaucrats and ministers not having enough confidence or courage to impose requirements on licence-holders or stakeholders that are given advantages through this Parliament. Over the years this Parliament has developed taxi licences and put a value on them. Their value is now huge; far greater than their original cost. What is it — about $260 000?

Mr Leigh — About that.

Mr STEGGALL — It is about $250 000, give or take a bit, for a bit of paper! That is all it is! I say to the government, to the minister and to his parliamentary secretary that the value of that bit of paper at $250 000-plus a throw imposes responsibilities which this Parliament is capable of delivering to make sure that a high percentage of those cabs are on the street all year round. If they are not, the punitive powers in the act should be used against the licence-holders this Parliament has given advantages to over others.

Remember, we give an advantage — we give a licence and people pay for a licence. I am talking about the real ones, the ones that exist now, not the make-up ones it is the government's intention to bring in. I wonder why, if the government was really tough, we could not as a society make sure that those taxi operators lived up to their responsibilities. I appreciate that some taxi licences are a bit different to others, and maybe the Parliament needs to take some action to make all existing taxi licences more equal than they are.

The other issue arises from discussions I have had with taxi operators in my electorate, and the honourable member for Mordialloc brought it out very well. Yes, taxis do operate elsewhere; they are not all in Melbourne! Interestingly enough one of the things that came from those discussions is the nonsense with mobile phones, where drivers are not working through

their depots but are taking private jobs and the industry is not being regulated in the manner it is supposed to be.

The Victorian Taxi Directorate is not highly regarded by the industry. It should be noted that because of its weakness the directorate is losing the confidence of the industry. It is interesting that its own industry, for heaven's sake, is not having a meeting on this bill until tomorrow! The Parliament is debating it tonight. We asked the taxi industry, 'What is your opinion?' It said, 'We can't tell you until we have had the meeting tomorrow'. It is a sad reflection on the state of the industry. I honestly believe the government can and should use the powers that this Parliament has given it under the act to actually direct things and make a few things happen.

It should make people who have been granted a licence the value of which I do not challenge — it is the value of the marketplace — live by the responsibility which that licence has given them in good faith.

The other interesting aspect of the changes in this act relating to taxis concerns the Essential Services Commissioner. Did you know, Mr Acting Speaker, that the taxi industry in Victoria is an essential service? I ask that in all sincerity. Did you realise that the taxi industry is an essential service? If it is I know a lot of communities that do not have it. I wonder why we are doing this thing with the Essential Services Commissioner. The Labor Party might say that is what it is there for. Let me tell you why the Office of the Regulator-General was established by the previous government — and which, incidentally, was the precursor to the Essential Services Commissioner. It was to ensure that the benefits of privatisation were passed on to the consumer. That is what both the previously the Office of the Regulator-General and now the Essential Services Commissioner are basically about.

I ask the minister whether taxis are an essential service in this state. It is a fair enough question. Remember that the Essential Services Commissioner is going to report to the Parliament under this legislation not only on taxis but also on tow-truck operators and the hire car sections of this bill, so why are we using the Essential Services Commissioner to do this?

Mr Leigh — Because we are copping out?

Mr STEGGALL — I was not going to put it that way. I was going to say that this government is very keen on the politics of blame, and it always looks to someone else to be responsible. Remember what I said about the Victorian Taxi Directorate and its ability, if we wish it to happen, to solve these problems now by enforcing the requirements of the licence. The Essential Services Commissioner comes into it so I thought I would get out the Essential Services Commission Act. That was a bit naughty I suppose, Mr Acting Speaker, but anyway I did. I wanted to find out what an essential service is. It states:

> "essential service" means a service (including the supply of goods) provided by —
>
> (a) the electricity industry;
>
> (b) the gas industry;
>
> (c) the ports industry;
>
> (d) the grain handling industry;
>
> (e) the rail industry;
>
> (f) the water industry —

we will have some more discussion on the water industry later on —

> (g) any other industry prescribed for the purpose of this definition …

I hope that the Minister for Transport, who has just walked in — —

Mr Leigh — Briefly visiting.

Mr STEGGALL — Yes, briefly visiting, not sitting at the table. I hope the minister will actually prescribe that taxis are an essential service. That being the case, for communities that do not have taxis I ask the minister what steps the government is going to take to make sure that that essential service is put in place and is able to be enjoyed. That is not a bad question. I have about 35 communities in my electorate, and I suppose 3 or 4 of those communities have a taxi service. The majority of communities within the Swan Hill electorate do not have this essential service. I put forward that fact so that people might look at the responsibilities the government has if it is going to travel this course.

If the government and the Minister for Transport want to hide behind the Essential Services Commission for the setting of fees and the changing of the structure of taxi tariffs then they had better supply communities within my electorate with this essential service. The government does not have any intention of doing it, so why are we using the Essential Services Commissioner to do this. It is a cop-out!

Mr Leigh — Why don't we have an inquiry!

Mr STEGGALL — I am sure after this they probably will have an inquiry.

The objectives are stated in section 8 of the Essential Services Commission Act:

> In performing its functions and exercising its powers, the primary objective of the Commission is to protect the long term interests of Victorian consumers with regard to the price, quality and reliability of essential services.

Therefore if you are going to use the Essential Services Commissioner to set the price as you are in this legislation, you had better supply my community with that essential service! The government knows it cannot do that, and I am rather sad that it has chosen to do this. The honourable member for Mordialloc is right. The use of the Essential Services Commissioner under this legislation is a cop-out. Members of this government are not prepared to take the responsibilities that were vested in them when they were sworn in as ministers to run legislation that forms the rules of our society.

It is therefore rather sad that we have this legislation coming forward. It is not necessary. I believe the government has all the powers it needs to solve the problems. I appreciate that the parliamentary secretary will follow me and will say, 'No, there is an Essential Services Commission and we will use it for advice when we, the government, decide'. May I tell the parliamentary secretary before he starts, through you, Mr Acting Speaker, that the Essential Services Commissioner is responsible for the essential services of this state, and if he is going to tell me that taxis are an essential service I will say, 'Okay, I accept that. Please supply my community with — —

Mr Leigh — Hire cars.

Mr STEGGALL — With hire cars. I can imagine hire cars in Waitchie and in Boundary Bend. It will be rather good! I am not completely impressed with the provisions on taxis in this bill. I guess for a long time I have been fascinated by the regulations and the laws for taxis, but when we look at the statutes the government has enough power to do what it wishes without this.

The second part of the legislation is the licensing conditions governing taxicabs. Remember the powers of the taxi directorate: 'Here we go; we are using another power'. Under the licensing conditions governing taxicabs digital surveillance cameras are to be installed in all Victorian taxicabs for security purposes. Installation has commenced and is expected to be completed by the end of June. The legislation will provide that only accredited certified Department of Infrastructure employees will be able to download images. Images can only be used by Victoria Police and only in relation to offences which the police are investigating and penalties for the breach of these provisions will apply. So those who do the wrong thing will be penalised under this legislation. Everything we do in this place attracts a penalty, even though I do not believe this government has been using the penalties available to it for the administration of the taxi industry.

The proposals for all of this were discussed with the Privacy Commissioner. I have to say how much relief that gives me that the Privacy Commissioner has had a chat about this and the issues that relate to it. But the Privacy Commissioner did not allow for audio recordings to be made. We can have film and cameras, but we cannot have audio — —

Mr Leigh — But you can listen to it.

Mr STEGGALL — We will not go into that! This is part of our system and we are going ahead. I do not know why we are making it illegal for a taxidriver to flick a recording on. We have digital cameras now which have recording devices on them which could be downloaded in exactly the same way as the digital surveillance camera. If the minister in his response could explain that little point of difference to me, I would be most interested to hear it.

The third area of the legislation concerns the tow-truck industry. I smiled a bit when I read this. The previous government initiated a review of the tow-truck industry and subsequently it was completed in 2000. The government has proposed amendments two years later; two years later the minister introduced legislation. That tells a story in itself. The amendments seek to remove provisions that regulate the towing of motorcycles not involved in accidents. The towing of motorcycles will still be regulated. I have a bit of difficulty with the towing of a motorcycle, but I understand that you stick it on a truck and take it away. I emphasise that the bill removes provisions that regulate the towing of motorcycles not involved in accidents.

Mr Leigh — What is an accident?

Mr STEGGALL — What is an accident, where does it happen and who is sitting on it as it is being towed away? Never mind, I appreciate that.

This bill also extends the cooling-off period from 48 hours to 72 hours, including a provision for a written waiver of the additional 24 hours in the case of urgent repairs. We have two bob each way — and the parliamentary secretary is sitting there with a long face. I appreciate what the government is trying to do and it makes sense, but it is making a big fuss about the extra

24 hours and then taking it off if urgent repairs are required.

The bill also extends police powers in relation to the clearance of damaged vehicles from accident sites, particularly for heavy vehicle accident scenes. We also have changes to transfer the responsibility of the determination of tow-truck charges from the secretary of the department to the minister — an interesting and subtle change. Mr Acting Speaker, I believe very strongly that the responsibility for legislative provisions should rest with ministers here and not with a third party. However, I have a bit of trouble with the provision that says price determination of taxi fares will also be made after a report by the director of public transport and an independent investigation and report by the Essential Services Commission.

So the towing of motorcycles away from the scene of an accident is an essential service under the act. I suggest that if you are going to do that, that is fine, but I find it rather strange. Once again the members of the Labor Party are using the Essential Services Commission for just about everything that they can lay their little hands on. Why they want to do it — —

Ms Pike interjected.

Mr STEGGALL — Their time will come! Why the government wants to do it, I am not sure. But if it is going to use the Essential Services Commission it should make sure it is an essential service that it is regulating. I just make that comment in passing. As I mentioned, the Essential Services Commission is becoming a favourite of the Labor government in its approach to have someone else accept the responsibility for a positive action — in this case the setting of a fee.

The powers of the director of public transport will be amended in relation to the running of public transport infrastructure and services. Infrastructure includes provision for the director to develop or improve land connected with the provision of passenger services, which is an area the honourable member for Mordialloc had some difficulty with. It also provides the power to operate services — —

Ms Pike interjected.

Mr STEGGALL — No, the Essential Services Commissioner does not get a run here. That is the interesting part. This is probably a public service that would fit into essential services. This is public transport. But the Essential Services Commissioner does not get a run. As I said, the infrastructure includes a provision for the director to develop or improve land connected with the provision of passenger services. It also provides the power to operate services ancillary to the operation of a passenger service and compulsorily acquire land and use land for public transport purposes.

They enable the directorate to operate passenger services in circumstances where a franchisee is unable to. But it is interesting that in the city of Melbourne particularly the Essential Services Commissioner does not get a run. He must be very disappointed that he does not get a run in an essential service; but he does get the responsibility, and he does get a run in services which are not essential!

The fifth area is access to medical records. On 6 June 2001 there was a collision between two suburban trains at Footscray. Investigators found that the driver was affected by prescription medication and that his medical fitness for driving had not been properly monitored. The bill inserts a new provision giving the secretary of the department or an authorised inspector the power to audit for accreditation purposes the medical records of rail safety workers. I do not have a problem with that.

I now return to the taxis. The secretary has all the powers he wants through the taxi directorate to order and direct those people to whom this Parliament has given a licence in order to solve the problems that are there — yet you do not take any action! However, we are taking action to give the secretary extra powers to gain the medical records of rail safety workers. I simply make the point that we are long way away from the ability we have under the Transport Act as it stands, which could solve a lot of our problems.

