PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

8 April 2003

(extract from Book 4)

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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TUESDAY, 8 APRIL 2003

Tuesday, 8 April 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.02 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Minister for Gaming: chief of staff

Mr DOYLE (Leader of the Opposition) — My question without notice is to the Premier. I refer the Premier to the fact that the ALP state president, Jim Claven, the person ultimately responsible for Labor's fundraising activities, has been appointed to the position of chief of staff to the Minister for Gaming and Minister for Racing. I ask: will the Premier give a guarantee that while Mr Claven is on the staff of the Minister for Gaming and Minister for Racing the ALP will neither seek nor accept any donation or sponsorship from any gaming or gaming-related company?

Mr BRACKS (Premier) — I thank the opposition leader for his question. I was just musing over who would have drafted the question from the Leader of the Opposition. My assumption would have been that it was probably his chief of staff who drafted the question. His chief of staff, an ex-member of this place, the former member for Bennettswood, is quite rightly and appropriately involved in the Liberal Party, just as political appointments as chiefs of staff are involved in the Labor Party here in Victoria when we have appointments.

East Timorese refugees: permanent residence

Mr WYNNE (Richmond) — My question is to the Premier. Will the Premier please inform the house of what action the Victorian government is taking to assist up to 1600 East Timorese living here under temporary protection visas to remain permanently in Australia?

Mr BRACKS (Premier) — First of all can I thank the member for Richmond for his question and for his continual persistence on this matter to ensure that some of the East Timorese asylum seekers who have migrated here to Victoria and who live in his electorate have the opportunity to reside in a place that they wish to choose to reside in in the future. I thank the member for Richmond for his continual work on their behalf.

About 1600 East Timorese asylum seekers have migrated to Australia over the past decade, and some before that. In Victoria's case, the majority — about 1500 of the 1600 around Australia — of them reside here. Some of the children of the people who have sought asylum in Victoria, in Australia, have never seen East Timor; they have never been to East Timor and have little connection back to the original country of their parents.

It is a unique and separate situation from asylum seekers more generally, because, as we know, East Timor, which is a new country which has just gained its independence, has little if any capacity to take large numbers of refugees back into its own population and to support and assist them whilst it is struggling to support and assist its current population.

On this matter I think the federal government should consider exceptional and unusual circumstances. Whilst there is the accepted right to decide who resides in our country here in Australia, and that is the right of any Australian government to decide, there are unique and separate circumstances around the East Timorese asylum seekers who find themselves here over a long period and now find themselves unable, for a large number of reasons, to go back to East Timor.

There is precedent for special circumstances to be taken into account. In 1993 the federal government granted a number of Chinese students special consideration to reside in Australia because of the circumstances they would have found if they returned to the People's Republic of China at the time.

I have now written to the Prime Minister on this matter on three occasions: as far back as the start of last year and on two further occasions since then. To date the Prime Minister, through the immigration minister, Mr Ruddock, has indicated that the federal government will not be considering a special or unique category for the East Timorese refugees to get permanent residence in Australia. But I am encouraged by more recent comments from the Prime Minister, who has left the door open for reconsideration of that matter.

I would urge the Prime Minister to consider very carefully and strongly the special and unique case of the 1500 East Timorese asylum seekers here in Victoria, the 1600 around Australia — it is a special and unique category — particularly when the President of East Timor, Xanana Gusmao, is visiting Australia and is here. He has been here for some days and has been meeting with officials from the federal and state governments and other governments around Australia. It would be an opportune, proper and appropriate time for the Prime Minister to reconsider the matter and to effectively do what happened in 1993 — that is, to grant a special and unique category for these East Timorese asylum seekers so they can have permanent residence.

I can guarantee, as I have already to the Prime Minister in correspondence to him and in meetings that have been held between officials in Victoria and the commonwealth, that the Victorian government will give every support through the education system, through the health system, through housing and through other means to those current residents if the federal government decides to do what I believe needs to be done — that is, to grant them permanent resident status here in Australia.

Electricity: tariffs

Mr RYAN (Leader of the National Party) — My question is to the Premier. Given that the previous energy minister said in a media release on 12 February last year that 2003 electricity prices would be determined after 'an assessment of structural options for equalising city and country prices', and further that the government has now slashed its power support scheme from $118 million to $57 million, I ask: will the Premier advise the house why the assessment was never actually undertaken and on what basis was the funding cut?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. In fact there was an assessment undertaken by our government to look at the second year, the second phase, of the electricity market in Victoria, which has not worked fairly or equally under the privatisation system which we inherited from the previous government.

The reality is that we inherited a system whereby effectively the market decided what the price would be without any regulation or control by the state government. We had to bring in legislation to ensure that we could at least moderate those prices, and we brought in legislation which was different from what was then in place under the previous government. The National Party leader was a part of that government and his party voted for and supported the legislation then before the house.

Not only that, we also had to provide extra resources, extra taxpayers money, to equalise the prices between the city and the country, which we have done again. We said we would examine how the market worked in the second year of operation, and if it was working better we would look at equalising the transmission costs which were dearer in the country than in the city. That is exactly what we have done. It is a much better way to go about equalisation in the future. It is assisting directly country and regional people who were absolutely left for dead by the previous government. It left them for dead; it left them without a system; it left them without support; effectively, it left them to pay the highest prices possible, because it knew with the bills it voted for there would never be a case for low prices in the country because there would never be the cross-subsidy that was there previously.

I am very happy to answer the question, but the unbelievable change in policy by the National Party from when it was in government to now is just absolutely breathtaking. It deserted country people previously, and it is now crying poor. The reality is that it is this government that is standing up for country Victorians; it is this government that is putting in the money; it is this government that has put in legislation to protect country people.

Holden: headquarters

Mr LUPTON (Prahran) — My question is to the Minister for State and Regional Development. I ask the minister whether he will inform the house of the latest investment announcement which reaffirms the strong business confidence in the Victorian economy?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Prahran for his question. Two weeks ago in this place I was asked about business investment, and on that day I was able to outline to the house the decision by global pharmaceutical company Bristol Myers Squibb to locate its first global research and development hub outside the United States of America.

Since then we have had a number of other very positive announcements in terms of the investment climate in Victoria. We have had the $20 million bankable feasibility study for a Latrobe Magnesium Ltd smelter. We also had last Friday's announcement by Australia Power Energy Ltd of its joint agreement with Anglo American, which is potentially a $5 billion investment in Victoria. We have also had Optus-Singtel's recent announcement of a $90 million rollout of a new mobile phone network across Victoria, including the construction of 200 base stations. All in all this further confirms that Victoria is a great place to do business and a great place for investment.

Today I was able to join the chairman of Holden, Peter Hanenberger, at Fishermans Bend where Holden announced final plans to commission a new $200 million development of its headquarters at Fishermans Bend. This is a very substantial investment by Holden. It is great news for Victoria, and it is also great news for Australia. I want to congratulate the James Fielding Group, which has been appointed the

project investor and developer, and Peddle Thorp, the project designers.

This latest $200 million investment comes on top of Holden's $700 million V6 engine plant investment, and it demonstrates yet again Holden's commitment to Victoria and Australia and the depth and the strength of the investment interests in Victoria.

Last month the Minister for Manufacturing and Export opened ACL Mahle's Altona piston plant, which employs hundreds of people. That plant and that investment would not have occurred without the successful culmination of the Holden V6 engine plant investment.

Today's announcement is substantial. We all know of the Fishermans Bend plant: back in 1948 Prime Minister Chifley launched the first FX Holden, and the plant has been a great success story ever since. Today's announcement involves the creation of a new corporate headquarters for more than 1500 staff in Holden's engineering and design, sales and marketing, and corporate divisions. Construction will start in September and will be completed by late 2004.

On behalf of the Premier and the government I congratulate Holden, as I did earlier today, particularly its chairman and executive director, Peter Hanenberger, and its partners. We all look forward to seeing the successful development of this great investment at Fishermans Bend, which certainly represents another strong vote of confidence in Victoria as a great place for the business community to invest in.

Minister for Gaming: chief of staff

Mr DOYLE (Leader of the Opposition) — I refer the Premier to his previous answer regarding the appointment of the Australian Labor Party state president, Jim Claven, to the position of chief of staff to the Minister for Gaming. Does the Premier believe, or expect us to believe, that there is no conflict of interest in Mr Claven seeking donations for the ALP from gaming companies while at the same time — —

Honourable members interjecting.

Mr DOYLE — They are sensitive, aren't they! I must have struck a nerve there.

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition to ask his question, and I ask members of the government to allow him to do so.

Mr DOYLE — Does the Premier believe there is no conflict of interest in Mr Claven seeking donations for the ALP from gaming companies while conducting sensitive negotiations, for instance, on early gaming licence renewals with the same companies?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question on this matter again. There is no doubt that political appointees to ministerial offices and to the opposition staff and the National Party staff are all people who have an interest or involvement in political parties. There is no doubt that happens on all sides of Parliament, and it has for many years.

In our case the role of party president is a ceremonial one. That may not be the case with the role of the Liberal Party's president. This is an appropriate appointment which is in keeping with the tradition of political appointments to ministerial offices.

Water: saving rebate

Mr HERBERT (Eltham) — My question is to the Minister for Water. Will the minister outline to the house how Victorians have responded to the Bracks government's water rebate scheme, which is particularly important given that the current levels of storage are at their lowest in decades?

Mr THWAITES (Minister for Water) — I thank the member for Eltham for his question, which is a very important one. We certainly welcome the rain today, but as we know after seven years of below-average rainfall our — —

Mr Doyle — Is that our fault too?

Mr THWAITES — After seven years of below-average rainfall covering both governments we have very low levels in our dams. Our current water storage is at some 42.7 per cent, and that is continuing to drop by 0.05 per cent every day. We need about 200 millimetres of rain in April and May to avoid having to go on to stage 2 restrictions.

That continuing drain on our water supplies is a good reason for Victorians to take up the Bracks government's offer of a rebate for water-saving equipment. On 1 January I announced a rebate of $150 for water tanks, $150 for grey-water tank systems and $20 for water conservation. I am pleased to advise that by 27 March well over 2000 applications had been approved for rebates, and retailers report significantly increased demand for the products.

This scheme involves a total cultural change in the attitude of people in urban areas to water and water conservation. The government acknowledges that people in country areas have probably had a much longer history of saving water and knowing about the need to conserve water. People in city areas need to start introducing these important water-saving measures into their homes and gardens.

The rebate system encourages people to take on major investments such as water tanks. These are significant investments of $600 or more, and the government would not expect to see massive numbers of Victorians take them on overnight. However, the fact that so many people in so many parts of the state are now taking advantage of the rebates demonstrates their commitment to water conservation. It is a commitment this government shares, and it is doing whatever it can to encourage people to take advantage of the rebate system.

I am also pleased to advise the house that the government is now considering an extension of the rebate system by introducing it into schools to encourage them to use rain water or grey water to reduce their water consumption.

Honourable members interjecting.

Mr THWAITES — This is clearly a matter that is of great interest to the opposition, and I look forward to assisting members with their applications for these very important water-saving devices.

Sustainability and Environment: fuel reduction burn

Mr PLOWMAN (Benambra) — Given that the Premier today said the government would fully compensate landowners affected by the Cobaw forest fire, which got out of control because it was left unsupervised by Department of Sustainability and Environment staff, will the government now also compensate the farmers of north-eastern Victoria and East Gippsland for their losses?

Mr BRACKS (Premier) — I thank the shadow environment spokesman for the opposition for his — —

Mr Honeywood interjected.

Mr BRACKS — No, he is the spokesman.

Mr Honeywood interjected.

Mr BRACKS — He has been upgraded! Sorry, I did not realise. Was he upgraded after the conference? If I can just turn to the matter raised by the honourable member, the Department of Sustainability and Environment has conducted 59 prescribed burns in the past week and a total of 226 so far in this financial year. There is always a risk of control burns getting out of control, and that was the case with the recent fire, which is regrettable. Obviously in circumstances where an error by the Department of Sustainability and Environment with a control burn has led to it getting out of control, appropriate compensation will follow.

More broadly, as honourable members would know, we have already seen the government work carefully and quickly on the recovery effort for the fires in the north-east and Gippsland. We have already announced significant support for primary producers, for householders and for communities in our first phase. In the second phase the ministerial task force headed up by the industry minister and the Treasurer will be announcing assistance and support for those communities, farmers and other primary producers, and householders in the future.

There is, of course, a clear distinction between a control burn that is out of control and a wildfire — we understand that — but nevertheless we are supporting communities no matter what the circumstances are. In this case an error was committed with the Cobaw fire, which the Department of Sustainability and Environment is regretful for, but because of that we will obviously make the appropriate and necessary compensatory arrangements.

Industrial relations: federal system

Mr PERERA (Cranbourne) — My question without notice is directed to the Minister for Industrial Relations. Will the minister inform the house of any developments in the government's 10-point plan for improving industrial relations outcomes in the building and construction industry?

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for his question. I am pleased to advise the house that the Victorian government's 10-point plan was indeed discussed at the workplace relations ministers council held in Adelaide.

I am also pleased to say that the state and territory industrial relations ministers have established a working party to consider changes to the Workplace Relations Act as set out in Victoria's 10-point plan. In other words, state and territory governments have agreed to work together to achieve better industrial relations outcomes across the nation. I congratulate those governments on moving towards delivering the sort of

cultural change that has been identified by the Cole royal commission.

Where was the federal Minister for Employment and Workplace Relations, Tony Abbott, in this discussion? What role did he play on this particular occasion? It gives me no pleasure to advise the house that the minister went missing. We were looking for him, but he was missing in action.

The minister needs to realise that with or without him work is now being done across the nation to improve industrial relations. Organisations such as the Building Industry Consultative Council, with members such as Grocon, Baulderstone Hornibrook and Multiplex, are working through the 10-point plan. Like some schoolyard bully Mr Abbott rejects constructive dialogue, but worse than that, he tries to force support by threatening to withdraw funding for hospitals, schools and roads.

In fact Mr Abbott is now insisting that his code of practice and guidelines must apply to all projects that receive some federal government funding, otherwise funding will be withdrawn. We should remember that these guidelines have not been agreed to by the states, have not been approved by federal Parliament and are not subject to parliamentary scrutiny.

In fact the guidelines make illegal behaviour that is perfectly legal under the minister's Workplace Relations Act. For example, site delegates, irrespective of whether or not they are union members, are not allowed to undertake or administer the induction of new employees, and the names of contractors cannot be provided to unions. This is perfectly legal under the Workplace Relations Act.

As part of some cruel tactical game Mr Abbott's threats over the failure to apply these petty, pedantic, intrusive and undemocratic guidelines threaten urgently needed infrastructure funding. He forgets that this money does not belong to him; it belongs to taxpayers. This funding should not be taken from critically needed projects as part of some Tony Abbott dummy spit! This is not how you achieve real reform.

The fact is that whether Mr Abbott is involved or not, the states and territories will work together to achieve real reform. Indeed we will continue to advocate the changes that are urgently needed under the Workplace Relations Act, and they are set out in Victoria's 10-point plan. We challenge Mr Abbott to work together with us to come up with the sustainable, long-term outcomes that are urgently required.

Water: federal inquiry

Mr WALSH (Swan Hill) — My question is to the Minister for Water. Given the government's professed commitment to water conservation, can the minister explain why Victorian water authorities were directed not to attend yesterday's hearing by the federal Parliament's inquiry into future water use in Australia?

Mr THWAITES (Minister for Water) — I thank the member for Swan Hill for his question. I have to say that is genuinely a question without notice, and one that —

Honourable members interjecting.

Mr THWAITES — Usually we can predict what he is going to ask, but I am afraid I cannot answer that; I am not aware of that circumstance. Certainly, as the member said, as a government we have a major commitment to water conservation, and we are working in partnership with the water authorities to achieve that. We are committing millions of dollars across the state — for example, $77 million for the Wimmera–Mallee pipeline — and we are still waiting to hear from the federal government — —

Honourable members interjecting.

Mr Walsh — On a point of order, Speaker, the issue is irrelevant to answering the question.

The SPEAKER — Order! The Minister for Water is completing his answer, I believe.

Mr THWAITES — I am completing the answer. As to the details of the first part of his question, I will find out and get back to him.

Severe acute respiratory syndrome: national response

Mr HUDSON (Bentleigh) — My question is to the Minister for Health. Will the minister advise the house of the latest information regarding the alleged cases of severe acute respiratory syndrome here in Victoria?

Ms PIKE (Minister for Health) — I thank the member for Bentleigh for his question, and I am happy to provide a further update on the situation with severe acute respiratory syndrome (SARS) for the benefit of the house. The World Health Organisation has now received reports of more than 2600 cases of SARS. Ninety-eight deaths from this condition have been officially reported by the WHO, and we now know that local transmissions of the infection have been reported in Canada, China, Taiwan, Singapore and Vietnam.

As yet there is no test that can currently exclude or confirm SARS, so it is a very difficult situation for doctors, who have to go through a process of elimination. One Australian patient who returned from a high-risk area was hospitalised in New South Wales. This is the only patient in Australia who has been reported to the World Health Organisation as the first probable Australian case. The patient himself and all his contacts are now well.

As we know here from the media, three children who travelled from Toronto, Canada, have recently been hospitalised in the Monash Medical Centre. These children have now been discharged to their grandparents' home in Shepparton, and they are under investigation and voluntary home quarantine. A two-year-old child who recently visited Hanoi has also been hospitalised for investigation, but SARS is likely to be ruled out in that case.

The Communicable Diseases Network of Australia (CDNA), which is a network of state and territory communicable disease control representatives, is coordinating the Australian response. Specifically here in Victoria, information about our surveillance of suspected cases and advice around infection control and clinical management are disseminated to hospital emergency departments, infectious diseases specialists and general practitioners. The Department of Human Services has also prepared return-to-work guidelines for workers from SARS-affected areas, as well as guidelines for return to university, school and child care.

Surveillance of suspected cases began in Victoria on Friday, 14 March, and 57 travellers have been investigated. All of those, except the young children I mentioned previously, have been excluded.

Most recently the Australian Quarantine Inspection Service, which is responsible under the commonwealth Quarantine Act, is now requiring a quarantine clearance to be given to all ships and aircraft arriving in Australia before they can berth or land. Passengers who are suspected cases are managed under isolation in hospitals until the diagnosis is confirmed or another diagnosis is made.

The national communicable diseases group is meeting on a daily basis and is liaising with the World Health Organisation. Australia is certainly very well prepared. We have done a lot of work here in Victoria. We have a responsibility to assure the public that these precautions and measures are in place and to help people not to become too concerned but certainly to be aware that if they have any concerns the resources are there for them.

The SPEAKER — Order! The time for questions without notice has now expired.

MEMBERS: *HANSARD* INCORPORATIONS

Mr Ryan — On a point of order, Speaker, I wish to raise with you a matter of importance about the general running of the house that relates to the incorporation of documents in *Hansard*.

On the evening of Thursday, 27 March, the member for Mildura made a contribution which, even by his miserable standards, was a stellar performance. In the course of it he managed to have incorporated a newspaper article which he had not provided to the National Party before seeking its incorporation — unlike, I might say, the Leader of the House, who in the very next speech said on the record that he had, as he had in fact, consulted all parties to ensure that he had complied with the requirements for the incorporation of material.

The member for Mildura knew that he should have come to the National Party, because of course he is a temporary chair of committees, but he deliberately did not do so.

This causes concern in terms of the general operation of the house, because instances arise where, with the best will in the world, members need to have documents incorporated or to seek leave regarding a variety of other issues. That did not happen in this instance.

What I ask of you, Speaker, is that you clarify the situation in relation to this circumstance. There are directives which have previously been issued, but they unfortunately do not apply in the instance where a member deliberately flouts them.

I would ask that this issue be referred to the Standing Orders Committee so it can be properly examined with a view to having specific proposals advanced so that everybody is aware of what may occur and we can ensure that what is regarded as being the custom and practice of this house is able to upheld in time to come.

Mr Savage — On the point of order, Speaker, I think the Leader of the National Party has certainly gone beyond the point in some aspects. The point is that if members of the National Party are not in the chamber when leave is requested, then they can hardly say afterwards that they did not give approval.

Mr Batchelor — On the point of order, Speaker, the pertinent issue here is that having documents incorporated in *Hansard* requires the leave of the house. There are a number of ways an individual member of Parliament may choose to test the house as to whether they have leave, and it is up to each individual member to choose what the correct course is.

The Leader of the National Party was correct when he described the course that I chose. I went to the leaders of the respective parties prior to coming into the house; I think I spoke to Independent members also. I also spoke to you, Speaker, and I also had somebody speak to Hansard to make sure it was in a presentable form. I understand that the member for Mildura raised matters with those who were in the house, that leave was sought from the house and leave was granted by the house. In those circumstances that was the appropriate course of action.

The SPEAKER — Order! I will not hear further on the point of order. I uphold the point of order. It has been the normal custom of the house for the member to speak to parties to seek their approval prior to coming into the house. However, I do not uphold the part where the Leader of the National Party implied motives on the part of the member for Mildura.

TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Transport Act 1983, the Rail Corporations Act 1996 and the Public Transport Competition Act 1995 and for other purposes.

Read first time.

PORT SERVICES (PORT OF MELBOURNE REFORM) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Port Services Act 1995 to abolish the Melbourne Port Corporation and to establish the Port of Melbourne Corporation, to make other amendments to that act, to amend the Public Authorities (Dividends) Act 1983, to make consequential amendments to other acts and for other purposes.

Read first time.

CONSTITUTION (WATER AUTHORITIES) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Constitution Act 1975 so as to entrench the responsibility of public authorities for ensuring the delivery of water services and their accountability to responsible ministers for ensuring that delivery and for other purposes.

Read first time.

WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) — I move:

> That I have leave to bring in a bill to amend the Water Act 1989 to establish the Victorian Water Trust Advisory Council and for other purposes.

Mr PLOWMAN (Benambra) — I ask the minister to give a brief explanation of the bill.

Mr THWAITES (Minister for Water) (*By leave*) — The bill makes amendments to the Water Act and establishes the Water Trust Advisory Council, which will have certain advisory roles in relation to the expenditure of the water trust.

Motion agreed to.

Read first time.

REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Minister for State and Regional Development) — I move:

> That I have leave to bring in a bill to amend the Regional Infrastructure Development Fund Act 1999 to make further provision for payments from the Regional Infrastructure Development Fund.

Dr NAPTHINE (South-West Coast) — I ask the minister to give a brief but somewhat more detailed explanation of the bill than was given to the previous speaker.

Mr BRUMBY (Minister for State and Regional Development) (*By leave*) — It amends the Regional

Infrastructure Development Fund Act, and it amends it to make better allowance for making payments from the fund.

Motion agreed to.

Read first time.

MELBOURNE (FLINDERS STREET LAND) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) introduced a bill to provide for the divesting of certain land in the vicinity of Flinders Street from the Melbourne City Council, and for the revocation of the reservation of that land, to amend the Melbourne (Flinders-street) Land Act 1958 and for related matters.

Read first time.

DANDENONG DEVELOPMENT BOARD BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) introduced a bill to establish the Dandenong Development Board and for other purposes.

Read first time.

SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Summary Offences Act 1966 to create a new offence and for other purposes.

Mr McINTOSH (Kew) — I ask the minister which offence he is introducing.

Mr HULLS (Attorney-General) (*By leave*) — This is a commitment we made some time ago, as a result of the recommendations of the attorneys-general street prostitution advisory group, to introduce an offence that relates to people who create a nuisance when trawling areas of St Kilda. It is to protect the safety and amenity of local residents as well as street workers.

Motion agreed to.

Read first time.

CHILD EMPLOYMENT BILL

Introduction and first reading

Mr HULLS (Minister for Industrial Relations) introduced a bill to reform the law relating to the employment of children under the age of 15, to repeal division 9 of part III of the Community Services Act 1970 and consequentially amend that act and the Education Act 1958 and for other purposes.

Read first time.

SAFE DRINKING WATER BILL

Introduction and first reading

Ms PIKE (Minister for Health) introduced a bill to make provision for the supply of safe drinking water and for other purposes.

Read first time.

PETITIONS

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

Housing: loan schemes

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

The humble petition of the following residents of the state of Victoria sheweth state government-sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised: 'affordable home loans specially structured to suit your purse';

2. the home ownership be achieved within 25 to 30 years from date of approval;

3. the payments to be set at an affordable level (i.e., 20–25 per cent of income for the duration of the term for all the loan types);

4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;

5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate (i.e., flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income; and

7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty. (1 Tim. 2:2).

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

By Mr MILDENHALL (Footscray) (10 signatures) and Mr WILSON (Narre Warren South) (10 signatures)

Frankston: radiotherapy unit

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

The humble petition of the undersigned citizens of the state of Victoria sheweth:

The number of cancer patients from the areas of the southern peninsula, Western Port, Frankston and South Gippsland who are receiving radiotherapy treatment has dramatically increased over the past three years, resulting in a waiting list of many weeks at the nearest radiotherapy unit, i.e. Monash Medical Centre, Moorabbin. This factor, plus the distance some patients have to travel daily — over the period of treatment of 35 days — adds considerable stress to already ill people.

Your petitioners therefore pray that the government grant approval to the establishment of a privately funded radiotherapy unit at Frankston which, though privately owned, will be available to the whole of the community, albeit private or public patients.

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

By Mr DIXON (Nepean) (54 signatures)

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 1 of 2003 on:

Business Licensing Legislation (Amendment) Bill
Commissioner for Environmental Sustainability Bill
Commonwealth Games Arrangements (Amendment) Bill
Control of Weapons and Firearms Acts (Search Powers) Bill
Country Fire Authority (Volunteer Protection and Community Safety) Bill
Crimes (Property Damage and Computer Offences) Bill
Crimes (Stalking and Family Violence) Bill
Federal Awards (Uniform System) Bill
Firearms (Trafficking and Handgun Control) Bill
Health Legislation (Research Involving Embryos and Prohibition of Human Cloning) Bill
Legal Practice (Validations) Bill
Major Events (Crowd Management) Bill
Melbourne Cricket Ground (Amendment) Bill
Murray-Darling Basin (Amendment) Bill
Outworkers (Improved Protection) Bill
Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill
Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
Public Holidays and Shop Trading Reform Acts (Amendment) Bill
Retail Leases Bill
Seafood Safety Bill
Sentencing (Further Amendment) Bill
Small Business Commissioner Bill
Southern and Eastern Integrated Transport Authority Bill
Terrorism (Commonwealth Powers) Bill
Terrorism (Community Protection) Bill
Vocational Education and Training (TAFE Qualifications) Bill

Mr Plowman — On a point of order, Speaker, it has been the practice of this house that the Scrutiny of Acts and Regulations Committee comes up with its report prior to those bits of legislation coming before the house. I noted that more than half of the items reported on by the committee on this occasion have actually gone through the house. I find it unacceptable, and I wonder if there is an explanation for it.

The SPEAKER — Order! I do not uphold the point of order in this case. The committee was only appointed last week, so it was impossible for it to provide a report on all those bills, which were introduced into the house some time ago, before debate on them. But the honourable member is right; as a matter of course, that should occur.

Laid on table.

Ordered to be printed.

COUNCIL OF MAGISTRATES

Annual report

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2001–02.

Laid on table.

PAPERS

Laid on table by Clerk:

Parliamentary Committees Act 1968 — Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Final Report on the *Vagrancy Act 1966*

Planning and Environment Act 1987 — Melbourne Airport Environs Strategy Plan 2003

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

Colac Otway Planning Scheme — No. C15

Darebin Planning Scheme — Nos C15, C46

Delatite Planning Scheme — No. C8

Greater Geelong Planning Scheme — No. C69

Manningham Planning Scheme — No. C28

Maroondah Planning Scheme — No. C21

Melton Planning Scheme — No. C36

Monash Planning Scheme — No. C21

Moreland Planning Scheme — No. C20

Mount Alexander Planning Scheme — No. C16

Pyrenees Planning Scheme — No. C1

South Gippsland Planning Scheme — Nos C6, C8

Wangaratta Planning Scheme — No. C12

Wellington Planning Scheme — No. C7

Wyndham Planning Scheme — No. C41

Statutory Rules under the following Acts:

Agricultural Industry Development Act 1990 — SR No. 23

Fair Trading Act 1999 — SR No. 26

Fisheries Act 1995 — SR Nos 24, 25

Private Agents Act 1966 — SR No. 27

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 23, 24, 25

Surveillance Devices Act 1999 — Reports pursuant to s 37 from the Australian Crime Commission, Chief Commissioner of Police and Department of Sustainability and Environment.

The following proclamation fixing an operative date was laid upon the table by the Clerk pursuant to an order of the house dated 26 February 2003:

Agricultural Industry Development (Further Amendment) Act 2002 — Remaining provisions (except for ss 20 and 21) on 27 March 2003 *(Gazette G13, 7 March 2003)*.

ROYAL ASSENT

Message read advising royal assent to:

2 April

Public Holidays and Shop Trading Reform Acts (Amendment) Bill

8 April

Constitution (Parliamentary Reform) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Business Licensing Legislation (Amendment) Bill
Commonwealth Games Arrangements (Amendment) Bill
Country Fire Authority (Volunteer Protection and Community Safety) Bill
Major Events (Crowd Management) Bill
Melbourne Cricket Ground (Amendment) Bill
Murray-Darling Basin (Amendment) Bill
Seafood Safety Bill
Sentencing (Amendment) Bill
Southern and Eastern Integrated Transport Authority Bill

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 10 April 2003:

Southern and Eastern Integrated Transport Authority Bill

Business Licensing Legislation (Amendment) Bill

Sentencing (Amendment) Bill

Seafood Safety Bill

Major Events (Crowd Management) Bill

Melbourne Cricket Ground (Amendment) Bill

Commonwealth Games Arrangements (Amendment) Bill.

In moving this motion I would like to make some comments. I point out to the house that this is a program of some seven bills, and that is easily within the achievement of the house. However, on Thursday there will still be some members who will desire to make an address-in-reply contribution.

We intend to proceed with those after 4.00 p.m. on Thursday. I take this opportunity to advise members of the house that due to programming reasons it is likely to be the last opportunity for address-in-reply contributions. By Thursday, most members who want to make a contribution will have been afforded the opportunity.

The exact time that the house will be required to sit in order to accommodate the desires of members wanting to make a contribution is uncertain at this stage. It may be that it will not be necessary to go through until 10 o'clock to achieve that objective. We want to provide members with that opportunity, and over the next day or so discussions will be held across the table to see if we can be a bit more precise about what time the house will adjourn on Thursday.