The sixth area is the enforcement provisions in the bill, which will clarify the power of an authorised officer or bus, train or tram ticket inspector to require a suspected offender to produce evidence to verify their name and address, and a penalty will apply for the misuse of this information. I smile at that point, because this is where the honourable member for Mordialloc started his address. He went through the privacy provisions chapter and verse — —

Ms Pike interjected.

Mr STEGGALL — Yes, chapter and verse. He also went through the arguments that the Labor Party has used over the last 10 years or a bit more. I do not have a great problem with this, but I refer honourable members to the comments of the honourable member for Mordialloc, which were to the effect that the Labor Party in opposition is a totally different animal to the Labor Party in government! It is made for opposition, and unfortunately it does not stay there long enough.

Ms Pike — Born to rule, are you?

Mr STEGGALL — No, I am certainly not born to rule; I am just a quiet country boy who gets very shy and embarrassed!

I am just saying that in opposition the Labor Party takes a totally different stance to the one it assumes in government. The spin doctors of the Labor Party in opposition worked very well on the emotions and feelings of the people. I only wish I had the skills, which I unfortunately do not have, to be able to reciprocate!

We are a bit surprised — but very pleased — about the last area of the legislation, which will allow the backdating of temporary passes on City Link. You will now have until midnight on the following Tuesday to purchase a weekend pass — currently you have until midnight on the following Sunday — and for a 24-hour Tulla pass you will have three days after you first travelled, where currently you have only 24 hours.

We raised the issue rather strongly during the debate on the Melbourne City Link (Further Miscellaneous Amendments) Bill, which was before the house only three or four weeks ago. One of the points we put to the government was about the need to extend the time people would have to operate those City Link passes. As I said then, in government we were looking to introduce these types of changes, but we were not able to while the technology had not caught up with us.

It is interesting to see that in the last four weeks the technology has caught up and the minister is now putting these provisions into place. It is not a big issue for Melbourne people, but it will help those of us in the country who are infrequent users of City Link.

That is a reasonable summary of the legislation before the Parliament, which the National Party will not oppose. However, I suggest to the parliamentary secretary and the minister that they consider some of things I have mentioned regarding, in particular, the taxi directorate and the people who hold licences to drive taxis. For a quarter of a million dollars I would expect a level of responsibility a little higher than the right to drive a yellow taxi cab. Given the responsibilities that go with those licences, I believe the legislation introduced by this Parliament over the years should have given the minister the ability to direct and expect the attainment of certain standards.

The government of the day has been very critical of the former Kennett government. It has to be, because that is its way. If it is not blaming the former Kennett government it is blaming the federal government, and if it is not blaming the federal government it is blaming the goods and services tax — although lately it has dropped off the GST.

One of the real successes of the former Kennett government was the work the Premier, his ministers and his parliamentary secretaries did — particularly when the Honourable Geoff Craige in the other place was the parliamentary secretary in the first term of that government — in putting the taxi industry on a pedestal.

Ms Pike — In yellow!

Mr STEGGALL — Yes, exactly, in yellow. The pride felt by the taxi industry under the former Kennett government was about being appreciated and acknowledged. However, given the problems that are there now, including not having enough taxis on the street late at night, it is time the government used the advantage it has and the legislation we have given it and expect it to use to take whatever steps are necessary to have those licence-holders available in reasonable numbers to meet the late night demand here in the city of Melbourne.

Mr CARLI (Coburg) — I rise obviously to support this amending omnibus bill, which makes a number of changes to various elements of the Transport Act. I want to talk initially about the taxi industry, as the first two speakers both raised issues involving the industry and referred to the belief that painting the vehicles yellow and putting everyone in uniform had somehow fixed it up.

When Labor got into government it received a report prepared for the previous government by KPMG as a result of the requirements of national competition policy. That report basically pointed to major structural problems in the taxi industry. It found that the money in the industry was increasingly going to licence-holders who were largely no longer involved in it. Some may have been in the taxi industry in the past, but many of them were Hong Kong business people, chemists and doctors who basically got in for the capital gains and the rate of return, which I might add is extremely good.

Over the past decade the capital growth in taxi licences has been beaten only by the Grange Hermitage — although as honourable members know, the Grange Hermitage does not provide any return on an annual basis — so they have had a very significant capital gain and a very significant rate of return.

What the KPMG report said — as did documents coming from the national competition policy review and the Productivity Commission — was that the industry had major structural problems. The suggestion

made by each of those three was to deregulate by buying out the licences, which at the time would have cost the state $800 million. However, we as a government spoke to the industry and looked at deregulation experiences around the world, where we found that deregulation was not working. It was not working with the minicabs in Britain and it was not working in New Zealand, and in the Northern Territory the government is now looking at reregulating the industry. The same has occurred in the United States, where virtually every city that deregulated has subsequently had to reregulate.

Together with the industry we sought a structural response, and for very good reason. Over the past 18 months taxi industry returns have fallen by something like 20 per cent as a result of the GST, fare increases, rising fuel costs, the Ansett collapse and the events of 11 September, whereas over the same period licence values have risen by 30 per cent. That is an absurd situation. No wonder the industry is in trouble! We have seen licence values go up, but more importantly at the end of the day licence values are only a recognition of what the licence-holder is getting from an assignment — an assignment being a lease. At the moment leases, particularly those organised by the most unscrupulous brokers, are costing something like $2400 a month! I am not saying that all leases are in that range; I have seen some leases costing $1500 and $1600 a month.

First of all, that demonstrates the incredible variation between leases. You could have two cabs, one costing $1600 a month for the licence plate and the other costing $2400, yet there is no way one taxi can be 30 per cent or 40 per cent more productive than another. In that situation the extra rent is being earned by the licence-holder.

With these reforms the government is trying to gain some control over the licensing and accreditation system. It is also trying to get rid of unscrupulous brokers and to set up an exchange and accreditation system to prevent people from being exploited. The people who are paying $2400 a month tend to be recently arrived immigrants who, because they are new to this country, get sucked in. Once they get a licence plate and a vehicle they are basically stuck there for six years.

As I said, the government has acted following discussions with the industry. A structural change in this sort of industry is a difficult thing to achieve. We do not want to destroy licence values: we are not in the business of destroying the values that small business people have built up over time, many by mortgaging their homes. That is why we have created a new type of licence which will not directly devalue licences but which will provide competition. I suspect there will be a downward pressure on licences, but there will not be the sort of large collapse in values that would occur if we opened up the taxi system as suggested by, for example, the Productivity Commission. At one stage the commission argued that licences could be issued without compensation at a drastically reduced rate, thereby radically bringing down licence values.

These reforms try to do many things, and none of them is easy. The government is trying to create career paths in the industry while providing transparency in a market which is not functioning effectively at the moment — that is, the market for leases or assignments. The reforms are also about providing flexibility in certain areas. Both previous speakers talked about hire cars. At the moment people can go to the taxi directorate and ask for a hire car licence, but generally they are rejected. They can then go to the Victorian Civil and Administrative Tribunal and on half those occasions end up getting a licence, and getting it for free, so it is a bit of a lottery.

Special vehicle licences are all right at the moment. Virtually anyone who wants one and who has an excuse to drive a vehicle can come along and say, ‘I want a special vehicle licence’, and over the past decade there has been a massive escalation in the granting of such licences. In this bill the government is saying, ‘Yes, these licences are there to provide competition, but we do not want them to be used to undercut the taxi industry or the hire car industry’. That is why the government has said that people with special licences can enter the industry, but there has to be a financial barrier which will have to be paid by anyone who seriously wants a hire car business.

The bill has been supported by the members of the hire car industry. However, they have been concerned about whether it will be an up-front fee, and I can reassure the honourable member for Mordialloc that it is an up-front fee.

Mr Leigh — What, everything?

Mr CARLI — The whole thing is up front. That was said at a meeting we held yesterday with the hire car industry, and a letter has been prepared to be sent by the taxi directorate to the hire car association basically stating that it is an up-front fee and that it will not be paid in instalments. However, the bill has the capability to allow for payment by instalments, the reason being that it mirrors the changes to the Transport Act that were introduced after the Foletta report into taxis. It

was felt that that was the most applicable wording for the hire car industry. However, in terms of the actual reform it is an up-front fee.

The honourable member for Swan Hill raised issues about the surcharge and taxi meters. He is right to say that the $2.20 surcharge in the country has been part of the discussions within the implementation group. The likelihood is that the status quo will remain, for the simple reason that it works effectively and it is a reasonably large charge. Certainly we are not intending to change that unless we have the support of country providers, and all indications are that they prefer the system as it is.

As far as the meters for the metropolitan area are concerned, they certainly can have a second, third or fourth tariff — and they have a second tariff at the moment. For example, high-occupancy vehicles and vehicles that were initially released for wheelchair access have the facility to apply a second tariff when they take over six passengers.

A second tariff is also applicable if a driver has multiple bookings. At the moment most meters do not have a clock, so the interface between an EFTPOS machine and a meter is basically about utilising the clock in the EFTPOS machine so that when a driver goes to a second tariff it switches on accordingly. The interface is essentially there to avoid any fraud. Meters already have the capacity to charge multiple tariffs. The same issue applies to the EFTPOS machine. We are not using the EFTPOS machine simply as an EFTPOS machine, we are using the clock.

The tariff for the early morning 1 o'clock to 6 o'clock period is replacing the existing $1.10 surcharge; it is also what used to apply in Melbourne. The only reason that the tariff was removed was that there had been fraud. It applies to the rest of Australia, and it applies in Singapore, the UK, in continental Europe and in many other places. In fact in many countries there are more than two — there might be two, three or four — and in Melbourne there used to be three tariffs. One could well argue that there are off-peak times in the taxi industry. When I began speaking to industry associations I asked them to start thinking about an off-peak tariff. If we have an increase in the early mornings because we need extra drivers, what about increasing the utilisation of the fleet in its off-peak period? It seems to me that is perfectly sensible. There used to be three tariffs in Melbourne up to the early 1990s, so that is a possibility.

I move to the issue of the changes to the powers of ticketing inspectors in this legislation, because there are a lot of misconceptions about what has been proposed. The bill is not increasing the powers of the inspectors. The powers that are there are the powers that have been recognised by the Magistrates Court in the past. Clarification is provided in this bill following discussions with the Privacy Commissioner. There were a number of concerns about the powers required to seek verification of a passenger's name and address, and there needed to be clarification about where that is necessary. This matter was driven by the Privacy Commissioner, not because he wanted to increase powers but because he wanted to limit the powers of inspectors.

Limitations of the powers of inspectors include making it an offence — particularly for inspectors — to improperly divulge names and addresses or otherwise use that information improperly. In fact it puts a limit on the power. It says to inspectors, 'You can ask for verification of a name and address only if there are reasonable grounds where you believe someone has lied about his name and address'. It has been brought forward by the Privacy Commissioner not to increase the power of the inspectors but to clarify their powers.

The government has received numerous complaints about the behaviour of ticket inspectors and the inconsistency of their practices. Late last year we pulled together as a government through the office of the minister. We called in the transport operators and raised the issues of privacy, consistency, the fair treatment of passengers, the rights and obligations of inspectors, and the rights and obligations of the travelling public. Out of that we are now overseeing a number of important changes. We are establishing guidelines for the collection, use and storage of personal information throughout the compliance system in public transport.

We have commenced work on procedures and protocols for authorised officers. We are providing and insisting on greater training of inspectors. Not only are we asking for more training, we are saying we have to have protocols in how you deal with people from non-English-speaking backgrounds, how you deal with the elderly and how you deal with the disabled. We are asking the operators how they deal with minors and university students. We are also improving training so that inspectors are familiar with their rights and obligations, and the procedures to follow if they have to go to court to give evidence. We have addressed their rights and their duties, health and safety, and how to deal with emergency situations. The honourable member for Mordialloc was right. He said there is a need for guidelines for inspectors, a need for training for inspectors and a need to know exactly what the obligations are of the inspectors and of the travelling public. That is exactly the road we are going down.

We are not seeking to create draconian powers for inspectors. We are trying to ensure that we clarify their powers and provide some protection, particularly on the issue of privacy. The very fact that we are insisting on the single notebook, that we are insisting that that information not be divulged beyond what is necessary and that we are not creating databases — we are not trying to become Big Brother — are all very important changes.

In conclusion, I did criticise the previous government for thinking that reform of the taxi industry was merely having yellow-coloured taxis and insisting on uniforms for drivers. That is not to say those were not important changes, but they did not resolve some of the fundamental structural problems in the industry. They were changes introduced in 1989, when a Labor government allowed licences to be traded by all people — anyone could buy a licence — and that was where the speculative cycle began. However, we have acted to protect that.

One issue the honourable member for Mordialloc mentioned — which I must say is completely wrong — is the idea that the previous government put aside $6 million. It did sell some licences worth $6 million, but when we got into government we found that that money had ended up in consolidated revenue because the previous government had not set up the procedures by which that money would go back and be used to buy cameras. It needs to be said that that problem was caused by the practices of the previous government.

Audio is the next matter that needs clarification. We have rejected audio. We in fact rejected audio before we got into discussions with the Privacy Commissioner. Even at the start of the whole process we recognised that with audio there were problems about potential misuse. Part of the process of introducing the security cameras is that we have sought fundamentally to protect the rights of individuals. Everyone knows that in the United States people can go online and see camera shots and hear audio information that has been collected. That is an illustration of where a tough stance has not been taken on privacy. We wanted to avoid that, and stopping the use of audio was very central to that. That is why we took that position. We fundamentally want to protect drivers and passengers, but also protect the privacy of citizens.

As the Privacy Commissioner has insisted time and time again, people expect privacy in cabs; they want to be able to maintain very private conversations. People pay, if you like, to have that privacy protected. As a government we are not going to infringe on that privacy. I believe that combining audio with the cameras would create exactly the sort of problem we are trying to avoid. We have resisted it; we have gone for images only. Cameras have already been used in some instances. The images were very good, and we expect the police to be able to prosecute as a result. However, those images are available only for the investigation of serious police cases and cannot be used for anything else. That is really important, because this government believes in the fundamental right of people to privacy and in the protection of that privacy.

I am pleased that the opposition parties do not oppose this omnibus legislation. It is important and it continues a process of reform in many areas of government. I wish the bill a speedy passage through the Parliament.

Mr COOPER (Mornington) — This bill certainly is an omnibus bill, as the honourable member for Coburg has said. It covers a wide range of the activities of the transport folio and refers to the powers of the director of public transport, the hire car industry, the taxi industry, the tow-truck industry. As the honourable member for Swan Hill said, it also dabbles in areas of the application of the Essential Services Commission in matters involving transport and touches on some minor amendments to the Melbourne City Link Act. In addressing this bill honourable members can concentrate on a wide range of matters, but in the time available to them it is impossible to cover the full gamut of the legislation. However, I wish to address a couple of matters.

Initially, I will touch upon a matter addressed by the honourable member for Coburg towards the end of his speech, which is the powers of ticket inspectors. I note that he was at pains to say that the bill does not increase the powers of ticket inspectors but rather limits them. I find it interesting that he should say that when that view is not held by either the Royal Automobile Club of Victoria or the Public Transport Users Association. Those organisations have both condemned this aspect of the legislation: the RACV has described what is in the legislation as setting a dangerous precedent; and the PTUA has also slammed the powers and described them as an unacceptable step towards the compulsory carrying of identification and a breach of civil liberties.

There is a very wide gap between what the honourable member for Coburg has been at pains to try to convince the house about tonight and the views of two organisations, one of which would probably be reasonably correctly described over the years as a cheer squad for the Labor Party. The PTUA certainly has not been a friend of this side of the house whether in government or in opposition, yet it has come out and slammed this part of the legislation and described it in

part, as I said, as a potential breach of civil liberties. The government needs to address this particular issue because while its members may stand up in this place, put their hands on their hearts and tell us that the powers of ticket inspectors are lessened, people out there who are involved in looking at legislation from a professional level do not believe the government.

Regardless of that, having been responsible for the activities of ticket inspectors during my three years as Minister for Transport I can say that this is an area that needs to be handled very sensitively. There are times when transport inspectors do go over the top but there are also times when the travelling public takes advantage of them and there needs to be a balance in the way in which they go about their jobs. Their jobs are important, because over the years it has been traditional in our transport system to try to avoid paying fares, and many people are still trying to keep up that tradition. It is the job of the ticket inspectors to address that issue on behalf of the taxpayers of this state and the revenue raising of the franchisees who are running our public transport system.

I move now to changes to the tow-truck industry proposed in the bill. Whilst on the surface they appear to be reasonably mild and should not present any problems to anyone, there are some activities regarding this industry and things proposed to be changed by this government that need to be addressed. That is okay, Alister, you can cross in front of me!

Mr Paterson interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for South Barwon has already interrupted proceedings by walking inappropriately between the Acting Speaker and the member on his feet. I ask him to hold his conversation.

Mr COOPER — He has been very helpful to me as normal, Madam Acting Speaker, and I thank him for that.

The question of the tow-truck industry has been a matter of debate in this place for about the last 10 years. During my 12 months as Parliamentary Secretary for Transport, Roads and Ports, I conducted on behalf of the Minister for Roads and Ports an investigation into the tow-truck industry, which meant speaking to a lot of tow-truck operators around the state. The first thing I found to my interest was that the vast majority of them are trying to do a very good job. They are trying their hardest to maintain the reputation of the industry, which has been put under pressure by a number of cowboys.

After examining the competition principles of deregulating the tow-truck industry, Parliament went through the process of deregulation. After deregulation it was found from experience on the ground that it did not work. Parliament then reregulated the tow-truck industry, which was a sensible move. As one of the people who spoke in favour of the deregulation and a few years later had to speak in favour of reregulation, it was not all that pleasant to have my previous words played back to me by members of the then opposition. However, that is the price you pay when you go to the cutting edge and try to reform and give an industry a chance.

Unfortunately, the industry was not able to respond to the deregulation and had to be reregulated. That does not remove from my mind the fact that the vast majority of tow-truck operators were, have been and still are trying to do a very responsible job. The task for the government and certainly the task for the tow-truck directorate is to try to weed out the cowboys and bad operators and at the same time not penalise the vast majority who are good operators.

One proposal on the government's drawing board at the moment is to extend the allocation system for tow trucks to the Mornington Peninsula. It is with my earlier comment in mind — that is, the need to weed out the cowboys or deal with those who are not doing a good job without at the same time penalising those who do a good job — that I raise this particular issue, because in the case of the proposal to extend the allocation system to the Mornington Peninsula there will be no benefits to the peninsula itself. There will be no benefit to the tow-truck industry but at least one business will close and a number of people, probably about 12, will lose their jobs in the industry on the peninsula.

The proposal to extend the allocation system has occurred because one particular tow-truck operator has decided it would be easier for him and his business and to the detriment of at least and possibly more than two other businesses, one of which is the biggest operator and the other the smallest operator on the Mornington Peninsula. Balnarring Motors operates one tow truck. It will be absolutely devastated by the introduction of an allocation system onto the Mornington Peninsula. It will certainly go out of the towing business.
BDS Panels, which is the biggest operator on the Mornington Peninsula, will suffer a significant number of job losses because of the allocation system extension.

Attempts have been made to try to convince the tow-truck directorate and the transport ministry that this is a stupid and meaningless way to go, but so far it

appears to have had no effect. I raise this matter in this debate because it is appropriate and timely that I do so. I do so on the basis that the minister needs to take this matter into account. He should talk to the head of his tow-truck directorate and he should understand the ramifications of the actions being pursued by that directorate on behalf of the government. I ask that that review be conducted by the minister because I doubt very much, although we have our political differences, whether the Minister for Transport would seriously want to introduce changes that will cost jobs and provide no meaningful benefits whatsoever to the tow-truck industry on the Mornington Peninsula.

I now turn to the very important issues in the bill relating to the taxi industry. I hesitate to use the word 'reform' when I talk about the changes that are being made, because 'reform' means changes will be made to improve the industry. Every government member would understand — certainly the honourable member for Coburg as the parliamentary secretary to the Minister for Transport would understand — that if you are going to make changes to an industry such as the taxi industry you must have the industry go along with you. The changes cannot be imposed from the top down. They must be accepted by the industry if they are to work.

The taxi industry is a very disparate industry. It has a large number of basically self-employed operators. They range from people who own and drive their taxis and people who own taxis and employ drivers as subcontractors on a commission basis — so much in the dollar is paid to the driver — to, in many cases, contractual arrangements between the owners of taxis and the drivers. I drove a taxi some years ago. While I do not profess to be an expert in the industry because it was some years ago, nevertheless I have had experience in the industry. I know how hard taxidrivers have to work to earn money. It is a difficult industry to work in and at times it can be a dangerous one. It is probably more dangerous now than it was when I drove a cab. Nevertheless one of the things that is constant is that drivers must drive long hours to earn money. You do not earn a fortune, and you have to put in long and hard hours to earn money from driving a cab.

The proposals in the bill will start to impact on the earning capacity not only of the owners of taxis but, importantly, the taxidrivers. As I said earlier, if you cannot get the industry to go along with the changes and it is not prepared to take some kind of ownership of this — if it is not prepared to say this will be good for the industry or that it is even worthwhile giving it a go — it will be very difficult to make the changes work satisfactorily, if at all.

At the moment the government is on the back foot with the taxi industry. Drivers and owners are circulating dodgers to all their passengers — and I have a copy — that carry the heading 'Fares to rise 20 per cent under proposed Bracks government taxi reforms'. The dodger states:

> Passengers will be worse off, drivers will be worse off, owners will be worse off.

I do not know whether the government believes it is on a winner with this, but it should start to think again. It is rare in the short history of the Bracks government to find that the spin doctors on the other side are beating the government's spin doctors. Here we have a bunch of relative amateurs in taxi owners and taxidrivers giving the government a right royal pizzling with the people who climb into their taxis. The dodger continues — and where are the denials?

> Fares to jump 20 per cent
>
> $176 million paid by the federal Howard government to the Bracks government to implement these reforms
>
> The $176 million bonanza will be kept by the Bracks government and will not be used to improve services
>
> Drivers will struggle to earn a living as passengers choose cheaper transport options
>
> Late-night taxi surcharge will encourage more people to drink and drive
>
> 600 extra part-time taxis will flood the market.

Mr Nardella — Cut it out!

Mr COOPER — The honourable member for Melton may say, 'Cut it out', but this is what the industry is circulating to its customers. All we get from old Foghorn Leghorn opposite is a blast, yelling and screaming. He does not want to address the issue; he prefers to try to yell me down. He may well be able to yell me down, but he will not be able to yell down the hundreds of taxi owners and the thousands of taxidrivers who are saying this to the customers out there who get taxis to and from his electorate, and who will be rather upset at the thought that their local member is supporting changes that will not be in the best interests of his constituents.