Mr PERTON (Doncaster) — The opposition does not oppose the government business program. As the Leader of the House indicated, the seven bills ought to be able to be accommodated under the new standing orders. There will be opposition amendments to the first bill, and as I understand it there should be little problem in having a committee stage. Depending on the time spent on the other bills, it may be that some of the second-reading speeches can be read on Thursday morning rather than at 4 o'clock. Given the number of members remaining to speak in the address-in-reply debate, and in deference to country members of the National, Liberal and Labor parties who need to get back to their electorates, I am sure the discussions over the next couple of days can ensure that we will not have to sit until 11 o'clock on Thursday night.

Mr MAUGHAN (Rodney) — I wish to make similar comments. The National Party will not oppose the government business program. We can get through those seven bills without too much difficulty, although I make the point, as I have over the past couple of weeks, that it would be greatly appreciated if we could finish in reasonable time so that country members can get home that night. This week we should be able to accommodate all those members who still want to contribute to the address-in-reply debate and so perhaps finish around dinner time on Thursday night. That being the case, the National Party has no opposition to the government business program.

Motion agreed to.

MEMBERS STATEMENTS

Hume: councillors

Ms BEATTIE (Yuroke) — I would like to take this opportunity to congratulate the successful candidates at the recent municipal elections in the City of Hume. Cr Burhan Yigit has been elected mayor, and I pay tribute to him as the first overseas-born mayor of this multicultural municipality. I congratulate the returning councillors who were successfully re-elected and welcome Cr Adam Atmaca and Cr Robert Sheahan, whose wards are in the Yuroke electorate.

In recent years I have enjoyed an effective and successful working relationship with the Hume council, and I look forward to continuing that relationship and working with each ward councillor for the benefit of the residents of the electorate of Yuroke.

I also take this opportunity to thank Cr Ann Potter for her hard work and the contribution she made during her term in office. Cr Potter was a hardworking and committed representative of her ward, and as mayor over the past 12 months she demonstrated a quality of leadership that was pivotal in the delivery of a number of key projects for the area. They include the redevelopment of the Sunbury Youth Centre, the opening of the Sunbury skate park, and the official opening of the Hume Global Learning Centre — all valuable and significant projects for the residents of Hume. The global learning centre, in particular, is an exciting and wonderful opportunity for the people of Hume and for the councillors, including Ann Potter, who actively campaigned for and ensured its delivery.

Police: Williamstown complex

Mr WELLS (Scoresby) — The Bracks Labor government has a long list of bungled public projects, including the Scoresby freeway fiasco, the Spencer Street Station redevelopment and now the Williamstown water police and search and rescue squads complex. While everyone acknowledges that the old water police facilities at St Kilda were antiquated and inadequate, the planning of this complex and the implementation of the water police move from St Kilda to Williamstown have been plagued by Labor's bureaucratic bungling.

The previous government called for a feasibility study into the best location, and that study concluded that Williamstown was the preferred site. However, before the site was accepted a number of factors had to be finalised. They are: that the complex must have a free line-of-sight across the bay; that it must be immediately adjacent to mooring or pier facilities for the police boats; that there must be proper police-controlled security for the boats and equipment; and that there must be proper refuelling facilities close to the complex. The Bracks government has failed on every one of these crucial counts. Simply put, the government's bungled planning errors will lead to a blow-out in emergency response times and security concerns.

The problems at the water police complex include the moorings for water police boats being simply forgotten, meaning that the boats are now located some 500 metres away at the Royal Yacht Club of Victoria.

Knox: councillors

Mr LOCKWOOD (Bayswater) — I offer my congratulations to the councillors from Knox who were elected on 15 March. They are Karin Orpen, Mick Van De Vreede, Nick Wakeling, Emanuele Cicchiello, Steve Fielding, Adam Gill, Garry Scates, Ben Smith and Jenny Moore. Councillors Gill, Scates and Moore have wards in the Bayswater electorate.

The candidates fought campaigns that were often difficult, and now the elected councillors have to deliver on what they promised residents. Some of the campaigns involved several running mates, and some tactics were very adventurous.

Contests are unusual in the context of Knox. It is more usual for councillors to be returned unopposed, as happened in 2000 and many times before that. In this election four councillors lost their seats. Democracy is best served by having healthy and vigorous contests between candidates that are fought in good spirits.

Cr Moore has been elected mayor by her colleagues and will serve her city with distinction. She has many fine characteristics — —

Mr Wells interjected.

Mr LOCKWOOD — Perhaps not so much anymore!

Her willingness to trust the organisation, develop the skills of her councillor colleagues and set the agenda for Knox will demonstrate them. Her priorities include the Scoresby–Rowville employment precinct and the revitalisation of neighbourhood shopping centres.

The councillors have stated their priorities for their terms, and these include the Mitcham–Frankston freeway and public transport — including the extension of tram services to Knox and rail services to Rowville — a hospital in Knox, road funding, environmental sustainability, economic development, activities for youth and graffiti reduction. I note with interest that some councillors want to reduce rates.

Rail: gauge standardisation

Mr JASPER (Murray Valley) — I refer the house, and particularly the Minister for Transport, to the lack of information relating to funding for the standardisation of rail tracks in country Victoria.

Last year I sought information from the federal Minister for Transport and Regional Services, who is also the National Party leader, John Anderson, on rail standardisation and the contribution being made by the federal government, in particular for the work on north-eastern lines from Melbourne to Wodonga. He confirmed that the government had provided almost $25 million in upgrading works on the standard gauge track to prolong its life and to reduce the maintenance costs, and it was made clear that the state government had total responsibility for the intrastate broad gauge track between Melbourne and Wodonga.

I have raised the issue with the minister in the previous Parliament prior to the state election in November last year, but despite the letters sent prior to and since the election the minister has not yet provided a response to me. It is clear that whilst the state government has indicated that upwards of $100 million will be provided for the standardisation of country rail networks nothing has happened.

As a strong supporter of passenger and country rail services, particularly those in country Victoria, I call on the minister to act in response by indicating when the capital works program will begin and to provide for the upgrading of intrastate services in north-eastern Victoria.

Housing: Frances Penington award

Mr STENSHOLT (Burwood) — Last Friday I attended the presentation of the Frances Penington award, which is given for exceptional volunteer efforts by people in public housing. I congratulate all those nominated and those who received commendations from the Minister for Housing.

Two of the people who received commendations came from my electorate, both of them are from Ashburton. Firstly, I would like to congratulate Bill Cook, who for many years has organised and managed the alarm system at the Stocks Village older people's estate. Bill has always been available to help all the residents at Stocks Village with any safety issues, and he always checks on them to see whether they need any help or minor repairs in the units before they call in the people from the Office of Housing. I have visited his unit at Stocks Village and have seen first hand how he helps the residents at the village.

I also congratulate Margaret Smith, who has lived in public housing for the last 24 years. She has brought up four children in public housing and currently looks after her 11-year-old grand-daughter. For many years she was a legend of the Prahran neighbourhood house. She has helped victims of violence and crime, and she has organised the Christmas hamper and the distribution of free bread to her neighbours and people in need. Currently she works as a volunteer at the Parkhill Primary School where she helps the parents and children. Hers is a well-deserved commendation, and I was very pleased to be present last Friday to see her receive her award.

Peninsula Health Care Network: directors

Mr COOPER (Mornington) — There will be many people who will be concerned to hear of the refusal by the Peninsula Health Care Network to reveal any specific details of payments made to individual members of the board of directors. There are nine members of this board, and I understand they are paid meeting fees, travel and other expense allowances and possibly other amounts. The money they receive is public money and accordingly the public has a right to know how much each of them receives.

I sought that information from Peninsula Health in December last year, and in mid-January I received a phone call from an in-house solicitor — which says a lot about Peninsula Health on its own — telling me that following instructions from the Minister for Health the information would not be made available. I was advised by her to look at the global figure in the most recent annual report of Peninsula Health. That report shows that the board of directors was paid a total of $114 000 in the 2001–02 financial year — a considerable sum of public money.

I find it extraordinary that the Minister for Health is protecting this information from becoming public. I am aware that two members of the board are prominent in the Labor Party and that one of them was a Labor Party candidate at the last state election. Why are they being shielded by this government from having the amount of public money being paid to them revealed publicly? This issue has a distinctly nasty odour about it, and the only conclusion that can now be reached is that the government and its party appointees have something to hide.

Prahran: community jobs program

Mr LUPTON (Prahran) — It was my pleasure on Tuesday, 1 April, to present graduates with their certificates upon completion of the Bracks government's successful community jobs program (CJP) entitled The Foot in the Door, in Prahran. This project is a fantastic example of how the community jobs program is able to achieve results at a local level by providing job and training opportunities that benefit both the individual and the community.

The reason the CJP is so successful is that all participants are voluntary and all are employed in a real job and receive an award-level wage. The CJP is the only employment program in Australia to operate in this manner.

The successful participants were Jennifer Chang, Joyce Barat, Leonie Vincent, Veena D'Souza, Mitsuko Penberthy, John Gangam, Anna Tsymay, Esther Glanc, Robert Veliz, George Thomas, Anna Talliopoulos, Moya Roccisano, Margarita Acevedo and Elizabeth Jenkins.

The participants gained employment skills and experience in IT and office administration. The task force community agency, Working Edge, should be congratulated on providing comprehensive training programs and the South Central Region Migrant Resource Centre should be commended for its support of the program. The participants have gone on to find employment, and at least nine of the participants already have jobs.

Regional Business Outlook 2003 report

Ms ASHER (Brighton) — I draw to the house's attention the Australian Industry Group's *Regional Business Outlook 2003*. In that report a number of major threats to growth are itemised. Obviously the drought across Australia and a category called 'General downturn' are mentioned. However, it is the third most-important category, 'industrial relations', that I wish to draw to the house's attention in particular. The survey goes on to conclude on page 13:

> Victorian regional businesses are more than twice as likely as regional businesses in New South Wales to identify industrial

> relations as the main threat to company growth (16 per cent of businesses versus 7 per cent in New South Wales).

The report goes on to say, interestingly enough, that no Queensland regional business identifies industrial relations as the major threat to its growth in 2003.

Again if honourable members look at the breakdown of the survey they can see that the Australian Industry Group has pointed to the fact that the enterprise bargaining agreements are inextricably intertwined with the concerns of regional business about the threat to future growth being industrial relations. Geelong in particular is listed as an area for considerable concern. There are clear warning signals to the unions and to the government, and this government and indeed the Minister for Manufacturing and Export should take heed of the results of this regional survey.

Glen Eira McKinnon Bowls Club

Mr HUDSON (Bentleigh) — I would like to congratulate the Glen Eira McKinnon Bowls Club. At a time when many bowls clubs faced declining membership the McKinnon and Glen Eira bowls clubs took the brave decision to amalgamate in June 2002 and the club now boasts over 400 members. Prior to amalgamation the Glen Eira Bowls Club had three successive metropolitan wins and a state win in the A1 pennant championship for the ladies competition. Now the newly amalgamated club has won the A1 pennant ladies metropolitan flag for the season. The ladies team will be playing off for the state championship on 28 and 29 April in Shepparton, and I wish the team every success as it strives to win back-to-back flags.

Denise Brick and Heather Hausler, who are members of that team, both play bowls in the state team for Victoria, which is a tremendous achievement. The men's teams have also gone from strength to strength and there are now 10 teams, which is almost unheard of in state pennant. The men are now coached by a state champion in Michael Wilks. I am confident that in the next few years they will also produce a championship team.

Much of the credit for this successful amalgamation is due to the hard work of the committee headed by the chairman, Sam Courtenay; the vice-chairman, Keith Poulson; the treasurer, Norm Raitman; and the secretary, Liz Berkovitch. They have ably dealt with the issues that amalgamations inevitably bring and made all members feel welcome in the new club. Hal Levy has been instrumental in refurbishing the club, and Graham Berkovitch has helped with the legal work.

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

Dr John Birrell

Mr SAVAGE (Mildura) — I wish to place on record my admiration for the late Dr John Birrell, or Doc Birrell as he was more commonly known. Doc Birrell was the first surgeon for Victoria Police from 1957 until 1977 and is reported to have saved tens of thousands of lives due to his initiatives in road safety such as seatbelts and drink-driving. As a young policeman I remember the lectures that Doc Birrell gave us on road safety, and he left a lasting impression on me as I am sure he did many other serving members.

Road trauma was at its peak in Victoria during the 1950s and 1960s. It was a time when if you were charged with driving under the influence you had to go before a judge and jury, and it was always very difficult to get a conviction. We all remember the 1034 campaign and what reductions we have seen ever since.

I recall reading in the *Age* very recently comments by the director of Monash University Accident Research Centre, Professor Ian Johnston, who says:

> John, basically single-handedly, put drink-driving on the agenda.

This state and this Parliament owes a great debt to Dr John Birrell, and I know every member here would endorse these comments.

Frankston: Pines community day

Mr PERERA (Cranbourne) — On Sunday, 30 March, I had the opportunity to attend Pride Day organised by the Frankston Pines community. The steering committee made up of youth coordinator, Corri Berkley, the Pines Soccer Club and community groups organised the event with the objective of being the catalyst to bring the local community together. Between 10.00 a.m. and 3.00 p.m. about 1000 people attended the event. The Pines Soccer Club arranged security and volunteered and also supplied the venue. Food stalls were organised by different ethnic groups and professional bodies like the Country Fire Authority and the State Emergency Service, and local school groups were present. Questionnaires were circulated for the people to make comments and raise concerns. Currently four residents, four community groups and four professionals are looking into the questionnaire responses.

The Monterey High School Band and local Aboriginal bands played during the day, and this was a great

success. I would like to congratulate the steering committee for a job well done. It is a great boost for the Frankston North community, which falls into the lowest income group in Victoria.

Templestowe College: ministerial visit

Mr KOTSIRAS (Bulleen) — I stand to condemn this incompetent, lazy and hypocritical Labor government for ignoring the students, staff and parents at Templestowe College, which is situated in my electorate of Bulleen. Templestowe College is a great school with hardworking and committed teachers, a dedicated and enthusiastic new principal and loyal parents.

The school had previously invited the Minister for Education and Training to visit the school and to officially open the new gymnasium. Sadly, in 12 months the minister was unable to find half an hour in her busy schedule to open the new gymnasium. This is the sign of a lazy government that is more interested in spin and the perks of office. This government does not care about the students, parents or teachers. I encourage and urge both education ministers to do something that they are not comfortable with — that is, to visit Templestowe College to speak to the students and teachers and to see the wonderful programs that the school is implementing to meet the individual needs of its students.

I am advised by the parents that a second invitation has been sent to the minister, and while I appreciate that both ministers might be extremely busy trying to decorate their new offices and increase their staff, I hope this invitation does not get lost like the previous one. If the minister has not yet seen the invitation I urge her to seek an explanation from one of her many advisers that she has employed to keep her well informed. Unfortunately, they have failed. As the local member I invite both ministers to visit Bulleen to open the new gymnasium.

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

Narre Warren South P–12 School: building program

Mr WILSON (Narre Warren South) — I draw the attention of honourable members to the excellent work being done at a new school in my electorate, Narre Warren South P–12 School. I congratulate the state government for having the foresight to allocate $17.5 million to build the core of the school. I recently visited — I think it was my fifth or sixth visit — the students and teachers at the school and saw the ongoing investment in infrastructure that the government is making for the people of Narre Warren South.

In 2003 there are 1407 students from 34 different countries of origin at the school, well serviced by over 110 staff, led by the principal, Ross Miller, and Dianne Davies. Enrolments next year are expected to exceed 1700 students and the final enrolment in excess of 2800.

The school is being built in three stages. As honourable members may be aware, this part of Victoria has one of the fastest growth rates in the country. At this time stage 2 is complete and stage 3 tenders closed last week. Stage 3 includes a $4.4 million science and technology centre, and as well an additional 100 computers were delivered last week and set up for the students. The school has an excellent reading program with fantastic results in encouraging the reading skills of its students. The caring school population respects the special needs of many of its students with disabilities, including some with level 6 disabilities. I look forward to working with the school community to further develop the school's resources.

SPC Ardmona: Share a Can Day

Mrs POWELL (Shepparton) — I would like to pay tribute to SPC Ardmona for its successful seventh annual Share a Can Day on Saturday, 5 April, at the Shepparton plant. I particularly congratulate the managing director, Mr Nigel Gerard.

I would like to recognise the contribution of about 1000 volunteers, 600 of those being SPC Ardmona workers, administration staff and board members who volunteered their time on the day to produce the food. I would also like to thank the sponsors of the day, the fruit growers who donated their fruit in the worst drought on record; the truck drivers who donated their time; the truck owners who donated the use of their trucks — 30 semitrailers were used to transport the goods; Visy Industries, a great supporter and a major sponsor, which donated its packaging and services; the banks — the Australia and New Zealand Bank, a major sponsor, the Commonwealth Bank of Australia and the Bank of Melbourne; and BHP Steel, another major sponsor.

This is Australia's single largest food donation. Over the past six years SPC Ardmona has donated more than $5 million of products to welfare agencies for needy Victorians. This year it achieved its target of $1.25 million worth of food, with $250 000 worth of food going to drought-affected farmers.

As the member for Shepparton, I am proud to again be part of this day. The Deputy Leader of the National Party and I flew from the National Party conference in Hamilton to volunteer our time and support for this day, and we worked in the factory on the pear line sorting pears, and other members of Parliament were there as well. SPC Ardmona has been recognised for performance excellence and has received a water management award.

SPC Ardmona: Share a Can Day

Ms MARSHALL (Forest Hill) — Along with the member for Shepparton I also had great pleasure in accepting an invitation last weekend to attend the SPC Ardmona Share a Can donation project, which was expanded this year to include proceeds for the needy Victorian farmers.

This event is now in its seventh consecutive year, and the provision of over $1 million worth of products is the largest single food donation of its kind in Australia, with more than 1000 volunteers, 600 of whom come from SPC Ardmona alone, donating their time to the cause with Visy Industries donating all packaging and packaging services. The day's production from the plant is then distributed through Victoria's relief and welfare organisations to those in special need.

I arrived at 6.00 a.m. on the Saturday to welcome many of the volunteers, some of whom had come directly from their night shift to participate in this incredible event. Not only is every item used during the course of the day donated, but all labour both inside and outside the factory is provided by volunteers.

Share A Can Day is also a family and community participation day with a carnival-like atmosphere on the factory grounds, with cooking displays, small crafts and free amusement rides for the kids. Being part of a group with such a strong sense of community spirit was both an honour and an inspiration and showed the true meaning of charity. It was wonderful to see factory workers alongside executives all working to ensure the day's success. I congratulate all who so kindly provided their effort and resources to enable such a significant event to be the success that it was.

Shop trading hours: Easter Sunday

Dr NAPTHINE (South-West Coast) — I condemn the Bracks Labor government for the absolute mess it has made of the Easter Sunday trading issue and the long-term damage it will do to tourism in country Victoria. An example of the stupidity and hypocrisy of the government's position is the fact that under this Labor government on Easter Sunday shops across Victoria will be shut, but brothels will be open for business.

I particularly condemn the government for rejecting applications by the Glenelg and Moyne shires for exemption from this stupid law, which means that shops will be forced to close in all major tourism towns in south-west Victoria, including Port Fairy, Koroit, Warrnambool, Portland and Nelson. It will severely hurt local businesses, the local economy, local employment and will damage local tourism in the short, medium and long term. It will do severe damage to the reputation of those areas as Easter tourist destinations, which is very important for towns such as Koroit, Port Fairy, Portland and Warrnambool. It is a very important time for those areas.

The people in south-west Victoria will not forget the hypocritical actions of Labor members, particularly those from Bendigo, Ripon, South Barwon and Seymour, who voted to close businesses across country Victoria, but then got exemptions for their own electorates. That is unfair, unreasonable and hypocritical.

Frankston: seniors festival

Mr HARKNESS (Frankston) — Using the theme 'The Age to Be' this year's Frankston Seniors Festival was a great success and is now in its 21st year. Preceding the festival week I hosted the Frankston Over 65s Think Tank for a morning tea and discussion about its issues at my office. The members of the Frankston Over 65s Think Tank had plenty to say and are to be encouraged, as are all of our senior citizens, to stay actively engaged in their communities and maintain an interest in current affairs.

On Monday, 17 March, 28 seniors assembled at my office for a trip to Parliament House. Members of the following clubs attended: the Men's Auxiliary of the Frankston Hospital, the University of the Third Age, the Frankston Senior Citizens Club, the Frankston Over 65s Think Tank, the Greek Senior Citizens Club and the Italian Senior Citizens Club.

One of the best things about the seniors festival is the availability of free public transport for the week, and taking advantage of that the Frankston seniors all travelled to Parliament station on the train. I met the group and took them on a guided tour of the Victorian Parliament. No-one had ever been to Parliament House before and they were very impressed. Devonshire tea was enjoyed in the parliamentary dining room and it was a very special occasion for Mr and Mrs Runacres,

who were celebrating their 47th wedding anniversary. They then travelled home to Frankston for free on the train.

I am standing up for Frankston and getting on with the job of representing all of the residents of my electorate. I pay special tribute to my electorate officer, Judith Graley, who ably assisted in escorting the seniors to and from Parliament House.

Austin and Repatriation Medical Centre: staff

Ms GREEN (Yan Yean) — I want to put on record my recent personal experience as a patient of the accident and emergency department at the Austin and Repatriation Medical Centre and the wonderful attention I received from the caring and skilled staff at that hospital.

On Saturday, 29 March, I had the misfortune of taking a nasty spill from my bicycle, which stopped while mounting a curb. Unfortunately I stopped somewhat later than my bicycle, going over the handlebars and coming to rest teeth, chin and chest-first against a bluestone culvert. Although wearing a helmet, I suffered three broken teeth, a deep cut below my lip, multiple abrasions and bruises to my elbows, torso, face and legs and a suspected sternum fracture.

I cannot fault the speedy professional care which I received from all the staff on duty at this time. In particular Dr Soong Chua and Glenda, a member of the nursing staff, were thorough and caring and did a particularly good job on the stitches on my chin, which I can report have been removed, and all is healing well.

My constituents in Yan Yean and those in the surrounding electorates of Ivanhoe, Bundoora and Eltham are indeed fortunate to be served by such a great hospital as the Austin and Repatriation Medical Centre and the wonderful skilled staff who work there. I am proud to be part of a government which has kept this great hospital in public hands. It has not only kept it in its current state, but is currently building a new hospital at the site at a cost of over $300 million. This new project will mean that the hospital will continue its great tradition of servicing the Diamond Valley.

Oakleigh: Our Beginnings festival

Ms BARKER (Oakleigh) — On Sunday, 30 March, the Our Beginnings Oakleigh Festival was held in Warrawee Park, Oakleigh, to celebrate the 150th anniversary of the naming of Oakleigh. We were all treated to an afternoon of local history walks, community history, cultural music, art and dance, special exhibitions and, of course, rides and games. Joy Murphy-Wandin, a Wurundjeri elder, spoke and welcomed us to 'country', and she was followed onto the stage by a didgeridoo and fiddle duo, Ron and Sarah Murray. Their sometimes haunting but extremely beautiful music and singing left us all wanting more.

Two stages were set up in Warrawee Park and we were entertained during the afternoon by many different performances, including the Bhan Tre Celtic Trio, Greek dancers, the Emmanuel Callisthenics Club, the Oakleigh South Primary School choir and the Scottish Gaelic Choir of Victoria. We followed the town crier to the Oakleigh Returned and Services League where he and the Jordanville Re-enactment Society recreated the naming of Oakleigh and raised the town flag. The Oakleigh City Band marched us back to the main stage where we heard from the recently re-elected mayor of Monash, Geoff Lake.

I would like to thank the Oakleigh and District Historical Society for its significant contribution to organising this historical and fun occasion as well as other sponsors such as Monash City Council and Bristol Paints, Oakleigh. In particular I acknowledge the work of Monash council officers, Jenny Ruffy and Elissa Bates, who worked very hard. A major sponsor for the day was the *Monash Journal* which put a great deal of effort into ensuring this historical event was successful and great fun. I thank them for their significant contribution and I welcome the efforts that they put into — —

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

Bunyip by the Sea Festival, Drysdale

Ms NEVILLE (Bellarine) — On Saturday, 29 March, I was delighted to officially open the 23rd Bunyip by the Sea Festival. This is a wonderful fair that is held annually to raise funds for the Drysdale Primary School and the Clifton Springs Primary School. The Bunyip festival has as its centrepiece the mythical bunyip, which lives in Lake Lorne in Drysdale, and I can assure members that, having met the bunyip, he is alive and well.

The venue alternates between the two schools, and this year it was held at Drysdale. With perfect Bellarine weather — windy and a bit chilly — the number attending was estimated at around 5000. Approximately $20 000 was raised on the day, and in addition the schools run their own fundraising prior to the festival raising around $10 000, which is shared by the two schools.

This is a tremendous community effort by the two school communities and a tremendous commitment from local and regional businesses, which donate goods and services for the auction.

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Second reading

Debate resumed from 20 March; motion of Mr BATCHELOR (Minister for Transport).

Opposition amendments circulated by Mr MULDER (Polwarth) pursuant to sessional orders.

Mr MULDER (Polwarth) — The amendments being put forward by the Liberal Party relate to the inclusion of the tunnels under the Mullum Mullum Creek and a link with the Ringwood bypass. References to both these sections of important infrastructure were included in the minister's second-reading speech on the bill that lapsed in October last year, but the second-reading speech on the new legislation excludes references to the tunnels under the Mullum Mullum Creek and the link with the Ringwood bypass. We have had discussions with the minister's department on this issue and sought clarification on that matter, but we have not yet received clarification. The minister is aware of the amendments.

We are unsure whether it is just a cut-and-paste error, and given the hiccups the government had with the Constitution (Parliamentary Reform) Bill, it would not surprise if it is a drafting error. We intend to pursue the amendments and will seek the support of the government, particularly its members in the south-east.

When the bill was introduced it was greeted with dampened enthusiasm not only by the people living in south-eastern Victoria but the media in general. Questions were asked such as, 'What is this?', 'What does it do?', and 'Is this all we get after the very lengthy delays in this project?'. The government has taken every opportunity to put off the project. At one stage the media, when it knew the legislation was coming, warmed to the idea, but it eventually saw that this was nothing more than a small step in the delivery of a major project for the state of Victoria.

The legislation seeks to appoint a chairman and a chief executive officer. I suppose we can say, 'Thank heavens the postie has got his job', because who knows who from the Labor Party rank and file would have ended up in this role. It may be that Mr Claven may have got the nod had he not picked up his good job with the Minister for Gaming. We would like someone in this role who has expertise in engineering and the ability to drive the project, not just a government bureaucrat or Labor Party hack who has been thrown into the position to do the government's bidding and to postpone the entire project.

The bill does not discuss at length what the actual project is; instead it talks about project delivery. Nor does it talk about financials. Discussion about the project — a major infrastructure project — over the last few years initially indicated that it would cost approximately $1.8 billion and be completed in 2008, but one wonders whether $3.8 billion or $4.8 billion will be more like the extent of the cost.

It is easy to see how the Bracks Labor government continues to post surpluses given the delays in major infrastructure projects across the state, not just with this bill but with rail standardisation and the fast rail project. If the government does not actually do anything, put its signature to a cheque or kick-start a project and begin delivering, it is easy to see how it continues to post a surplus. The issue is when the project will actually start — and more importantly, as I indicated previously, when it will finish. It has gone from 2006 to 2007, and now the government is talking about 2008.

We went through the process early in the piece of the government calling tenders and getting the industry involved and companies doing a range of work relating to their tenders, but once again the issue came down to the government saying, 'If we give this project the nod, we will have to fund it!'. So the government decided in its wisdom to cancel the entire project and hand out something like $10 million to the companies involved in tendering for it. Those companies had to put aside all the resources they had devoted to the project. It was done under the guise of the government saying that if it delayed the project for a further two years it would save money by integrating it with another major freeway project.

I do not know whether the government understands what happens in the commercial world, but I can tell it that a delay of one year will add considerably to the cost of a major project, and a delay of two years will blow the budget. In this case I believe the government is talking about a $180 million saving, but we will believe it when we see it. It does not happen in the private industry sector. At this time, particularly in New South Wales, major road infrastructure projects are being entered into right across Australia. Most of the projects are due to start, and some are already in the process of being constructed. This will take the

expertise, the engineers and the people involved in delivering projects out of the state.

When you look across the border at a project about to be launched in Victoria, understanding the government's record on public-private partnerships and knowing what it thinks about the private sector — and that is on record — you wonder about a two-year delay and whether, particularly with the government's attitude to industrial relations, it will get a competitive bid for the project. The question for Victoria and its reputation is whether we can get a project that will be delivered on budget.

One piece of important information that is missing from the legislation is how it will be funded and what type of private-public partnership we are talking about. Clearly we have on the record statements by the Premier, the Treasurer and the Minister for Transport that no tolls will be involved. There is also the issue of the government saying it does not think there will be shadow tolls, although one minister thinks there could be shadow tolls and the Premier says there will not be. We also have the issue of usage fees, which are a type of taxpayer-funded arrangement involving vehicle registrations or insurance or some other quirky method that the government may use to introduce a new tax to fund this vital infrastructure project for Victoria, which we all know should have been funded from consolidated revenue.

The simple fact is that the government has run the $1.7 billion or $1.8 billion that was left in the kitty down to next to nothing. It has not kick-started a major project. All you can say of that $1.7 billion or $1.8 billion is that never has so little been achieved for so few with so much, because we have not seen the start of a major infrastructure program across the state.

The process of introducing this legislation little bit by little bit is simply dragging the project out further, delaying the spend, delaying the kick-start of the project. We also heard in the second-reading speech that there is further legislation to come which will deal with the funding and the private-public partnership arrangements. One asks when that legislation will actually come on board. No doubt, given that we have significant events taking place internationally at the moment, if it is bad news, if it is going to be along the line of shadow tolls, if it is going to be along the line of tolling, if the state of Victoria is going to be exposed to a huge amount of debt, it will be dumped on the Parliament very shortly.

No wonder there are rumblings within the Labor Party, especially among the new Labor Party members representing the south-eastern suburbs. They would be feeling extremely uncomfortable about this legislation and what it will do to them and their prospects of being one-termers in this Parliament. If the Premier, the Minister for Transport and the Treasurer go against their original commitments — that there will be no tolls, that there will be no heavy, hard tax slug on the Victorian public to pay for this — I am sure the constituents in those south-eastern suburbs will remember very clearly some of the messages that were sent out by their members in relation to the delivery of this project without tolls, without shadow tolls and without any severe form of new taxation.

I would like to quote one of the members in the south-eastern region, the member for Mitcham. He put out two press releases on this. It is a matter that concerned the Liberal Party in relation to the exclusion of the Mullum Mullum Creek from the legislation and it is one of the factors that has triggered the amendments circulated by the Liberal Party. In October his press release stated that this would be done by:

> … constructing twin long tunnels that protect the Mullum Mullum Creek and the adjacent sensitive woodlands areas and also avoid the demolition of 30 homes earmarked for removal …

That is what the member for Mitcham was saying in October about that project. However, in November the language softened somewhat — and this is the issue that really sparked us to say, 'Hang on a minute, what is actually happening with this project? Have these clauses been deleted for a reason?'. This is what the member for Mitcham said in November, just a month later:

> At the last election I gave two commitments — that a Bracks government would extend the freeway, and that the Mullum Mullum valley was worthy of being protected.

What does that mean? Where have the tunnels disappeared to? Quite clearly there has been what you would describe as, 'Oops, I have gone a bit soft on this issue from one month to the next'. We are talking about tunnels, we are talking about major construction works, and the next month we are saying that the Mullum Mullum valley is worthy of being protected, but there is no real mention about the tunnels and no real mention about the commitment the government had given to put the tunnels underneath that area.

There is a big difference between saying 'worthy of being protected' and saying that you are actually going to go through the process of putting the tunnels under the Mullum Mullum Creek. As I say, that is one of the factors that has caused the Liberal Party to put forward its amendments to this legislation.

The project was to be delivered under the PPP system, which is private-public partnerships, and in this place one would have to ask about the history the Labor Party has with private-public partnerships in Victoria since coming to power and about some of the comments that have been made by the Minister for Transport and the Treasurer in relation to previous private-public partnerships and what they had in relation to PPPs when a Liberal-National Party government was in power.

To see how the Labor government has handled some of those private-public partnerships since coming to power you only have to look at Seal Rocks, Intergraph, private prisons, National Express, Freight Australia, Connex and Yarra Trams, which are also experiencing difficulty in coming to terms with the contracts and dealing with a government that has a lot of difficulty in keeping its word and actually managing its contracts.

The issue is this: the contract is not with the Liberal Party; the contract is not with the Labor Party; the contract is with the people of Victoria. This government is simply here to manage, operate and run those contracts on behalf of the people of Victoria, and what an absolutely shocking job the Labor government has done, not only in not being able to run the contracts but also in not being prepared to sign agreements and keep agreements. To see the absolutely worst example of that you have only to look at the regional forest agreements that were signed by the Labor government, saying, 'Here's our word. We will keep to it. We will stick to it'. Two weeks out from the election they did a double backflip and walked away from the entire process.

As I said, the Bracks Labor government is simply the custodian of the contracts. No doubt those contracts, and even the contracts it puts in place now, will be passed on to future governments to run on behalf of the people of Victoria. Its record in handling private-public partnerships is absolutely appalling. What the government does, which you can see if you look at its process for dealing with private-public partnerships, is pick up the agreements that were put in place by the previous government and were working well under the previous government. It then chokes the income stream of the operators and at the same time at the bottom level sools the trade unions onto them as well. So it forces their costs up, chokes their income stream and puts them out of business. That is quite clearly what has happened with a number of private-public partnerships under the control of the Bracks Labor government.

If you want any further evidence of that you have only to look at the report by the administrators of the National Express group when detailing some of the issues surrounding the collapse of that group. I quote from page 27 of the administrators' report:

> However, with the change in state governments from the Kennett to the Bracks government, a different atmosphere existed wherein unions regained an ability to apply political pressure in relation to productivity issues …
>
> At around the same time, a campaign in the building industry was used by union organisations in the transport sector as a benchmark for wage increases. After the new EBA had been negotiated there was a significant gap between the expectations of the companies in the pre-bid atmosphere, compared with the EBA in the post-election period, resulting in significant additional wage costs and higher than forecast staff numbers.

That is the process by which the Labor government managed its private-public partnerships. It put in place regulatory provisions that choked the income stream and sooled the unions in at the bottom level, stood back and watched it fall over, and said, 'Well, it was a Kennett government contract'. Those contracts are managed, operated and run by the government of the day, and the government has now clearly demonstrated on a number of occasions that it simply cannot manage contracts. It is incredible to see such a large number of private-public partnership contracts that were running very well under the previous government go belly up under this Labor government, but it is simply a matter of this government not having the will. The philosophy does not exist within the Labor Party to support private industry, to support private business, to support these types of contracts.

I will discuss further on in my contribution another PPP where the government indicated it was prepared to tear up the contracts and throw them in the bin. However, the hypocrisy of this government is well known, and I will pick that up later in my contribution.

At page 28 the administrators' report speaks of:

> … the enterprise bargaining agreement which increased labour costs by 13 per cent over three years as opposed to inflation of 2 to 3 per cent per annum.

That tells a story about why you could not afford to get tied up with the Labor government in relation to these types of issues. You would have to be very, very careful, and no doubt down the line it is going to pay one hell of a penalty because of the way it has dealt with private-public partnerships in the state of Victoria.

The issue is, as I said earlier in the piece, that it is not within the philosophy of the government to support private-public partnerships. I referred earlier to the government's comments, when in opposition, about what it thought of the City Link project, and of course we all know that from the time it was in government — —

The ACTING SPEAKER (Mr Savage) — Order! The honourable member is straying from the bill. I refer him back to the bill.

Mr MULDER — On a point of order, Acting Speaker, the bill clearly points to the issue of private-public partnerships. One of the greatest private-public partnerships put in place by the previous government and under the administration of the current government is the City Link project. I have just referred — —

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order. The Southern and Eastern Integrated Transport Authority Bill is the bill before the house, not a City Link bill.

Mr MULDER — The issue I spoke about before refers to how the government is currently handling its public-private partnerships and the manner in which it deals with the private sector on these issues. I know that the most frustrated partner in this project is the federal government. It agreed to put its $445 million into the Scoresby freeway project, thinking that it would get up and running and be delivered on time, only to find that the project was being totally abandoned.

The federal government was so concerned about how the Victorian government was going to deal with this project that it demanded that the $445 million be quarantined. It knew very well that if they were not quarantined and their expenditure was not controlled, those federal government funds would end up being directed into other parts of the project that the state government decided to announce at a later date.

This gets back to another of the incompetent parts of how this Labor government manages its contracts. Firstly, it came up with a figure for the Scoresby freeway of around $890 million. The federal government said, 'Okay, you want us to come in as a partner, and we will come in with you on this. We will put in our $445 million. That is the figure you will get, because that is the figure you say will deliver the project. We are prepared to be a partner with you in that particular project'. Within six months the Victorian government said, 'Sorry, it is now $1.35 billion'.

The same situation occurred with the Geelong freeway, when the figure blew out by something like $130 million. What happened? The Bracks Labor government went back to the federal government and said, 'We need more money for this; we have messed it up again. We have changed the scope of the works'. You would think it would at least get the scope of the works right! If you have a partner who is prepared to put in half, you should at least know what you are asking the partner to put in half of! The government did not even know that.

That has been an ongoing issue. It happened with the Geelong freeway, and the government has done it again with this particular project. The federal government is getting absolutely fed up with the Victorian Labor government and its inability to deliver a project. It is all right to make the announcement, and it is all right for the government to put out its hands, but time and time again it has gone straight back to the federal government and said, 'Sorry, we have got it wrong. Our sums are wrong again. We actually need about twice as much money' — and that is within a period of about six months. It is no wonder the federal government is getting sick of the way it has handled this and the process it has been going through.

From what I have said today, members may think I am not supporting the legislation, but we have to have a start! This is a vital project for the 1 million Melburnians who live east of Springvale Road. They need to be able to travel on world-class transport infrastructure. Dandenong is a major industrial hub for south-eastern and eastern suburbs residents, who need safe and easy transport to get to work. People living on the Mornington Peninsula need tourism dollars from eastern suburbs residents to help their businesses develop and prosper as well.

The problem we face is that Victoria is falling behind Sydney. Sydneysiders can get these projects up. They can start them, they can deliver them and they can sell them to the community. The problem with the Bracks Labor government is that nobody knows where they stand, particularly on the funding of this particular project. It does not have the ability and the capacity that the New South Wales Labor government has to go out to the community and say, 'Here is a project. Here is how we are going to pay for it, this is when it is going to start, this is who is going to run it, and this is when it is going to finish'. Instead we have had delay after delay.

This bill is about people. It is also about protecting the future and protecting jobs. We will push this legislation through to look after the people, because we believe that is what is important. We have asked for this legislation to be brought on time and time again, but it is all about the delays of the Bracks Labor government and its inability to make a decision or put up its hand. It has always stalled on putting its hands in its pockets and saying, 'Here is some money for a major project in Victoria. We are going to start it, we are going to deliver it, we are going to deliver it on time, we are

going to deliver it without interference from the unions, and we are going to deliver it for the benefit of the people of Victoria'. The government does not have the capacity to do that.

That is now well and truly recognised, as I said before, with its history of handling private-public partnerships. I know that you, Acting Speaker, ruled against my making comments about or referring to the City Link project, and I will not refer to the project again, but the government is clearly on the record as having referred to previous private-public partnerships as white elephants. On occasion the Treasurer has said he was going to tear up the contracts relating to public-private partnerships that were delivered under the Kennett government.

I will not go on with that issue, Acting Speaker, but the government's inability to deal with these matters is on the record. The Liberal Party rightly believes that because of the history of the Bracks Labor government in handling the private sector Victoria is going to be penalised to an enormous degree in the cost of delivering major infrastructure projects.

The reason behind it is that the private sector knows and understands that these projects come with a premium, because it knows it would be dealing with a government that would allow it to be done over by the trade union movement. The Construction, Forestry, Mining and Energy Union will be the beneficiary of these major construction projects in Victoria over the next few years. No-one will take that risk on board. With a project such as this we are talking about transferring risk — that is, who do we transfer the risk to in terms of the major dollars going into this project?

I ask you, Acting Speaker, and all the members present in the chamber who in their right minds in Victoria would take on the risks associated with industrial relations and the cost burden of dealing with a pro-union government that is prepared to stand back and watch the union movement do over the private sector on infrastructure projects?

It comes at a price; it always comes at a price. When you sit down to finalise your tender documents for this and other projects you work out the cost of engineering and the cost of the acquisition of land, the architects fees and the sound barrier fees — but there is also a huge line at the bottom which reads, 'Industrial relations buffer'. Then we need say, 'How much will we allow ourselves on this project, because we know we are going to get done big-time and the government will stand back and let it happen?'. Mark my words: that is the issue confronting the Bracks Labor government at the moment.

Mr Carli interjected.

Mr MULDER — You may ask how it will be funded, but the only way you could look at the funding at this time would be in relation to the government's past efforts, particularly in the last 6 or 12 months — and that would be to hang a speed camera off every post or pole on this and every other freeway and street across the state of Victoria. It is desperate for money. The intravenous drip of revenue from speed cameras is going into one arm, and into the other arm is going the money from gambling taxes — and at the moment it is throwing stamp duty revenue down its throat.

The government may not be able to use those revenue sources for long. The fact is that the Labor government has stood back and allowed the trade union movement to blow the costs of projects in Victoria through the roof, and that will continue until the government is removed from office. Sooner or later members will become aware that it is a huge cost burden on private enterprise.

Mr WALSH (Swan Hill) — This bill establishes the Southern and Eastern Integrated Transport Authority and provides the authority with powers and functions to oversee and deliver the southern and eastern integrated transport project.

The first question that comes to the mind of the National Party is why we need a new authority. Is there an existing structure within the state government battery that could do it? We have the very successful City Link authority that was set up under the Kennett government. Could that be duplicated to do this job instead of setting up a new authority?

We also have Vicroads, which has experience in managing large projects. Does the fact that Vicroads is not being given the opportunity to manage this project show a lack of confidence by the minister in the authority? We believe there is the opportunity for an existing authority to manage the project. What will be the cost of the new authority? We have not yet seen a budget showing what it will cost to set it up. Where will it actually be funded from? Will it come from consolidated revenue or from existing road funding? A 10 per cent saving on a $1.8 billion project will amount to $180 million.

I know that would be $180 million that country Victoria would love to have spent on its roads and bridges. In my electorate in particular there is one road with enough children to warrant a school bus extension.

Because of the critical and perilous state of that road the school bus will not travel on it, but the parents' cars have to travel down that road twice a day to get to the bus stop. So if we could have a 10 per cent saving on this project we could do a lot of things for the rest of Victoria.

The project joins the Scoresby freeway project and the Eastern Freeway project into one project under the government's Partnerships Victoria policy. I shall come back to that, as the previous speaker did. The project involves the development of an integrated transport corridor and will include a continuous freeway link of about 40 kilometres between the Eastern Freeway and the Frankston Freeway connecting Melbourne's eastern and south-eastern suburbs. The project will vastly improve the connection between major industrial areas, the ports, the airport, major freight routes and other industrial precincts. We support the Liberal Party's proposed amendments to take it a little further, and we ask why this project does not go a bit further north and join up with the ring road? When you look at the map, you see that would give access to north-east Victoria from the south-east of Melbourne and it would make a lot more sense to go that little bit further and complete the full circle of Melbourne.

By using the Partnerships Victoria framework the government is seeking the best deal for taxpayers by optimising the risk to the private sector and encouraging innovation, design and operational solutions to deliver the best value for money in the outcome. One wonders how in a public-private partnership there will be a return on investment for the private component of this partnership. How do you get a return on investment for private money going into a public project unless there is an income stream for the private component? We have heard there are not going to be tolls, but we do not know whether there will be tolls. Will there be a usage charge, as the previous speaker mentioned? I remember very clearly, during the building of the City Link project, the almost violent opposition to tolls of the current Minister for Transport in his previous role as the shadow Minister for Transport. Are we going to see a reversal of that decision and see some form of toll or income stream to justify the private part of a public-private project?

Honourable members interjecting.

Mr WALSH — I must admit all these p's make it hard to say that.

Mr Mulder — Peter Piper picked a peck of pickled peppers.

Mr WALSH — My name's Peter!

But quite seriously, how can you have a public-private partnership if there is no return on investment for the private part of that project? In our consultation on this bill one of the concerns of the transport industry is that there could very easily be tolls on trucks but not tolls on cars. If we are to appease the voters of that region and make sure there are no tolls there to upset them, we could very easily put a toll on trucks. Trucks do not carry the number of voters that cars do. So is there an opportunity down the track to put a toll on members of the transport industry, which would be a major concern for the efficiency of the industry in that area.

The previous speaker spoke about the lack of success of some of the public-private partnerships of this government. Honourable members on the other side were quite scathing as to whose projects they were, but quite a few projects were started by this government in its previous term that have not been very successful — for example, the fast train project. I am unaware of any private money that has been put into those projects. It does not seem to have gone very well under Labor's instigation and management. My understanding is that the Docklands studio project has not got private funding at this stage yet.

An honourable member interjected.

Mr WALSH — It has? If it has, it has not become public. If we are going to rely on public-private partnerships to fund this project I have grave concerns that it may never be built, which would be a great pity for the people of south-eastern Melbourne. To my mind, in passing this bill we would be setting up a very scant skeleton of legislation. There is obviously intended future legislation that would hang off it. Our concern is the devil in the detail, as is always the case with these things.

As we move through the bill, part 2, division 1, clause 8(1) provides that the authority will be subject to the general direction and control of the minister. Clause 8(2) also provides that the authority will be subject to any specific direction given to it by the minister with the approval of the Treasurer. One wonders who is the minister and who is in control of the transport portfolio.

Clause 9(1) says similar things: it provides for the authority to consist of three to five members appointed by the Governor in Council on the recommendation of the minister after consultation with the Treasurer. Subclauses (1) and (2) of clause 18 provide for the appointment of a chief executive officer by the

authority, for a period not exceeding five years, with the approval of the minister who runs the transport portfolio after consultation with the Treasurer.

Clause 23(1) requires the authority to pay into bank accounts all money received. It allows expenditure only in accordance with a budget approved jointly by a minister and the Treasurer.

We go to clause 24, which is where it will be interesting in the future. It confers on the authority powers under the Borrowing and Investment Powers Act 1987 and enables the authority to enter into hedging arrangements with the approval of the Treasurer. We hope the three to five members making up the board of the Southern and Eastern Integrated Transport Authority make sure they have some very good financial management skills. We would hate to see some of the hedging decisions that have been made by private enterprise and government in the past repeated here and costing the public taxpayers of Victoria future funds. The National Party supports the bill with those concerns that I have raised, and also supports the Liberal Party's proposed amendments.

Mr CARLI (Brunswick) — I rise to support this bill. It is an important, quite narrow bill which establishes the Southern and Eastern Integrated Transport Authority. Before the member for Polwarth went off on his anti-union rave, trying to create conspiracies that the government is somehow involved in, he asked an important question. He said, 'What does this bill do and what does the authority do?'. It is interesting that despite having read the bill and having had briefings he has not come to terms with the fact that what the authority will do is coordinate this massive project. It is a 40 kilometre — plus the tunnels — project which will link Mitcham with Frankston. The bill is also about the cost-efficient delivery of that project; it is about reducing costs, and that is equally important.

The member for Swan Hill noted that maybe we should use the City Link Authority as the basis for the implementation of the coordination. The City Link Authority does not exist anymore; it was repealed. But it is important to say that it was the mechanism the previous government used for City Link. What this bill establishes is a very similar structure. It was an effective and efficient structure, and a structure that worked, and that is the structure the government will use.

It makes sense to use the structure; it was used by the previous government for the same reason that it is being used by the current government. It makes sense to have a single authority and the one organisation going out to the market to seek investment. It is important to have the one authority that works through the whole process of realising what is essentially a financial package which fits under the framework of Partnerships Victoria. That is the model the government is using; it does not deny that. It is looking at a model which involves state government funding, the federal government — because clearly the Scoresby part of the freeway involves a recognition by and an agreement between the federal and state governments that it is a road of national importance — and private money. That is the model the government is seeking and which will apply.

In the context of major projects in this state it is no longer an unusual process. Victoria has led Australia with the Partnerships Victoria framework, which really says to the private sector, 'This is what we want to do, this is how we want to do it, this is how we are seeking investment from you, and these are the parameters of that'. As to the issue of the tunnel, there is no conspiracy. We see the need for a tunnel, and there will be a tunnel under the Mullum Mullum Creek. The commitment is there. There are two government commitments — one is a commitment to build the road and the other is a commitment to put tunnels under the Mullum Mullum Creek. That has been the position of the member for Mitcham and it has been the position of the government.

The member for Polwarth spent a lot of time blaming the government for transport contracts — in fact, all contracts that are not working in this state. Can I say that the transport contracts in this state are not viable. They have not been viable because they had unrealistic expectations of increased patronage and they were created in a frenzy. When the previous government went out to the market the tenders that came in considerably underbidded. The contracts are a major problem for this government — they are a mess it is fixing up that was caused by the Kennett government.

Recently I was contacted by a colleague of mine in Canada who said that a previous Treasurer, Alan Stockdale, and Macquarie Bank are going around Canada now — —

Mr Mulder — On a point of order, Acting Speaker, on the matter of relevance, clearly the member is straying right away from the bill.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Brunswick is straying somewhat from the bill. I ask him to come back to the bill.

Mr CARLI — The government is certainly seeking to establish viable partnerships with the private sector, and the authority is a basis for doing that. It is seeking to go out to market with a project seeking private support. As I noted, a previous Treasurer has been going around Canada calling for municipalities to follow the Victorian model.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order the member for Polwarth was about to raise with me again because the member has connected it to the bill. I presume that is the point of order the member was going to raise.

Mr CARLI — A former Victorian Treasurer has been going around the various municipalities in Canada saying, 'I have got a deal for you. I can reduce your operating costs by 25 per cent, and over a decade increase patronage by 75 per cent. Just follow the Victorian model'. That Victorian model is absolutely flawed.

With this authority the government is not trying to create unrealistic models or going out to tender trying to create frenzied activity. It wants to realise a commitment for a major road — a major road that is 40 kilometres long. It is one of the biggest infrastructure projects undertaken by this government and one of the biggest that has been undertaken by this state. It is important.

In clause 19 of the bill it is clear how the authority intends to work through the partnerships with the private sector. Essentially clause 19 explains the role of the authority, which is to facilitate the project; evaluate submissions from the private sector; negotiate on behalf of the state; make recommendations on contractual arrangements; facilitate the project; administer and manage agreements; coordinate; and consult.

They are the roles of the authority, and they are crucial. If we are to be serious players building a partnership with the private sector and a partnership with the federal government we need the authority to be out there actively working to ensure that the project is undertaken, that the agreements are done in the best possible way, and that there is not the sort of frenzy that accompanied the franchises in public transport.

I want to conclude on the issue of public transport. It is a major commitment of this government to consider the project as an integrated transport corridor, which means ensuring it has a major commitment to public transport. That commitment has already been demonstrated in the eastern suburbs with the extension to the Burwood tramline, the Smart Bus project on Springvale and Blackburn roads, the establishment of transit cities, particularly the Dandenong transit city, and also the fact that the project will allow for a rail line reservation along the freeway. Clearly it is the intention of the government to look at it as a transport corridor which integrates both public transport as well as other road needs.

I commend the bill, which is very important, to the house. As I said, it is a very narrow bill of only one part. Essentially it is about the establishment of an authority, the chief executive officer's position, the chairperson, and the part-time board members. It is a very important board with an extraordinarily important function.

Certainly from the point of view of the opposition and the position taken by the member for Swan Hill there is a sense that the government should not be committing so much money to the eastern suburbs. During the last election campaign the National Party sought to invest $1 billion in country Victoria and a reallocation of resources away from the eastern corridor. Clearly the eastern side of Melbourne has a very large population with large transport needs, and so has country Victoria. But it is important to note that we should not be looking at delaying the freeway and the transport corridor to reallocate resources away from the eastern area. It is important that we see this as a major investment — —

Honourable members interjecting.

Mr CARLI — Certainly the position of the member for Swan Hill was that he was seeking resources to be reallocated away from the eastern corridor. It is important that the government has a very strong commitment, and with this authority it will be out there seeking resources and planning for the transport corridor. It is not an easy project to realise; it is a very large project and a major piece of infrastructure which will go for a full 40 kilometres and involve two major tunnels under the Mullum Mullum Creek. It will be a major link.

Finally, the member for Swan Hill suggested that the ring-road should continue right around the east of Melbourne. Clearly there are both environmental and economic reasons for why that will not happen. I know other members in this house do not want to see a ring-road around the entirety of metropolitan Melbourne.

Mr HONEYWOOD (Warrandyte) — I was looking forward to hearing the honourable member for Ferntree Gully justify the 20-year Labor delay on this project. One only has to go back to a *Melway* edition of

the 1970s to see that the freeway reservation for the eastern suburbs area has been actively on the books, on the *Melway*, waiting to be built for 20 years or more.

I want to limit the 10 minutes only that I am allowed under the new sessional orders to the two amendments the opposition put forward to the legislation before us.

Some of us on this side of the house well remember the Labor Party's flip-flops on this major piece of infrastructure. For example, in both the 1988 and 1992 elections the former Premier, John Cain, Jr, banned the Eastern Freeway extension. He did not believe in freeways, which is why we finished up with the South Eastern Car Park. He did not want to build us a freeway; instead it had to have as many sets of traffic lights across it as possible. So for the duration of the 1980s the Labor Party actively opposed the construction of both the Ringwood bypass and the Eastern Freeway extension. During this period of time one Bob Hawke, the former Labor Prime Minister, was offering to pay for that Eastern Freeway extension, but John Cain did not like freeways and refused to take up the offer of federal money.

When we came to power in 1992 we went to Canberra and said, 'Look, Bob Hawke offered the money to build the Eastern Freeway extension', but one Paul Keating, the then Prime Minister, turned around and said, 'Bad luck. The rules have changed. I am the Prime Minister now, not Bob Hawke. You will have to pay for that freeway all by yourselves as a state government road' — so we did. We paid $240 million to extend the Eastern Freeway from Doncaster, where Labor had left it under former transport minister Steve Crabb in the early 1980s — it was an extension of a Hamer project, I might add, and it was done only because Labor still had to finish it — and we also paid for the Eastern Freeway to be extended to Springvale Road.

Then along came the 1999 state election. The then independent candidate for the seat of Mitcham, one Chris Aubrey, who is now a councillor in the City of Whitehorse, came to both political parties and said, 'Have I got a deal for you! I will give my second preference to whichever major political party agrees to pay for the long tunnel under the Mullum Mullum Creek — the long tunnel, not the short tunnel'. Of course the Labor Party, as is its wont, promised a blank cheque. It said, 'Yes, sure, we will do anything to save Tony Robinson' — the current member for Mitcham. 'We will pay for that long tunnel to be constructed'.

The then Premier, Jeff Kennett, looked at the proposal and said, 'There are no problems about building a tunnel, but when it comes to an extended long tunnel I want to know what the cost will be'. No engineering firm could give an approximate cost of that long tunnel because none had done any soil tests — I will get to that in a moment. So the Labor Party got the preferences of one Chris Aubrey, the independent candidate for Mitcham, who got approximately 1500 votes. Eighty-five per cent of his preferences were directed to the current member for Mitcham, and the Liberal Party missed out on winning back the seat of Mitcham by less than 200 votes. That would have decided the government, Acting Speaker, apart from the decision you made.

Having said that, it is my mission to make sure that this long tunnel gets built by the party opposite, because effectively it won government on the promise of building a full freeway for my constituency in Ringwood and joining it up with the Ringwood bypass — which is currently half a bypass around the Ringwood central business district. I also want to ensure that the long 1.5 kilometre tunnel is actually built by this government at no cost to motorists.

Since 1999 the people in my electorate have had little hope of anything being delivered. That is because the very bloke who delivered government to them, one Chris Aubrey, was shafted by the Minister for Transport and taken off the very consultation committee of local residents that we in government formed to consult with government on building that freeway and tunnel. Why was he taken off it? Because he and a couple of Labor Party apparatchiks who had been put on the committee were considered to be noisy and to be raising too many questions. So the bloke who delivered government to them, the bloke who gave his preferences to them, was taken off the consultative committee of local residents. Then the government got rid of any consultation mechanism whatsoever, so now there is no ongoing consultation.

When we come to this bill we know what the government is up to. We can probably guess who the five appointees to this authority will be without too much effort at all. Jim Claven will probably get another guernsey, do you reckon?

An honourable member interjected.

Mr HONEYWOOD — Jim Reeves may come down from Queensland for a bit of objectivity on that authority. There are any number of other people who will say the right thing rather than raise the following serious questions: first, when is this project going to be built; second, at what cost; and third, will there be shadow tolls or tolls in practice? That brings us to the

opposition amendments that have been circulated today.

Why is it that clause 4 of the piece of legislation that came before this Parliament on 31 October last year — less than six months ago — defines the project as a project for an integrated transport corridor connecting the Eastern Freeway and Frankston Freeway, including tunnels under the Mullum Mullum Creek and a link with the Ringwood bypass. Yet in the bill before us clause 4 defines the project as a project for an integrated transport corridor connecting the Eastern Freeway at Mitcham and the Frankston Freeway at Seaford. What has happened to the tunnel or the connection to the Ringwood bypass? Why, unless instructed to do so, have the bureaucrats taken those two key elements of this much-longed-for and much-awaited freeway project out of the bill before us?

We know why. Any number of construction companies are saying to us that Labor cannot afford to build this project. That is why by sleight of hand it changed it from being an Eastern Freeway extension to Ringwood that would join up with the Ringwood bypass, with a tunnel under Mullum Mullum Creek. That is why it has been rebadged as the Mitcham–Frankston or Mitcham–Seaford freeway. And that is why, of course, it has come up with any number of procrastination excuses and justifications for why my constituents and other residents in the outer east of Melbourne — over 1 million people in total — will not get this freeway in their lifetime. That is the way this government operates.

Having said that, it begs the question: is this an attempt, for example, to provide the actual roadway as a freeway, but using environmental camouflage as an excuse to put a toll on the tunnel component of travelling along that freeway? Is this an excuse to leave out the connection to the Ringwood bypass, to put a toll on the Ringwood bypass once it connects with the freeway? I can think of no other reason why those two key elements of the bill that was here only six months ago are missing in action from the current legislation.

I will be very interested to see how the minister acts on these two very well thought-through amendments put forward by the shadow Minister for Transport for and on behalf of outer east residents today. I will also be very interested to see what the government does now that it has had a swag of members elected to outer eastern seats. We know for a fact that the Labor Party did not want to have a freeway to the Liberal Party voters in outer eastern electorates. We know that. Now, for the sake of this government's survival, it is about to do another backflip.

Labor did not want to build this freeway under John Cain; it did not want to take federal government money from Bob Hawke to pay for it. It only agreed reluctantly during the 1996 election, when it realised it was not going to win a single seat in the outer east, that it would build the Eastern Freeway extension; and now it is only because it has some cannon-fodder members there to keep it in government that Labor will get around to doing something before the next election and look towards building some sort of freeway. But mark my words, we will have tolls on the tunnel.

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

Ms ECKSTEIN (Ferntree Gully) — It gives me great pleasure to speak in support of this bill. This is clearly an example of the government getting on with the job and doing the important things for the people of Victoria. Although this freeway does not cross the electorate of Ferntree Gully, it will be of enormous benefit to my constituents, as it will be to all the people of the outer east and the southern suburbs of Melbourne.

The authority this bill seeks to establish will oversee the building of the entire Mitcham–Frankston freeway, which is an enormous project, a very vast and complex project. The authority will provide a good and effective mechanism for the coordinated delivery of such a project. We need to remember that it is 40 kilometres of freeway, and some very complex engineering and building needs to take place in order to deliver it. The authority is very welcome. The project will also create almost 5000 jobs during the construction phase, and they are also very welcome, particularly in those areas of Melbourne.

It is a vital infrastructure project for the eastern and south-eastern suburbs and, as I said before, will be of enormous benefit to the entire community, including my electorate, which relies heavily on cars. We have limited public transport links, as I outlined in my inaugural speech, and the population in these growth corridors is such that road infrastructure has simply failed to keep pace with the demands now placed on it.

Roads such as Stud Road and Springvale Road are virtually at a standstill in peak hours. Major arterial roads like Burwood Highway, High Street Road and Wellington Road are similarly clogged. At present it can take anything up to 45 minutes to travel approximately 10 kilometres along Burwood Highway between Stud Road and Middleborough Road during the morning peak hour. In fact this morning it took me something like 25 minutes to travel a little over

6 kilometres from Stud Road to Springvale Road. This freeway project will undoubtedly ease a lot of that congestion.

An honourable member interjected.

Ms ECKSTEIN — I certainly am, because I intend to be in this place for a long time!

The freeway project will certainly ease the congestion along those major arterial roads. A former Minister for Transport once said freeways were the fastest way of getting from one traffic jam to another. This freeway is different in that it interconnects three existing freeways — the Eastern, the Monash and the Mornington Peninsula freeways — and it will greatly improve traffic flows in these areas.