The government should have a careful look at the changes. After all, the Victorian Taxi Association, which is not a militant, left-wing, raving lunatic organisation, has declared the government's reform package, as it calls it, non-viable and unworkable. The last-minute changes that have been dumped on the VTA by the government — they are last-minute

changes — are described by the association as fundamentally flawed.

The VTA, which had been consulted by the government, supported a proposal that had been put to it by the government. It would have seen 300 peak-time taxis over three years operating from 3.00 p.m. until 7.00 a.m. on Thursdays, Fridays and Saturdays. It said, 'That is fair and reasonable', but what happened? After the black cabinet got hold of it at Treasury and no doubt managed to twist the arms of the minister and other cabinet ministers, the VTA has seen last-minute charges belted onto the legislation that have extended the days of operation to seven nights a week instead of Thursdays, Fridays and Saturdays, and which have doubled the number of cabs from 300 to 600. Is it any wonder that the VTA is concerned and upset about these changes?

Mr Nardella interjected.

Mr COOPER — The government had gone through a consultation process — and it likes to consult! It reached an agreement with the VTA on behalf of the taxi industry and then, at the last minute, dumped that agreed position and brought in something that doubled the number of cabs and extended the number of part-time operations from three nights a week to seven! As I said, is it any wonder that the VTA and the taxi industry are concerned and upset about the modus operandi of the Bracks government and the Minister for Transport?

The 20 per cent surcharge, which the government is intent upon applying, has been slammed by the VTA as being unsustainable. It says it will impact on customer demand. We heard from the honourable member for Coburg that demand for taxis is down 20 per cent. The VTA, whose members are very much the experts in the industry — the day-to-day, 24-hours-a-day, 7-days-a-week experts — are saying that this surcharge will diminish the demand for cabs even further. So what is the government's objective? I think its objective is to improve and enhance the taxi industry. Unfortunately, as with so many other things, the government has mucked it up. It has mucked it up through incompetence and through a flawed consultation process with the Victorian taxi industry. The government needs to go back and start again, unless its real, underlying objective is to ruin the taxi industry. I do not think that is its objective, but it is certainly well on the way to doing that.

Mr TREZISE (Geelong) — I am pleased to support the Transport (Further Miscellaneous Amendments) Bill. In the short time available to me I will touch on an important issue to the people of my electorate of Geelong and the wider Geelong region — that is, the taxi industry, a subject mentioned by most speakers. Importantly the bill addresses a number of issues that, in effect, improve the taxi industry not only in Melbourne and the metropolitan area but also in and across regional and rural areas of Victoria, including my electorate of Geelong.

This government fully appreciates the importance of the taxi industry, not only for the wellbeing of customers, the people who use the taxis, but also for the wellbeing of the state's economy. The taxi industry is especially important for industries such as tourism, which we all know has gone through a rough period since the events of 11 September last year and the issues that followed. Over the last two and a bit years that I have represented the Geelong electorate I have had numerous discussions with taxi industry representatives in Geelong and also with a number of local drivers throughout the Geelong region.

Generally these have occurred on Saturday nights and also with a number of local drivers whilst they are out on the job. We in this house are well aware that a major issue facing the drivers is safety. As I said, all sides of this house understand that taxidrivers, by the nature of their job, essentially are placed in very vulnerable positions whilst driving their taxis, especially during late-night shifts. This government fully understands the importance of providing safety measures for our taxidrivers across Victoria, hence the ongoing installation of cameras in taxis that started late in 2001 and, as I understand it, hopefully will be completed by mid-2002.

Obviously these cameras will provide a very effective means of providing a safety mechanism for drivers. As I said, in my conversations with numerous drivers in the Geelong area, all provide at least general support for the installation of those cameras. However, as this house is well aware, the installation of cameras has raised a number of issues relating not only to taxidrivers but also to customers. The major issue raised relates to privacy and the rights of passengers. This legislation addresses the issue of privacy for passengers using taxis and provides for the Department of Infrastructure to agree to an authorised body printing security camera photos and providing them to police where there are enforcement needs. Importantly, at all the stages of the legislation the Victorian Privacy Commissioner has been consulted to ensure that people's rights are well and truly protected.

In my short contribution I have briefly touched on the taxi industry and the installation of cameras. That

initiative has my full support, and I commend the bill to the house.

Mr VOGELS (Warrnambool) — I will make a few comments on the Transport (Further Miscellaneous Amendments) Bill. The purpose of the bill is to make a range of amendments to the Transport Act 1983, to provide additional powers to the director of public transport relating to the development and maintenance of land for the provision of transport services, to clarify issues in regard to settlement of compensation if a franchise should collapse, to provide additional powers in regard to the management of road infrastructure which affects the provision of rail transport service and to increase powers to audit the medical records of safety workers.

I do not have a problem with the director needing more powers in relation to this act. If a franchise falls over or something goes wrong, someone needs to be able to say, 'I will take over this franchise until we sort out whatever the problem is'. Hopefully in rural Victoria the director can also enforce the maintenance of land along a railway line so that it does not become a hazard in the summer months and endanger farmland. In rural Victoria we often see that problem along railway lines and railway tracks. The line may go to Warrnambool, or it may go somewhere else; however, the grass and the trees and everything along the railway line need attention. Someone needs to be able to say, 'This needs to be maintained so that it does not become a fire hazard further down the line'.

It also provides for a range of hire car industry reforms, and there is no doubt in my mind that hire car licences and special purpose vehicle (SPV) licences will become worthless in a very short period of time after this legislation is passed. At present a hire car licence is worth approximately $50 000 and an SPV licence is worth approximately $20 000. This legislation will allow any fit and proper person who has a vehicle that meets roadworthiness regulations to buy a licence from the government. It is therefore obvious to anyone who thinks about this issue that with the restrictions removed and the number of licences that will be out there the value of a licences will diminish greatly in a very short space of time.

An Honourable Member — It will be zero.

Mr VOGELS — It will be zero. If that is what this bill aims to achieve I think it is a good way of going about it, because that is exactly what will happen. A few people have contacted me and told me that they bought an SPV licence not long ago and paid a lot of money for it. They are very concerned that it will be worthless once this bill is enacted. I do not know whether this will happen, but I can see there will be a problem. Whenever I get into a taxi anywhere in the city the driver usually tells me I am the first fare he or she has had that day after possibly three or four hours on the road. I believe that having more taxis will damage the existing taxi industry.

Having a 20 per cent surcharge at night will mean people will say, 'I won't get a taxi, I'll drink and drive or I'll do something else to get home. It is too expensive'. I recently took a taxi from Melbourne Airport to Spring Street and I think the fare was $47. This was at about 1.00 a.m., after my plane landed. There was a taxi available, but if there had been another 20 per cent surcharge I might have decided to hitchhike, and that is probably illegal.

Another concern I have with this bill relates to ticket inspectors. The bill aims to increase the power of ticket inspectors and police in regard to the verification of names and addresses of suspected offenders. It allows a $500 penalty for failing to provide evidence of who you are and not producing a licence or some sort of identification. Lots of people do not have a licence and do not have identification on their person. This concerns me and maybe the government has an answer, but there are genuine people who will not have any identification on them, probably including me. If I go out for the night I purposely leave my ID at home, because I do not know what I am going to get up to. The Royal Automobile Club of Victoria has described this proposal as a dangerous precedent, and I must agree with that.

In conclusion, I think it is probably time that we had a transport ombudsman so we have an independent person to look at these issues. People could go to the ombudsman if they had problems with trams or trains, they did not have any ID and they felt threatened. At the moment they have nowhere to go so they turn up at my office. If the problem relates to power or to the police, I say, 'Talk to the ombudsman, because he is independent and he will look at your problem'.

That is all I want to say on this bill. There are some big problems. If we are going to go down this track — and we are obviously supporting this bill — we need to have an ombudsman to look at the issues that will arise.

Mr LANGUILLER (Sunshine) — I rise to support the Transport (Further Miscellaneous Amendments) Bill. This bill goes a significant way towards addressing reforms that are required in this sector. We can look forward to implementing some of these reforms and changes and at some time in the future making an

assessment to ascertain whether they have gone far enough or whether they are inadequate. This is one of those areas where one needs to be mindful of the potential requirements for reform, just as we were in previous times when the industry was regulated, subsequently deregulated and again regulated.

The bill serves a broad range of purposes that are designed to improve Victoria's public transport system. They include reforming the taxi and hire car industries and regulating security cameras in taxis, and the further reform of the tow-truck industry. The bill gives the Parliamentary Secretary for Infrastructure the power to inspect and audit the records of public transport safety workers to ensure a safer transport system. It clarifies the power of an authorised transport enforcement officer to request a person suspected of a transport offence to provide verification of their name and address. Finally, it extends the powers of the director of public transport.

Given the limited amount of time we have I will briefly refer to proposed section 158B, which relates to offences involving security cameras and the privacy of passengers. In the best way I can I sound a word of warning in advising that this important area needs to be dealt with in the training of inspectors in particular. They need to go through the proper training so they understand that this section requires a person not to download or print an image or other data obtained from a security camera installed in a taxi. I am particularly assured by the parliamentary secretary and the minister that that will happen. I guess the long-term viability of these new mechanisms and methods will depend very much on the industry, on the inspectors and on governments of all persuasions upholding the legislation and applying this section to the letter of the law.

The other proposed section to which I will refer briefly relates to the verification of names and addresses. It needs to be put on the record that this has been adopted after comprehensive consultation with the Privacy Commissioner. The proposed section makes the application of those powers absolutely clear, so again I am satisfied with the way in which this has been drafted by the minister, his advisers and the parliamentary secretary.

Mr Wynne — He is a good parliamentary secretary!

Mr LANGUILLER — He is a very good parliamentary secretary! He put a lot of time into developing this section, because both he and the minister recognised that this is an area about which the public has expressed a level of concern. I am now satisfied with the way in which it has been presented, and I look forward to the training that the officers will receive in order to implement this properly and adequately.

I wish the bill a speedy passage, and I commend the minister and the parliamentary secretary on a job well done.

Mr McINTOSH (Kew) — I commence my comments by saying that I stand here as the opposition parliamentary secretary for infrastructure, which covers transport. The Deputy Leader of the National Party commented on how bad it was to be a parliamentary secretary in government. Well, I am an opposition parliamentary secretary, but then again I will be sitting over there fairly shortly!

The provisions of the bill have been canvassed by many speakers, including the various amendments that have been put forward. I will look at one aspect of the bill, which was touched on by the honourable member for Sunshine, and that relates to the verification of names and addresses. The problem is that it has been introduced by a government that was very critical of the previous government for doing the same sort of thing in relation to the Road Traffic Act. In the same breath it is now saying that it is okay because it went through an extensive consultation and it is not really extending these powers, as the honourable member for Coburg said. But the government is extending these powers, because it is requiring evidence of a person's identity.

Other government members also indicated that they had gone through a long process of consultation. Clearly the Public Transport Users Association does not like the idea, and the Royal Automobile Club of Victoria does not like it. The most important thing about this is that this major change to the act is a draconian step. On the reasonable belief — there is no definition of 'reasonable' — that a name and address may be false, an inspector can require evidence — not just verification, but evidence — of proof of that name and address. As the honourable member for Warrnambool pointed out, many people do not carry identification around with them. I have my gold pass on me because it is attached to the key to my room, but many people do not carry a licence or a credit card, yet some form of proof will be required then and there. It seems to be absolutely absurd that the government is now requiring, through the back door — —

An honourable member interjected.