The freeway design will also allow for the inclusion of a rail link at some future date. This is a really important aspect of the design and a very important aspect of the project. It demonstrates the foresight of this government as well as its commitment to providing improved public transport options to the eastern and south-eastern suburbs, where it is needed. It is regrettable that the federal government was not prepared to contribute funds to this important public transport component.

Nevertheless, the freeway will be completed in 2008, and we will see a massive improvement in traffic flows and travelling times for the people of the eastern, outer eastern and south-eastern suburbs. It will also provide much-needed relief to congested existing arterial roads and improve road safety in the region.

Finally, it will benefit industry. We should not forget the important benefits to industry and to the economy. It will improve major freight routes and link major industrial areas with the ports, the airport and other industrial precincts. It is expected that something like 8000 jobs will be created through increased economic activity. Therefore I am very happy to support the bill and to support the project, and I commend this important piece of legislation to the house.

Mr WELLS (Scoresby) — It gives me a great deal of pleasure to speak on the Southern and Eastern Integrated Transport Authority Bill. It is good to see that the Labor Party is bringing in this bill, but I am not sure whether it has actually committed to the fine detail, which is building the freeway. We heard bits and pieces all over the place during the 1999 and 2002 elections about what it was going to do, but let us see!

Every time I go up Springvale or Stud roads I realise that there is still is not one bulldozer on the site, and that is because this government is incompetent and totally opposed to the Scoresby freeway, let me tell you. The Bracks Labor government was first elected in 1999. I remember the headline on page 6 of the *Age* of 28 October of that year, '$786 million freeway link scrapped'. That is what Labor believed in 1999, that the freeway was going to be scrapped.

Mr Holding — That was completely off beam!

Mr WELLS — We have a minister of the Crown saying that the article was completely off beam. It states:

> $786 million freeway link scrapped.
>
> Labor says it plans to boost public transport in the outer east.

Let me quote for the Minister for Manufacturing and Export the first paragraph, which is very important.

Mr Holding interjected.

The ACTING SPEAKER (Mr Savage) — Order! It is disorderly to interject across the table.

Mr WELLS — I quote:

> The Bracks government will ditch plans for the contentious $786 million Scoresby freeway that would have linked Ringwood and Frankston.

Let me repeat that. This is a very important point.

> The Bracks government will ditch plans for the contentious $786 million Scoresby freeway that would have linked Ringwood and Frankston.

That is where Labor stood on the Scoresby freeway in 1999. Then we have a letter from the Minister for Transport, a copy of which I will give to the Minister for Manufacturing and Export. This letter is from the Minister for Transport to the Honourable Neil Lucas, MLC, who was a member for Eumemmerring Province. It states:

> Dear Mr Lucas —

and it goes on to make a number of points —

> … I can advise that the government has made clear its decision with regard to the Scoresby freeway.
>
> Construction of the Scoresby freeway will not occur during the next four years because no provision has been made for it in any current or past government funding programs.

The Minister for Transport wrote a letter to a former member for Eumemmerring Province making it clear that the government was not going to fund or build the freeway. It was interesting to note that during the by-election for the federal seat of Aston the Liberal Party put this matter on the back of a how-to-vote card

and the people of that electorate made it very clear what they wanted. They voted for Chris Pearce to make sure that the freeway would be built.

I raised the issue in Parliament on 3 November 1999 because I was horrified by the headline, like many other people in the outer east who were horrified and disgusted. I asked the government where it stood on the matter of the Scoresby freeway because the Liberal Party felt that it needed to be built. The Minister for Transport said:

> The opposition now has the audacity to come into the house and suggest that the new government, which did not make a funding commitment to the freeway in its election promises, should proceed to fund it. The government has given a commitment that it will deliver on election promises. Those promises have been properly costed and funded. However, the government will not be pressured into funding things for which it does not have the money.

So there it is, over and over again, no matter which way the government wanted to duck and weave, flip and flop, it was totally opposed to the freeway.

One of the myths running around the Labor Party was put out in a press release which said that the building of the Scoresby freeway was always going to start in 2004. The press release asks, 'Give us an example of when that was not the case'. I will go to two cases, because in a letter dated 2 April 2002 to a colleague of mine the Minister for Transport said it was anticipated that construction of the freeway would start in late 2002 or early 2003, with around five years required to complete it. Now we are told that construction will not start until 2004.

When one looks for more evidence of how Labor has mismanaged this project, one turns to a Vicroads document *Linking Victoria* published in June 2002. The document states:

> As a road of national importance, the $1 billion Scoresby freeway will be jointly funded by the federal government.
>
> Construction of the freeway is expected to begin later this year or early next year —

that is, late 2002 or early 2003. I drive past the site every single day of my life and still nothing is happening. So the people in the outer east have a genuine suspicion of what is going on with the government in regard to the freeway. I remind the government that during the Aston federal by-election in May last year the Prime Minister made a clear commitment that his government would commit fifty-fifty funding to the freeway. It was the largest election promise made during the by-election campaign and the Prime Minister made it clear that that was the way the freeway would be funded. So there was a commitment from the federal government for funding of $445 million towards this project. My understanding is that the total project is $1.8 billion so I want to know how the state government will fund the rest of the project. This bill provided an opportunity for the government to say, as part of the minister's second-reading speech, that there will be no tolls.

Mr Holding interjected.

Mr WELLS — The Minister for Manufacturing and Export says it is embarrassing and he is right, because if there was ever a chance for the government to come clean with the people of the outer east, it was with this piece of legislation. It should have said that there will be no tolls, no shadow tolls, no electronic tolls, no tolls for commercial vehicles, and in that way we would have a clear understanding of how the government is going to fund this project. I would have thought the Minister for Manufacturing and Export had a vested interest, because this corridor is going to be very important for manufacturing, ensuring that we have lower costs for manufacturing — and transport is one of those costs. Manufacturers do not want the impost of a toll on their commercial vehicles.

In the last minute I want to raise the issue of ramps. Can members believe the government is going to build the Scoresby freeway and not have two of the main ramps connecting to the Monash Freeway? I do not understand that logic, but if you are heading down the Scoresby freeway you will have to get off at Wellington Road to get onto the Monash Freeway and that does not make any sense to anyone. The opposition wants four ramps so that when you drive south down the Scoresby freeway, you turn right onto the Monash Freeway to the city without clogging all the local residential roads. It is important that the government clearly sets out its agenda and timetable of when construction of the Scoresby freeway will start.

Why this bill states that the freeway will only go as far as Seaford I will never know, because the opposition thought it was going to go from Mitcham to Frankston. The opposition also wants to know what will happen between Seaford and Frankston in regard to the freeway. The bill simply does not make it clear. On those few words I hope and pray that the government takes action to get the project built.

Mr LOCKWOOD (Bayswater) — It is great to see the Southern and Eastern Integrated Transport Authority happening. This is about the Bracks government delivering the Mitcham–Frankston freeway

on time. It will be there in 2008, so watch it rise in the east under a Labor government!

Honourable members interjecting.

Mr LOCKWOOD — Yes, we will be there to see it. The east will boom as a result. It is nice to see the other parties supporting the project. Perhaps they do want to spend the money elsewhere. This project is a key issue for my electorate, and it will bring huge benefits to my local community. I support it wholeheartedly, and I look forward to it being built. The preparatory work has been under way for some time — —

Mr Perton interjected.

Mr LOCKWOOD — You did not build it. You had seven years, and it was not there then.

Mr Perton interjected.

Mr LOCKWOOD — You had a friendly government for a while!

I live very close to the freeway route, and I will be there to see the opening in 2008. It is much needed and is vital to the outer east. It is not just a matter of commuter relief; it will have a huge economic impact. There has been a lot of agitation for the freeway, as we all know, from transport and manufacturing companies. I have spoken to a number of people in business, and they are keen to see these links to the ports, to other transport links and to other parts of the state. As I said, the planning work has been under way for some time, and the expression of interest document is nearing completion. It all starts long before the first bulldozer starts firing up.

I was part of the agitation for this project as a councillor for the City of Knox. All the councils along the route have lobbied long and hard with the federal and state governments. A couple of years ago a group of 10 mayors went to Canberra to lobby the federal government. As a result of a by-election it took something of a crisis before the federal government finally came to the party and declared it a road of national importance. It was welcome news in 2001. I note that it did not happen under the previous Kennett government.

The tunnels in Ringwood will have a huge impact in my area. The freeway runs the length of my electorate on the western side: it runs from Ringwood to Wantirna as it exits my electorate into neighbouring electorates. It is a huge project of 40 kilometres and is at the forefront of many people's minds as they wait in traffic queues in Stud Road, Springvale Road and similar roads.

One of the longstanding concerns is the effect on local roads. We are looking for the concessionaire, the builder of the freeway, to build different sections simultaneously rather than building it as a serial construction. Residents are concerned that the freeway will empty into neighbourhood areas as it does at the moment in Springvale Road. We do not want the tunnels emptying into the streets of Ringwood or being staged so that the freeway empties its traffic out onto Burwood Highway. It will be a great boon to local communities and will benefit local roads to have this built not as a serial construction, with sections opening one after the other, but in different sections simultaneously.

Some local residents want to move the freeway route. I have seen a document that says they want it moved 600 metres to the west into parkland. I have also seen photographs in the local paper of members of the opposition posing with the residents, supporting the proposal to move the freeway 600 metres.

Honourable members interjecting.

Mr LOCKWOOD — They were at the time. It was before the election, and most of them are not here anymore! That proposal would mean another planning and environment study and another submission to the federal government seeking new environmental clearances. It would affect other businesses and properties, and it would mean a loss of park access and years of delay, which we keep hearing about here. But there was support from the opposition for a proposal that would cause the project years of delay. The route has been published, as was said earlier, in *Melway* for more than 30 years. People wanting to move the freeway are backing a loser. The route has been finalised, and over a period of two years in the 1990s the environment effects statement addressed the issues that those people are coming up with now. So those issues have already been addressed!

The project is lengthy, covering 39 to 40 kilometres. The authority will ensure its delivery, engage with the private sector, negotiate contracts, coordinate the management of the project and provide a focus that perhaps a government department with other responsibilities may not have been able to. The complex issues that are involved require a body such as this to focus wholeheartedly on the project and to ensure it gets done and gets done on time, which is what we are about.

As I said earlier, it will mean lots of jobs in the construction phase and lots of jobs afterwards. We are looking at a huge economic impact — something like 8000 jobs as part of the increased economic activity after the project is completed. We have already heard about Partnerships Victoria. This will generate savings for taxpayers.

We have heard a bit about tolls. All I can say is, 'No tolls, no tolls and no tolls!'. Tenders will open this year, with construction proposed next year and the completion of the project set for 2008. Something like 1 million people live in the corridor, and about 40 per cent of Melbourne's manufacturing and production facilities are located in the region, so it will have a huge economic impact with its connection to ports, airports and major freight routes. Consultation is a major part of the proposed authority's role. A community advisory group will be established to ensure that the community is involved and that we take care of the environment.

Public transport is an important factor, although it is not part of this authority's brief. However, public transport is part of the overall transport corridor, and we are seeing progress with the Knox tram extension under way, smart buses on Blackburn and Springvale roads, and a future Smart Bus service for Stud Road, and new bus services in Lysterfield, Rowville, Knox City and Dandenong — all around the transport and freeway corridor. They are all part of the outer east public transport plan. As other members have done, I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure for me to speak on this bill, which will establish a new authority to oversee the construction and operation of the last section of the Eastern Freeway and the Scoresby freeway. This important infrastructure is vital to business and essential for people living in the area. What I find ironic is that in opposition the minister threatened to rip up the City Link contract. Now the minister wants to establish an authority. What has changed? Why the change of heart?

As members of Parliament we must ensure we provide a sustainable, safe and efficient transport system that enables people to travel with minimum fuss. In doing so we must ensure that there is less traffic on our local roads. It was interesting to read in the minister's second-reading speech that:

> The bill provides the framework for government delivery of the project. The establishment of a separate authority will enhance the project, strengthening focus on the complex legal, commercial and technical/engineering issues inherent in delivering a project of this size and complexity under a Partnerships Victoria framework.

In other words, the minister is saying, 'Sorry, we are unable to deliver one single major project on time or on budget and therefore we want an authority to do the work for us'. It gets worse. At the end of the minister's second-reading speech he stated:

> Further project-specific legislation to underpin the delivery of the project as a public-private partnership will be introduced in due course.

There is no indication when that bill will be introduced. It is a prime example of the government doing things on the run and working on an ad hoc basis. Expressions of interest have still not been called, five months later, and there is no budget for the authority. Why is the government unable to decide whether to turn left, turn right, make a U-turn or go straight ahead. The public is paying the price. The *Age* of 24 September under the heading 'Freeway stalled as costs soar' states:

> The RACV said the government announcement meant more delays to an important state project. 'Every year it is delayed is hundreds of millions of dollars in benefits forgone', the RACV public policy manager … said.

This is not to mention that the cost of the project has now increased from $1.2 billion to $1.8 billion.

I refer now to what the Minister for Transport said in 2002 and why he introduced changes in 2003. In 2002 the minister said that the corridor would include a continuous freeway link of about 39 kilometres. In 2003 he changed this to about 40 kilometres. The minister has found an extra kilometre!

He also goes on to say:

> The project will incorporate tunnels under the Mullum Mullum Creek and will include a connection to the Ringwood bypass.

Unfortunately these are omitted in the second version in 2003. This government claims to be open and transparent, yet I believe it has a secret agenda. Despite this government's rhetoric, despite what it says about being open and accountable, it is not telling the truth. Despite the fact that government members will stand up and say there will be no tolls, I guarantee you that there will be tolls on the Eastern Freeway, to the detriment of the residents who live in the eastern suburbs.

I go back to the history. In 1987 the Road Construction Authority prepared an environment effects statement (EES) for the proposed eastern arterial road extension. The EES was referred to an independent panel. The panel agreed to the extension and said that it should go ahead. The state government then set up two reviews. Ms Helen Gibson found that the ecological values outweighed the transport needs. The Kirner government

of the time attempted to implement her recommendation. Nunawading City Council took the government to court. Unfortunately we had the 1992 election and there was a change of government. The Kennett government did not pursue this in court.

The second review was to look at the range of transport issues. It provided a number of options. In 1993 the Kennett government decided to proceed with stage 1 of the Eastern Freeway extension from Doncaster Road to Springvale Road. It was opened in December 1997. In 1996 Vicroads began to look at stage 2 while it was completing stage 1 from Springvale Road to Ringwood. The report indicated that the cost was approximately $200 million for a surface freeway. If you add the small tunnel, it was an extra $29 million, and a longer tunnel took the cost to approximately $400 million.

Members of the Australian Conservation Foundation and the tunnel action group met with the minister and claimed that the 1995 report was flawed. The minister requested Vicroads to undertake another review. The review was completed, and the report was submitted in August 1999. Unfortunately there was an election and a change of government, and this is where the problems start, because it has been shown that this government is inept and unable to deliver any major project on time and on budget.

In the meantime Manningham City Council undertook some research into the future needs of residents. The report found that car usage will increase by 7 per cent, and it is suggested travel will increase in Manningham, particularly car travel. The share of travel by public transport will decline slightly. Also, a higher proportion of public transport travel will be undertaken to and from areas outside Manningham as opposed to within Manningham. So without the extension to the Eastern Freeway, there will be more cars on our local roads.

You cannot look at the extension in isolation. You must also look at the arterial roads. I mention again, even though I have mentioned this matter over and over again, the condition of Templestowe Road and Thompsons Road. I have raised Thompsons Road with the minister on many occasions in this house, and the minister is ignoring the residents. He is ignoring requests from the residents to visit my electorate to see for himself the poor condition of Thompsons Road.

The second issue I wish to raise — and I am glad to see that the member for Ivanhoe is in the chamber — is that there was a rumour that there will be a freeway link going through my electorate of Bulleen. The member for Ivanhoe stood up at the meeting and said that should that happen he would resign from the ALP.

Mr Langdon — Get it right!

Mr KOTSIRAS — Yes, you did. And I took his word for it. I'm sorry — he said he would resign from Parliament.

On Tuesday, 9 October, the minister said in the house, and I quote:

> There is a very wrong suggestion that the government has a proposal to build a freeway through the Yarra Flats to link the Eastern Freeway with the northern metropolitan ring-road …
>
> … It has even been raised by an honourable member for Templestowe in the other place and the honourable member for Bulleen.
>
> There is no truth in the suggestion. It is a campaign designed to get people to join the PTUA or to put fear into people living in the area. It is a tragic and sleazy attempt by a conspiracy of the deluded to try to frighten people living and working in this area. I need to set the record straight once and for all, and these people will have no basis for making the suggestions in the future.

That is what the minister said. But now I have my doubts, because today in the Federal Court case between Paul Andrew Mees and Peter Batchelor the court found in favour of Paul Mees. And what did the judge find? I will quote:

> For all these reasons, I am of the view that the construction of the Scoresby freeway, linked to the Eastern Freeway, with a link between the Eastern Freeway and the Western Ring Road at Greensborough being left to existing roads, creates a strong chance that a freeway link will be built in the future … I prefer to describe it as a strong chance, because it cannot be said that it is a certainty. In my view, however, the construction of such a freeway link is highly likely. If it is constructed, a route using the current alignment of Bulleen Road north of the Eastern Freeway, passing close to the Bolin Bolin Billabong and crossing the Yarra near the Banyule Flats and perhaps using a tunnel instead of the former F18 freeway reservation, to link with the Greensborough Highway is the most likely route.

I hope the member for Ivanhoe can stand up and once again tell me that there will be no freeway link going through my electorate of Bulleen along Bulleen Road.

In relation to the Eastern Freeway extension, as I said earlier, it must be completed. I know that the government is incapable of doing it. The *Age* of 17 September says:

> Not a sod has been turned and yet it has already broken both time and budgetary goals. There have been repeated delays in tendering, and in April the government admitted that the tendered cost of the 1.5-kilometre tunnel exceeded the $326 million budget. Yesterday the *Age* revealed that leaked documents showed the state government had wanted to cut costs on safety and design aspects of the project.

This government, as I said, is not capable. I would like to see the project completed in 2008 — it would be nice if it were done in 2006 — to ensure the residents are able to travel in and out of the electorate without having to deal with traffic congestion.

Mr HARKNESS (Frankston) — It gives me a lot of pleasure to rise in my place today and speak on this bill, which is about establishing an authority, the Southern and Eastern Integrated Transport Authority, and giving it the powers and functions it needs in order to oversee and deliver this project, a project which is going to be very beneficial to over 1 million people — to motorists, to industry and to members of the community alike.

The authority is being established to facilitate the process and to make sure that it is coordinated and cost effective and to make sure we end up with an integrated transport corridor along the Eastern Freeway from Mitcham to the Frankston Freeway. It is a project which is going to be beneficial to many people, and I am very glad the government is getting on with the job of delivering this project.

The authority is going to be a body corporate with perpetual succession and a common seal. It is going to represent the Crown, and its actions are going to be on behalf of the Crown. This is a combination of two projects, which will provide significant cost savings to taxpayers by providing the optimal benefit to the community. As I said, it passes through an area which is home to over 1 million people and is going to be integrated with both roads and public transport in an integrated fashion. This very important authority will provide the project with direction, and both the eastern and the south-eastern suburbs of Melbourne will gain enormous economic benefits. This is a huge investment in Victoria. It makes me think of the major benefits the delivery of the Western Ring Road has provided to the western suburbs of Melbourne, making sure that there is a coordinated and integrated approach for the freight industry and for commuters alike.

There will be a coordinated approach over the entire 40-kilometre length of the project, and it is going to be delivered on time and on budget, despite the conspiracy theories and the half-truths of the people on the other side of the house who have spoken in this debate.

This authority is also going to be responsible for engaging with the private sector from the bid phase onwards. Its work will include the negotiation and management of contracts and the coordination of the construction, with consultation with not only statutory authorities, bodies and agencies but also the community. It will be the most efficient way of managing the very complex legal, commercial and technical issues that are inherent with a project of this magnitude. The delivery of this project through one organisation will ensure that the construction is streamlined. It is vitally important to make sure the entire process is streamlined through a single authority which will ensure we get a project that will deliver 4900 jobs throughout its construction process and through a coordinated and strategic approach which will provide 8000 additional jobs through increased economic activity after construction is completed.

As I indicated, the benefits are absolutely enormous not only to motorists, but also to businesses and the freight industry. It is something a lot of people have been crying out for for a considerable time, and finally it is going to be delivered by the Bracks Labor government. As the member for Ferntree Gully indicated, a significant number of roads throughout metropolitan Melbourne experience traffic delays and congestion. The Frankston Freeway — a road that I travel on daily — is certainly no exception to that. The delivery of this project — the Mitcham–Frankston freeway — will have significant benefits in reducing the pressure.

Mr Herbert interjected.

Mr HARKNESS — The member for Eltham is right. It is going to be terrific, not only for people in my electorate of Frankston but for people all the way through those other suburbs right through to Mitcham — over 1 million people — with 4900 jobs throughout the construction process and 8000 jobs in increased economic activity as well after construction is complete. The freight industry is cock-a-hoop about this project. I have been approached by some members of the freight industry and they draw the parallel between this project and the Western Ring Road in terms of access to other economic areas throughout Melbourne and providing, as I said earlier, a streamlined and coordinated approach.

The beauty of this project is the combination with public transport. Other members have already indicated that the public transport system was left in some considerable disarray. It is a job, a task and a challenge we are having to cope with, but it is going to be great to have those smart buses and some other public transport initiatives actually incorporated into this project.

Mr Herbert interjected.

Mr HARKNESS — It is a job we have been lumbered with, but we have to do it, that is right. The member for Eltham is correct. It is one of the largest freeway projects in Australia to be constructed, but it is

a demonstration of Labor's commitment to actually deliver on a project. We will see that take place.

Constructing the project under the government's Partnerships Victoria policy will also ensure there is a better deal for Victorian taxpayers. The taxpayers have spoken. They want to make sure we have a cost-effective and well-managed project, and that is what they are going to get with this single authority. They will get a streamlined approach through a single authority. It will optimise the transfer of risk to the private sector, but also we will be encouraging innovative design and operational solutions to make sure we get what we want.

In essence it is about delivering a best value-for-money outcome for all Victorians, but particularly for the 1 million people who reside in the 40-kilometre-an-hour zone where the project will go through. This is about cost-efficient delivery and about reducing costs. It is a vitally important project for Frankston and surrounds. There is significant industry on the outskirts of Frankston which will benefit greatly from this project. I know there is a great deal of interest throughout the area for this to happen through the Frankston business chamber and other businesses which operate in the municipality of Frankston. I am sure the feeling is similar in other areas that will gain benefit.

Overall it will provide a single focus and a streamlined delivery, with cost-effective outcomes for the people of Victoria. It is a major transport project. It is one of the biggest infrastructure projects in Victorian history, equivalent to the City Link project in scope. It is a terrific outcome. It is going to be vitally important to make sure that the project is streamlined, and I have no hesitation in recommending the bill to the house.

Mr COOPER (Mornington) — After hearing contributions from a couple of government backbenchers today I have to say that if rhetoric was the key to real action, this project would be well on the way by now — and would probably be half completed. We have heard some wonderful or great words. The member for Frankston commended this project as being something that will deliver enormous benefits — and it certainly will. The sad part is that it is now three years late. Despite the member's commitment to the house that the project, to use his words, will be delivered on time and on budget, as the member for Polwarth said, that statement will come back and haunt him. You never make those claims until any project is completed. It does not matter who is in government, because you never know what is going to happen.

The honourable member for Frankston, who is still slightly damp behind the ears, comes in here and tells us that the project that is already three years late — the cost of which has blown out to $1.8 billion from its original estimate, which was well down from that at about the $1.2 billion mark — will be delivered on time and on budget. Nobody will believe either him or anyone else who makes ridiculous claims such as that — and it was a ridiculous and stupid claim!

The people in the Frankston electorate know it to be stupid, because they have been waiting for the Scoresby project — which has now been rebadged the Mitcham–Seaford project, and God knows what will happen to the Seaford–Frankston connection! — for a long time. They have been waiting to see something happen. They have been waiting to see a stake put in the ground or a bulldozer move earth. They have been waiting for something — in fact, anything — to happen, but all they have had is rhetoric.

They have had commitments for funding from the federal government, but they have had nothing from the state government — a state government that was absolutely and entirely opposed to the Scoresby freeway project. It is on the record inside and outside this place as being opposed to it. When it came into government in 1999 it said it would scrap the project. That is what this government was on about in 1999, until suddenly it found the road to Damascus, or maybe now we can say it found the road to Frankston — or at least, the road only to Seaford. Certainly it has found the road to somewhere and has now decided it will be committed to this project, that it will go and do something about it.

What do we now have? We have had reorganisation after reorganisation, because when you actually do not want to do something and when you do not have any idea how to do something, the simplest thing for a government like this is to form a committee or, in this case, to reorganise, which is why we now have the fabulous Southern and Eastern Integrated Transport Authority about to be established. In the words of the honourable member for Coburg, who is the parliamentary secretary to the Minister for Transport, the authority will coordinate the project.

Golly, isn't that fantastic! This is a project that, after having been in office for three years, the Bracks Labor government has finally decided is one that needs to be coordinated. That is a terrific advance. Even more, the member for Coburg tells us, no doubt in all sincerity because this is what he has been told by his minister — and I do not want to say that the member for Coburg is gullible, nevertheless it would seem that he might be —

that this is an authority that will provide a cost-efficient delivery of the project.

That really got a laugh from us over here, and it will get a laugh from a whole lot of people including people in the electorate of the member for Frankston and elsewhere, people who have had anything to do with regard to, hope after hope, having the Eastern Freeway extension delivered and the Scoresby project delivered over the past three years but who have been let down repeatedly.

They are going to get a great big chuckle out of somebody standing up in this Parliament and saying that this authority is going to coordinate the project and deliver it in a cost-efficient way. Really, who does this government think it is kidding? It is certainly not kidding people out in the electorates who are waiting desperately for this project to start and even more desperately for it to be completed. The cost has continued to blow out.

Then the member for Coburg went on to say that it makes sense to have one authority, and in that he is absolutely right. But who was it who in opposition kicked and screamed and criticised and yelled about the City Link authority, saying that it would not work, it should not be happening and we did not need these sorts of things? Again we have this conversion of the Labor Party in government, which suddenly discovers that having one authority is a sensible way to go. It certainly might be, but an even more sensible way would be to actually start doing something.

We have heard members on the other side of this Parliament saying 'Why didn't you do something? You were in government for seven years'. We built City Link. I can tell you now that if we were in government we would not be talking about this project, we would be watching it being built — and by now probably watching it almost at the completion stage. But what have we had from the Bracks government? We have had three years of procrastination. Anybody who believes that the establishment of this authority and the rhetoric we have heard from the minister and from the backbenchers who have stood up today to support him mean that we will not get more years of delay on this project is a fool. Anyone who believes that this project is going to start now or that this government has a commitment to starting it is deluding themselves. Have a look at the government's record. For starters, as I said before, members opposite were absolutely opposed to the Scoresby project. They are now saying we should not be delaying it and should be getting on with it. When we look back at some of the things this government has done with projects over its three years, the delays almost seem like a lifetime.

Whatever happened to the Dingley bypass? What about the commitment made by the member for Carrum on the duplication of Wells Road? We have not heard about that for the last three years. Suddenly all these commitments have just disappeared into the ether. She made a commitment to stop all the traffic jams around her electorate and to take some of the traffic off the freeway to Frankston. We do not hear about that any longer. Whatever happened to the Pakenham bypass? Where is the commitment by this government? Is it going to happen, or has that disappeared too? The government was very big on that commitment. What about out in its heartland, at Deer Park? Is there any commitment to the Deer Park bypass? I do not believe there is. It could not even give a toss about the people in its own heartland.

When you go into the electorate of the member for Keilor and ask the people around St Albans about clearing the traffic jams out of there, they say, 'No way', that they are ignored by this government. Yet we have heard member after member of the government — and no doubt there will be more after me — jumping up, all programmed to say all the nice things and make all the commitments. 'This government is absolutely committed to this project', they are telling us, yet for three years it has done nothing but delay it. As I said earlier, if any member of Parliament believes this government is committed to this project, they are kidding themselves. I can tell you now, Acting Speaker, that in my electorate, which would be a beneficiary of the Scoresby project if it happened to be built, there is no belief at all that this government will deliver. And in the electorate of the member for Frankston, there is certainly no belief that this government will deliver. The only way this important and vital project, as the members for Frankston and Coburg described it, will get going and be delivered is with a change to a Liberal government.

Mr ANDREWS (Mulgrave) — I am pleased to speak in support of the Southern and Eastern Integrated Transport Authority Bill. The establishment of the authority is a proper recognition of the importance of this vital freeway project. It is important to note that it is not simply a freeway project but part of an integrated transport corridor, and I want to make mention of that later on. This is an appropriate recognition of the importance of this project, in that the bill will bring into being a single authority that is charged with the responsibility, as set down in clause 19, of facilitating the project on behalf of the government, evaluating submissions from interested persons and undertaking

the development of the project, as well as a raft of other specific duties. They are all very important, and they form part of the serious way in which this government looks at transport issues in general and the Mitcham–Frankston freeway in particular.

I am pleased to follow the member for Mornington and the other opposition members who, it would be fair to say, have questioned this government's support for the Scoresby or Mitcham–Frankston freeway, as is their right. But it is important to remind the house that in 1999 when the Kennett government left office — albeit at a time when members opposite thought it had a few more years to run — not one dollar was left in the 1999–2000 budget for this important project! So the rantings of those opposite who try to make the case that they somehow have a mortgage on supporting this important project ring a bit hollow.

Mr Cooper interjected.

Mr ANDREWS — Can I say it again for the benefit of those opposite?

Mr Mulder interjected.

Mr ANDREWS — In 1999–2000 not one dollar was left to build what opposition members would have us believe is a project that only they support, and now they would also have us believe that somehow their support is far greater and more meaningful than ours.

Having said that, putting this project under the charge of one authority is a sensible and appropriate arrangement. As members know — —

Mr Perton interjected.

Mr ANDREWS — I know the member for Doncaster did not — is he on the speakers' list for this?

Mr Perton — I am indeed.

Mr ANDREWS — Very good. I will listen to you attentively, and you might extend the same courtesy to me.

As honourable members know, the proposed Mitcham–Frankston freeway is a 39-kilometre length of road stretching from the Eastern Freeway in Mitcham to the Frankston Freeway, which will provide a very important link for the more than 1 million people who live along that corridor, a corridor that represents 40 per cent of Melbourne's manufacturing industry.

It is an important issue, not only for that entire corridor, but particularly for my local area. The reservation set aside for the proposed Mitcham–Frankston freeway project forms the eastern boundary of my electorate, and traffic congestion and other issues relating to Stud Road and Springvale Road are obviously important for people living in my local area.