Mr McINTOSH — An Australia card! The government is going to require people travelling on our

public transport system to carry some form of formal identification that will be acceptable to inspectors. It beggars belief! Perhaps the Public Transport Corporation or one of the private operators can issue a particular card — it can be called the public transport card — so people can prove their names and addresses are correct. If you are bailed up and asked for your name and address, you can pull out this card and say, 'My name is X, and I live at Wherever'. You can understand the incredulity of some inspectors. Just imagine that the honourable member for Melton was travelling on a bus going out to Melton after a late-night parliamentary sitting. Would you believe this man was Don Nardella, a member of Parliament? What about the honourable member for Narracan? Who would believe he was a member of Parliament?

Most importantly, this public transport card might also have some sort of label to give a bit more verification, or evidence, of who the carrier is. Perhaps someone like Mr Lafayette could have on his card, 'I work for the Premier'; or someone like Bill Shannon could on have on his card, 'I am a friend of the Premier'. Indeed, on a train to Williamstown — —

Mr Helper — On a point of order, Acting Speaker, I hate to interrupt the honourable member on his foray through a whole range of topics, none of which seem to be all that closely related to the bill, but I was wondering whether he could be encouraged to get somewhere near the bill before the house.

Mr Perton — On the point order, Madam Acting Speaker, the honourable member is being a bit precious — and, Madam Acting Speaker, I think that is the best compliment I could pay him. This is a very wide-ranging debate on public transport, and within the cut and thrust of debate the honourable member for Kew is entitled to give absurd examples of the honourable member for Melton or the close confidantes of the Premier catching public transport home. I think that is certainly within the ambit.

The ACTING SPEAKER (Ms Davies) — Order! I do not uphold the point of order. The honourable member for Kew, on the bill.

Mr McINTOSH — In conclusion, given that my time has nearly elapsed, I point out that I have a serious problem with this verification provision and the carrying of ID. What time frame does the government have for producing evidence of identification? Does it have to be then and there, and what penalties will apply if you do not prove your name and address then and there? The other thing is about an acceptable form of identification, which is unprescribed. I am terribly concerned about this particular aspect of the bill.

The ACTING SPEAKER (Ms Davies) — Order! I call the honourable member for Narracan.

Mr McIntosh interjected.

The ACTING SPEAKER (Ms Davies) — Order! Has the honourable member for Kew finished his contribution?

Mr McIntosh — Yes, I said my final words and sat down.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Narracan, on the bill!

Mr MAXFIELD (Narracan) — I am quite keen to make a contribution on the Transport (Further Miscellaneous Amendments) Bill, but I would hate to jump up before the honourable member opposite had finished talking about everything and anything other than the bill.

Honourable members interjecting.

Mr MAXFIELD — I will ignore the comments from across the chamber. It is potentially going to be quite a late night.

We are all here to debate a bill that is certainly of interest to constituents. Earlier a National Party member made the comment that there were no taxis in my electorate. That is typical of the National Party, which has an upper house member representing my electorate who has probably never even been to Warragul, let alone to other places. However, I can assure honourable members opposite — although there do not appear to be any National Party members in the chamber — that we have taxis in Warragul and that they are welcome to visit occasionally.

The issues dealt with in the bill are varied, but in the short time available to me I will speak briefly on the issue of cameras in taxis. We owe a duty of care to our taxidrivers. As someone who has worked in the union movement for a number of years I know that the safety of the workers in our society is very important. As a result we need to take into account the safety of our taxi workers. I am very supportive of the provisions in the bill dealing with cameras in taxis.

In the event that a taxidriver is assaulted or threatened, not only can the cameras be used to catch the culprit, but the mere knowledge of the camera being there will have a very powerful impact on those who are thinking

about doing harm to the taxidriver, either by not paying a fare or by doing more serious harm — even, in some tragic cases, seriously maiming or even killing a taxidriver. The deterrent nature of the camera is probably its prime focus and cause.

In the advent that an incident occurs, attempts to catch the culprit can be assisted by bringing the camera records into play. In addition the 800 police officers delivered to us by our magnificent Minister for Police and Emergency Services means that we can have a lot more confidence that the police now have the resources to capture those who want to perpetrate these crimes.

I congratulate the government on bringing in this wide-ranging transport bill, one component of which will improve the safety of taxidrivers. I commend the bill to the house.

Mr WILSON (Bennettswood) — As parliamentary secretary to the shadow ministers for industry and industrial relations I wish to make a brief contribution to the debate on the Transport (Further Miscellaneous Amendments) Bill. My parliamentary secretarial duties have nothing to do with the bill other than that I share the view of my friend and colleague the honourable member for Kew in that I would prefer to be sitting on the other side of the house and intend to do so after the next election.

The bill introduces a range of amendments to the Transport Act 1983. These include provisions to change the powers of the director of public transport — indeed, to give him additional and extended powers; to provide a range of hire car industry reforms, taxi industry reforms and tow-truck industry reforms; to provide for the Essential Services Commission to investigate certain issues; and to strengthen the powers of inspectors and police to verify the names and addresses of suspected offenders. Many speakers on both sides of the house have addressed those issues, and I commend in particular honourable members on this side of the house for their contributions.

The aspects of the bill I wish to address are contained in proposed section 9A, which provides the director of public transport with the power to purchase or compulsorily acquire land and related easements required in connection with the performance of the director's powers, and in proposed section 9C, the section which directly impacts on the residents of my electorate. Proposed section 9C provides the director with the ability on behalf of the Crown to require the owner or occupier of any land to clear or remove any trees or wood on that land within 60 metres of a railway track operated or maintained by the director that may obstruct the railway track.

I notice that the honourable member for Glen Waverley is in the chamber. He would agree with me that some residents in the City of Monash go to great trouble along the Glen Waverley line, through the suburbs of Mount Waverley, Syndal and Glen Waverley, to provide a beautiful treed area along that railway track. I am therefore concerned about this provision.

Over the last few days I have made a number of attempts to contact bureaucrats in the Department of Infrastructure to find out whether this is a wholly new clause or whether it simply repeats an existing provision. It would come to as no surprise to honourable members that those bureaucrats have not returned those phone calls and have failed to provide my office with information that would assist my constituents. I refer particularly to Mrs Wendy Dance of Windsor Avenue, Mount Waverley, who has gone to great trouble and effort to plant a number of trees on her property alongside the railway track. Those trees were planted at absolutely no detriment to the visibility of the track or signals, or in any way that creates difficulties for the maintenance contractors engaged by Victrack Access.

Residents of the City of Monash and the suburbs of Mount Waverley, Syndal and Glen Waverley will be concerned that the director will have these powers and that these powers have been introduced without discussion with local members and local residents. They are concerned that they might one day receive a notice in their letterboxes telling them that they are required to remove those trees.

As I said earlier, many residents along that railway track have gone to great trouble to beautify the area, and yet we are presented in this bill with a clause which, with no explanation, gives the director of public transport a very wide power. That is a power that I and my constituents are concerned about, and I raise the matter for the minister to consider before this bill has final passage.

Mr NARDELLA (Melton) — I support the legislation before the house — and I understand the taxi industry. Under the chairpersonship of the Honourable Ken Smith, a member for South Eastern Province in the other place, the former Crime Prevention Committee, of which I was a member, together with the Minister for Police and Emergency Services at the time and others, undertook a review of safety within the taxi industry in the public transport system. It is an issue that I

understand, unlike the honourable member for Mornington, who came into this house just an hour ago.

He hates the workers within the industry, he hates the taxidrivers — hates them — and does not want to reward them when they work late shifts from 12 midnight until 6 o'clock in the morning, and he is the mouthpiece for the Victorian Taxi Association — the bosses' union — and the only people the Liberal Party represents. The honourable member for Mornington has no understanding of what the industry is all about and yet he comes in here and opposes his own party's ideology! He opposes competition within the taxi industry — they were his words — and he supports the bosses. He hates competition and does not agree with the 100 extra licences a year.

He does not agree with an expansion of the taxi industry within this state, yet he comes in here as a mouthpiece for the bosses in opposition to the 20 per cent tariff for taxidrivers within the industry. The honourable member for Mornington has the gall after restructuring and privatising the public transport system to come in here and be the mouthpiece for the bosses within the taxi industry. After being the ideological architect within the public transport system, espousing free enterprise, capitalism and the god of competition, he comes in here and opposes it. But he will be voting for it like the others.

The other point I wish to make is that although there is to be a slow release of 100 licences per year over the next six years, you might be forgiven for thinking it was a revolution and that the Liberal Party had a different policy on this matter. The honourable member for Mordialloc has no idea about the bill and has no policies in regard to the legislation, because he could not espouse one single policy for or idea about what he would do. We asked him what his policy was. Do you know what his policy was? He would bring legislation into the house. What would be in that legislation? He would not know. He would not know what the legislation would mean for the hire car industry.

The honourable member for Mordialloc has no idea whatsoever about his shadow portfolio, and yet here he is, the ideas man for the Liberal Party — the person it looks up to and the person who, if it got into government tomorrow — God forbid — would be its minister for transport. He has no idea, yet the honourable member for Mordialloc is the brains of its outfit. That is why the government supports this legislation before the house — the opposition really has no idea about anything!

Mr SPRY (Bellarine) — There are several components of the Transport (Further Miscellaneous Amendments) Bill, some of which arise out of the national competition policy review into existing legislation. That is a process that has been going on for some years now, but in view of the number of contributions that have concentrated on a number of aspects of this bill, I will concentrate my few remarks on the increased powers of the director of public transport.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! Under sessional orders the time has arrived for me to interrupt the business of the house. The question is that the house do now adjourn.

East Doncaster Secondary College

Mr PERTON (Doncaster) — The matter I raise is for the Minister for Education and Training, or in her absence the Minister for Police and Emergency Services, for referral to the Minister for Educational Services in the other place.

Last week I visited East Doncaster Secondary College and met with the excellent principal, Philip Gardner, and the very capable and hardworking school council president, Graeme Shaw. The school community, including the school council, teachers and parents, are very concerned that despite repeated representations by me and the school council president to the Premier, the current education minister and the previous Minister for Education, and personal representations to the Premier and the department, nothing has been done to approve a master plan forwarded by the school to the department some 20 months ago in September 2000.

East Doncaster Secondary College is a fine and very popular college which currently has 1080 students. The school is nearly 30 years old and is highly regarded within the local community and beyond for its excellent academic achievements. Its good reputation has seen a steady growth in student numbers, with trends now expected to stabilise the population of students at around 1200. However, at that figure the college will be 50 per cent larger than the permanent buildings and facilities it was originally intended to accommodate.

The master plan, which the college has forwarded to the department and for which it is seeking approval, has identified deficiencies in the facilities for the arts, science and technology, which are most important areas

to my community. The inordinate delay in giving this approval is now preventing the school from continuing to develop and plan appropriately for the future. The school has received funding for maintenance, but it is becoming increasingly concerned about the possible waste of money by doing things one year which are undone a year or two later as funds become available from a different source. A prime example is spending money on computer pods while waiting on approval for a master plan, which includes an upgrade of the school's technology areas.

I ask the minister to produce a priority list for master plans and to let the school community know where East Doncaster Secondary College is on that list. The continued delay in this approval is serving no-one and will lead to increased waste and frustration. Most importantly, the action I seek is for the minister to direct the regional authorities to meet the school council to work to complete the master plan and to approve that master plan.

Greyhound racing: industry code of practice

Mr KILGOUR (Shepparton) — I raise with the Minister for Racing an issue involving the greyhound racing industry. Representatives of the greyhound industry came to my electorate with some grave concerns about a code of practice which has been brought forward — the animal welfare code of practice for the operation of greyhound establishments. The concern is that these people, who have been participants in the greyhound industry, have not been talked to and consulted as they would wish.

Some of the proposals that have come forward, which will mean that the greyhounds are to have bigger pens and smooth floors, present real concerns for these people. I do not know why the greyhound industry has not consulted as well as it could have done with the people who are involved — that is, the people who train the dogs and the people who own the dogs — because these people believe that if this draft code of practice is brought forward many of them will go out of business. For a start, they simply would not have the room to house their greyhounds in the way the code would require.

I ask the minister if he could look into this situation and ensure that before any code is brought forward for the greyhound industry there has been thorough consultation with the trainers and the owners of the greyhounds to ensure that problems do not arise that may cause many of these people to go out of business and cause greyhounds to be injured. For instance, if the smooth floors that the greyhounds will be expected to walk on get wet, the dogs can very easily slip and break a leg; and if the pens are too big the greyhounds will run too fast within the pens and injure themselves. Greyhounds are very intricate creatures, and this is a vitally important issue for the greyhound trainers.

I ask the minister to ensure that this code of practice is not accepted until after full and complete consultation with the owners and trainers in the greyhound industry has taken place.

Freeza program

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Youth Affairs in the other place. The needs of young people in the electorate of Keilor are of great concern to me and the government. According to data gathered by Brimbank City Council, the five biggest concerns for young people in Brimbank are: lack of places to hang out and have fun; lack of employment; using illegal drugs; not feeling safe in the community; family relationships and fighting with parents.

Adding to these difficulties, because of the high numbers of immigrants in Keilor, many young people in Brimbank are in the uncomfortable position of straddling two cultures. They feel that, and get treated as if, they belong to one culture at home and another at school or among friends. Reconciling the different demands and expectations of these two cultures in relation to everything from dress and leisure pursuits to church attendance and participation in family gatherings can place stress on young people.

Many people provide wonderful services to young people in Keilor. I would like to pay my respects to these people by naming their organisations: Good Shepherd Council; Mackillop Family Services; Salvation Army; Isis Primary Care; and Street Surfer Bus. The government has allocated $8 million in the 2002–03 budget to the Freeza program. This program provides a wonderful opportunity for young people to enjoy fully supervised drug and alcohol-free live music, dance parties and cultural events. It is also a great opportunity for young musicians to perform in front of their peers and encourages training, education and employment pathways in event production for Freeza committee members. The Freeza program plays a vital role in the efforts being made to address the serious issues the young people of Brimbank have raised.

As yet Keilor does not have a Freeza program service provider. I ask the minister to provide me with information on how the Freeza program has been improved and what opportunities are now available to

the people of Keilor to get involved in this fantastic program so that we can provide a service to our community in Keilor.

Keilor is a close-knit multicultural growth area with young people and families moving in daily. These people do not want to be strangers, but they often find it difficult to get to know their neighbours; it takes a while for people to accept each other when they move into a new area. The provision of funding to develop the project for Keilor would be greatly appreciated. I therefore ask the minister to provide me with the necessary information to encourage the service providers in my electorate to look at the needs of our youth. The newly elected mayor has realised our young people have needs and wants to develop a youth precinct in Brimbank.

Roads: black spot program

Mr PHILLIPS (Eltham) — I raise a matter for the attention of the Minister for Transport. Will the minister assure me, the constituents of Eltham and this Parliament that the black spot program will not only continue but also be enhanced? I think the black spot program is one of the best programs in the state. It provides an opportunity for local government to do work that it normally would not be able to perform under the existing Vicroads budget. The program allows local councils to improve badly designed or dangerous intersections, widen bridges, take out bad bends on roads — the sorts of things that obviously create traffic hazards and accidents. At many of the black spot locations there have been serious accidents and, tragically, several deaths.

I received a letter from the mayor of the Shire of Nillumbik expressing his concern that the black spot program will cease to operate. I want an assurance from the minister, if possible, that the black spot program will continue in the Shire of Nillumbik as well as in other municipalities. The program should be applauded.

Kinglake kindergarten and child-care centre

Mr HARDMAN (Seymour) — I raise a serious matter for the Minister for Community Services. In the early hours of Sunday morning, at approximately 6 o'clock, the Kinglake kindergarten and child-care centre was burnt to the ground. It is believed that no evil doings were involved, which is probably one of the better things that has come out of this misfortune. The matter is serious for the Kinglake community, as it does not have a lot of facilities at present. The child-care centre is the only child-care centre in the area, and the kindergarten is the only kindergarten in the area. The community is concerned about the ongoing viability of these very important services. I ask the minister to assure the community that the state government will do everything it can to ensure that they will be up and going as soon as possible. The child-care centre is well covered under the local council's insurance arrangements, but the kindergarten has a transitional accommodation problem.

I ask the minister to talk to the local community to see what needs to be done. From conversations with members of the community, I believe some kind of relocatable building needs to be provided so that the children and staff can move in short term until a new facility can be built. If that is done, the Kinglake community will be most appreciative. The community also needs a lot of assistance to support families and staff connected with the kindergarten. Anything the minister can do to alleviate that burden will assist the Kinglake community.

There are also some licensing issues concerning any move into temporary facilities which must be considered before something more permanent eventuates. The provision of funds to obtain licences and any other financial assistance would be greatly appreciated. Obviously the child-care centre needs support. I thank the Department of Human Services, the local regional office and also the council for the great work they have done so far. But there are some more immediate issues that need greater intervention.

Government: infrastructure funding

Mr SAVAGE (Mildura) — I seek an assurance from the Treasurer that the government will adhere to the policy of the Labor Party by ensuring that infrastructure investment in services such as hospitals, schools, prisons and water infrastructure is provided exclusively by the state.

I am sure the Treasurer is monitoring the effectiveness of the public finance initiatives of the Blair government, on which I suspect this government has based its policy. Public finance initiatives appear not to have delivered what they promised, especially in the cases of Railtrack and London and Continental Railways. There is also significant unease about the implications if the London underground hits a financial snag.

Private-public partnerships (PPPs) are just another form of BOOT scheme. They are privatisation by stealth, with taxpayers paying substantial sums for the risk of inheriting run-down assets in 20 or 30 years time. As Kenneth Davidson pointed out recently in the *Age*, PPPs do not even make sense from an economic point

of view. He argued that the cost of funding infrastructure projects worth $4 billion in the usual way would be about $100 million less than by adopting PPPs, which are the latest craze of a private sector looking for easy money.

The most common argument I hear in favour of PPPs is that while they involve paying a financial premium they ensure that projects are built and completed on time. Even if the public service has failed to rise to the challenge in the past, is this a reason for giving up the fight? If governments are not here to provide services, why are they elected? If governments are not prepared to do whatever is necessary to ensure that the public service has the ability to provide services in an efficient way, what are they supposed to be doing?

Victorians do not have any excuse to be starry-eyed about privatisation. This government has already spent $100 million bailing out Melbourne's tram and train operators and $140 million this year to ensure electricity comparability with the outer metropolitan area. The unreconstructed free market zealots who think the state should sell off everything to private enterprise should examine an article in a recent issue of the *Economist*, which said:

> PFI —

public finance institute —

> deals are supposed to transfer risk from the public to the private sector. But with so much at stake politically, the government cannot afford to let them fail … This makes it impossible genuinely to transfer risk from the public to the private sector, which undermines the purpose of PFI initiatives.

Quite so. This is why the Victorian government must not succumb to the temptation of going down the path of private-public partnerships.

Country Fire Authority: Barnawartha brigade

Mr WELLS (Wantirna) — I raise a matter of concern for the attention of the Minister for Police and Emergency Services and ask him to take immediate action to fix the communication deficiency at the Barnawartha Rural Fire Brigade.

I recently visited the electorate of Benambra with the local member. I spent an interesting day with him because there is not a person in his electorate that he does not know. We went to the Barnawartha Rural Fire Brigade and met the captain, Robert Baynes; the secretary, Greg Margery; and the communications officer, Carol Freedman. Unbelievably we found that the brigade has a communication system that does not work. All the Country Fire Authority volunteers have a paging system but the reception is so bad in Barnawartha that the system does not work even though they may be standing on the cement apron of their premises. The alarm indicating an emergency goes off, the brigade sends out the pulse for the pagers, but even the pager at the front of their own CFA premises does not work.

The problem is not the fault of the minister. When Telstra pulled out the paging systems went over to Link, which does not give proper coverage across Victoria. This is a dangerous situation. A fire may break out in areas such as Barnawartha and the pagers go off, but the volunteers are not notified because of the weak communications system. It is an extraordinary situation when a volunteer with a pager is so close to the brigade yet is not notified. A situation may occur when CFA volunteers do not arrive because the system does not work.

I ask the minister to take immediate action to investigate the matter. I realise that it is not his fault but the fault of Telstra in pulling out of the paging system. However, I ask him to address this issue as a matter of urgency.

Aboriginals: Traralgon mentoring project

Mr MAXFIELD (Narracan) — I ask the Minister for Senior Victorians to fund a program operating between indigenous elders and young people in the Latrobe Valley. The project links Mutti Mutti elder Auntie Mary Edwards in Traralgon with six young Koori people for them to learn ceramic casting and painting in traditional and contemporary styles. The project is all about transferring experiences and skills from the elders to youth. It is a program worthy of support.

The transference of skills is held in high regard in the community. In the wider society skills of older people are sometimes neglected rather than being passed on to the young. In a range of cultural experiences and other activities sometimes the skills and expertise of elders are neglected. Auntie Mary has a wide range of skills which are well regarded in the community. It is important that those skills be acknowledged and handed down to as many young people as possible.

Otway Health and Community Services

Mr MULDER (Polwarth) — I raise a matter for the attention of the Minister for Health regarding the nurses enterprise bargaining agreement (EBA) for Otway Health and Community Services at Apollo Bay. The

agreement required the service to employ 5.15 effective full-time senior nurses to staff the facility in accordance with the decision.

On 25 July 2001 the Australian Industrial Relations Commission (AIRC) withdrew the 31 August 2000 ratios, and new ratios were subsequently agreed on 23 August 2001. Otway Health and Community Services complied with these ratios and trusted that the additional costs would be met by the Bracks Labor government, as promised.

The health service advised the Department of Human Services that the additional costs to Apollo Bay were in the vicinity of $550 000 recurrent per year, and as a result a loan of $300 000 was made by the department in February 2001. In late 2001 the department then advised the health service that its allocation from the 1300 additional nurses to be funded by the government would only be 0.75 of one nurse.

The president of the board of the health service, Ms Beth Gardiner, had several discussions about the funding requirements with the minister's chief of staff, and by February 2002 the AIRC was involved. As a result the commission decided in May 2002 that Otway Health and Community Services must employ three nurses on the morning and afternoon shifts and two nurses on the night shift, requiring an additional 5.15 nurses, which the service had argued for when the enterprise bargaining agreement first came into force in October 2000.