The project is a critical north-south link that will provide greater access for industry. As I said, 40 per cent of manufacturing industry in Melbourne is located out in the Scoresby or Mitcham–Frankston corridor. I note the Minister for Manufacturing and Export is at the table. I am sure he would agree that those industries that employ, often in very high value-adding ways, large numbers of people out in my local community and the community he represents will benefit from that linkage. The single-purpose authority, which is to engage with the private sector and to be solely and wholly dedicated to delivering the project in a proper and financially responsible way, is of obvious importance and something that every member of this house could well support.

As well as the north-south link issues, there is also the notion of traffic management and dealing with traffic congestion on other north-south roads. Other members have made comments about Stud Road and the difficult circumstances motorists face there, and also Springvale Road, a road that is well known to many members in this place. Motorists face difficult times travelling up and down that road, particularly in peak periods. The specific authority which will be charged with delivering the Mitcham–Frankston freeway — as others have noted, on time and on budget — will mean that residents moving up and down Springvale and Stud roads will have a much better deal and will be able to travel those routes a lot more effectively.

The Mitcham–Frankston freeway project has been constructed in a very consultative way, and the member for Bayswater noted the involvement of a group of 10 or 11 councils. That has meant that the community has had ownership over this project of significance. Other community consultative frameworks have been put in place, and that is very important as well, given that this is such a large project and one which is so critical to the future of the region.

I now want to talk a little about some of the other ways in which the Bracks government is value-adding to the project. Obviously under its road of national importance status the freeway is a very important project, but in addition to that and of significant benefit to my local community are the other spin-offs that come from the government's $5 billion Linking Victoria program.

In particular I want to talk about the $43 million tramline extension from Burwood East to Vermont South. I note the honourable member for Burwood is very excited about that project and could lay claim to having a very significant influence over it. In my own area $17 million has gone towards the Smart Bus to run up and down Blackburn and Springvale roads. From moving around my local community I know that that is not without significant support. Many people take advantage of that excellent service, which uses the most modern advancements in technology with global positioning systems so that people have a clear understanding of when the next bus will arrive. That is a very good thing; it brings certainty to the public transport system. As I move around my local community I find that people are particularly supportive of the government's Smart Bus program.

In addition there is the issue of new bus services for Rowville, Lysterfield, Knox City, Ringwood and Dandenong. I was pleased last week to meet with the member for Brunswick, the Parliamentary Secretary for Infrastructure, to launch two new bus routes running from Mulgrave in my electorate to Dandenong North — yet again clearly demonstrating that this government gives transport the attention and levels of funding that it deserves. It is against that backdrop that the Southern and Eastern Integrated Transport Authority Bill has been brought in. The authority is an initiative of this government to ensure that appropriate attention is paid to this very important project and that it has the serious consideration and administrative arrangements needed to deliver the freeway in a financially responsible way, thus delivering significant cost savings to the people of Victoria.

In closing I note that there has been a bit of banter about whether the Liberal and National parties are in coalition any more. There was a bit of a cross-table exchange about these issues. I was reminded of some comments the Leader of the National Party made during the recent election campaign. He said on ABC radio that in order to fund more than $1 billion worth of infrastructure commitments in rural and regional Victoria there may well be a need — this is his view — to put off, to put to one side, to put on the backburner projects like the Scoresby freeway.

It is important to note that there are those making such comments on these issues. The history to this matter is that, firstly, in the 1999–2000 budget there was not one dollar to build this, yet those on the other side of the house suggest they have some mortgage on it and think they are the only ones who support this project. But the history is there, and it cannot be refuted. On from that, there are those who would form a coalition government, and if that ever happened it must be remembered that the Leader of the National Party has basically espoused a policy where in order to deliver, as he sees it, in rural and regional Victoria — as if you could not do both — projects like the Mitcham–Frankston freeway would have to be put to one side. That is a very interesting backdrop and history.

I have no hesitation in supporting this bill. This is a great step forward and is a key part of delivering what is a very important freeway project for my local community and the whole state.

Mr PERTON (Doncaster) — This issue has been with me for my entire political life. The honourable member for Box Hill and I joined the Young Liberals and Liberal Students some 27 years ago. This has been an issue throughout that time.

I am glad the member for Mulgrave talked about Smart Bus and the use of global positioning systems and smarter public transport systems. On that he and I agree. It is one of the legacies of the Kennett government that Vicroads and the ministry of transport have some of the most modern technological systems in the world. We see that on freeways like the Eastern Freeway, City Link and the Tullamarine Freeway, which have facilities that can inform drivers of traffic conditions. People are able to hear through the media — whether on commercial radio or the ABC — about road conditions and to make informed decisions to ensure they are using their time efficiently.

In respect of this bill, my electorate just looks at it and shakes its head. Maybe the member for Mulgrave is too young to remember the history of the Eastern Freeway.

Mr Holding interjected.

Mr PERTON — The Minister for Manufacturing and Export says I am not. There was a Premier of this state called John Cain. John Cain did not like freeways. There was a notorious directive to his drivers that they were to take him to appointments without using freeways. He came to government at the time the original Eastern Freeway project was operational and needed to be taken through to Doncaster Road. His solution to almost every freeway problem, whether it was the South-Eastern Arterial or the Eastern Freeway, was to build them with traffic lights. The member smiles because he is obviously old enough to remember the frustration of the community with the Cain government's attitude to freeways.

In my electorate — and the member for Bulleen is in the chamber — there are people who ask whether we

could build a heavy rail train to Doncaster. I always say it would be absolutely fantastic if we could. The only problem is that as one of its first actions the Cain government sold the rail reservation to East Doncaster. We now have many thousands of houses and schools — and people's lives — that have been constructed in that area. The Cain government legacy has to be remembered and referred to and the residents of Doncaster over the age of 35 certainly remember it and remember the legacy of Labor.

The Eastern Freeway extension to Springvale Road was constructed during the time of the Kennett government and it is a superb piece of road. The member for Mulgrave, referring to his trips along Springvale Road, no doubt uses it to get to areas like Collingwood and the like, and agrees that it is a great piece of engineering. Once given the resources, the budget and the political support to get on with the project, Vicroads did it. The sound barriers, for instance, have been given international awards not just for their appearance, but also for their effectiveness. Now in my electorate is a great piece of infrastructure that allows people to participate in this rich life of Melbourne whether for their work or their leisure. It is something that most people enjoy and use.

The people who are further east, the people of Mitcham, Ringwood and the like, still suffer from the traffic congestion that the further Eastern Freeway extension to Ringwood was designed to fix. To be frank, I do not understand why it is not half-built or three-quarters built and why Premier Bracks will not be cutting the ribbon in a year or two. There is no reason at all save incredible indecision. That indecision has not just delayed the road construction project to Springvale Road but really mucked up the lives of people — for instance, Michael Drago and Carmela Cataldo, who live at 4 Hakeville Ave, Nunawading — who live in that area and who either want to see the construction go ahead, want their properties acquired or want works to be done. Their property is to be affected by the planned construction of the sound barriers on the Eastern Freeway, and they have been trying to negotiate with Vicroads either to get a purchase or a reasonable settlement. Nothing has happened. On 14 February I wrote to the Minister for Transport asking him, after all these months in which Mr Drago and Ms Cataldo have sought negotiations with Vicroads, to get the thing over and done with and to ask the minister to meet with them. The letter was sent on 14 February 2003, and still I have had no response.

The demands of the residents of Robinson Court, Donvale, are not great. They want to save Vicroads money in the works that take place around the area. They have written a very good memorandum which has been transmitted to the minister and is signed by Bob Parker of 2 Robinson Court, Frank Parente of 1 Robinson Court and Brendan Hogan of 5 Robinson Court. They do not want sound barriers foisted upon them; they want them deleted and alternative works installed that will enable them to live their lives in a way that maximises the great lifestyle that people have living in Donvale and in my electorate. We have written to the minister, and I ask him to come and meet these people to talk over their concerns and meet their reasonable expectations.

Obviously the minister is handing over his responsibility and the responsibilities of Vicroads to the new Southern and Eastern Integrated Transport Authority. As people from our side of the house have interjected at various times, it is almost like *Nineteen Eighty-Four* and the ministry of truth. Every morning we watch the minister for information in the Saddam Hussein regime engaging in fantasies — —

Mr Andrews — Don't go there!

Mr PERTON — I will go there, because we have had speaker after speaker from the backbench being given their notes and told to make a speech that says, 'This will be delivered on time. This will be delivered on budget. No-one has ever thought of something like the Southern and Eastern Integrated Transport Authority to build a set of freeways!'. The Eastern Freeway could have been built on time and on budget and people could have been driving on it this year if only Vicroads had been given the authority and the budget to do so. It is one of the best road-building bureaucracies in the world, and it has been stuffed around by the government's lack of political leadership and ability to properly budget.

The government has been dithering and dithering on the Scoresby freeway! Does the government support it or not support it? Does it need the money from the federal government, and will it accept the money from the federal government? Is it going to go to Seaford or Frankston? Can we do it in one project? It is dithering! This is a government that follows the latest opinion poll, the latest fad.

The entire first half of my political life was lived under a political party opposed to freeways and in favour of good public transport. Now it says it is in favour of freeways and public transport can take a back seat. I represent the people of Doncaster, Donvale, parts of Mitcham and Nunawading, and at the moment they do not have a freeway when they ought to have one. They do not have heavy rail because the previous Labor

government sold off the reservation. In terms of the rest of their public transport, while the bus system was manifestly improved under the Kennett government, I feel the government is not delivering on the needs of my community, and while the bill may improve things to some extent it is a monument to the neglect and mismanagement of the past three years.

Debate adjourned on motion of Ms McTAGGART (Evelyn).

Debate adjourned until later this day.

BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 20 March; motion of Mr BRUMBY (Treasurer).

Mr KOTSIRAS (Bulleen) — It is a pleasure that I speak on the Business Licensing Legislation (Amendment) Bill. The bill amends five acts: the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to enable transactions under each act to be delivered online via the Internet.

In the second-reading speech the minister said:

> The ability to transact business with government online will deliver improved services to business, to associations and their members and to consumers. It will result in increased convenience and improved efficiency, particularly for rural and regional businesses and consumers.

If this is achieved I will have to congratulate the government. It is not often that I stand up and say something nice about this government, but if this is achieved I will congratulate it on bringing this legislation into this house, because many Victorians who are isolated from regional centres will benefit from this bill — so the opposition will be supporting it.

I have to say that this bill builds on the work that has already been done by the previous government. I would like to pay tribute to the former Kennett government, particularly Alan Stockdale who was appointed as the first Minister for Multimedia and established the first Office of Multimedia. Back then we were the leaders; we were leading Australia and the world. Bill Gates in his book *Business@Speed of Thought* used Victoria as a good example and talked about how far Victoria had gone. In the chapter headed 'Take government to the people' he says:

> Australia's state of Victoria is taking such a 'one-stop shopping' approach with its MAXI online system. MAXI is organised around 'life events' that change a person's legal status or impose a reporting requirement: marriage, becoming of legal age, moving. If you change residence, for instance, you fill out the change information once from a PC or a public kiosk. The Web application automatically updates the records of the four state agencies that need to know. Citizens have to know only what they want to do, not the locations and procedures of different agencies. MAXI is handling 20 000 transactions a month and rising.

We were the world leaders at that stage.

In the past the first phase of electronic business was the exchange of information, but with time more and more types of businesses have become available electronically. Today we are able to buy goods and services online, we are able to map and book our family holiday and we do home banking, to name just a few. It would be very difficult to imagine any major advances in any field without information and communications technology (ICT).

I was interested to read a speech by a renowned management teacher, Professor Russell Ackoff, who 23 years ago said:

> Change has always been accelerating. This is nothing new and we cannot claim uniqueness because of it. There are, however, some aspects of the changes we are experiencing that are unique … First, although technological and social change have been accelerating almost continuously, until recently this has been slow enough to enable people to adapt, either by making small occasional adjustments or by accumulating the need to do so and passing it on to the next generation. The young have always found it easier than the old to make the necessary adjustments. Newcomers to power have usually been willing to make changes that their predecessors were unwilling to make. In the past, because change did not press people greatly, it did not receive much of their attention. Today it presses hard and therefore is attended to. Its current rate is so great that delays in responding to it can be very costly, even disastrous. Companies and governments are going out of business everyday because they have failed to adapt to it, or because they have adapted too slowly.

Change will occur, and we do live in changing times. We must learn not only to deal with these changes but also to adapt to them to improve our lifestyle and to make our lives a bit easier. In an ideal world the interface between government and its citizens is seamless. The government is able to provide the services to the citizens that they want, not what the government wants to give or the information it wants to provide.

This is even more relevant today because of the large number of people who have access to the Internet. The World Information Technology and Services Alliance

states in *Digital Planet 2002 — The Global Information Economy*:

> The Internet and e-business continue to gain momentum. An additional 123 million people joined the online community in 2001, bringing the total to 522 million. The total number of e-business users also saw significant gains, with business-to-business spending up 83 per cent and business to consumer spending up 64 per cent last year.
>
> While year-to-year total ICT spending demonstrated a small increase, the global market jumped from $1.3 trillion in 1993 to $2.4 trillion in 2001. The compound annual growth rate over that span is 7.6 per cent.

As a result of this huge increase people are using the Internet for a variety of reasons, and the government should be able to provide them with services. And why not? In Australia in the area of ICT 67 per cent of Australian households have a personal computer, 52 per cent of Australian households are online and 72 per cent of Australians over the age of 16 have access to the Internet. This puts us at the top end of Internet and IT usage around the world, so the bill before the house is appropriate and essential.

As I said, this bill amends five acts. It enhances measures already taken through the Electronic Transactions (Victoria) Act, which enables certain documents to be lodged electronically via the Internet. In amending the other acts it removes further impediments to the conduct of business online. The bill will remove existing requirements that a document be signed by more than one person and that a statutory declaration be attached to a document. Specifically the bill facilitates online transactions between the private sector and government in the following areas: licence application, licence renewals, business name registrations, the formation of incorporated associations, annual statements and auditor reports.

The bill also allows certain public registers to be searched online. Where necessary, safeguards to privacy such as passwords, confirmation of change by letter and restricted access to private information on registers are included.

Finally, this bill allows more associations to appoint an unregistered liquidator to oversee a voluntary winding up. An unregistered liquidator is very similar to a registered one, the only difference being the cost — that is the fees are much lower. I just hope that enough checks and balances have been put in place to protect the consumers in these transactions. Since May 2002, when the bill was introduced, the government has incorporated 21 minor changes. These make no substantive changes to the effect of the bill and are largely stylistic in nature.

The opposition consulted widely with the Victorian Employers Chamber of Commerce and Industry, the Australian Retailers Association and Microbusiness Network, as well as others, and there was no objection to the bill. As the bill builds logically upon the business initiatives of the Kennett government and reflects Liberal policy, the opposition will support it. Even though this government has been slow — it has taken three and a half years to bring this legislation to the house — I congratulate it, but I hope that it continues to run with the ball to ensure that Victoria once again becomes the leader in information and communications technology that it was in the past. During the first year of this government there was no minister for ICT, and Victoria went backwards. Other states hit the lead and Victoria was no longer the envy of other states.

We have lost some jobs interstate and overseas. In the term of the first Bracks government 450 Ericsson jobs were lost; Solectron IT in Wangaratta shed 225 jobs; Vodaphone, 185 jobs; Siemens, 100 jobs; NDC, 160 jobs; and Hutchison Telecommunications, 176 jobs. In addition a series of firms ignored Victoria as a place to expand investment and jobs, preferring New South Wales. They included IBM, with 400 jobs; Oracle, with 150; Motorola, with 50; and Ozemail, with 47.

I congratulate the government on bringing in this legislation. I ask it not to drop the ball and to ensure that Victoria once again becomes a leader in ICT. I wish this bill a speedy passage.

Mrs POWELL (Shepparton) — I am pleased to speak on this bill on behalf of the National Party and to say that the National Party will not oppose it. We also have consulted widely right across Victoria with travel agents, motor car traders, the Victorian Employers Chamber of Commerce and Industry and a number of other organisations that will be affected by this bill. In fact there was no opposition to the legislation, so the National Party is quite comfortable in not opposing it.

The original bill was introduced into Parliament in the last session and was passed by this house without amendment, but it was put on hold when the Labor government called an early election and Parliament was prorogued. It is now being introduced with some minor changes which, as the member for Bulleen said, are stylistic and do not substantially change the previous legislation.

The former coalition government had a vision of conducting business online and consequently put a lot of programs in place. It was a leader, as we have heard from a number of speakers, in information technology.

It had the vision of providing a number of services that gave not just businesses but consumers the ability to conduct their day-to-day transactions on line. That has been very successful, and I am pleased to see that this government has picked it up and decided to continue the former government's initiative of putting businesses online.

The bill has a number of purposes. It amends the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986. This enables government services under each of those acts to be delivered via the Internet. As I said, the changes are minor and bring those acts in line with the new legislation. The bill also provides for wider regulation-making powers to ensure that fees for transactions conducted online can now be prescribed. It also requires businesses to retain the originals of certain documents that have been lodged with the director of Consumer Affairs Victoria or the Business Licensing Authority for a period of seven years after the copy was sent, which is in line with normal business practice. It means that copies of documents that were sent to the authorities can be made available on request, and it ensures the authenticity of documents that have been lodged electronically. There are penalties for destroying those documents, which is also in line with current business practice.

The bill will allow an incorporated association with gross assets of $10 000 or less to appoint an unregistered liquidator when it is voluntarily winding up. That will be good for small associations, because the cost of having a registered liquidator can be prohibitive.

We are told that this bill brings Victoria into line with similar legislation in other states. As I said, the former government was the leader among all the other states in bringing in such legislation. It will provide the opportunity for businesses to go online for services such as the registration of business names and motor car transactions. It will also allow changes to be made to details on the registers of business names.

The National Party believes the bill will be of value to small businesses in rural and regional Victoria. It will streamline the requirements for documentation, particularly for people who live in isolated areas. I keep hearing from small businesses of their concerns about red tape. The bill will remove some of the impediments that businesses find so time consuming and inconvenient to deal with.

The bill will also remove the existing requirement that a document that is lodged with Consumer and Business Affairs Victoria or the Business Licensing Authority has to be signed by more than one person. It will remove the existing requirement that a document be accompanied by a statutory declaration. Instead a statement will be required from an applicant certifying that the applicant has the authority to make the application on behalf of the business, that any particulars in the application are true and correct and that any documents accompanying the application are also true copies. That will also help small businesses in rural and regional Victoria, particularly in isolated areas where people have trouble finding anybody to authorise a document, including a justice of the peace. In many small communities it is usually the local chemist who can sign a statutory declaration. It will remove that inconvenience, enabling documents to be authorised online.

It is also an inconvenience for small business owners to have to leave their businesses to find a justice of the peace. In many instances family businesses have only the family members and a partner or apprentice, so to leave the business unguarded is also a concern. Businesses these days have become used to working online and to doing some of their banking online, so they will embrace this information technology quite well. As I have said, many businesses already take advantage of services such as online banking. They transfer money from one account to another, pay accounts online and order goods online. The system works quite well in country Victoria. People who work with Melbourne firms order their parts online, and now they will be able to transfer their payments online as well.

They are also able to pay their car registrations, and for a person like me who is not computer literate — I know how to use a computer, but I am perhaps not as good as some members of Parliament — it is sometimes quite difficult to access some of those services. Yet when you are told how to use the service, you wonder how you ever did without it. It streamlines your operations and makes things easier, not just for businesses but for people who are housebound or are disabled or are isolated and cannot get to some of the services. It is also useful for after-hours services. Being able to perform a number of services online is really important and convenient.

Many people in the community and in business still have a concern about online transactions. Quite often we hear in the media about hackers being able to access people's online information and accounts. Some people who are not comfortable with information technology

still have reservations about using computers and being online. The bill provides a number of protections to consumers and will give confidence to people who use online services. That is important because a lot of people do not use the services because they feel very vulnerable. Media items often highlight the fact that hackers are able to access sensitive information and use it wherever they like. The National Party is assured that the bill contains provisions to minimise risks. One of those provisions will mean that online transactions will have to be verified by the use of a pass code issued to the person authorised to conduct the online transaction. That will alleviate the concerns of some people, because they know they will be able to use a pass code and will be the only ones able to access the information.

Some businesses also have a concern about public access to a register of business names which contains a large amount of information, some of which is sensitive. There are a number of issues to do with the public register, because it includes the address of a business, which is quite normal, but it also includes the nature of the business and a proprietor's name and address. The register also picks up on a proprietor's current residential address and even, if a proprietor becomes a married person, what their maiden name was. The public is able to access that sort of sensitive information, and some people feel vulnerable giving it out.

The register includes information about the names and addresses of directors. Some business operators are uncomfortable that that information is online and completely open to the public. Annual reports are also online, and people with an interest can go into the directory in the register and access the information.

The bill provides that where there are exceptional circumstances a person on the public register can apply to have certain details restricted. That will be important in certain instances, where some people may not want to give out their residential address for reasons of a confidential nature or perhaps there is some reason that they feel their safety or their family's safety could be jeopardised. That is an important provision in the bill. There are circumstances where people can apply for an exemption or have some of their details restricted.

It is important that businesses have the confidence to do business online. There is still concern among people who have not been using IT for as long as others that there could be access to certain information that might be sensitive and that that information is then accessible to everybody in the community. People need to know not only who can access information but also and more importantly what will be done with that information and who the information might be provided to. People need to feel comfortable that information they might want to see protected will not be provided on a public database.

The government has said that the provisions in the bill will minimise risk, and I hope any anomalies or glitches in the legislation will be rectified quickly so that people are protected. It is important to protect small business.

The National Party will not oppose the bill, because it would not oppose any legislation that it believes would support small business. Some small businesses in drought-affected areas are really going through tough times at the moment. They are finding it difficult, and if there is any way that we can minimise the inconvenience and maximise the work they are doing, then it is important to do so. The National Party will support any minimisation of red tape and maximisation of small business being able to carry out online transactions, perhaps after hours.

Farmers are classed as small businesses, and most farmers have access to IT: I believe most farms have computers. It is important that farmers do not have to leave their farms to carry out transactions online. This bill will make it easier for them, and that is a good thing. Many in our farming communities are isolated and work long hours and are stressed because of the drought at the moment, and the National Party will support something that gives them a reprieve in the day-to-day running of their businesses. The National Party will not oppose the bill, and I wish it a speedy passage.

Mr STENSHOLT (Burwood) — I am delighted to support the bill and follow other speakers who also support it. Its purpose is to enable a range of government services, particularly business services, to be delivered online via the Internet. It amends the Associations Incorporations Act, the Business Names Act, the Estate Agents Act, the Motor Traders Act and the Travel Agents Act.

The bill also provides for a number of other amendments to ensure the efficient operation of particular acts. I commend the introduction of the bill, which will provide improved services to businesses, associations and their members as well as to consumers. The provisions apply the power of the Internet, which other speakers have spoken about eloquently, to deliver the services. This is particularly important for people in businesses which are not in the city centre and who cannot easily walk down the street and register their business and to businesses in rural and regional Victoria. I am well aware of the issue of access from

participating in a review of regional and rural legal services during the last Parliament. There was the possibility, as was discussed during that inquiry, of delivering more government services over the Internet. This is a particular example of this occurring for businesses.

Last year I assisted the previous Minister for Consumer Affairs with a review of the Fair Trading Act. We particularly focused on e-commerce and conducted a wide-ranging seminar on the subject with a range of speakers. During the seminar the need for government and regulatory services to be available on the Internet was raised as a priority if not a necessity.

In general, the bill provides over time for most licensed applications and renewals as well as the registration of business names or applications for incorporation to be made online. It also allows changes to various details that businesses or associations have to be made online or to allow required statements or reports to be lodged online. This is far more convenient and makes good business sense. The aim of the Bracks Labor government is to help businesses. We are small business friendly and we want to make doing business easier and cheaper in Victoria. This is a good example of that approach and making sure that a small business-friendly Bracks Labor government assists them. Indeed, there are a number of aspects in this bill that cover that issue.

We also should look at consumer rights and access, which are enhanced by this bill. Consumers can check online which businesses they are dealing with, the details of the business, and satisfy themselves they are appropriately licensed. That is important in terms of access by consumers. I also realise, as already mentioned by the member for Bulleen, that the Electronic Transactions (Victoria) Act 2000 allows for electronic lodgment and via an agreed authentication process. This bill goes further and facilitates a range of other aspects and removes other impediments to online business. The member for Shepparton mentioned the issue of multiple signatures and statutory declarations not being required so they can be done over the Internet.

There are issues of risk management that have to be addressed in using the Internet. We have a process using pass codes, particularly in relation to business names, that are to be used by business owners, or the nominated delegates of the business owners, or the public officer of an incorporated association, or in relation to licensees such as real estate agents or officers in effective control of licensed companies. The pass code request will have to be done via the transaction web site and the details will be put in and will be issued by mail to recorded addresses to ensure appropriate risk management.

I note that the member for Shepparton asked how safe it is to use one's credit card over the Internet. I can assure the member that the Department of Justice operates its web site in accordance with international industry standards in relation to credit card payments. It uses a technology called secure socket layer, or SSL. Transactions use 128-bit inscription to ensure details are secure and made by an established gateway provided by a firm called Camtech. The details of the credit card are not stored but are transferred by secure transmission and upon confirmation of acceptance the details are removed and only the registration or transaction number is left as a record. I assure the member for Shepparton that it is safe to use the Department of Justice's web site. It has been tested through external independent penetration testing to check that hackers cannot enter the site. I hope the member will accept that assurance.

The member for Shepparton also mentioned issues of privacy. I endorse her comments but this, of course, is a balance between providing appropriate privacy issues and consumer protection principles with the publicly available registers. This bill seeks to provide that balance to ensure that people who have a particular reason can ask for some of their personal details not to be publicly recorded on the register.

The bill also provides clarification on a range of other issues — for example, the use of the term 'statements' and replacing it with 'document' or 'notice' where appropriate. It is a small issue, but any clarification for small businesses is important. We want to make the process of doing business easier, fairer and cheaper in Victoria.

Another issue mentioned by the member for Shepparton concerned incorporated associations and their being able to appoint an unregistered liquidator when voluntarily winding up. This applies only to associations which have assets of less than $10 000 and does not mean that anyone can simply wind them up. They have to be professional people. The bill clarifies some uncertainty in previous legislation whereby there was a view expressed by the registrar of incorporated associations that the association had to appoint a registered company liquidator. While it is not saying that it is a sledgehammer to crack a nut, it is an expensive process in using an exclusive and highly professional person when a small association with very few assets is to be wound up. There is the protection that the unregistered liquidator has to be a certified

public accountant or a member of the Institute of Chartered Accountants. As members of the association they require appropriate insurance indemnity, so it provides for professional people to do the winding up of these small associations that cannot afford the cost of appointing a registered liquidator.

The bill provides improvement and continuing updated and modernising service for businesses in terms of making business easier in Victoria. As such it enjoys universal support across the chamber, and I can assure the member for Bulleen that this will be well done, well implemented and will be a credit to the state of Victoria.

Mr PERTON (Doncaster) — It is a delight to follow the members for Bulleen and Shepparton in speaking on this bill. Indeed the minister suggests that I should be grateful in following the member for Burwood and if I left him out of the list I apologise because it was a delight to hear his comments.

I spoke on this bill at length in the last Parliament and I shall not repeat all the things I said on that occasion. What I want to say in this contribution is that this bill has been a long time coming. As previous speakers on this side of the house said, the coalition government between 1996 and 1999 was a world leader in the field of online government. While the member for Mitcham said that he gets a bit bored by us repeating the fact that Bill Gates referred to the previous government as the world leader in the special field of online government in determining what the citizenry wants from online government and delivering on the vision, we were certainly seen as the leader.

What has disappointed me since the election of this government is that for a time it appears that that legacy was rejected. In the notion that this was a fresh Labor government that wanted to reject the entire Kennett legacy the government web site, e-democracy and business services online were certainly put on the back foot. When one looks at the legacy of the Labor Party and its major contributors — its control by the union movement; its requirement to obey the edicts of the union movement — one sees these things were not a priority for unions. Delivering government services to business more efficiently has certainly not been a government priority.

I notice that the public servant whose job it is to brief is here. As she would know, much of this work could have been done three years ago. It is an efficient office that operates there, but if the political leadership on these issues is not there even the most dedicated public servant trying to deliver these services more efficiently and expeditiously will not be able to do so.

This legislation has been slow in coming but now that it is back in the house in its second iteration both the Liberal Party and the National Party want to get it through. But we want to go beyond this. The reality is, Acting Speaker — you live on the land, and as I look at your letterhead I see you represent an electorate that we in the Liberal Party would have liked to have represented through to the South Australian border — that it is the people whom you represent that get such great benefit from the Internet. Farming families have been amongst those who have had the greatest take-up of Internet and Internet services, but if you talk to them and talk to the people who work with them you will hear that one of the disappointments is that the Internet has not been allowed to change things as much as it could have.

The things that are changed in this bill are important, but in most cases they are not the elements of day-to-day business with government. The great notion that the Kennett government had was of the Internet delivering to society, to business and to the community services on the basis of a life event — that is, if you sell your house or buy a house there are a whole range of registrations and activities and notifications that you have to undertake, and the vision of the Kennett government was that you would be able to do that in one screen, whether it be the change of address for yourself, the take-up of water or the termination of an old account and the like.

Indeed one would have hoped that if you were a business person registered to run a business and the like, the government in delivering services to you online would be able to pick up the fact that you, the director of X, or you, the registered proprietor of Y, had moved addresses and automatically update that registration.

An honourable member interjected.

Mr PERTON — Yes, Vicroads. Citizens and businesses do not think of the different departments of government as having a customer-client relationship; they think of the whole of government. As the member for Bulleen said, if this legislation is to have any meaning at all, it ought to be delivering this life event notion — that if you register once with government as having changed your address, that registration ought to change everywhere and we should not have to change our particulars with every organisation.

This frustration in 2003 is not just felt in respect of government. Telstra, for instance, now offers to the average household a range of services — telephone, Internet services and the like. Even when dealing with large utilities that are half government owned and half privately owned the same bureaucratic procedures are often an impediment. As the member for Burwood said, the power of the Internet, and it is not just the power of the Internet but what lies behind it — the database work, the intelligence that can be applied to systems, the use of artificial intelligence — should mean that there is a great blossoming in these services, and that we deliver services to people that have never been delivered before in the areas of health and education.

The Internet allows us to package up the services of government and the services of the private sector in new and unexpected ways. Whether it is a person seeking a recipe on the Internet or someone seeking information for a school project or the like, people always remark to me that they have found something they never thought they could have found. Yet I do not believe that this has fully blossomed.