The department employed a consulting firm to audit Otway Health and Community Services expenditure on the EBA. That audit found that up until 17 March 2002 the service had to expend $230 000 over and above the grant provided by the government. In January 2002 the Department of Human Services commenced withholding grants so the service could pay back the loan of $300 000 that was provided in February 2001 to pay for the nurses EBA. Fifty thousand dollars was withheld in January 2002, $48 000 in February and $47 000 in March, leaving Otway Health and Community Services with a loss of $145 000 from this year's grants over and above what it has spent and is spending on the EBA costs.

I ask the minister to ensure that Otway Health and Community Services gets the money promised to it under the EBA and that it is not put in the embarrassing position of having cheques in the safe for local traders which it cannot afford to send out.

Sunshine: community groups

Mr LANGUILLER (Sunshine) — The matter I direct to the attention of the Minister assisting the Premier on Multicultural Affairs seeks further action, because the government has taken action in support of two good community groups that I am particularly proud to represent in the Sunshine electorate.

One, the Polish Sporting, Recreation and Community Association, is a fantastic community organisation, and I will refer to it shortly. The second community organisation that is well organised is the Cyprus Greek Orthodox Community Apostolos Andreas in Sunshine West.

You, Madam Deputy Speaker, would know that the Greek Cypriot community in my electorate happens to be the largest Greek Cypriot community in the land. You would also know that the Polish community is a significant community in the electorate I proudly represent — which, as I have said a number of times, is made up of some 19 nationalities and has of the order of the same number of languages and religions. I think that value-adds to the Victoria in a significant way.

These two are both hardworking communities. The Polish community came to Australia mainly during and after the Second World War, and the Greek Cypriot community came here predominantly during the 1960s and 1970s.

They rarely seek support from the government. However, on this occasion the Polish community is seeking some assistance to upgrade the association's laundry and kitchen areas and to refurbish the men's toilets. The Greek Cypriot community organisation is seeking assistance to build a ramp for wheelchair access, to modify the toilets and to accommodate the needs of the disabled, including the installation of safety railings.

These two groups have done a fantastic job, and they have done it fundamentally on their own. They support their communities in a variety of ways, including organising activities for the aged and for young people. This government is particularly proud of working in partnership with these communities, and I look forward to the minister's additional support for those two fantastic groups, whose communities in the western suburbs and in the electorate of Sunshine I am particularly proud to represent.

Dingley bypass

Mr LEIGH (Mordialloc) — The matter I direct to the attention of the Minister for Transport concerns his

devious act in cancelling the Dingley bypass through my community and the Dandenong area. While I do not congratulate him on his secret letter of 17 March 2002 to the council — —

An honourable member interjected.

Mr LEIGH — Obviously it was secret, because it was kept secret by the Labor council. But to its credit it produced information that shows that the road is a state road and that Parkmore shopping centre — never mind the roads! — would be severely damaged by the Scoresby Freeway, if it is built, massively increasing the traffic.

The minister's confused answer is that the government promised the money for one road but never promised it for the other. Therefore, it did not keep its promise on the one it did not have to but took the money for the one it was going to build.

That is the confused state that the minister and his advisers are in. To its credit the council has tried to do something. Unfortunately, the Australian Labor Party candidate for Narre Warren South told the mayor, who is an employee of the Minister for Gaming, and other councillors — —

An Honourable Member — What action do you want?

Mr LEIGH — I am seeking a reversal of the decision he has made about the road. As a result of that someone from the minister's office said, 'They have never had it so good'.

The DEPUTY SPEAKER — Order! I call the Minister for Transport on a point of order

Mr LEIGH — Stop the clock! It's a disgrace!

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will sit down. If the Minister for Transport wishes to raise a point of order, I ask him to do so quickly or to resume his seat.

Mr Batchelor — On a point of order, Deputy Speaker, I ask the honourable member for Mordialloc to withdraw.

The DEPUTY SPEAKER — Order! I do not believe the honourable member for Mordialloc made any comments about the Minister for Transport. The honourable member for Mordialloc must seek some action.

Mr LEIGH — I am seeking the minister's reversal of his decision. The fact is that this council, under pressure from the ALP candidate from Narre Warren South — —

An honourable member interjected.

Mr LEIGH — Cr Dale Wilson used his position as a councillor to stop the government — —

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

Mr LEIGH — You're a disgrace.

The DEPUTY SPEAKER — Order! I ask the honourable member for Mordialloc to resume his seat.

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Eltham raised with me the continuation of the black spot program. I commend the honourable member for his support. He has a long record in this Parliament of raising road safety issues, and I have no problem with responding to or dealing with the issues he raises. The honourable member for Eltham takes a constructive approach, unlike the honourable member for Mordialloc, whose matter I will deal with later.

The honourable member for Eltham asked that the black spot program continue. So far as the state government is concerned, the black spot program will continue. I noticed in the recent federal budget that even the federal government wants to continue the program. This government will continue the program put in place by the previous government, and one assumes — —

Mr Ingram interjected.

The DEPUTY SPEAKER — Order! The honourable member for Gippsland East!

Mr BATCHELOR — That is right! I have asked the honourable member for Gippsland East — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Minister for Transport, to respond to the honourable member for Eltham!

Mr BATCHELOR — The electorate of the honourable member for Gippsland East has been a terrific recipient of black spot funding, as have the electorates of the honourable members for Mordialloc and Eltham. If you went around the chamber, Madam Deputy Speaker, you would find that the $240 million

black spot program initiated and implemented by the Bracks government has been very successful. The program has been identified by this government as an offensive against road safety accidents. I would say to the honourable members for Eltham and Gippsland East that, from the state government's point of view, the black spot program will continue.

I have seen in the most recent federal government program that it is also that government's intention to continue the black spot program because it has been very successful in saving lives. It is interesting that the honourable member for Mordialloc, who is the shadow Minister for Transport, opposes this contribution tonight. He opposes the continuation of the black spot program! He is opposing the black spot program not only of the state government but also of the federal government. He is opposed to road safety initiatives generally. But the state government here in — —

Mr Perton — On a point of order, Madam Deputy Speaker, the minister is a little unsteady on his feet and perhaps did not hear the question asked. I ask you to bring him back to order. He is attributing words to the shadow Minister for Transport which have not been uttered and are quite untrue. It would be good if the minister brought himself back to order and back to the matters raised and did not lie about the contributions of other honourable members.

The DEPUTY SPEAKER — Order! I do not uphold the point of order, but I think the minister has made enough passing comments and should direct his response immediately to the issue raised by the honourable member for Eltham.

Mr BATCHELOR — I have responded to the honourable member for Eltham and note his comments in getting behind me in support of this campaign. I will get behind the honourable member for Eltham in supporting the black spot program.

The honourable member for Mordialloc raised with me the issue of the Dingley bypass, but he has confused himself, and not for the first time. His contribution tonight is a tragic example, because he does not know the difference between Dingley and Dandenong South!

Mr Leigh — Neither do you!

Honourable members interjecting.

Mr BATCHELOR — He does not know the difference.

Mr Leigh — I definitely do! I was simply quoting from the minister's press statement as reported in the *Herald Sun*. He should talk to his press officers so that they know the difference.

The DEPUTY SPEAKER — Order! The honourable member is debating the question!

Mr BATCHELOR — I can assure the honourable member for Mordialloc that the areas of Dandenong South and Dingley are on different pages of the *Melway*. We understand that the honourable member for Mordialloc examines *Melway* to find his transport policy, but he has difficulty in turning from page to page. Often there are adjoining pages on these initiatives. There are — —

Honourable members interjecting.

Mr Leigh — On a point of order, Madam Deputy Speaker, I understand the minister is in a somewhat excited state, but my constituents would like an answer from him. I am quite happy to take a .05 test at the moment; let's see if he is.

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

Mr BATCHELOR — There are some pages of the *Melway* that are easy to understand because they are on adjoining pages, but you will understand — —

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The behaviour of the honourable member for Mordialloc is disorderly. I ask him not to act that way in the house.

Mr BATCHELOR — There are some pages of the *Melway* that require a leap of intellectual understanding, and having to go to adjoining or subsequent pages has tricked the honourable member for Mordialloc — absolutely tricked him! I would hope the Leader of the Opposition would be able to undertake remedial lessons for the honourable member in understanding the *Melway*.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Minister for Transport is far exceeding the realms of what he is required to do in the adjournment debate. I ask the honourable member for Mordialloc to sit down! I ask the Minister for Transport to respond directly to the issue raised by the honourable member for Mordialloc. The adjournment debate is not an occasion to abuse the honourable member.

Mr BATCHELOR — Oh, really? You have just destroyed half of my speech!

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! I am sure the Minister for Transport will cooperate with the Chair in ensuring that the adjournment debate continues in an orderly manner.

Mr BATCHELOR — Under the previous government, funding for the part of the Dingley bypass that has been referred to by the honourable member for Mordialloc was redirected to the works in Westall Road.

Mr Leigh — Because the ALP council wanted it!

Mr BATCHELOR — The honourable member for Mordialloc says that is correct. The honourable member for Mordialloc says it was appropriate to redirect money from the Dingley bypass to Westall Road.

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc!

Mr BATCHELOR — And that is a true representation of what the previous government did. What this government has done about the Dingley bypass is indicate that, with the construction of the Scoresby freeway, there needs to be an assessment made of a whole range of east–west road connections because once the Scoresby bypass is implemented it will be clear that traffic volumes on many east–west roads will be diverted onto the Scoresby freeway.

The Kingston council has indicated that some 30 per cent of existing traffic on Wells Road will be diverted onto the Scoresby freeway. Other people have suggested that it might be as much as 25 per cent, but we will take the local council's recommendations as to the impact of the Scoresby freeway on Wells Road. It clearly indicates that the biggest impact on traffic conditions in the Scoresby corridor — that is the area, for the edification of the honourable member for Mordialloc, from Ringwood almost to Frankston — will be the Scoresby freeway and this will redirect traffic from various east–west roads onto the Scoresby freeway and to other east–west corridors: the Monash freeway, the Princes Highway and even the Eastern Freeway.

The construction of the Scoresby freeway will free up local roads, because cars and trucks will be redirected up the freeway rather than along east–west corridors through the electorate of the honourable member for Mordialloc and adjoining electorates to the north and south. That is why this government has decided to build the Scoresby freeway, the cost of which is in excess of $1 billion. It is a freeway that the previous government could not deliver in a blind fit — —

Mr Leigh interjected.

Mr BATCHELOR — Could not deliver — —

Mr Leigh — For seven years you opposed it.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc!

Mr BATCHELOR — In his interjections tonight the honourable member for Mordialloc highlights the incompetence of the previous government in not being able to identify and progress the Scoresby freeway.

Mr Leigh — On a point of order, Madam Deputy Speaker, I simply make the point that for seven years the current Minister for Transport was opposed to it. All the planning was done by the former government and now he can't even get on with it. The federal government has given him $45 million and said, 'No more until you do it'. Get on with it, for God's sake!

The DEPUTY SPEAKER — Order! I do not believe that was a point of order. I believe it was a point in debate.

Mr BATCHELOR — The honourable member for Mordialloc said the federal government has given us $45 million. In fact it has given us $445 million.

Mr Leigh interjected.

Mr BATCHELOR — It was $445 million. He is out by a factor of some $400 million. I suppose this typifies — —

Honourable members interjecting.

Mr Leigh — On a point of order, Madam Deputy Speaker, the minister is misrepresenting me. My point of order is simply this: it is a first payment out of the $445 million. Peter, you have never been able to tell the truth. Start now!

Mr Perton — On the point of order, Madam Deputy Speaker, this is reaching the point of the ridiculous and I note the — —

Honourable members interjecting.