From our opposition perspective the next election is three and a half years away. Many great ideas will come out of the policy work of the members for Bulleen and Shepparton in this area, and I hope that in our transmission of these ideas some of them are picked up by government.

The Minister for Education Services has recently announced a rollout of broadband to schools. Sadly she has announced the rollout to only one-third of schools, and sadly she has announced the rollout only at the lowest rate of broadband that is purchasable.

Ms Allan interjected.

Mr PERTON — Indeed it is on the bill. I am glad that the minister is paying attention. I ask the minister to look at the work that has been done by the Labor government in Western Australia. Understanding this type of legislation and the nature of the Internet and its ability to change things, that government has sought, for instance, to provide every school with broadband at the highest rate available — 11 megabytes per second. Members should know that even the smallest and most isolated schools in their electorates require the Internet to deliver new teaching services and new materials to their students. The same applies across the state — the same issues exist in the suburbs as well.

So without repeating what I said in October, this legislation is a step forward, but it is a step forward that is probably three years too late. Those of us who are interested in this area of policy, and I would hope that the Minister for Education Services, who is at the table, given her age and her ability to use this technology can break through the barriers and say, 'Look, whether it is for business, for organisations in respect of this bill, for motor car traders or travel agents, or whether it is for school students or farmers, the Internet offers the potential to deliver services that have never been delivered before with a level of convenience that has never been offered before, 24 hours a day, 7 days a week'.

Let us start thinking about the new and the different, because all this bill really does is to say, 'Well, you can do what you did in paper form via the Internet'. It really does not offer that much more. Having said that — the public servant smiles — I have queued up for a business name, and it is not a particularly great experience to have to travel into Flinders Street to do that so it is a step forward, but it is only making electronic what is currently being done in the paper form and the physical form. I urge both the public servants and the ministers involved with this bill to let their imaginations fly.

Mr LUPTON (Prahran) — It is a very great pleasure to speak in support of this legislation, which will go a considerable way towards continuing the Bracks Labor government's commitment to small business, to business efficiency and to consumer protection and access.

The use of online technology today has become extremely widespread, something that all of us, even those of us who went to school at a time when there were no personal computers, have managed to accommodate ourselves to; we have learnt to adapt, and it has become a part of our everyday lives.

The types of transactions and activities that we conduct online today are multifarious, and include paying our bills by B-pay, checking our bank balances and transacting banking matters, shopping on the Internet, organising our travel arrangements, seeking out information and an enormous range of educational resources.

One of the other great benefits of Internet access and online technology is to improve access to information in the community. Access is a terribly important aspect of this piece of legislation and one that I am proud to be supporting. The types of people who will benefit from this legislation include those living in rural and remote areas, the disabled and seniors, who are not easily able to travel to offices to lodge written documentation, and it will enable businesses to operate more efficiently. It

facilitates electronic online transactions under five separate pieces of legislation — namely, the Associations Incorporation Act, the Business Names Act, the Estate Agents Act, the Motor Car Traders Act and the Travel Agents Act.

The main features of the legislation are particularly important. The electronic lodgment of documents is an important way in which business and consumers are able to transact their activities with greater efficiency and greater protection. This legislation allows licence applications, licence renewals, the registration of business names and the forming of unincorporated associations to be conducted online. Additional provisions in the legislation mean that changes to the registered details of businesses can be made online and the annual statements of associations can be lodged online. The lodgment of auditors reports can also be carried out electronically under this legislation. These are important administrative benefits that will enable business to cut costs and operate more efficiently, thereby continuing to improve the efficiency and competitive position of businesses in Victoria, which the Bracks Labor government is a strong supporter of. In particular these benefits will have significant effects on the ability of small business to conduct its affairs efficiently and speedily.

In addition to the benefits that business will see as a result of this legislation, there are a number of benefits that consumers will find in transacting business under the legislation, whether it be regarding business names or dealings with estate agents, motorcar traders or travel agents. In particular, consumers will be able to identify proprietors of a small business or verify that a person holds an appropriate licence before they have dealings with the particular business. They will be able to satisfy themselves that the person they will be dealing with is qualified in an appropriate way.

Consequently it is also important to understand that privacy safeguards are to be incorporated into the act. While people will be able to search a public register in order to gain the information I have referred to, and in particular to identify proprietors or verify that people hold appropriate licences, the safeguards incorporated into the act will mean that in exceptional circumstances businesspeople whose information appears on the register will be able to apply to have certain information excluded if it would result in any interference with their personal safety. Those important privacy safeguards will strike a sensible balance between the need for public accountability and public information and the proper and appropriate security concerns of business operators.

The legislation also simplifies business requirements in dealing with the legislation that is covered by the act. In particular, documents lodged with Consumer Affairs Victoria or the Business Licensing Authority will now only require one signature.

The legislation also removes the need for statutory declarations to be lodged. This will mean that electronic transactions will be capable of being carried out by individuals over the Internet and will not require the multitude of signatures and statutory declarations that written licence applications require.

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

Mr LUPTON — The security of information contained in electronic transaction information is an important aspect of this legislation, which establishes a pass code system. The pass code will be given to an authorised person in a business. It will enable the business and consumers to have confidence that the security of information contained in electronic transfers will be maintained and that the public and business community can have confidence in the system established.

The legislation also contains provisions making it easier for the winding-up of small incorporated associations. The system will establish a process whereby a person who is not a registered liquidator will be able to act on behalf of a small association with funds of less than $10 000, thereby enabling a cheaper winding-up of those associations to take place.

This legislation builds on earlier legislation passed by the Bracks government, in particular the Electronic Transactions (Victoria) Act 2000 which established a process for electronic lodgment of business forms. The legislation continues the Bracks government's commitment to information technology innovation, business efficiency and protection of consumers. I am delighted to support the bill.

Mr MAUGHAN (Rodney) — I am pleased to make this contribution to debate on the Business Licensing Legislation (Amendment) Bill. It is good legislation because it will enable business and consumers to carry out a range of activities associated with lodging and registering documents more speedily, more conveniently and more efficiently by utilising information technology. Some might ask how I know it is good legislation. It is good legislation because it originated under the former Attorney-General, the Honourable Jan Wade, and the coalition government.

Mr Hulls interjected.

Mr MAUGHAN — The Bracks government passed it previously, so I was going to compliment the government on having the good sense to pick up good legislation. The bill went through the last session with the support of all parties and without amendment. It is good legislation, and it is supported by all sides of the house because it is sensible legislation utilising information technology for the benefit of the business community and for the community generally.

The former coalition government worked hard to position Victoria at the forefront of information technology. It had a minister for information technology, and the honourable member for Doncaster who spoke in the debate earlier was a very crucial member in driving that information technology. The government at the time was certainly at the forefront of implementing information technology in schools. We have already heard in the debate of the compliment paid to Victoria by Bill Gates at that time.

I suggest that we dropped the ball for a while. I am pleased that this legislation is coming through and that the government is now starting to appreciate some of the benefits that can be gained by utilising information technology. The government, to its credit, has picked up this legislation which was introduced in the last session and passed through the lower house without amendment and with bipartisan support.

The legislation before the house amends five acts including the Estate Agents Act, the Motor Car Traders Act and the Travel Agents Act to enable transactions under each of the five acts to be delivered online via the Internet. These transactions are things like licence applications, licence renewals, registrations of business names, applications to form an incorporated association, and to search to identify the provider of a business or association. That alone is very important. Sometimes when you are dealing with a business you want to know who is behind the business, and you want to be able to search and find out who you are dealing with. Now you will be able to do that as a result of this legislation.

Also, a person can satisfy themselves that a person they may be dealing with or about to enter into a contract with holds the appropriate licence. This legislation will enable people to do that easily and conveniently from their homes or offices and in their own time.

The Electronic Transactions (Victoria) Act already allows for documents to be lodged via the Internet and for signatories to be authorised by an electronic signature. I am very interested in that because when I was a member of the Law Reform Committee in the Parliament before last that committee had a reference on information technology as it applied to the law. As part of that we looked with a great deal of detail at electronic signatures and encryptions — and I am amazed at the way that that is a science of its own — to guarantee security of documents that are electronically signed. This bill removes some impediments under the Electronic Transactions (Victoria) Act to conducting that business online.

I welcome the legislation for another reason. I represent people in country Victoria. I acknowledge that this legislation will break down some of the barriers of distance that people in remote areas of the state are constantly battling.

It makes it easier for people in country Victoria to do business. It is no secret that the farming community has been one of those at the forefront of adopting information technology, and it is to be commended for the way it has adopted computers, online banking, and information technology generally in the running of its businesses. Farmers will welcome this further extension of their ability to use information technology to more conveniently, efficiently and speedily carry out their business and also do it in their own time. I find it very convenient at 11 p.m. You get home and go through the mail, and if there are some transactions you want to do you can dial up and do your banking at that time of night.

What I really get annoyed about — and I have had it this week — is where you get locked into electronic banking via the automatic teller machine and you turn up at 7.00 a.m. or 11.00 p.m., as I often do, only to find that the blasted machine is not working. You are dependent on it because you are busy doing other things, and then you have to find other means of banking and revert to going to the bank to do your transactions. I get annoyed when the electronic whizzbangery does not work; it is important to have equipment that is reliable and up and running and able to be operated at all hours of the day and night.

The bill removes the need for multiple signatures and for documents to be witnessed. As the member for Shepparton pointed out in her contribution it is often difficult for people in remote areas to find a justice of the peace — and even more so an MP — or a doctor, a lawyer, a chemist, or whoever it is, to witness documents. This legislation overcomes some of those problems, and again it will be welcomed by people in country Victoria.

The bill amends the Motor Car Traders Act in a couple of different ways. It makes it mandatory for traders to

retain for seven years the originals of documents that are lodged electronically. That is a sensible provision, and most people would retain those original documents for that period of time anyway. It also changes the requirement so that people who are found guilty of a serious offence as opposed to being convicted of a serious offence are to be debarred from a number of activities to do with motor trading. I think that is sensible. Any person who is found guilty but who is not necessarily convicted in my judgment should not be engaged in the motor trading industry.

I listened with a great deal of interest to the various contributions: of the member for Bulleen; of my colleague the member for Shepparton, who made a very good contribution; of the members for Burwood and Doncaster — and I always enjoy listening to the member for Doncaster on any of these information technology issues; and of the member for Prahran, who I think made a very worthwhile contribution.

In conclusion it is sensible legislation. It will improve the efficiency of business and will assist country people to overcome some of the effects of isolation. It will encourage people — and that means all of us — to better utilise information technology. There is an obligation on the government of the day, of whichever political colour it is, to encourage people, certainly in country Victoria but throughout the state, to become computer literate and to utilise the benefits of information technology to give them the opportunity to improve the efficiency of business and the quality of life of isolated people who can then communicate via the Internet.

The legislation enjoys bipartisan support. It is good legislation, and I commend the bill to the house.

Mr HULLS (Attorney-General) — In summing up I thank the members for Bulleen, Shepparton, Burwood, Doncaster, Prahran and Rodney for their very important contributions on the bill. This bill confirms what a technologically savvy government we are. It is all about bringing our laws into the 21st century, and in some cases bringing our members along with our laws.

As members have noted, this bill will ensure that transactions can be undertaken online, and that of course will deliver improved services to business. As the member for Rodney said, it will also improve efficiency, for rural and regional businesses and their consumers in particular.

As Attorney-General I am of course interested in privacy issues in Victoria, and I notice that these have been addressed in the bill. Indeed the provisions in the bill have been worked out in consultation with the Privacy Commissioner and his staff, specifically to ensure that the privacy of people whose personal information is held on a public register is protected, while at the same time maintaining the public policy and consumer protection principles behind the publicly accessible register. It is very important that those privacy implications have been addressed.

I am glad this legislation has the full support of everybody in the house. I note that the member for Doncaster, while supporting the bill, said that we should have moved on it more quickly. I do not know where he has been for the last few years, but he will notice that some of the legislation we have introduced in this house confirms as I said the savviness of this government when it comes to information technology, and perhaps he has been spending too much time playing with his Palm Pilot.

I thank everybody for their contribution, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

SENTENCING (AMENDMENT) BILL

Second reading

Debate resumed from 20 March; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The Sentencing (Amendment) Bill essentially does three things. It provides for the Court of Appeal to give guideline judgments in criminal appeals; it establishes a Sentencing Advisory Council; and finally, it corrects retrospectively a typographical error in the Sentencing (Amendment) Act of last year.

I refer to the typographical error, although it is retrospective. Clearly it is the intention that section 4C of the Magistrates Court Act should come after section 4B and not immediately before section 5, because there are sections numbered right down to 4G. Clearly that is an error, and we do not take that matter any further.

I will just deal with the establishment of the Sentencing Advisory Council. It is a body corporate, and its functions include providing the views to the Court of

Appeal in relation to guideline judgments that the Court of Appeal may wish to provide. The legislation provides that the Court of Appeal must notify the Sentencing Advisory Council if it intends to provide a judgment or guideline judgment as one of the nominating parties. The Sentencing Advisory Council has the opportunity of putting its views in writing — it would appear that there is no opportunity of making a formal submission, and that is probably a wise step — to the Court of Appeal in its consideration of a guideline judgment. The two other parties are the Director of Public Prosecutions and the Legal Aid Commission. I will deal with that in a bit more detail.

The other thing is that, most importantly, the council will collate and provide statistical information on sentencing. The bill provides for the research and dissemination of sentencing information not only to the Court of Appeal and to the profession but to the public at large. The council has the opportunity of gauging public opinion on sentencing, and finally, it can advise the Attorney-General on sentencing matters. The council is made up of a chairman and 9 to 12 directors who are appointed directly on the nomination of the Attorney-General.

The most important aspect of this bill relates to the issue of guideline judgments. That is something I want to spend a considerable amount of time on. It would appear, when you read what the Attorney-General said about guideline judgments in his second-reading speech and examine and interpret the bill, that there is some problem with the consistency of judges in the exercise of their judicial discretion in imposing appropriate sentences for various offences. It is this notion of consistency that seems to be the underlying theme of what the Attorney-General is doing in introducing this bill. Other matters that the Court of Appeal may take into account in making a guideline judgment relate to promoting the administration of the criminal justice system in this state — that is a given, I think — but the most important thing is the issue of consistency.

The opposition has essentially three concerns about the notion of guideline judgments. The first is whether or not the problem of inconsistency actually exists here in Victoria. There will always be disparities between sentences in particular circumstances. But we have always trusted our judges and magistrates in this state to come up with appropriate sentences by giving consideration to those matters that can be taken into account, which are specified by the Parliament and set out in the Sentencing Act, and weighing up the importance and the weight to be placed on each of those matters in relation to the individual case and applying those in the individual case.

The most important thing that has always been the check is that a sentence can be the subject of an appeal — not the conviction, which also can be the subject of an appeal. A sentence can be the subject of appeal. If it is too low, the Director of Public Prosecutions has the opportunity of seeing whether that sentence should be increased. Or, in the alternative, a convicted person has the opportunity of appealing the sentence, based upon pretty strict guidelines, on the ground that the sentence was manifestly excessive in all of the circumstances.

As a judge's associate it used to amuse me on occasion. In the event of a convicted felon appearing before the Court of Appeal to appeal a sentence, the judges always had the opportunity to actually impose an increased sentence. I remember that on one occasion a convicted felon was given three opportunities by the court to withdraw the appeal, but in the event the appeal was not withdrawn and the court upheld the sentence and increased the term of incarceration the person was sentenced to.

On the issue of sentencing appeal courts have always, in particular circumstances, provided guidelines about particular offences in particular circumstances that arise out of a particular case before them. Indeed, if it is dependent on that particular case, if it is important to the case, that becomes a crucial matter in which other courts, lower courts and courts of appeal, can actually apply. If it goes to the very nature of the case, the so-called ratio decidendi of the case, then that in fact becomes binding on a similar court of similar level, the Court of Appeal, or on an inferior court. That has always been the law, and it has been applied very effectively here by courts throughout Victoria. If there is any deviation — any inconsistency — from the sentencing provisions in relation to cases, then that can be the subject of appeal seeking either to increase or to decrease the penalty accordingly.

If anybody has been to a court where a judge is considering sentence, they would know evidence can be given in appropriate circumstances about the appropriate penalty that should be imposed relating to the individual case, to the individual involved, to the individual circumstances and to the particular offence.

One of the other matters that will be dealt with is the various authorities. Of course we all have the quintessential idea of the lawyer turning up to a court with a bagful of authorities — they are usually photocopied these days — and referring to them as an indication of the matters a sentencing judge can take into account. The particular considerations are the age, the culpability and the amount of a drug that was found

in the possession of the accused — all of those matters may be taken into account based upon precedent and the previous cases that have come before the courts and have been specifically dealt with.

The second thing I raise is that the opposition is concerned that general guideline judgments may impact upon the judicial discretion of inferior court judges in the exercise of their sentencing discretion. Everybody would understand the notion of limiting that judicial discretion; it is a matter of real concern. It is not just me who is saying it; bodies such as the Law Institute of Victoria, the Victorian Bar Council and even the judges themselves have talked about their concerns in relation to guideline judgments and the impact they have on their judicial discretion.

The third thing I want to raise is the effectiveness of guideline judgments in a practical sense. The principal concern I have about their practical application is that the system is working perfectly well at present, and any inconsistencies can be the subject of an appeal. The important thing is that the Court of Appeal is used to making decisions one way or the other: it either upholds the appeal or dismisses it based upon the law of precedent. Similar situations and similar cases set the guidelines in relation to particular cases. If the system is working well, is it likely that the court will exercise a discretion to determine a guideline judgment, or will it stick to its usual process of issuing an authority that will bind the Court of Appeal and every inferior court in this jurisdiction?

There is another matter relating to the effectiveness of guideline judgments. Many of the more serious matters that come before the courts concern drug-related offences. Many of those offences are prosecuted conjointly with the commonwealth act, although there is a prohibition regarding state law. For example, the High Court of Australia has determined that the New South Wales legislature can in no way fetter the judicial discretion of a sentencing judge, notwithstanding that the matter has been dealt with in a state court. Because there are no commonwealth criminal courts in the true sense we are speaking of here, those matters have to be dealt with in the state criminal courts. So a state Parliament has no power to in any way fetter judicial discretion through guideline judgments or otherwise in relation to the operation of commonwealth acts which apply to drug-related offences.

The final matter is that there does not appear to be a provision that makes guideline judgments binding on an inferior court. All an inferior court is required to do is take into account the provisions relating to guideline judgments. What could happen is that a court could say — as it does at the moment — that a guideline judgment is related to a matter that is unrelated to the appeal before the court and is therefore obiter, and so in all the circumstances the court is not specifically bound to take it into account. Only in a directly related case would a court feel bound by an existing precedent directly on point to take considerable note of the guideline judgment.

In determining whether it will make a guideline judgment the Court of Appeal is constrained by the meaning of a guideline judgment, but the definition in clause 4 is fairly loose. It talks about a variety of matters that can be looked at when making a guideline judgment and states that it:

> … means a judgment that is expressed to contain guidelines to be taken into account by courts in sentencing offenders, being guidelines that apply —
>
> (a) generally; or
>
> (b) to a particular court or class of court; or
>
> (c) to a particular offence or class of offence; or
>
> (d) to a particular penalty or class of penalty; or
>
> (e) to a particular class of offender.

That lack of specificity about what a guideline judgment is enables a court to change or alter or not necessarily have any true, cogent impact on those judgments.

The next things is that the Court of Appeal can make a determination once an appeal is made — it has to be a criminal appeal; and it has to be an actual case dealing with an actual appeal against sentence — as to whether or not it believes it is appropriate to make a guideline judgment generally. It may have general application to a range of issues that may relate to a particular offence or offences more broadly, because it does not have to be constrained even to that. The Court of Appeal has to make a decision to issue such a guideline judgment, and that has to be an unanimous decision — that is, in practical terms, it has to be an unanimous decision of three judges, a Court of Appeal hearing usually consisting of three judges.

A guideline judgment can also be made on the application of a party. At this stage I am a bit incredulous as to how and why a party would suggest at an appeal that a court should make a general guideline judgment. A party before the Court of Appeal in relation to sentencing will 9 times out of 10 be the Director of Public Prosecutions (DPP), and 9 times out of 10 the Legal Aid Commission will be on the other side in any event. Of course, the time to consider the

making of a guideline judgment will require a break, because it will give the various parties — the DPP and the Legal Aid Commission — the opportunity to make more formal submissions, and it will give the Sentencing Advisory Council the opportunity to make its views known to the Court of Appeal in a written form.

If you are acting for a party, one of your considerations has to be who will pay the bills. The representatives before the Court of Appeal have a fiduciary duty, once they discharge their overriding responsibility to the court, to ensure that their clients are properly represented and that their cases are properly presented to the court. It is in fact the DPP who is charged with prosecuting serious offences in this state, and as I said, 9 times out of 10 in matters before the Court of Appeal the convicted person will be represented by the Legal Aid Commission.

I am a little incredulous about in what circumstances a representative of a client would formally say, 'Do not worry about my client's particular issue. I want you to make a general application of the rule broadly, across a range of different issues. I want you to go to the expense and trouble of considering all these matters and hearing from the Sentencing Advisory Council', and meanwhile perhaps their punter is sitting out in jail somewhere waiting for a determination on their appeal. Whether that will have any practical application causes me some concern. It must be the Court of Appeal itself that would determine unanimously to make that guideline judgment.

As I said, the guideline judgments can set out the criteria and the weight to be given to various sentencing options that are consistent with the sentencing principles and determine the weight to be given to particular cases. In the classic case, which was an appeal from the decision of a New South Wales Court of Appeal in connection with a drug-related offence, the Court of Appeal made a guideline judgment which put an enormous amount of weight on the quantity of drugs above all else, and that seemed to be a matter the High Court had to grapple with. It certainly made an issue of whether it should bind the commonwealth in relation to commonwealth laws. The reality is that there is no capacity for state legislature to bind a court in the exercise of sentencing discretion in relation to commonwealth powers.

The High Court also raised a genuine concern about an overemphasis on one particular circumstance when a number of other factors could be taken into account — the degree of culpability, the age of the offender and their specific knowledge or otherwise involved in the particular offence.

As I said, it would appear that the fundamental aim of this bill is to promote consistency. It is fair to say that the law institute is opposed to guideline judgments, the bar council is opposed to guideline judgments and the Criminal Bar Association is also opposed to guideline judgments. It is not something which has been held in escrow and has just appeared and to which they are responding. The reality is that the law has always treated the notion of hypothetical cases or advisory opinions given by the courts as anathema in the common-law courts we have. Someone can put a hypothetical case to a court or to a judge and say, 'If this particular circumstance occurred, what would your opinion be?'. There is no doubt that the American Supreme Court does issue advisory opinions from time to time, but unless required to do so by some form of legislative amendment, such as a law requiring guideline judgments, the courts here have always held as anathema to them the ability to make advisory judgments or hypothetical decisions.

Our courts are dependent on trying an individual in connection with an individual case and, upon conviction, sentencing that individual on the basis of the individual circumstances of the offence, hearing all the evidence, weighing up all the material that is before the court and based upon the sentencing criteria. An appropriate sentence is imposed in light of all those matters. As I said, the discretion of a judge in arriving at a sentence is in many cases based upon a long and involved argument about the appropriate penalty, based upon similar cases arising out of similar circumstances relating to similar offences, and that can be very much the way the process operates today.

That means that the notion of consistency is developed, because it is based upon the existing law of precedent — talking about real cases, real issues and real people and weighing up the real issues before the judge in determining that sentence, rather than making some esoteric broad statement of what is important in relation to drug-related offences. It is not just a matter of asking, 'Is it just merely the quantity of drugs taken or are there other considerations that should be taken into account?'.

I will raise a number of important matters. I quote from a statement by Justice Winneke, the President of the Victorian Court of Appeal, dealing with his views about guideline judgments.

> Experience in other areas of the law has shown that judicially expressed guidelines can have a tendency, with the passage of time, to fetter judicial discretion by assuming the status of

> rules of universal application which they were never intended to have. It would … be unfortunate if such a trend were to emerge in the sentencing process where the exercise of the judge's discretion, within established principles, to fix a just sentence according to the individual circumstances of the case before him or her is fundamental to our system of criminal justice.

The notion there is that the issue of general guideline judgments would, with the passage of time, have a real tendency to fetter judicial discretion and move away from our tradition of dealing with an individual case, with an individual person, being based on the individual requirements of sentencing tailor-made to that individual case, and it is a matter of real concern.

The Law Institute of Victoria goes a bit further. It says:

> The institute also opposes the introduction of guideline judgments, which we believe are unnecessary. Guideline judgments will do little more than restate the existing legislative guidelines contained in section 5 of the Sentencing Act 1991, but carry the additional risk of fettering judicial discretion and undermining the essential separation of powers, without any justification in the Victorian context.

The law institute quotes another passage from the President of the Court of Appeal, who said, and this is used by the law institute to bolster its argument:

> The utility of the relevant guidelines expressed in Wong's case —

that was a decision of the High Court in relation to guideline judgments in New South Wales —

> will be as a sounding board or a check against the exercise of the sentencing judge's direction. In truth they cannot be anything more because they do not assume to take into account many factors which, in the individual case, will bear upon the level of the appropriate sentence to be imposed.

The law institute, after making that quote, then goes on to say:

> While we accept that statements of principle in sentencing may be helpful, such as occurs in Queensland, these guides are already provided in Victoria through the existing legislation and our respected system of authorities and precedent. In this jurisdiction there is simply no need for guideline judgment legislation.

As I said, the bar council has also come out strongly against the issue of guideline judgments. It goes so far as to say that there does not appear to be any real necessity for introducing such judgments here in Victoria.

I understand why the government would be concerned about sentencing. It is a matter of enormous topical discussion all the time. I can understand why the government wants to have a specialist body like the Sentencing Advisory Council and the actual production and dissemination of those statistics to promote public debate about sentencing. It is more than appropriate. But to actually then impose upon the Court of Appeal the judicial fetter upon its opportunity of making an individual case tailored to the individual circumstance of a particular offence is anathema to the law. The judges do not like it; their profession does not like it. There does not appear to be any significant problem with consistency, because that is dealt with by the appeal courts on a daily basis. That notion of inconsistency is dealt with on a daily basis.

It may be popular; no doubt it is popular with academics. It is probably popular, as we have seen from the report by Arie Freiberg, with victims of crime; but at the end of the day, what is the problem? Is there a genuine problem about consistency here?

The profession does not accept that there is any problem with inconsistency in the operation of the law.

I conclude with an example that was referred to by the Chief Justice of the High Court, Justice Gleeson, in the case of Wong, where he talked about the problems that may arise with guideline judgments. He talked about the operation of a commonwealth act and said:

> Insofar as they are a mere compilation or classification of sentencing information, then they are either accurate or inaccurate, helpful or unhelpful. But they are clearly intended to do more than that. The effect that they will have is to constrain the exercise of sentencing discretion. This is a risky undertaking when there is a federal statute which spells out in detail the matters to be taken into account by a sentencing judge. The statute is important both for what it says and for what it does not say. In particular, the guidelines, in their specificity and in the significance they attach to the objective fact of the quantity of heroin imported, which is broken down into subcategories which have no statutory foundation, are likely to lead to error. To take one example, which is not uncommon, although it has nothing to do with the present case, it may be that an offender's state of information and belief about the quantity of heroin imported is much more significant than the objective fact as to quantity. A given judge, looking at the guidelines, but also taking account of all the qualifications expressed, might not necessarily take an approach inconsistent with —

the commonwealth act.

> But there is a real risk that another judge might.

The point is that an overenthusiastic desire to go down the line of guideline judgments will impinge upon judicial discretion over time. It will not have any practical consequence, and the most important thing is that there does not appear to be any demonstrable evidence that there is a problem with inconsistent sentences here in Victoria.

However, it is a matter that would appear to be popular, and it is a matter that is probably not going to have any practical consequence in reality in relation to the Court of Appeal, which is doing a fine job and is an ornament to the judicial aspect of the legal profession in Victoria. Accordingly the opposition will take the matter no further and not oppose the bill.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Mr Seitz) — Order! Before I call the next speaker I acknowledge the presence in the public gallery of students and staff from the Drouin West Primary School, who are the guests of the member for Narracan. I welcome them to the house.

Debate resumed.

Mr RYAN (Leader of the National Party) — How appropriate that the community of the Drouin West Primary School should be here this evening to hear this debate, in the company of the member for Narracan. Although this debate touches upon issues which in the eyes and minds of those students may not seem important today, 8 April, particularly when they are still at primary school, in time to come those issues will become very important to them as older members of the community.

The National Party does not oppose the legislation but echoes the sentiments expressed by the shadow Attorney-General in what was an excellent contribution. There are elements of this legislation about which National Party members have great concerns. This is a re-run of legislation which the government brought into the Parliament last year. It was then called the Sentencing (Further Amendment) Bill and has now become the Sentencing (Amendment) Bill, but it is the same product, save for some new headings and some changes in the explanatory memorandum.

In that context I point out that I spoke on the previous bill on 16 October last year. I have had the dubious pleasure of re-reading one of my own speeches! What I had to say on that occasion still stands, so the house will be saved a lengthy contribution: much of what I would otherwise have to say is recorded in the words I spoke that night. Into the bargain, I am now restricted to 20-minutes under the existing sessional orders, so I could not make the same speech I made last time, even if I wanted to.

Honourable members interjecting.

Mr RYAN — And although I am being exhorted to by the government benches — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will ignore interjections. He knows they are disorderly.

Mr RYAN — There is one minor aspect and two more major aspects of the legislation with which I will deal. The minor component is the amendment of an error in the drafting of the Sentencing (Amendment) Act 2002. That is referred to in part 4 and is very minor, so we can dismiss it as being of little if any concern.

The second aspect is contained within part 3, clause 6, which establishes the Sentencing Advisory Council. The National Party has a number of concerns insofar as this entity is concerned. The first thing to be said is that the council is to be a body corporate with perpetual succession, and it is to have an official seal. It can sue and be sued in its corporate name, and it is to have all the features which usually go with an entity of this nature. It also requires that all courts must take judicial notice of the official seal of the council, and there are again the general provisions which apply to an entity of this type.

The bill then goes on to deal with the different functions of the council, which are to state in writing to the Court of Appeal its views in relation to giving or reviewing guideline judgments, to provide statistical information on sentencing, which it can gather from all sources, and to conduct research and disseminate that information to members of the judiciary. It can gauge public opinion on sentencing matters, and it can consult and advise the Attorney-General on sentencing matters. The council may also perform its functions and exercise its powers within or outside Victoria.

Those powers are set out in the legislation. Essentially the Sentencing Advisory Council has the power to do all things that are necessary or convenient to be done or in connection with performing its functions — those being the ones to which I have just referred.