Mr Leigh — Well, you stop him telling fibs!

Mr Perton — The adjournment debate is a serious debate. You have a minister at the table whom you

have warned and tried to bring back to the debate. I ask you, Madam Deputy Speaker, to either ask the minister to answer the point raised by the honourable member for Mordialloc or to — —

Mr Leigh — Reverse the decision!

Mr Perton — At this point the minister in his current state is causing — —

Honourable members interjecting.

Mr BATCHELOR — On the point of order, Honourable Deputy Speaker, the honourable member for Doncaster is joining the debate late. He has misunderstood the contribution of the honourable member for Mordialloc. The government is prepared to make a major investment in the south-east of Melbourne with the construction of the Scoresby freeway, but it is not prepared to entertain the ravings of the honourable member for Mordialloc or the honourable member for Doncaster tonight. It is inappropriate that either the honourable member for Doncaster or the honourable member for Mordialloc behave in this way tonight.

The DEPUTY SPEAKER — Order! On the point of order raised by the honourable member for Mordialloc, I believe that was a point in debate.

On the point of order raised by the honourable member for Doncaster, I cautioned the Minister for Transport previously about abusing the honourable member for Mordialloc. In his response at the moment he is in fact referring to the matter that was raised with him by the honourable member for Mordialloc, and that is the Dingley bypass.

Mr BATCHELOR — The government is prepared in the construction of the Scoresby freeway to look at the access points on the east–west corridors, which are Cheltenham Road and Greens Road. This government will provide access to the Scoresby freeway from both Cheltenham Road and Greens Road; that is what we have agreed to do.

In terms of connecting the Scoresby freeway to the eastern extension of the Dingley freeway, it was the federal government that ruled out the connection of the Scoresby freeway to the Dingley bypass. I have a letter from the federal Minister for Transport and Regional Services, which indicates that the funding — in excess of almost $500 million to Victoria for the Scoresby freeway — is only available and conditional upon the state not agreeing to connect the Scoresby freeway to the Dingley freeway. When John Anderson, the Deputy Prime Minister of Australia, makes this condition, we have no alternative but to accept.

Mr Leigh — On a point of order, Madam Deputy Speaker, the minister appears to be quoting from a letter that he states he has received from the federal Minister for Transport and Regional Services. Will he make it available to the house; and if not, why not?

The DEPUTY SPEAKER — Order! I do not believe the minister was quoting from a letter. I think he was referring to a letter. I ask the minister to advise the house if he was quoting from a letter.

Mr BATCHELOR — I do not have that letter with me, but certainly I have a letter from the Deputy Prime Minister of Australia, and I am surprised that the Deputy Prime Minister would not write to the shadow Minister for Transport on these sorts of matters, as he is prepared to write to me. The failure of the Deputy Prime Minister to write to the shadow Minister for Transport is more an indictment on the shadow minister than it is an indictment on anybody else. The fact that the Deputy Prime Minister will not write to the honourable member for Mordialloc — —

The DEPUTY SPEAKER — Order! The Minister for Transport, back on the issue.

Mr BATCHELOR — That he refuses to write to the honourable member for Mordialloc and tell him what is going on and prefers to write to the minister in this state — me — to explain what is going on helps me to understand why the honourable member for Mordialloc is confused at this late hour and prefers to raise this matter tonight.

The real issue is that the Scoresby freeway will go ahead. It is an important freeway which links Ringwood to Frankston. The federal government has indicated that it will not go ahead with connections through to the Dingley freeway, and Victoria has indicated that it is prepared to accept the conditions of the federal government but that in doing so it will provide the appropriate connections to the Scoresby freeway at Cheltenham Road and at Greens Road. To provide other connections would be in defiance of, firstly, the federal government's prescription in providing close to $450 million for the connection, and secondly, freeway planning requirements.

The honourable member for Mordialloc is indeed confused. He does not understand what the requirements of the Scoresby freeway are. He is saying that he is opposed to the Scoresby freeway, that he is not prepared to accept the Scoresby freeway — —

Mr Leigh — On a point of order, Madam Deputy Speaker, I do not ask the minister to withdraw, but I thought I would correct him. Tell the truth, for heaven's sake!

The DEPUTY SPEAKER — Order! There is no point of order. The honourable member is making a point in debate. I ask the minister to have mercy on us and conclude.

Mr BATCHELOR — I am certainly doing that, Deputy Speaker. Let the record show that the honourable member for Mordialloc was not opposed to the Scoresby freeway and not opposed to the conditions imposed on that by the federal government. We will accept those conditions.

Ms PIKE (Minister for Community Services) — The honourable member for Seymour raised the issue of the very recent fire at the Kinglake Preschool Centre and the co-located Kinglake Long Day Care Centre. This fire has indeed been a terrible blow for that very tight-knit and hardworking community. I thank the honourable member for raising that matter and for advocating so strongly and consistently on behalf of local families in his electorate.

I have been advised that the destroyed building was insured for replacement and that both services will be covered in terms of long-term accommodation. In the meantime I have sought advice from my department about interim arrangements for Kinglake, and let me assure the honourable member that a number of arrangements are in place.

The Shire of Murrindindi is providing counselling and support to the families, which is very important. The shire is also keen to make care available so that the families can fulfil their employment obligations and other work responsibilities. In addition, the shire is working very closely with the department's regional children's services adviser to enable immediate temporary services to be undertaken in a local community building, and we are working to make sure that that building meets the appropriate regulatory requirements.

I have asked the Hume region of the Department of Human Services to keep me informed. I can assure the honourable member for Seymour and the Kinglake community, which has been devastated by this incident, that we are working very hard to assist the Kinglake Preschool Centre and the Kinglake Long Day Care Centre to get back on track. The commitment in this specific situation is one indication of the ongoing commitment that the Bracks government has to preschools and their services.

I remind the honourable member and the house of the $28.3 million funding boost in the most recent budget. That of course was topped by a $5 million capital package to upgrade more than 500 preschools in Victoria so they can meet accreditation requirements. Many preschools in the Seymour electorate have already received funding, and as I have said, I will be working very closely with the preschool in Kinglake to ensure that it gets on track as soon as possible.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Wantirna raised an issue relating to the coverage of pagers within the Country Fire Authority. He gave us a specific example of the Barnawartha fire brigade. This issue has been developing for quite some time since unfortunately Telstra made it known that it is withdrawing from the business of providing pager services. I have to say that I am a bit disappointed and concerned that Telstra is withdrawing from a whole variety of what were previously community service responsibilities that it took upon itself.

Unfortunately it is leaving us in a very difficult situation in terms of the provision of pager services to some of our rural emergency services, particularly in areas that are difficult to service by other means of communication, and particularly given that our rural emergency services are predominantly volunteer driven. Those volunteers are usually activated by way of a pager. The Telstra pager service used to provide us with 65 per cent coverage of the geographic area of Victoria, but that has now dropped below 30 per cent as Telstra is not maintaining the infrastructure and Link has no interest in maintaining the infrastructure outside the high-volume areas.

The honourable member for Wantirna may be unaware that in January of this year I announced that the government had called for expressions of interest in a $100 million-plus statewide public alerting system project to provide a dedicated communications infrastructure to service the paging needs of all our rural emergency services: the Country Fire Authority, the State Emergency Service and the Rural Ambulance Service. It is possible that that may ultimately be made available to other government instrumentalities as well.

Unfortunately it is going to take some time to get that infrastructure on the ground. We have sought expressions of interest from organisations in the private sector which can come up with innovative solutions. We are confident that once it is on the ground we will

be able to provide a system that covers not just 65 per cent of the geographic area of Victoria but something more like 80 per cent to 90 per cent — a vastly enhanced structure. Unfortunately, however, it is going to take us until about the 2003–04 financial year to get that infrastructure into place. Meanwhile, we will be working flat chat to try to ensure that the best possible interim arrangements are in place for rural emergency services.

We have been left with this situation. The infrastructure cannot materialise overnight, but we are very conscious of the situation and place a very high level of importance on making sure that the communications systems available to our rural emergency services are of the highest order.

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — The honourable member for Sunshine raised issues about the wonderful ethnic communities in his electorate, and particularly referred to the Polish Sporting, Recreation and Community Association in Albion and the Cyprus Greek Orthodox Apostolos Andreas in Sunshine. He was highlighting the wonderful work that those community groups do.

A large majority of such groups put their hands in their own pockets first before they go and ask anyone else such as government agencies for help. The two particular groups mentioned have over many years done their own fundraising. They have their own buildings and facilities, and the honourable member would be aware that prior to 1992, under the previous Labor government, there was a large capital works program to assist and provide asset incentives to those ethnic community organisations to encourage them to build their own facilities rather than have taxpayer-funded or local government-funded facilities. That was a very successful program, but it ended back in 1992 when the former Kennett government was elected.

He would also know that when this government was elected we announced a program of a quarter of a million dollars a year to assist ethnic community groups that owned their own community buildings with upgrades. They could join with government, which would provide some of the dollars as an incentive, and generate the rest of the dollars as well as assets in kind, donations and so on to upgrade their buildings. Our key focus has been on upgrading kitchens to meet the new health regulations; disabled access facilities, because many older buildings were not designed for disabled access; and important safety upgrades to buildings where there has been wear and tear.

Both of those groups have applied in the latest round of Victorian Multicultural Commission community building category grants, and I am pleased to advise the honourable member that both groups have been successful. The Polish group will receive a grant of $5000 for its laundry, kitchen and toilet areas, and the Cypriot community will receive a grant of $7500 for disabled access — namely, a wheelchair access ramp, a safety rail and associated disabled access equipment.

I thank the honourable member for the way he advocates for his ethnic communities. He regularly raises issues in the house about ethnic communities across Victoria, and I am very pleased that we can support those two wonderful local community groups in the great work they do.

Ms CAMPBELL (Minister for Senior Victorians) — On the matter raised by the honourable member for Narracan, the government is engaging in an intergenerational mentoring program. This is a very interesting and innovative program that links the experience and wisdom of senior citizens with many of our younger citizens. In relation to the project the honourable member is particularly keen to see supported, I am pleased to inform him that the government is going to fund a Mutti Mutti elder, Auntie Mary Edwards in Traralgon, to the tune of $4998 to ensure that her wisdom helps, in particular, six young Koori people to learn traditional and contemporary art and casting in her tradition. Auntie Mary has extensive experience as a ceramicist and believes the project will engage many younger Koori people in positive lifestyle choices. The Department of Human Services has allocated $40 000 to fund a range of intergenerational mentoring projects.

The matters raised by the honourable member for Doncaster with the Minister for Education Services in another place in relation to the draft master plan for East Doncaster Secondary College will be referred to the minister.

The honourable member for Shepparton raised a matter for the Minister for Racing in relation to the code of practice for the greyhound industry and requested thorough consultation with owners and trainers in the industry. I will refer that matter to the minister.

The honourable member for Keilor raised a matter for the Minister for Youth Affairs in another place in relation to the importance of having a youth precinct in his municipality, particularly in relation to encouraging positive experiences for youth in his electorate. I will refer that matter to the minister.

The honourable member for Mildura raised a matter for the Treasurer in relation to private-public partnerships, and his request is that public infrastructure be funded by public funds. I will pass that matter on to the minister.

The honourable member for Polwarth raised a matter for the Minister for Health in relation to the Otways Health and Community Services funding requirements for the latest enterprise bargaining agreement. I will refer that matter to the Minister for Health.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.03 p.m.