The council has broad-based functions, coupled with powers that are very wide. In essence the council can fundamentally do what it wants about the gathering of factual material and statistical information in relation to sentencing and in the general dealing of that in its distribution particularly to the judiciary.

The council will have a board of directors comprising not more than 12 people. The first six directors come within defined categories set out in the legislation; it says of the last six that:

> … the remainder must have experience in the operation of the criminal justice system.

Without being too flippant about it, presumably it does not include people like Chopper Reid who has had plenty of experience in the operation of the criminal justice system, but is to do with people who have a constructive role in the administration of justice generally. Pursuant to the same legislation all these directors will be appointed by the Attorney-General, so this will be a creature of government in the final analysis.

Other provisions talk about the mechanics of how the board will meet and carry out its tasks, including staffing, appointment of consultants, control of expenditure and so on. What is missing is that the Sentencing Advisory Council does not have to lodge an annual report to Parliament. There is no requirement in the legislation for the council with its broad powers, which the government says will have a broad input on sentencing, to lodge an annual report. I believe the government should look closely at that issue. An entity such as this, given these powers and financed from the public purse and doing the work set out in the legislation, should be required to lodge an annual report to the Parliament dealing with the activities in which it is engaged throughout the course of any given year.

The next matter I deal with is set out in part 2, which relates to guideline judgments. Guideline judgments are defined in clause 4 and they are taken to mean a judgment that is expressed to contain guidelines to be taken into account by courts in sentencing offenders, being guidelines that apply across a range of sectors. They are generally drafted, but they are guidelines that apply generally or to a particular court or class of court or anything in between. The power of the Court of Appeal is to provide guideline judgments. They can only be provided in relation to an appeal against sentence. The Court of Appeal is not under any obligation to provide a guideline judgment because the expression used consistently through the legislation is 'may'. The guideline judgments may be delivered on the initiative of the court or upon application made by a party to the appeal.

I heard what the shadow Attorney-General said regarding his wondering why that would be so and why this particular aspect of the legislation is there. I can imagine the circumstance where the prosecution and not the accused may want a guideline judgment issued regarding a particular class of crime. The shadow Attorney-General was postulating the position of how ridiculous it would be for an accused person who is appealing a sentence to be seeking for a guideline judgment to be issued in his or her case only to see that this projected process would follow through and there would be delays while it happened. I do not anticipate that if a guideline judgment were to be issued it would be on the application of the appellant, the person who is complaining against sentence — namely, the person who has been convicted in the first instance. I anticipate it is more likely to be on the part of the Crown or the prosecution that is looking for a guideline judgment to be given.

The decision has to be a unanimous decision by the judges and various procedural requirements are set out. The content of the guideline judgments are set out and there is content within the legislation which requires that in the event of the Court of Appeal determining that it is going to give or review a guideline judgment it should go through a number of steps. One of those steps is to involve notice being given to the Sentencing Advisory Council. The council is to be notified so that it has the opportunity to provide a view in writing within a period specified in the course of the notification it receives. In that instance the Court of Appeal must take into account and consider what it is that the Sentencing Advisory Council has to say.

The National Party has concerns about this issue. The shadow Attorney-General read out some material, and I will not do likewise because time does not permit me to do so, which touches upon the issue of the separation of powers. As I said when I spoke on the predecessor of this legislation in October last year, talking about the principle of separation of powers sounds very pompous and far distant from matters that are daily being debated in this chamber, but they are pivotal. You cannot have the circumstance where there is a crossover between executive government, the Parliament and the judiciary. They have to be separate. The Sentencing Advisory Council and the procedural requirements imposed upon the Court of Appeal to consult the council is as close as you can get, in the opinion of the National Party, to breaching the separation of powers. What is required by the legislation will at the very minimum cause the conduct of the Court of Appeal to be at least fettered by having to undertake the procedural requirements set out in the legislation.

The National Party has grave concerns about that fact and about the prospect of threat to the principle of the separation of powers which is held dear by everyone within our democratic system. I know these are sentiments that have been referred to by the Law Institute of Victoria and the Victorian Bar Council. In each instance they have not only made reference to that issue, but have also highlighted the further fact that in any event the legislation is unnecessary because the

existing laws in Victoria accommodate the sorts of matters set out within the intended consequences of the work of the council. From the perspective of the profession, this exercise is largely redundant.

I simply say from the point of view of the National Party the sentiments that I expressed on 16 October last year are just as strong today as they were then. We are concerned about the separation of powers and that the Sentencing Advisory Board on the one hand has wide powers in itself to undertake a number of important tasks within the community relating to sentencing, while on the other hand does not have to lodge an annual report to Parliament. The National Party is very concerned that the Court of Appeal may be fettered in its operation by what is proposed by the government in the course of this general legislation. We accept that sentencing issues are almost a topic of daily discussion. We certainly accept that everyone has a point of view about these issues. In the days when I was practising law the amount of advice I invariably received from the public at large about sentences imposed varied enormously depending on the eye of the beholder.

But the great virtue of our system is that there is discretion available in our courts to deal with each particular offender on the merits of that case, to deal with it having regard to the facts and circumstances of the bringing of that individual before the courts, and to apply a penalty by way of an outcome in a manner which suits those prevailing circumstances. We in the National Party are very concerned that a process is being set up here by the government which will interrupt a process which is time honoured in the sense of the administration of law in the state of Victoria.

Mr MILDENHALL (Footscray) — I sat here for at least some of the contribution by the shadow Attorney-General and wondered whether there had been a road to Damascus experience akin to that experienced by the Leader of the Opposition who finds himself turning a discernible shade of green in recent days. But we now have the Liberal Party arguing earnestly and profoundly for the preservation of judicial discretion at all costs — the party of minimum sentencing, the party of mandatory sentencing — giving us a lecture on judicial discretion. I must say I wondered whether this was the same group that was here only months ago arguing for minimum sentences and mandatory sentences for bushfire offences. It has now raced to the other end of the spectrum. It has done the complete 180 degrees and is now the party of judicial discretion. It is quite interesting.

The other point that I thought was particularly striking in the shadow Attorney-General's presentation was the claim that the system is working perfectly well at the present. I refer the member for Kew to the presentation of the member for Doncaster here only a matter of months ago where a number of cases were brought before us in a way that the extremes on each end of the spectrum were used by way of example.

The truth and the reasonable position is somewhere in between — that in his review of sentencing Professor Freiberg found that there was a considerable degree of scepticism and disenchantment with the sentencing process and that there was a need to bring community opinion in a structured form into the establishment of guideline judgments. That is what we have here. We are treading that fine line between the principles to preserve the maximum level of judicial discretion and to also provide a vehicle for researched and well-considered opinion on guideline sentencing to be brought by the Court of Appeal in response to opinions by the sentencing council to give guidelines to the court. These guidelines are not binding. They are a set of principles. They do not interfere with the court's ability to examine the details of particular cases. They provide a set of principles, a set of guidelines.

This is legislation that is drawn from the experience of the UK. It is drawn from and considers the experience of New South Wales, and we note that it avoids one of the features of the New South Wales legislation where the Attorney-General may in fact be a party to seeking a guideline judgment and making submissions. We are obviously also conscious in this jurisdiction to have regard to the need for the maximum adherence to the separation of powers and to remove the Attorney-General from this process completely, and obviously far more than in the New South Wales situation.

I also note the other questions posed by the shadow Attorney-General, such as whether consideration of a particular case would be held up while a matter of guideline judgment was before the court. But the processes in this legislation provide that the consideration of a guideline judgment is a separate matter — that a case may trigger consideration of the need for a guideline judgment, but the whole proceedings of a court would not be held up while a guideline judgment was made.

I think another question posed by the member for Kew was probably answered by him — whether there was potential for there to be some conflict between state and federal jurisdictions and powers in regard to particular cases. I think he quoted a New South Wales case where this matter was considered. I do not know whether you would call it a guideline case, but it gave some insight

into whether, particularly in New South Wales, a state case could have an undesirable impact on the ability of federal powers to be applied to particular cases.

This legislation is part of this government's reforms to the justice system. It is part of a suite of reforms. Many of the details, as I think were indicated by the Leader of the National Party, were considered in great depth when this bill was previously before the house, and many of those matters were answered in some detail. It is worth noting that this is not an inflexible government. This is a government that listens.

The very sound amendment put forward by the member for Mildura during the previous debate has been incorporated into the legislation. The government has listened and decided that that was a reasonable proposition. It is a pity the same judgment could not be made about the National Party's and opposition's proposed amendments. Perhaps they were not of the same quality as those proposed by the member for Mildura.

This is sound legislation. It is what the community has been looking for. The community believes there is inconsistency. This addresses that issue of consistency. We and those commentators in the profession quoted by the member for Kew would be deceiving ourselves if we did not believe this is a matter of widespread debate and concern in the community.

This legislation is a delicate balance between bringing those perspectives to bear and preserving the essential principles of our judicial system — the separation of powers, judicial discretion and the need to consider the fine details of cases while having regard to general principles that may be brought to bear and that may guide the courts. It is sound legislation. I look forward to the house again endorsing it and giving it a speedy passage.

Mr PERTON (Doncaster) — As the honourable member for Kew put very well, we do not oppose this bill. When I last addressed the house on this bill I indicated that we generally supported the bill, and at that time we moved a number of amendments. Some of those amendments still have strong applicability, but in light of the government's re-election we accept that the bill will pass in its current form.

One of the issues I raised on that previous occasion was the elements that were missing in this bill that had been suggested by Professor Arie Freiberg in his excellent report on sentencing. In his report Professor Freiberg made it clear that he believed that if guideline judgments were to operate satisfactorily in this state the Attorney-General should have the power to refer a matter directly to the Court of Appeal.

Mr Hulls — You know what the Leader of the National Party says about that.

Mr PERTON — We live in a robust democracy in which there is no problem with the Leader of the National Party and me disagreeing, but I thank the Attorney-General for pointing out the difference.

Professor Freiberg put a lot of work into indicating that that was an important element. As I pointed out on the last occasion this legislation came before the house and the member for Kew pointed out today, the judiciary does not support this legislation. It is my understanding that neither the Court of Appeal nor the judges of the Supreme Court, who sometimes form part of the Court of Appeal, support this type of legislation. Even though similar legislation operates in New South Wales and Britain, the judiciary here does not believe it is necessary.

It is not just the judiciary but also the bar and the Law Institute of Victoria that oppose this legislation. As the honourable member for Kew rightly pointed out, they believe it unnecessarily fetters the judiciary in its sentencing activity. I would have thought that in an environment and atmosphere where there is public uncertainty about sentencing — and generally we would know, whether through commentary made to us at dinner parties or on talkback or in the newspaper columns — and there is not a great deal of public confidence in sentencing, the benefit of this legislation, building on Arie Freiberg's recommendations, is to involve the public in providing material to the judiciary on guidelines, sentences and the sentencing discretion in general.

There is a second element missing from the legislation and government practice which Professor Freiberg raised in his report. Professor Freiberg indicated that unless there is an accurate and up-to-date system of statistics relating to sentencing, the judges are unable to exercise their discretion in an appropriate way, and the advisory committee set up under this legislation would be very much hampered itself. On the last occasion the legislation was before the house I moved an amendment which suggested that there ought to be a responsibility and there ought to be the resourcing to provide an accurate set of statistics. The Attorney-General can hardly say that this legislation will work properly and effectively without the judiciary and the public having an accurate set of statistics upon which to base their judgment.

This is important legislation. It is not just the victims of crime groups who examine the sentences that apply to their members or those who examine the sentences in notorious cases who say there ought to be a greater public input into the sentencing decision. This sort of legislation is in operation in New South Wales and the United Kingdom, where these sorts of practices have generally been agreed to be effective. Its introduction into Victoria certainly meets some of the requests of the public and part of the concern of the public in relation to this matter.

However, we have the problem that there is public concern that the judiciary have more access to information from an informed public and we have the view of the judiciary and the bar that the public itself is relatively uninformed and therefore not in an appropriate position to provide any sort of binding advisory or persuasive advice to the judiciary about sentencing.

When you look at the sentences that were handed down by the magistracy in respect of the offenders in the S11 matter, for example, it is all very well for commentators in the judiciary or the legal profession to say, 'You were not in the courtroom. You did not hear all the facts. There were agreements between prosecutors and defence counsel that meant that the sentences that were ultimately set down were appropriate in the circumstances' or 'Were the prosecution to regard those sentences as manifestly inadequate they would have appealed', but the members of the public who looked at the behaviour at S11 and at the offences committed against police and other persons — the comments relating to, for instance, lit cigarettes being pressed against police horses — expected that people who were charged as a result of those events would have received sentences appropriate to those circumstances. When that did not happen there was public outrage.

Time and again in cases that come before the courts the judiciary hands down the sentences it thinks appropriate but in the media there is then quite a deal of debate and discussion about the appropriateness of the sentences. One of the reasons we support elements of the bill is that we will now be in a position to say to the public that there is a representative body whose duty it is to provide advice to the courts in relation to guideline judgments, that there is a greater connection between the public and the courts, public expectations and sentencing. I think that is an important thing.

I think the Attorney-General, for as long as he stays in the job, and his successor — —

Mr Hulls — That will be my son.

Mr PERTON — He is a beautiful son, but I do not believe that, even with your current majority, you are likely to remain in power that long. You will remember that there was a government in 1992 that thought it would be there for a very long time, but it was seven short years. I remain confident that before I get that much older we will be back on the Treasury benches.

This is an important piece of legislation. It allows a greater connection between the public and the judiciary. There are two significant weaknesses. One is that the judiciary, the bar and solicitors are opposed to this legislation. It may be that the court of its own volition will not intend to set down guideline judgments and it might be that the Attorney-General, in revisiting this and revisiting Arie Freiberg's advice in a few years, may decide to take Arie Freiberg's advice and provide a power in this legislation for the Attorney-General to provide guideline judgments.

The second weakness is that we are still sadly lacking in up-to-date sentencing statistics. The government argued that there were changes in the structure of the bureaucracy in our term of government, but the Labor Party has been in power for over three years now.

If they cannot produce accurate sentencing statistics within that time they are not really trying and are not really concerned. That is very important if we are to have public confidence in the sentencing system. This is only one small step, but to have accurate statistics on sentencing at every level of the courts is very important to maintain confidence in the system.

Mr WYNNE (Richmond) — I rise to support the Sentencing (Amendment) Bill and in doing so I want to acknowledge the contradictory contributions by the shadow Attorney-General, and the former shadow Attorney-General, and his predecessor who is no longer with us, the former member for Berwick. I have now faced in this debate three shadow attorneys-general and we have seen them all off —

An honourable member interjected.

Mr WYNNE — I am travelling beautifully, I might say. We have seen them off, all with completely contrary views from the last time this bill was debated in this Parliament, last year before the election, as people would well recall.

I thank my colleague the member for Bentleigh, who unfortunately will not be able to provide his contribution to the debate this evening, but who has done an excellent job of research, highlighting the extraordinary inconsistencies in the position of the opposition on a most fundamental question, that being

the separation of powers between the executive government and the judiciary. Of course, as we well remember, it was the shadow Attorney-General in his previous capacity who was in the vanguard of the opposition's stand on mandatory minimum sentences. If there is any fettering of judicial discretion that one could possibly think of, it must surely be a proposition in support of mandatory minimum sentences.

When the then shadow Attorney-General, the member for Doncaster, rose to give his contribution here this evening we all waited with some trepidation as to what the current position of the opposition might be on the sentencing matter. As an aside, the member for Doncaster said — without, I hope, accurately portraying his position — 'Yes, we learnt from it'. That was the statement made by the member for Doncaster. I hope this extraordinary and discredited proposition of the opposition is consigned to the wastepaper bin of history, and that we never hear again the concept of mandatory minimum sentences uttered in this Parliament.

I know the current shadow Attorney-General, a most distinguished member of the bar, would surely never come before this chamber and seek to argue a proposition that fetters the appropriate right of the judiciary to have discretion in relation to sentencing. This is an important piece of legislation, and there is another tranche in the reform package of the Attorney-General who is now into his second term. The reformist zeal of the Attorney-General and his department knows no bounds. I very much look forward to the rollout of a further reform package this term.

This is a revisiting of an important piece of legislation which has its genesis in the work of Professor Arie Freiberg, professor of criminology at the University of Melbourne, where both I and the member for Bentleigh had the pleasure of studying. Professor Freiberg, by any measure, is regarded as without doubt one of the finest academics and criminologists in the country.

An Honourable Member — Did he do your masters?

Mr WYNNE — No, I did not study under him.

In 2000 Professor Freiberg was appointed by the Attorney-General to undertake this thorough review of sentencing practice. It is important that we indicate at the outset that the review did not find evidence to support any significant shift away from the longstanding concept that imprisonment should be the punishment of last resort, as we would all agree. If you go to the opening pages of Professor Freiberg's report, *Pathways to Justice*, you will see he clearly indicates that that is the proposition to which he would initially be attracted.

Victoria's sentencing system has often been held up as a model particularly by other jurisdictions, and in our view the review found good reasons for ongoing confidence both in its structure and its operation. The government stands by the current sentencing regime and the independence of judicial discretion, a position in which we believe and which we believe the opposition has now retrieved from that largely discredited proposition of mandatory minimum sentences and does in fact now support. We welcome that bipartisan position for that principle.

The government is committed to further improvements in the justice system. When I had the opportunity to serve with the Attorney-General as his parliamentary secretary prior to my advancement or elevation to the position of Cabinet Secretary I worked with him on some important judicial initiatives which were supported by both sides of the house. The member for Doncaster was there at the opening of the Koori court in Shepparton, and the opening of the drug courts in Dandenong and Broadmeadows, and other very successful diversion schemes such as the court referral and evaluation for drug intervention and treatment (CREDIT) program.

We have put in place an extensive suite of sentencing options which are available to the courts. With this Sentencing (Amendment) Bill, two further critical planks in the judicial process will also become available. One of the key recommendations made by Professor Freiberg was to establish the Sentencing Advisory Council to allow informed community views to be incorporated in the sentencing process.

Members might recall that when the house debated the issue last year a proposition was put that somebody on the advisory council should have experience in the victims of crime area. An amendment was moved by the member for Mildura, and the opposition put the proposal as well. The government happily accepted the amendment of the honourable member for Mildura that somebody with expertise in the victims of crime area should be on the Sentencing Advisory Council. That is in the context of the legislation before us.

The government believes this reform will modernise the Victorian criminal justice system and ensure that it is more responsive to community views. We would all accept that in that context it makes for better judgments. The government has put together a package of reforms

that I have already mentioned, including, most importantly, the judicial college, which is another arm of its initiatives. It provides support to the judiciary in that most onerous of tasks, having to sentence offenders, often to lengthy periods in jail. Providing a judicial college that offers training and refreshment to judges can only be for the good.

In the few moments I have left I will refer to the excellent appointments the Attorney-General has made today. The appointment of Stuart Morris, QC, to the Supreme Court to head up the planning list is truly superb. We are very lucky to have been able to secure Stuart Morris for the Supreme Court. He is widely supported, and his is an excellent appointment.

An honourable member interjected.

Mr WYNNE — Yes, to the Supreme Court and to head VCAT — a Supreme Court judge heading up the planning list.

I also want to acknowledge the contribution made by the member for Kew, who has clearly understood that the policy proposal which he and the honourable member for Doncaster went to the election with — that is, mandatory sentences — is a discredited proposition. It is one that he did not have his heart in, and the people of Victoria clearly repudiated that proposition at the election. I commend the bill to the house.

Mr HULLS (Attorney-General) — I thank the member for Kew, the leader of the National Party, and the members for Footscray, Doncaster and Richmond for their very important contributions.

At the last election the Victorian people certainly delivered a guideline judgment on the policies of the opposition when it came to interfering with judicial discretion. We recall that among the policies of the opposition, enunciated by the then shadow Attorney-General, the member for Doncaster, was the proposition that judicial discretion should be interfered with and that so-called mandatory minimum terms, or mandatory sentencing, should be imposed.

It is no good the member for Doncaster now blaming the former shadow Attorney-General, Dr Dean, for that policy, because it was enunciated by the member for Doncaster loud and long. His contribution was quite extraordinary. Talk about backflips: it made him the Nadia Comaneci of the opposition.

An Honourable Member — That's an oldie but a goody!

Mr HULLS — It is an oldie but a goody, but it is true. His back must be so supple that it is an embarrassment to everybody. When you look at what he has said previously, the contribution that the honourable member made today — —

Mr Perton interjected.

Mr HULLS — Well let's! Before I came in I had a look at the *Hansard* online — I know how to use that now — and it was interesting to read his contribution. I wrote part of it out in longhand so I would not forget and so it would be indelibly imprinted on my mind! He said that if the Attorney-General were really determined to have a system of guideline judgments he would have given himself the power to request the Court of Appeal to have guideline judgments.

Of course the Leader of the National Party in his contribution back in October made it quite clear that that would interfere with judicial discretion. But he then said that it was quite clear that the public was calling for the setting of proper guidelines in the legislation we passed, and therefore we had the proposal for mandatory minimum terms. If you look at what the current shadow Attorney-General said you will see that he asked whether or not we needed to have guideline judgments and whether there was a problem with consistency of judgments.

I do not know what has happened between October last year and April this year. Maybe the new shadow Attorney-General has seen the light on the road to Damascus and has realised that we should not, as a Parliament, interfere with judicial discretion.

I can say that this legislation ensures that we do not interfere with judicial discretion. If you look at the legislation and at what guideline judgments are all about, you will see that this allows for the Court of Appeal to issue judgments that go beyond the facts of the particular case before the court and deal with variations of the offence, and it suggests appropriate types of sentences and relevant sentencing considerations. So it has the ability to suggest a range of sentencing options that may apply to a generic set of facts.

That is absolutely appropriate and does not interfere with judicial discretion. The Attorney-General does not have the power to direct the Court of Appeal to issue a guideline judgment, and it is entirely a matter for the court's discretion. As has been pointed out, guideline judgments have been issued in the United Kingdom since the early 1970s and since 1998 in New South Wales. We believe the introduction of guideline

judgments will certainly allow Victorian courts to strike the appropriate balance, and we also believe this legislation strikes an appropriate balance between giving the judiciary the broad discretion to take the individual circumstances of each case into account and the desirability of consistency in sentencing.

I noticed that the shadow Attorney-General went on to say that there was no provision in the bill to make guideline judgments binding on the court and that the courts can only take the guideline judgments into account. That is dead right. That is the purpose of a guideline judgment — to issue a broad guideline to the court. So we are not infringing upon judicial discretion.

I also looked at *Hansard* to see what the member for Kew had to say about mandatory minimum terms. This is all I could find — nothing! To his credit he was not prepared to get on the bandwagon of the then shadow Attorney-General, now the shadow minister for education. He sat there in silence. I give him credit for being somebody who understands the concept of the doctrine of the separation of powers and who understands how important judicial discretion is to our justice system. I take it that it was not a case of his putting his name down on the speakers list to support mandatory minimum terms and just not getting on. I take the view that he vehemently opposed what the then shadow Attorney-General was saying, but being a good party person he was not prepared to come out publicly and say so. Being the team player he is, he was prepared to simply sit in silence, show no backbone and support what the then shadow Attorney-General was saying.

We remember what he was saying, and as I said, the public has passed judgment on that. As the honourable member for Richmond said, let us hope we do not get into game playing again around election time, where we pull out the law and order card and pretend that ours is bigger than yours and that the party that can impose mandatory terms and tougher sentences will tap into the hearts and minds of Victorians — because it ain't going to work.

It will not work, because Victorians are smarter than that. Victorians are very sophisticated and they understand what our justice system is all about. They understand what judicial discretion is all about, and they will not tolerate politicians standing up and trying to be judges, jurors and executioners at the one time. They understand that the sentencing process is best left to the judiciary.

Other states might like to go down this path, and I remember Joh Bjelke-Petersen's government trying to do it in 1989. It ran ads on the television that showed blood running down the screen and said that if you voted for Labor this would happen and criminals would be let out of jail. His government said it wanted to be tough and wanted to impose lengthy jail terms. I am pleased to say that Queenslanders did not wear it and elected Wayne Goss instead.

While I am Attorney-General I will continue to oppose any moves towards mandatory sentencing, and I just hope the honourable member for Doncaster has learnt his lesson — not just on behalf of his party but also in his marginal seat of Doncaster. The people who live in Doncaster are fully aware of what the doctrine of the separation of powers is all about. They are fully aware that politicians should not interfere with judicial discretion. We are three and a half years out from the next election. Let us make a pact that we will not go down the path of having a nonsense law-and-order debate at election time. Let us be true to what we believe.

In three and a half years' time let us go back to what we have said in this debate. Let us look at what the honourable member for Kew has said about judicial discretion and how important it is and how it should not be interfered with. Let us agree to put this on the backburner during the election campaign. Let us campaign on the important issues — education, health and public safety — because we will roll the opposition on those issues. Let there be no doubt about it! Let us not play the law-and-order game that many parties get themselves into. Let us learn the lesson that the coalition learnt at the last election: that you do not have to go down this path. Victorians will reject you if you try to interfere with judicial discretion.

I thank all those members who contributed to this very important debate. The government believes the bill gets the balance right. We believe it is appropriate legislation, and I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Second reading

Debate resumed from earlier this day; motion of Mr BATCHELOR (Minister for Transport).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Mr BATCHELOR (Minister for Transport) — In summing up I thank the members who have spoken on the bill for their contributions and their support — in particular, the members for Polwarth, Swan Hill, Brunswick, Warrandyte, Ferntree Gully, Scoresby, Bayswater, Bulleen, Frankston and Mornington.

During his speech the shadow Minister for Transport circulated some amendments to the bill. I have subsequently circulated some house amendments, and in my summing up I will briefly refer to them.

The Southern and Eastern Integrated Transport Authority Bill is a simple, straightforward, enabling piece of legislation that sets up the Southern and Eastern Integrated Transport Authority, which will facilitate the delivery of this very important project to Melbourne. It is set up in a similar way to the Melbourne City Link Authority, and subsequent legislation will be brought into the Parliament to flesh out the detail.

The government is very keen — and I detect a keenness around the chamber — to get on with the job and make sure this project is commenced so the benefits flow to the Victorian community. The government acknowledges the supportive comments of members, and I suspect the bill will receive a speedy passage.

In terms of the amendments that I have circulated, a number of comments were made during the second-reading debate about minor differences between clauses 1 and 4 of the bill and the corresponding clauses in the bill which was introduced in the last session but which lapsed because of the election.

My amendments simply seek to bring those two clauses in line with the first bill. I understand that was the intent of the member for Polwarth, but my proposed amendments more accurately reflect that. Essentially, they set out to achieve the same objective.

We want to make sure that this project is delivered in an environmentally friendly fashion — one that delivers the social, environmental and economic benefits to the south-east and east of metropolitan Melbourne. This is an important part of the state. It will bring economic benefit, and I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr BATCHELOR (Minister for Transport) — I move:

1. Clause 1, page 2, lines 1 to 4 omit "project for an integrated transport corridor connecting the Eastern Freeway at Mitcham to the Frankston Freeway at Seaford" and insert "Southern and Eastern Integrated Transport Project".

The intent of this amendment is for clause 1 to be couched in similar terms to the original bill that was presented to this chamber prior to the election but which subsequently lapsed because of the election campaign. Between then and now a number of minor technical changes were made to clauses 1 and 4 of the bill. My amendments to this clause and to clause 4 have the effect of mirroring the intent of the original bill. This will alleviate any misconceptions that might be attributed to the change. We want to build this project, the amalgamation of the extension of the Eastern Freeway and the Scoresby freeway, in an environmentally friendly way. There has been some attempt to misinterpret, or misunderstand, and we want to clearly put it on the record that it is our intention to build the Eastern Freeway extension by utilising tunnels under the Mullum Mullum Creek, and the intent of both of these amendments is to achieve that objective.

Mr MULDER (Polwarth) — The minister has discussed these amendments with us, and we do not have a problem with them. We will be withdrawing our first amendment as a result of the minister's amendment. As can be seen from the amendments that have been brought into the chamber, clause 1, which refers to a 'project for an integrated transport corridor connecting the Eastern Freeway at Mitcham and the Frankston Freeway at Seaford' has been amended with the insertion of 'Southern and Eastern Integrated Transport Project'. This particular clause has been amended to remove the reference to Seaford. It would have given the member for Frankston heart palpitations, because he was wondering what had happened to the section of highway between Seaford and Frankston.

There has also been some confusion about the changes in relation to whether the project is 39 or 40 kilometres in length, and added to this confusion is the fact that the current cost of $1.8 billion represents something in the order of $45 million a kilometre, so somewhere along the way we seemed to have lost or found a kilometre. The bill as it was presented seemed to do away with the section between Seaford and Frankston, and the Liberal Party is happy with this amendment as it reflects the

original legislation that was introduced in October 2002.

Mr HONEYWOOD (Warrandyte) — On the same amendment, will the Minister for Transport give a commitment that, in light of the oversight that was picked up about the deletion of the tunnel and the connection to the Ringwood bypass, there will be no tolls or shadow tolls on the tunnel or the connection to the Ringwood bypass as per the reinsertion clauses that are being put back in by agreement in this chamber?

Mr BATCHELOR (Minister for Transport) — As I indicated, the intent of this amendment and the amendment to clause 4, which I understand the Liberal Party is happy to accept, deal with its concern that the Eastern Freeway extension would be built involving something other than a tunnel.

What the Liberal Party thought it would be is not clear; nevertheless, the intent of these is to deal with that issue. As I indicated in my summing up, this bill has a very narrow focus in establishing an authority, the Southern and Eastern Integrated Transport Authority, to facilitate and carry out the project, and these two clauses deal with that. They do not deal with the issues raised by the member for Warrandyte — I understand he made similar sorts of comments in the second-reading debate — but this clause and clause 4 deal with the nature of the authority, its establishment and its purpose in carrying out its objectives. They have nothing to do with the topic the member for Warrandyte referred to.

Additionally this project is covered by a memorandum of understanding between the commonwealth government and the state of Victoria which addresses a number of issues. Any changes such as those suggested by the member for Warrandyte could be brought about only if there were a change to the memorandum of understanding. It is typical of the member for Warrandyte and other people to try to draw in extraneous matters.

Mr Honeywood interjected.

Mr BATCHELOR — It has been suggested that because of our commitment to achieving environmental safeguards we would not deliver this project by utilisation of a tunnel, and that is what these amendments are all about. Having given assurances in relation to the tunnel, and the Liberal Party having accepted the government's amendments and that the intent in these two clauses is to take it back to the same as the pre-election bill, in a sense the Liberal Party is acknowledging that the member for Warrandyte had some other intent to create some mischief by seeming to suggest that the government was not going to proceed by the use of the tunnel. A number of contributors to the second-reading debate made that observation, and it was wrong.

The member for Warrandyte asked why we left it out. I explained earlier, and I will explain it again for his benefit: there were a number of minor technical matters that arose between the previously introduced bill and the introduction of this bill. The government has never had any intention of proceeding with this project other than by way of tunnels under Mullum Mullum Creek. I cannot say it any more clearly than that, but the government has come into the chamber tonight and moved these amendments in order to make sure that the tunnels are absolutely beyond doubt.

Mr HONEYWOOD (Warrandyte) — So the minister is refusing to rule out tolls on the tunnel or the Ringwood bypass connection?

Mr BATCHELOR (Minister for Transport) — We are dealing with a clause here. As I indicated to the member for Warrandyte, the issue is dealt with by the memorandum of understanding between the state and the commonwealth government. If the member for Warrandyte has any doubts about the attitude of the commonwealth government, he could take it up with that government. The core factor here tonight for the Liberal Party and its inquiries was to establish whether we would be providing the connection by way of a tunnel, and that is exactly what these two amendments seek to do. That is what these clauses and these amendments are all about. They are absolutely allaying the fears that were expressed during the second-reading debate on that particular issue.

The CHAIR — Order! Under sessional orders the time has arrived for me to interrupt business and to report progress.

Progress reported.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The Chair of Committees has reported progress on the bill. The question is that the house do now adjourn.

Planning: Mansfield quarry permit

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Planning and I ask the minister to

undertake an investigation into the actions taken by the former Delatite Shire Council and its successors in relation in particular to the establishment and subsequent withdrawal of a section 173 agreement for lots 1 and 2, Quarry Road, Mansfield, and the granting of a quarry permit for lot 1. I raise it on behalf of Mr Lou Van der Heyden and his wife, Gloria, who have made representations to me, and I understand they have made several representations to the government.

The Van der Heydens purchased lot 2, Quarry Road, with a section 173 agreement describing a building envelope for the development of a dwelling. Lot 1 had a similar section 173 agreement. Both agreements were determined at the time of subdivision by the shire, and that subdivision established the lots. The agreements were made in December 1996 and registered at the titles office in January 1997. Unbeknown to the Van der Heydens — who as I said purchased lot 2 — in January 1997, between the initial agreement and the registration of the agreements with the titles office, council approved the removal of the section 173 agreement from lot 1 and issued a planning permit for a quarry on lot 1.

A subsequent Victorian Civil and Administrative Tribunal hearing of this matter, and that is VCAT hearing P938/2002, actually denied the mutuality of obligations that might have been expected to apply with the granting of a subdivision in this way. That decision has created a considerable stir in the planning community, and I quote from a review of VCAT decisions in the planning institute magazine, specifically from page 19. I do not have the date of the magazine, but the review states:

> The large number of people who have bought land in estates featuring building envelopes may be interested to learn that the tribunal considers that an agreement encumbering their land can be split in this way into several parts and that they have no beneficial rights in respect of the conduct of their neighbours!

I ask the minister to further investigate this ruling of VCAT and the consequences it has for a range of section 173 agreements and the subdivisions that have applied. I again also ask the minister to investigate the actions of the former Delatite Shire Council and its successors in undertaking these very curious — some would say bizarre — processes.

Housing: East Geelong estate

Mr TREZISE (Geelong) — I raise an issue for the Minister for Housing in another place relating to the redevelopment of the East Geelong housing estate where, under the housing ministry, 70 public houses are being redeveloped, more than 50 private sector houses are being built and, importantly, 5 houses that were built post-World War II and prior to 1950 are being completely refurbished. Therefore we are seeing in East Geelong the complete redevelopment or refurbishment of a housing estate which, it is fair to say, has essentially grown tired since it was built in the late 1940s.

The work on this redevelopment commenced in 2001 under the Bracks government and has now been ongoing for two years. Therefore the action I seek is for the minister to advise on the progress of works being carried out in the East Geelong housing redevelopment.

An honourable member interjected.

Mr TREZISE — It is absolutely an adjournment matter. The member has been here longer than I have and should know it is an adjournment debate matter.

I ask for this action as I appreciate the importance of this housing project to the people who live in and around the East Geelong or Thomson project.

In 2001 I was pleased to accept the role of chairperson of the community consultative committee, which oversees this important project. The role of the committee is an important one as it works with and for the community to ensure that the community is kept fully consulted on the progress of the project. In this role I take the opportunity to commend Geelong's Office of Housing for the work that it has provided to the East Geelong community, especially those elderly residents who have been directly affected by this redevelopment.

You would appreciate, Deputy Speaker, that a lot of people, especially elderly residents, built their homes in the late 1940s. They raised their families in those homes and have welcomed grandchildren into them, and during 2001 and 2002 they were asked to vacate their homes because they were being demolished. I am happy to report that those people are now moving back into those homes and I look forward to the report from the minister.

Cohuna Secondary College: building program

Mr MAUGHAN (Rodney) — I wish to raise a matter for the attention of the Minister for Education and Training concerning facilities at the Cohuna Secondary College. In common with many similar secondary colleges in country Victoria, Cohuna Secondary College has over the years seen declining enrolments and hence space in excess of the Department of Education and Training facilities

schedule. In the case of Cohuna it is twice the space allowable, and therefore there has been very little maintenance done at the school over the years.

This has now been addressed with the second stage of a major refurbishment program almost completed. Student numbers have stabilised and the school has provided excellent educational programs and achieved some outstanding results. It has therefore arrested the drift to the larger centres of Echuca, Bendigo and Kerang. This is obviously very important to the local community in maintaining the viability of this very important northern Victorian town.

The school council, with strong support from the community, has resolved to retain some of the overentitlement buildings and refurbish them at its own expense. It wants to provide a music classroom and tutorial rooms for instrumental music. The instrumental music program at the college has been outstanding. It also wants to provide a number of other facilities, including a computer laboratory, a study for senior students and a lounge for senior students, with those extra resources intended to encourage students to remain at school longer.

The school community at Cohuna should be congratulated on its initiative, with these additional facilities estimated to cost $200 000. It has established a building program, and with the Australian Taxation Office it has established that any donations to the building fund are tax deductible. It intends to set about raising this money from the community. But there is a building known as the red brick building. It was the original consolidated school building, which is surplus to the school's requirements and has to be sold.

I ask the minister to support the college by authorising that the funds raised from the sale of the red brick building be contributed to the building fund established by the school to enable it to retain students in Cohuna and to assist in the viability of this very important northern Victorian town.

Child care: regulation

Mr DONNELLAN (Narre Warren North) — Tonight I rise to talk about child care, which is an issue close to the heart of many members of my electorate. The issue is vital for my community and impacts upon every Victorian family.

The DEPUTY SPEAKER — Order! To which minister is the member directing his inquiry?

Mr DONNELLAN — The Minister for Community Services. In particular I want to raise with the minister the need to strike a fair balance between improved standards for occasional child care and the continuing capacity of local child-care providers to provide such services. I seek from the minister an undertaking that she will instruct her department to get the balance right.

There are numerous organisations in my electorate providing services, including the Endeavour Hills Uniting Church neighbourhood centre, Fernwood Female Fitness Centre and the Endeavour Hills leisure centre, just to name a few. These centres provide affordable, convenient child care for people while they go shopping, study, play sport and like matters. I note with some delight that the Bracks government is continuing its interest in child care in comparison with the federal government, which has dropped its bundle in this area. The minister continues to improve the standards and has boosted funding for family and community services by 30 per cent since coming to office.

I welcome the introduction of new regulations which require occasional child-care providers to employ qualified staff. This is when our children require the best introduction to life learning that they can get, and having qualified staff will ensure that this happens. Further I welcome the government's assistance in providing occasional child-care providers with the $500 study grant to get their staff up to a recognised qualification. The grant is on top of an existing $10.5 million provided to child-care providers so they can meet the new regulations. At the moment we have a 96 per cent participation rate in child care, and that is great for families and teachers alike. We are providing a great start for our children in Victoria, but we can and will do more.

A moment ago I talked about the need for balance — balance between the desire for raising standards and the need for the provision of child care in Casey. The need for flexibility in introducing the new regulations is essential.

My discussions with providers in recent years have resulted in concerns being raised about the impact training requirements would have on their ability to provide ongoing service. I note the minister has cautiously moved with these new regulations, searching for excellence but in a flexible and gradual way.

One note with the new regulations is the exemptions provided to training requirements — —

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

Port of Melbourne: channel deepening

Mr COOPER (Mornington) — I direct a matter to the Minister for Transport, and I call on him to dispel the grave disquiet that is being felt in the shipping industry and the many other industries that depend on the shipping industry for their economic survival. The matter particularly relates to the future of the port of Melbourne and its capacity to handle the large, new-generation container ships.

Last year the then Minister for Ports, Ms Candy Broad, gave an assurance that the deepening of the channel in Port Phillip Bay to enable these new-generation container ships to access the port of Melbourne would proceed and be completed by the end of 2005. I seek an assurance from the Minister for Transport that this commitment by the former Minister for Ports will be kept. If the minister fails to give an assurance that the deepening of the channels in Port Phillip Bay will proceed, the future of the port of Melbourne and the many industries which depend on the port will be very shaky indeed.

Failure to provide a port suitable for the new-generation ships by the start of 2006 will place Victoria in jeopardy of losing conference container business to either Adelaide or Sydney. If that container business is lost, many industries will relocate to the city that wins the trade. The financial loss to Victoria in both investment and jobs would be huge and irreplaceable. I am sure the members who represent those areas, particularly in the City of Casey, would be aware that that part of Melbourne would be practically turned into a ghost town if the many industries depending on the container business in Victoria were lost to either Sydney or Adelaide.

This is an important and vital matter for the future of Victoria. I call on the minister to give an immediate assurance to both the shipping industry and industry generally in Victoria that the channel deepening project will proceed as promised by the former Minister for Ports and be completed by the start of 2006.

Business: executive salaries

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Industrial Relations relating to the large increases in executive salaries in the last six years, which were reported in the *Age* of 27 March as being up to 30 per cent. I ask the minister to show his displeasure at these excessive pay increases top executives receive when people in the union movement and the working class have very small pay increases in comparison.

The report in the *Age* states:

> In the six years to May 2002 — —

Dr Napthine — On a point of order, Deputy Speaker, a number of members raising matters during this adjournment debate have not sought specific action from the minister. I refer to the members for Geelong and Narre Warren North, and now we are seeing a ridiculous attempt by the member for Keilor to raise an issue seeking some comment from the minister to show his displeasure about executive salaries. Executive salaries are not within the minister's responsibilities and the matter is not seeking specific action. I ask you, Deputy Speaker, to rule that it is outside the guidelines that apply to the adjournment debate.

The DEPUTY SPEAKER — Order! The member for Keilor has raised a matter for the Minister for Industrial Relations and has started to develop his argument in relation to that. He has 3 minutes in which to request action. As long as he does that within his 3 minutes, the member is in order.

Mr SEITZ — The action I ask of the minister is to take up with his federal counterpart the issue of excessive pay increases at executive levels. The media raises every day the excessive salaries paid to executives and not to the people who are producing the goods and doing the hard work. These people are not keeping up with the pay increases under the federal scheme operating now.

Under the six years of the coalition government wage inequity has become steadily more extreme, with employers raising the premium they will pay for unique skills. The biggest rise went to male executives, who enjoyed an average wage rise of 32.3 per cent in six years, a large increase compared with the situation of people on the lowest wage level, who could not achieve that increase over that period and whose pay has not kept up with inflation. These are the matters I ask the minister to take up with his federal counterpart.

Dr Napthine — On a point of order, Deputy Speaker, I ask you to rule that adjournment matter out of order. It is clear, looking at the guidelines and rulings of the Chair, that matters raised during the adjournment debate must relate to the direct responsibility of a state minister and not have as their object a state minister referring something to a federal minister, which is specifically what the member is asking.

Mr SEITZ — On the point of order, Deputy Speaker, I asked that the minister show his displeasure over executive pay increases, so the member was not listening. I further expanded the argument by asking

him to bring it to the attention of his federal counterpart.

The DEPUTY SPEAKER — Order! I have heard sufficient on the point of order. The member has raised with the Minister for Industrial Relations a matter which clearly falls within the industrial relations portfolio. The member has made a request that the minister take certain action in relation to that, and as such the member is in order.

Schools: Internet access

Mr PERTON (Doncaster) — I raise a matter for the Minister for Education Services, and the action I ask her to take is to provide high-speed Internet services to all schools, not just the 800 schools she announced in February, and to do so at a rate that is appropriate.

As I indicated, the minister announced in February a very cheap option for schools, the extension of ADSL, which she said was at no extra cost or a total cost to the state budget of only $1 million. In doing so the minister is delivering to those schools something that is quite inadequate.

Mr Nardella interjected.

Mr PERTON — The member shouting from the back bench is a temporary chair and should know better. Children in our primary schools, in every school throughout the state, whether it is in the suburbs represented by the honourable member or in a country town, deserve better than this announcement. They deserve the tools necessary for a modern education.

It is interesting that what this minister has offered the schools is one-fortieth of the bandwidth the West Australian government, another Labor government, is going to roll out to every school across suburban Perth and that state's most isolated schools. Victoria was the leader in Internet services and in the computerisation of schools. Since this government has come to power schools and the citizenry have been sadly left behind other states which took up the challenge.

As I indicated, only 800 schools are being offered this service, and it is at the lowest possible standard. I ask the minister to provide this service to every school. What the Liberal Party established both in the last election and in its policy is that it is possible to deliver services at a level equivalent to the level at which the West Australian government is delivering to schools for the same annual cost as the current Victorian rollout of broadband and delivery of Internet services to schools.

So why has this happened? The reason is that this government has shown a complete lack of confidence in negotiating appropriate arrangements for telecommunications services for the state. It has completely failed to deliver appropriate telecommunications services to schools so that the children of this state can get the tools which are necessary for a modern education.

Peninsula Community Legal Centre: secondment scheme

Mr HARKNESS (Frankston) — I draw the attention of the Attorney-General to the terrific work of the Peninsula Community Legal Centre (CLC) in my electorate of Frankston. The action I seek from the Attorney-General is for him to provide advice on the success of the Peninsula Community Legal Centre and the programs it runs, and in particular I seek that the Attorney-General take action to ensure that the government continues to support community legal centres throughout Victoria, and specifically the Peninsula Community Legal Centre in Frankston.

I seek the Attorney-General's advice on the pro bono secondment scheme which he set up last year as a pilot program. I know that the Attorney-General takes an active interest in this, because he used to work at the legal aid office in Frankston. The CLC in Frankston started in Frankston North 25 years ago in 1977 as the only free legal advisory service for the area's battlers. It has come a long way since then, with offices in Frankston, Frankston North and Bentleigh East, and with outreach services covering a much greater area.

Helen Constas, the executive director of this facility, provides a terrific role there and does a marvellous job. The centre services more than 700 000 people, making it one of Australia's largest CLCs. Over the past 25 years the centre has grown to the point that it now employs almost 20 professional staff and uses more than 50 volunteers to provide comprehensive legal services to the Mornington Peninsula. It is a shining example of a community-based organisation which is responsive to community needs. It allows a large number of people in Frankston, Frankston North, Bentleigh and around the Mornington Peninsula access to free legal services.

The pro bono secondment scheme, which was announced last year, has been received in Frankston with a high degree of excitement from this CLC and from others around Victoria, providing lawyers from major law firms with an opportunity to undertake community-based legal work and also allowing financially struggling residents the opportunity to

receive top legal advice. It takes the strain off CLCs and allows lawyers themselves to round their legal skills by undertaking case work. The CLC in Frankston has been an enthusiastic participant in the program, and I know that the secondee who has been placed in Frankston speaks highly of her participation.

Frankston has particular needs, and the Peninsula CLC provides specialist advice on a range of issues, including carer parents child support and tenancy and consumer support. Once again I seek the advice of the Attorney-General on those issues which I have raised.

Children's Court: annual report

Mrs SHARDEY (Caulfield) — I ask the Attorney-General to investigate the following issue. I believe the performance and credibility of the Victorian Children's Court is now in doubt following the publication of its 2001–02 annual report, which contains inadequate and misleading figures. The Children's Court annual report was published and tabled in this Parliament despite court staff, I believe, knowing the figures it contains are inaccurate and misleading.

In particular three tables which purport to outline the status of child protection applications in Victoria contain blatant errors known to the authors of the annual report at the time of publication. The errors include country-based court staff incorrectly entering child protection application data into the court computer system for the wrong year; use of known flawed data in year-to-year comparative tables used to demonstrate the performance of the court — tables 5, 6 and 7; incomplete figures presented for the number of child protection applications finalised by the court in a given year — table 6; creation of performance charts based on known incomplete and flawed data — charts 4 and 5; failure to identify on two out of three tables and charts that information presented was inaccurate — tables 5 and 6 and charts 4 and 5.

This is a serious issue for both the operation of the court and the wider service funding allocation. In fact in the 2000–01 report, it states:

> The figures produced are vital to the understanding of issues relating to children and young persons, and to the subsequent allocation of resources required to meet the needs that the statistics highlight.

If the figures are wrong, how can funds be correctly allocated? That is not just a question, it is also a statement.

These inaccuracies also raise questions about the Children's Court Lex computer reporting system, which was installed in July 2000. It seems staff have not been properly trained to use the system. Information provided to my office by the Children's Court and the Department of Justice notes that the department was aware of the errors in the current report, and it hoped to rectify the situation in the next annual report by late 2003. The inclusion of known flawed statistics in the court's annual report shows a level of incompetence and further erodes confidence in the accountability of the Children's Court and this government. I would hate to think the Attorney-General knew the figures were inaccurate when he tabled this report, because in my view that would amount to contempt of this Parliament.

The DEPUTY SPEAKER — Order! The member for Macedon has 2 minutes.

Sustainability and Environment: fuel reduction burn

Ms DUNCAN (Macedon) — I wish to raise a matter for the attention of the Minister for Environment. Members would be aware of a fire in the Cobaw State Forest that was a fuel reduction burn that broke containment lines early on Monday morning. What started as a control burn became an out-of-control wildfire. This is clearly unacceptable, and I ask the minister to take appropriate action to ensure that the procedures and/or the protocols that allowed this fire to get out of control do not occur again.

As a resident of this region and someone who lives on the edge of the state forest, I understand the fear of fire getting out of control. I have no doubt that those living in and around the Cobaw State Forest went through enormous angst and concern. I was in Lancefield on Saturday morning and the volume of smoke was enormous, although clearly confined. What was of concern was the fact that very few people seemed aware that this was a fuel reduction burn. It would seem that the level of communication between the department and the community should be much greater. The recent fires in Victoria have highlighted the issue of fuel reduction burns, and we know we need to continue to do that, but we also know there are inherent dangers.

I note the department has apologised to residents for this fire getting out of control and for the angst that this has caused. This is entirely appropriate. We should remember that the Department of Sustainability and Environment (DSE) conducted 59 prescribed burns in the past week, and 58 of them were done without incident. We only notice the ones that get away, the

ones that become a problem. Of course it only takes one and enormous losses can occur. Fortunately in this instance damage was minimised by quick responses by local Country Fire Authority and DSE firefighters. I was very proud to see Bullengarook no. 2 tanker on the news in the thick of it, one amongst 45 tankers deployed to that fire.

As a local member I am very angry that this has occurred, and I sympathise with those people who feared for their homes, their livestock and their lives. I understand that this fire demonstrates the difficulties that can arise, however difficult it is in timing these burns, and what a difficult role DSE has. While there is no such thing as a 100 per cent guarantee in these things, it is critical the community has confidence in the processes and protocols that are followed when determining to do a fuel reduction burn and to make sure the risks are minimised. I ask the minister to take the necessary — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The time for raising matters on the adjournment has expired.

Mr Perton — On a point of order, Deputy Speaker, we have already had two points of order during the adjournment debate relating to members raising matters and not asking for action in accordance with standing orders and the rulings made by previous Speakers and Acting Speakers. While we do not agree with the ruling you made earlier, I need to again bring two matters to your attention.

One is the matter just raised by the honourable member. It was not a matter seeking action; he was seeking the opportunity to make a statement. No real action was sought. The member for Narre Warren North used the opportunity of the adjournment debate to make a speech for other purposes but not to ask for action; he asked for advice. As you know, previous Speakers and Acting Speakers have ruled that that is a ruse for asking a question, not for action.

You have two cases. The first was the last matter raised on the adjournment debate, where you interrupted the member but she kept talking, so that any action she might have asked for certainly occurred after you had already ruled she had exceeded her time. The second was the case of the member for Narre Warren North, who was clearly in breach of previous rulings, because the action he sought was the action of giving advice. The giving of advice in this house is not the same as asking for action. Previous Speakers and Acting Speakers, including you, Deputy Speaker, have ruled against those matters on the adjournment debate.

It is clear we have new members in this house who either do not know the rules relating to the adjournment debate or have deliberately disregarded them. Whatever ruling you make in this case, Deputy Speaker, perhaps a new set of rulings or guidelines for members on the use of the adjournment debate would be appropriate.

The DEPUTY SPEAKER — Order! In response to the honourable member for Doncaster, he stated, and the house is aware, that in raising matters on the adjournment members are required to seek definite action from a minister. On the way in which that action can be sought, it has been held through various rulings to be able to be asked for in a number of ways, not the least of which is the raising of matters seeking certain undertakings from a minister, which I remind members has always been allowed.

I listened carefully to the member for Narre Warren North, whom the honourable member for Doncaster referred to, and he requested that the Minister for Community Services give certain undertakings in relation to matters he was raising about child care. This was not dissimilar, I might add, to the request of the member for Mornington, who sought certain assurances from the Minister for Transport to dispel disquiet. They used very similar wording in respect of the actions they were seeking. I rule that both were in order in this particular case.

At this stage I do not uphold the point of order, but I will discuss with the Speaker the raising of matters on the adjournment debate to see whether any clarification is required.

Responses

Mr HULLS (Attorney-General) — I am delighted to respond to the member for Frankston's comments about the Peninsula Community Legal Centre (CLC) and legal centres more generally. He certainly struck a chord with me. He is right, I did start my legal career at the Glenroy legal aid office, as it was then, and later at the Frankston legal aid office. I have a real commitment to CLCs and legal aid generally.

We have maintained our commitment as a government that no CLC will be forced to close or amalgamate and thereby lose its independence. We have acted to secure the future of CLCs in Victoria by dramatically increasing their funding — in fact the single most significant funding increase to CLCs in some 15 years — but we also have to look at innovative ways to meet the unmet demand that exists out there. That is why we have introduced a pro bono secondment scheme. We believe it is an innovative measure which

allows lawyers from private firms to go into CLCs and also into legal aid offices. The scheme is really about supplying qualified lawyers from private firms to work in selected CLCs, as well as having firms provide a range of other services, including the provision of office equipment, mentoring and administrative support.

The scheme began as a pilot program in 2002, and I am pleased to report that so far nine lawyers from six firms have participated in full-time secondments with six different legal centres. There are a further two sessional secondments operating. The Peninsula Community Legal Centre is one of the community legal centres participating in the scheme. From all accounts its experience of a full-time secondment has been an outstanding success.

Having a secondee from a private legal firm has not only benefited the centre's case work through extra appointments and an increase in its drop-in capacity but the centre has also been, I am pleased to say, able to reinstate its duty lawyer service for intervention orders at the Frankston Magistrates Court. Not only is this experience beneficial for the centre itself and the broader community but the secondee lawyer, Clare Mahon, has been provided with a stimulating and challenging experience outside her usual city office.

It is true that the Peninsula CLC is a terrific example of how CLCs can provide legal services to the most disadvantaged members of our community. I applaud all those involved with the Peninsula CLC, in particular Helen Constas, the executive director. I certainly congratulate them on making a genuine impact on providing justice to Victorians. The government certainly believes it has a duty to ensure that all citizens are able to defend and assert their legal rights. I am delighted that the people at Peninsula CLC have made such a significant inroad on this responsibility.

In relation to the issue she raised, the honourable member for Caulfield seemed to be making an assertion that there had been a deliberate attempt to insert flawed statistics in the Children's Court annual report. I notice that the court president, Jennifer Coate, said in the annual report:

> The court maintains its commitment to fulfil its statutory obligations according to law in an ever demanding jurisdiction. The range of issues facing each judicial decision-maker in this jurisdiction continue to present a huge challenge which is met daily by our magistrates in my view with unfailing diligence, compassion and commitment.
>
> I wish to express my sincere thanks to the staff and magistrates of the Children's Court throughout Victoria who have maintained a high standard of professionalism as always and regularly in the face of difficult and volatile situations.

I absolutely endorse those comments. I have the utmost faith in all those who work at the Children's Court. They provide a great service to the Victorian community.

I also note that the member then went on to talk about court statistics. I note the report refers to the computerisation of the court's family division. It says:

> During the 2001–02 year staff of the Children's Court worked with the developers of the Lex family division computer system to bring about a range of improvements to the program. The changes, which are due to be implemented early in the 2002–03 year, will go a long way toward improving greater functionality and a more user-friendly system.
>
> Throughout the year Melbourne staff provided training on the current Lex program to various staff in rural locations. Comprehensive training in relation to the impending changes to Lex is scheduled to take place at Melbourne and at rural courts throughout Victoria …

Mrs Shardey — On a point of order, Deputy Speaker, I think I raised specific issues in relation to the actual statistics. I, too, can read the annual report, and I have read the annual report. I do not dispute some of the things being said. I gave it to the Attorney-General; he obviously did not have it in front of him when he came into the house. I do not need to have the report quoted, but I would like the Attorney-General to address the issue I raised. If he cannot address it now, I ask him to investigate it.

The DEPUTY SPEAKER — Order! There is no point of order. It is a matter of debate.

Mr HULLS — Quite obviously the specific and serious allegation that has been made by the honourable member for Caulfield — that there has been a deliberate insertion of flawed statistics — is something I will take up. I repeat that I have the utmost faith in the President of the Children's Court, Jennifer Coate, and in all those who work at the Children's Court.

I note that, as in the past, despite the debate that has taken place here tonight about the importance of the adoption of the separation of powers, again it would seem we have an attempt by a member of the opposition to undermine the independence of the judiciary and to undermine the work done by the Children's Court. That is an absolute outrage, and it undoes all the good work the shadow Attorney-General is trying to do to restore the credibility of the opposition when it comes to an independent judiciary. Again it shows that this opposition is divided and does not know what it is talking about — and it is using this place to besmirch an independent Children's Court. Certainly the member for Caulfield, I hope not supported by any

on the other side, is more than prepared to undermine the independence of the judiciary.

The member for Keilor asked me to voice my displeasure about executive salaries, and I do so. It is interesting that we have a national wage case on at the moment in which the Australian Council of Trade Unions is seeking a $24 pay rise and the Victorian government has put in a submission supporting an $18 pay rise. The federal government is being mean spirited and supporting only a $12 rise, but when it comes to these huge executive salaries, again we find the federal industrial relations minister, Tony Abbott, being Marcel Marceau and not saying anything about the issue. I am the man with the plan — the 10-point plan — which, as we have already heard, has been presented to Tony Abbott. It is about time he sat down and read that 10-point plan and implemented it as a way of changing the industrial relations culture that exists under his Workplace Relations Act. However, I thank the honourable member for Keilor for raising this issue, and he is indeed right that executive salaries are out of control.

Ms GARBUTT (Minister for Community Services) — The member for Narre Warren North raised with me the issue of the new child-care standards coming in through regulation and the need to be flexible in applying them, in particular to neighbourhood houses or sports and leisure centres. He mentioned the Endeavour Hills Uniting Church neighbourhood centre; and he also mentioned the sports area, which children's creches are associated with, and talked about the Fernwood Fitness Centre and the Endeavour Hills Leisure Centre, which both fall into that category. He is clearly very concerned about this in growth areas such as those in his electorate, where the need for child care is obvious but is not being met by the federal government, which has a responsibility for funding child care.

This government is absolutely committed to ensuring that child-care facilities are of a high quality and a high standard so that our children get a good start in life. As a government we have boosted family and community support services by over 30 per cent since coming to office, and we have a great record of improving children's services.

The member mentioned the preschool area, where we have boosted the participation rate to 96 per cent. We have put a lot of time and effort into trying to repair the damage done in the years of the Kennett government, which just slashed and burnt these areas. We have worked hard to assist child-care centres to comply with the new regulations, and we are continuing to do that. Members opposite seem to have forgotten that these new regulations were brought in by the Kennett government in 1998. The regulatory impact statement of the time, which predicted very few problems, was absolutely and totally wrong, of course. The Kennett government made a real mess of the whole issue, and we have had to fix it up — and we are fixing it up.

We have committed $10.25 million to assist child-care centres to comply with the new regulations, and we have put that in place. I am pleased to advise the member for Narre Warren North that I have agreed to extra assistance and some sensible temporary exemptions to help occasional child-care providers such as neighbourhood houses and sporting facilities.

I advise the member and the house that for occasional child-care centres such as neighbourhood houses I am extending the $200 000 child-care study grant scheme, which gives $500 to staff who are studying to achieve the qualification requirements. Successful applicants will receive a $500 study grant to assist with the cost of completing a recognised qualification. Provided they have a staff member enrolled in a recognised early childhood qualification, those occasional child-care centres will be able to get an exemption for up to three years. That will apply to services with 21 or fewer children.

For those child-care centres in the sports and leisure areas, such as those mentioned by the member for Narre Warren North, the issue is more about meeting the staff ratios. Currently the staff-to-child ratio is 1 to 7. Under the new regulations it would vary according to the age and number of children. There are a number of issues around this, because most children are left in leisure or fitness centres for very short periods of time — 1 hour typically, or 2 hours — while a parent is actually at the centre. There the exemption will be dependent on services maintaining the staff-to-child ratio of 1 to 7. That again will be an exemption for a period of three years.

This government is proud of its record in providing good children's services, and it has committed a lot of extra funding to it. We are intent on providing good quality standards, of course, but we know we can do better. These carefully thought-out and strictly limited exemptions will assist in those areas referred to by the member.

The DEPUTY SPEAKER — Order! The Minister for Manufacturing and Export, responding to a matter raised for the Minister for Planning by the member for Hawthorn, a matter raised for the Minister for Housing in the other place by the member for Geelong, a matter

raised for the Minister for Education and Training by the member for Rodney, a matter raised for the Minister for Transport by the member for Mornington, a matter raised for the Minister for Education Services by the member for Doncaster, and a matter raised for the Minister for Environment by the member for Macedon.

Mr HOLDING (Minister for Manufacturing and Export) — I am happy to refer those matters to the relevant ministers so they can get back to the members with answers.

The DEPUTY SPEAKER — Order! The house stands adjourned.

House adjourned 10.50 p.m.